



Planning Committee

Wednesday 25 July 2012 at 7.00 pm

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

Membership:

Members

Councillors:

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

first alternates

Councillors:

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

second alternates

Councillors:

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

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

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.15pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 10
Extract of Planning Code of Practice		
NORTHERN AREA		
3. All Flats at Jubilee Heights, Shoot Up Hill, London, NW2 (Ref: 12/0817)	Mapesbury	15 - 26
4. Asda, Forty Lane, Wembley, HA9 9EX (12/1268)	Barnhill	27 - 40
5. Fryent Primary School, Church Lane, London, NW9 8JD (12/1297)	Fryent	41 - 56
SOUTHERN AREA		
6. MIRACLE SIGNS & WONDERS MININSTRIE, Church Road, London, NW10 9NR (12/1093)	Dudden Hill	57 - 68
7. 79 Chamberlayne Road, London, NW10 3ND (12/0967)	Queens Park	69 - 74
WESTERN AREA		
8. Barham Primary School, Danethorpe Road, Wembley, HA0 4RQ (12/1315)	Sudbury	75 - 88
9. 107-109 Ealing Road, Wembley, HA0 4BP (12/0417)	Alperton	89 - 98
10. Mitchell Brook Primary School, Bridge Road, London, NW10 9BX (12/1298)	Stonebridge	99 - 112
PLANNING APPEALS - 1 June-30 June 2012		
11. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visits

SITE VISITS – SATURDAY 21 JULY 2012

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
12/1268	Asda, Forty Lane, Wembley, HA9 9EX	4	Barnhill	9:35	
12/1297	Fryent Primary School, Church Lane, London, NW9 8JD	5	Fryent	9:55	
12/1298	Mitchell Brook Primary School, Bridge Road, London, NW10 9BX	10	Stonebridge	10:25	
12/0417	107-109 Ealing Road, Wembley, HA0 4BP	9	Alperton	10:50	
12/1315	Barham Primary School, Danethorpe Road, Wembley, HA0 4RQ	8	Sudbury	11:05	

Date of the next meeting: Wednesday 22 August 2012

The site visits for that meeting will take place the preceding Saturday, 18 August 2012 at 9.30am when the coach leaves Brent House.



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

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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday 20 June 2012 at 7.00 pm

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

Also present: Councillor Muhammed Butt

Apologies for absence were received from Councillor Krupa Sheth

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

None declared at this stage of the meeting.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 22 May 2012 be approved as an accurate record of the meeting.

3. **Kingsbury Community Centre, Eton Grove, London, NW9 9LD (Ref. 12/1028)**

PROPOSAL: Erection of a part single/part 2 storey community centre (overall floorspace [GIA] - 1039.3 sq m) comprising: children's nursery (336.5sqm) for approximately 85 children; community room (137.8sqm) with a capacity to seat between 150-200 visitors; cafe (142.2sqm) with a capacity to seat approximately 50 visitors; office space (123.4sqm) with a capacity to seat approximately 21 visitors; exercise room (81.8sqm) for centre staff; changing rooms (73sqm) for hire with use of park sports pitches; management suite (40.0sqm) for the community centre to accommodate 5 staff; conference room & facility (39.6sqm) to accommodate at least 30 visitors;

RECOMMENDATION: Refuse planning permission.

Councillor Daly declared an interest in that she knew the applicant and was not present to consider or vote on this item.

Tony Vincett (Legal Adviser) stated that he lived on the same street as the site, however he had no involvement with the application and so remained present during consideration of this item.

Steve Weeks (Head of Area Planning) introduced the report and advised that the applicant was responding to a council tender to replace facilities that had previously existed on the site. However, he felt that the application was excessive in terms of the range of activities proposed and did not provide the necessary parking spaces for such a scheme. In addition, the council's Sports Services had indicated that they were not satisfied with some of the replacement services proposed. Members also noted that the applicant had previously withdrawn the application but subsequently re-submitted it despite the concerns raised by officers.

Robert Dunwell, an objector and representing the Queensbury Area Residents' Association (QARA) and Group of Associates, commented that although community facilities were required on the site, the application did not fully address the area's needs. He felt that the applicant should undertake further discussion with officers to address issues in relation to the scale and size of the proposals and the lack of parking and to submit an improved scheme. In reply to a query from the Chair about what were the particular concerns he had about the application, Robert Dunwell explained that he felt the proposed building was excessively expansive as it exceeded the footprint of the original building and he also felt the number of services offered was excessive as some of the proposed amenities were not required in the area. The proposed uses could attract excessive visitors to the area and it also raised accessibility issues. In reply to a further query from Councillor R S Patel, Robert Dunwell confirmed that the applicant had not directly consulted with QARA and Group of Associates but he had been made aware of the application through the council.

Alton Bell, the applicant, then addressed the committee. He began by stating that work had started in developing the proposals since 2010, following a successful tender submission. It was intended to submit a staged development to improve the site which was currently an eyesore and attracting drug and alcohol users. Alton Bell stated that the Environmental Resource Centre had been appointed as consultants to help make the application commercially viable and sustainable. He asserted that the original tender had indicated that use of the green hatch area was permitted and that the applicant was willing to work with officers and also other service areas such as Brent Parks and Children and Families to submit proposals acceptable to all. Residents associations and community groups had also indicated their support for the scheme. Alton Bell requested that the application be deferred so the concerns raised by officers could be addressed.

Members then asked a number of questions to the applicant. Councillor Hashmi enquired if a travel plan had been submitted. Councillor John stressed that it would have been made clear to the applicant what was acceptable and she asked why this had seemingly not received due consideration by the applicant. Councillor R S Patel sought further comments in respect of lack of parking, including disable parking spaces and why had there been a failure to agree a Section 106 agreement.

The Chair sought further clarification with regard to parking, access, perceived traffic impact and the total size of the site.

In reply, Alton Bell confirmed that the application did include a travel plan which would be re-assessed after the site was in operation and the applicant had also suggested that a controlled parking zone scheme could be introduced. He stated that the original tender document had indicated that six parking spaces and a disabled parking space could be provided, however since further discussion with officers he had been informed that no parking spaces should be provided and so provision had not been included in the application. However, Alton Bell suggested that there were sufficient parking spaces in the locality to cope with the demand. He asserted that the applicant had kept officers fully informed of proposals and had explained the reasons behind them. Members noted that the size of the site was 1,200sqm and there were four access points to the site. Alton Bell felt that the applicant was in a position to accept a Section 106 Agreement.

During discussion by Members, Councillor Oladapo enquired whether there had been a stage when the officers were in agreement that the proposed building could be larger than the original footprint. Councillor John sought assurances that the applicant was being suitably advised as to what would be acceptable in the proposals and enquired how large was the encroachment upon the green space. She also asked if the site would suffer from lack of interest if the applicant withdrew and it needed to be re-marketed. She also commented that Sports Services and Parks had raised concerns about the application.

In reply to the issues raised, Steve Weeks confirmed that a Section 106 agreement had not been agreed. He advised that there were two buildings on the original site and although the tender did not specifically restrict the size of any proposed buildings, it did include all necessary restrictions and the applicant had not been encouraged to submit proposals for an expansive building. The proposed building was three times the size of the original two buildings on the site. Steve Weeks informed Members that there were concerns about the number of activities proposed particularly in respect of the building and it would be difficult, for example, to see how a conference room could be appropriately provided on the site. The applicant had been made fully aware of the concerns raised by officers and what was required to make a planning application acceptable. Members noted that the sports pavilion had been cleared and the land upon which it stood was now public green space. In respect of parking, Steve Weeks stated that if visitors to the site parked on Rugby Road, this may become an issue. It was difficult to forecast if there would be a lack of interest if the site was re-marketed, however the original tender did not attract a large number of submissions and it was possible that alternative sources of funding could be sought should this situation arise.

DECISION: Agreed as recommended.

4. 1-32 inc, Coles Green Court & Garages r/o Coles Green Court, Coles Green Road, London, NW2 (Ref.12/0871)

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

RECOMMENDATION:

- a) Grant Planning Permission, subject to conditions, informatives, amendments to conditions 1 and 2 set out in the supplementary information and 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

Steve Weeks drew Members' attention to observations and changes to conditions one and two as set out in the supplementary information.

DECISION: Agreed as recommended.

5. Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks (Ref.12/0788)

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

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, conditions, informatives and amendments to the recommendation relating to referral to the London Mayor, the development description, conditions 1, 8, 17 and 18 and informative relating to hours of work and to the Heads of Terms as set out in the supplementary information.

Andy Bates (Area Planning Manager) drew Members' attention to additional comments with regard to consultation, interested parties and amendments to the recommendation, conditions, informative and Heads of Terms as set out in the supplementary information.

During discussion, Councillor Hashmi commented that affordable housing only made up 28% of the scheme, despite the lack of such housing and even though the applicant was the council. Councillor Cummins enquired whether Members needed to be mindful of the recommendation for approval in view of a proposed tunnel vent shaft on the site in relation to High Speed 2 rail link application and would need the application need to go back to committee or be delegated to officer approval should there be any complications arising from this. Councillor Oladapo enquired whether the buildings proposed for demolition were currently occupied.

The Chair sought further details with regard to the affordable housing element of the scheme.

In reply, Steve Weeks explained that the Mayor of London and the council were motivated to provide the maximum affordable housing possible. In the case of South Kilburn, he advised that the sites were being developed in appropriate phases and not all had identical plans. It was unclear what impact there may be on the site in respect of the proposal tunnel vent shaft and the council needed to be mindful of this issue, however it did not warrant a recommendation to refuse. Steve Weeks advised that the buildings proposed for demolition were currently being occupied for various uses, including TfL offices and a public house, whilst the print works were mainly vacant and the majority of the site was council owned.

DECISION: Agreed as recommended.

6. Bronte House & Fielding House, Cambridge Road, London, NW6 (Ref. 12/0454)

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

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, conditions and informative relating to hours of work and amendments to the recommendation relating to referral to the Mayor of London, Section 106 Agreement and Heads of Terms as set out in the supplementary information.

Andy Bates drew Members' attention to the amendment to the recommendation, Section 106 Agreement and Heads of Terms and observations in respect of the Design Review Panel meeting as set out in the supplementary information.

Councillor Hashmi sought further details in respect of how contributions were made to the Mayor of London where these were the terms of planning permission.

The Chair welcomed information in the report detailing the mix of affordable and private units and felt that this would be useful to provide for similar applications in future.

Steve Weeks confirmed that the council collected contributions on behalf of the Mayor of London.

DECISION: Agreed as recommended.

7. 135 Chatsworth Road, London, NW2 5QT (Ref. 11/1208)

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

RECOMMENDATION: Refuse planning permission.

Steve Weeks introduced the report and confirmed that the recommendation remained to refuse planning permission.

Mr Nassir objected to the application on the grounds of loss of light in living areas, the boundary with 137 Chatsworth Road being particularly overbearing and the application was out of character with the surrounding area and contradicted the

council's SPG5 and the UDP. He felt that on this basis, the application should be rejected.

The Chair sought further comments and clarification with regard to the application being out of character with the surrounding area and what habitable rooms existed on the first floor of 137 Chatsworth Road, including how long had the kitchen been in use. In reply, Mr Nassir stated that the removal of the boundary between the two properties would be out of keeping with the rest of the street and would set an unwelcome precedent. He confirmed that a kitchen and a bathroom existed on the first floor of 137 Chatsworth Road and that the bathroom had been in use for over ten years.

Neal Osbourne introduced himself as a friend of the applicant. He began by asserting that the kitchen in 137 Chatsworth Road was a functioning space and therefore ability to impede enjoyment of the room was not an issue. In his view, the proposed extension was otherwise acceptable and the applicant was also entitled to enjoy use of his property.

Councillor John commented that the extension could be amended to make it more acceptable whilst Councillor Hashmi stated that the applicant had increased the set back.

The Chair sought officers views as to whether the application could be considered harmful to neighbours.

In reply, Steve Weeks stated that consideration of the application was a balancing matter, however with regard to rear extensions, there was a margin as to what was considered acceptable and not acceptable. It could be assumed that the kitchen in 137 Chatsworth Road was used routinely and as the proposed wall would be only 2.3m from the kitchen window, this would be considered too close to be acceptable.

DECISION: Agreed as recommended.

8. Former Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX (Ref.12/0915)

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

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, conditions, an informative and an amendment to condition 8 prohibiting bookmakers/betting offices as set out in the supplementary information.

Andy Bates drew Members' attention to observations with regard to issues raised at the site visit, additional representations and officers' responses to them as set

out in the supplementary information. He also advised the committee of an amendment to condition 8 contained within the supplementary information.

The Chair agreed to additional papers being circulated by Louise Holmes, an objector to the application, whilst she addressed the committee. Louise Holmes asserted that the application would have a permanent, detrimental effect on nearby residents. She stated that the application was an overdevelopment, out of character and would overwhelm the surrounding area by the large size of the proposed building. In addition, only two of the twenty flats would have access to green space and this would be unsuitable particularly for any children moving onto the site as well as the application failing to provide at least 20sqm of open space per dwelling as set out in SPG17. She also expressed concern about the apparent lack of parking and the proximity of the electricity sub-station and felt that the application should be refused with a view to the applicant considering a smaller scheme.

With the Chair's agreement, Ian Britton, an objector and representing Rucklidge Avenue Residents' Association, also circulated papers to Members for their consideration. Ian Britton began by referring to the council's UDP which stated that applications on brown sites should not have a negative impact on the area. He felt that the proposed building was unsuitable and also disregarded established building lines, with 18m of the 32m total frontage excessively close to Rucklidge Avenue and Park Parade. Whilst he was not objecting specifically about the proposed height of the building, Ian Britton felt that the application overall was overbearing and dominating and in its present form should be rejected.

In reply to a query from the Chair, Ian Britton stated that it was the overall size and scale of the application he was objecting to as well as the closeness of the building to the pavement.

Mark Pender, the applicant's agent, then addressed some of the issues raised by objectors and at the site visit. He felt that considering the site's location near the town centre and that it was a brown site, the number of flats proposed was appropriate as high density on such locations was permissible. The applicant had amended the building line on Rucklidge Avenue to provide an additional two metres gap. As the site was well served by good transport links and was within a controlled parking zone, it was ideal for the car free scheme proposed and this was reflected in application with regard to parking spaces. Mark Pender acknowledged the concerns in respect of amenity space, however, given the site's town centre location and the Section 106 contribution to offset this, he felt that the application was entirely acceptable. He also indicated that the applicant would be willing to accept a condition restricting betting office use on the site, however they would wish that A2 use remain permitted to provide the flexibility the applicant felt was necessary.

During discussion by Members, Councillor Cummins agreed that the site was in need of development, however it was also important to adhere to building lines and considering that the Design Works adjacent to the site conformed to these, he felt that this application should too. He also commented that residents and Councillor Hector had raised valid objections.

The Chair sought further comments with regard to the perceived impact of the electricity sub-station on the site.

In reply to the issues raised, Andy Bates acknowledged comments made in respect of amenity space, however he reiterated that it was a town centre location and each unit had space provided by balconies that were larger than the average size for such developments. In addition, as the applicant was making a financial contribution to off-site amenity provision, on balance the application was acceptable. Andy Bates drew Members' attention to page 102 in the report which provided an explanation with regard to the set back and he felt that an appropriate approach had been taken with regard to taking building line guidance into account. As it was a brown site with a history of previous development, the proposed development was also acceptable. The electricity sub-station had been discussed with the council's Environmental Health unit who had stated that it presented a very low health risk.

Steve Weeks added that following discussions with the applicant, appropriate amendments to the building line had been made which made the application acceptable. He advised that there was also a degree of step out in respect of the design works opposite and that some flexibility was afforded in respect of building lines.

DECISION: Agreed as recommended.

9. 1A Elmside Road, Wembley, HA9 8JB (Ref. 12/0408)

PROPOSAL: Erection of two additional floors of office accommodation.

RECOMMENDATION: Refuse planning permission.

Neil McClellan (Area Planning Manager) drew Members' attention to the supplementary information confirming that the applicant had submitted a Community Infrastructure Levy Declaration form. A number of outstanding concerns about the application remained as set out on page 118 of the main report and the recommendation remained to refuse planning permission.

The Chair invited a Mr S Raza and then a Mr S Chaudhry to address the committee as both had made requests to speak, however there was no response to either of the invitations.

Mr Goodman, the applicant's agent, then addressed the committee. Mr Goodman suggested that the first three of the four reasons for refusal would be straightforward for the applicant to address, whilst the submitted plans could also be amended accordingly. He asserted that the case officer had not visited the site to consider concerns raised about the perceived impact of the proposals on Wayside Court, whilst the application also offered the opportunity for employment. Mr Goodman asked that the application be deferred to the next Planning Committee meeting to allow the applicant to address the concerns raised. In reply

to a question from the Chair, Mr Goodman stated that he had only represented the applicant since the previous week and this was why the issues raised had not been addressed earlier.

During discussion, Councillor John enquired whether it was realistic to defer the application to the next meeting in view of the number of outstanding issues the applicant needed to address.

In reply, Neil McClellan advised that the case officer was likely to have been liaising with the previous agent as they had not been notified of the change. Although Mr Goodman had indicated that he was willing to negotiate with officers on behalf of the applicant, Neil McClellan felt there were significant inaccuracies in respect of the plans and these would require much work to address.

Steve Weeks added that a reduction in the scale of the building was necessary and he advised that both reasons one and four for refusal were likely to need more time to address that that afforded by deferring the application to the next meeting. He advised that deferral could have been considered where the outstanding issues were minor in nature, however in view of the fundamental concerns raised, he advised that the application be refused and that the applicant consider submitting a new application addressing these concerns.

DECISION: Agreed as recommended.

10. Crown House, 43-51 Wembley Hill Road, Wembley, HA9 8AU (Ref. 12/0387)

PROPOSAL: Erection of two additional storeys on top of existing building to create 8 self-contained flats and the re-cladding of the whole building.

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

Neil McClennan advised that this was a revised application that was now considered acceptable by officers. Members noted Councillor Hashmi's observation that a section (e) had been omitted in respect of Mayor of London's policy considerations on page 122 of the report.

DECISION: Agreed as recommended.

11. Any Other Urgent Business

None.

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

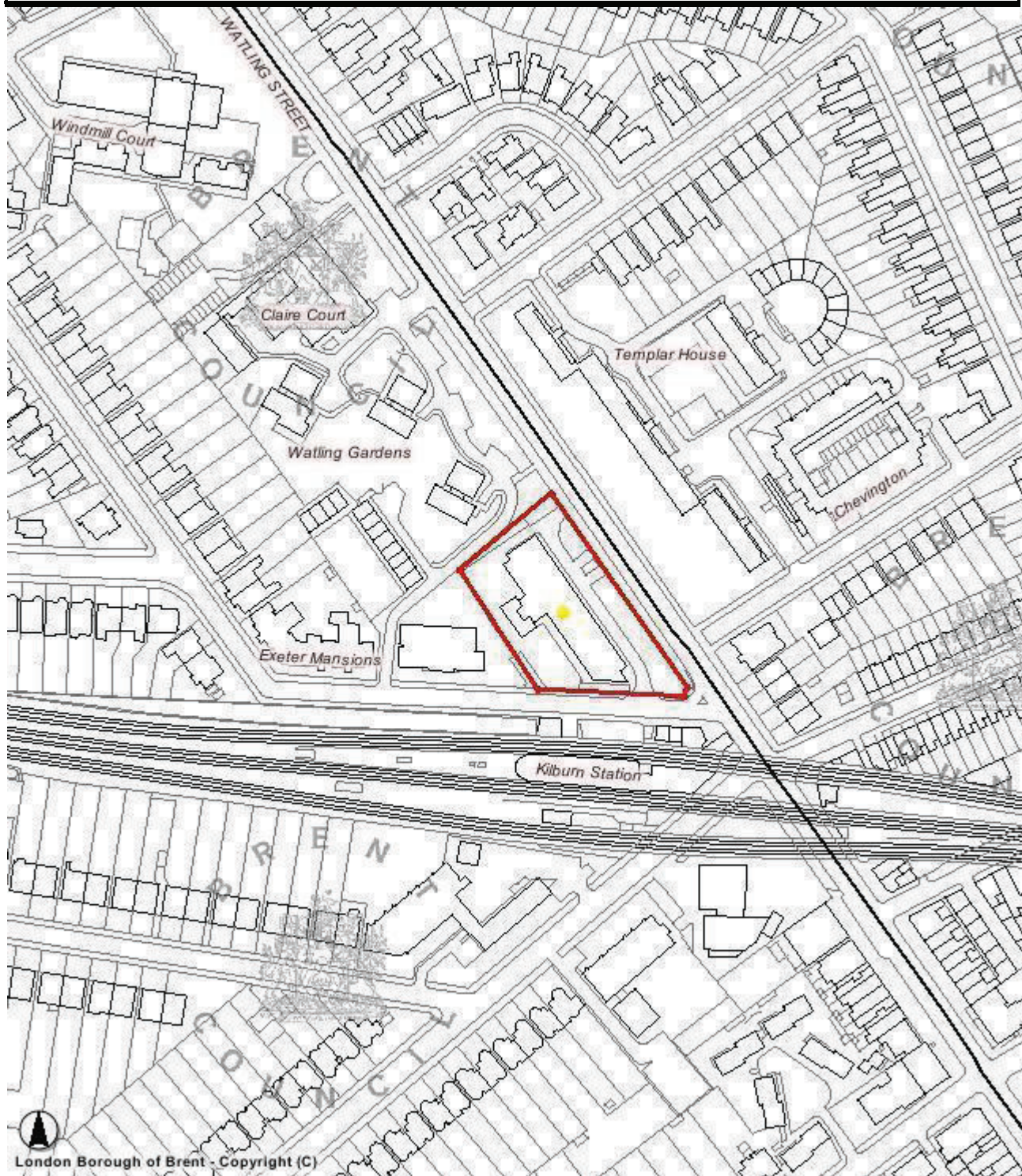
- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions 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: All Flats at Jubilee Heights, Shoot Up Hill, London, NW2
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This map is indicative only.

RECEIVED: 13 April, 2012

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

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

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

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

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

APPLICANT: Redab Midtown Ltd and Redab Kilburn Ltd

CONTACT: ADA Architects

PLAN NO'S:
See condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- (a) Payment of the Councils legal and other professional costs in
 - (i) preparing and completing the agreement; and
 - (ii) monitoring and enforcing its performance.
- (b) A contribution of £100,000 toward Affordable Housing in the borough, due on material start and index-linked from the date of the previous decision.
- (c) A contribution £42,000 (£3,000 per additional private bedroom), due on material start and index-linked from the date of the previous decision for Education, Sustainable Transportation, Open Space and Sports in the local area
- (d) Join and adhere to the Considerate Contractors Scheme.

EXISTING

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

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

Secondary Shopping Frontage.

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

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	dwelling houses	housing - private

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	507	507

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	507	507

Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £17,745.00

PROPOSAL

The application proposes a minor material amendment to a previously approved development (LPA Ref: 11/1307) for the erection of a 5-storey building comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights.

This application proposes to change the mix of units within the approved building from 5 x 2 bedroom flats to provide 1 x 2 bedroom flat (retained on the ground floor) and 4 x 3 bedroom flats on the upper floors

There are no external changes proposed other than minor alterations to the window arrangement in the elevation facing Exeter Road.

HISTORY

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

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

- The introduction of a five storey extension sited within the southern end of the existing communal amenity space fronting Shoot Up Hill is considered to significantly impact upon this existing amenity space, as it results in the loss of an area of external space which has high amenity value evident through its orientation currently receiving good daylight and sunlight throughout most of the day; and in addition adversely impacts upon the remaining external space through the removal and screening of sunlight for the majority of the day to this space. The harmful impact is not considered to be sufficiently offset by the provision of a roof garden, particularly as the site is located within an Area of Open Space Deficiency. The proposal is contrary to policies BE9, H12 and H13 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in the adopted Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
- The introduction of a five storey extension on the southern end of Jubilee Heights, by reason of its close proximity and excessive depth in relation to the kitchen windows of existing flats at first to third floor levels, is considered to restrict outlook from these windows and have a general overbearing appearance and undue sense of enclosure, to the detriment of the amenities of the occupiers of the existing flats. The impact is exacerbated by the proposed extension resulting in a loss of morning*

sunlight to these important habitable rooms. This would be contrary to policy BE9 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".

3. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010 and policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.*
4. *In the absence of a legal agreement to control the matter, the proposed development does not provide sufficient affordable housing on site or make satisfactory provision to compensate off site, contrary to Policies 3A.9, 3A.10, 3A.11 of the London Plan 2008, policies CP2 and CP21 of Brent's adopted Core Strategy 2010*

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

POLICY CONSIDERATIONS

National

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

National Planning Policy Framework

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

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

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

The London Plan

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

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

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

Core Strategy

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

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

CP18: Protection and Enhancement of Open Space, Sports and Biodiversity: Support will be given to

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

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

Brent's UDP 2004

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

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

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

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

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

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

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

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

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

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

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

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

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

Supplementary Planning Guidance

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

Supplementary Planning Document

S106: Planning Obligations

CONSULTATION

Consultation Period: 08/06/2012 - 29/06/2012

Public Consultation

192 neighbours consulted – 6 letters of objection received with the following matters

- Loss of sunlight to neighbouring properties at Watling Gardens;
- Impact on health of neighbouring residents in surrounding buildings;
- Increase pollution and noise;
- Parking problems already exist within Jubilee Heights and surrounding streets- this proposal will allocate more parking spaces away from existing residents which in turn will further increase pressure on local parking issues;
- Existing extensions have damaged facilities at Watling Gardens including central heating;
- Over populating the estate;
- Concerns over access to the rooftop garden potentially being accessed via the 5th Floor corridor of Jubilee Heights causing a disturbance to the residents.

Officer Comment: As a minor material amendment application, the development which the application seeks to amend has already been judged acceptable. Consideration must therefore be focused on any policy changes or other material considerations that may have changed significantly since the original permission, as well as the changes sought.

Internal Consultation

Highways & Transport Delivery – No transport objections subject to a revised Section 106 Legal Agreement confirming additional payment towards highway safety improvements and improving non-car access.

REMARKS

Background

This application is for some minor material amendments. Recent changes to Government policy recognises that some things matter more than others; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009).

Key considerations

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

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

development.

(a) Mix and Quality of Accommodation

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

- Affordable Housing provision

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

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

- Unit sizes

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

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

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

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

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

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

- External amenity space

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

(b) Neighbouring Amenity

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

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

(c) Highway Considerations

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

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

(d) Section 106 Contributions

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution £42,000 (£3,000 per additional private bedroom), due on material start and index-linked from the date of the previous decision for Education, Sustainable Transportation, Open Space and Sports in the local area
- (c) A contribution of £100,000 toward affordable Housing in the borough, due on material start and index-linked from the date of the previous decision
- (d) Join and adhere to the Considerate Contractors scheme.

Other matters

Objections have been raised in relation to a number of matters, similar to the original proposal. However as the Planning Inspectorate allowed the original proposal and this is a minor material amendment to that scheme, these matters raised have been already been taken into account in the consideration of the original proposal and remain unchanged.

Planning conditions have been carried over from the previous planning consent.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

CONDITIONS/REASONS:

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

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

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

Plan numbers

PL/266/01-001 Rev X
PL/266/01-002 Rev X
PL/266/01-003 Rev X
PL/266/01-004 Rev X

The following plans and documents are part of the previous consent and still apply:
PL/266/1000; PL/266/1001; PL/266/1005; PL/266/1006; PL/266/1007; PL/266/1008;
PL/266/1009; PL/266/1010; PL/266/1011; PL/266/1012; PL/266/1013; and PL/266/1014

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

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

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

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

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

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

- (5) Details of materials for all external work shall be submitted to, including samples and/or manufacturer's literature, and approved in writing by the Local Planning Authority before any construction work is commenced. The work shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

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

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

a) Details of the roof construction including drainage and hard landscaping; and

b) Details of proposed plant species and substrate.

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

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

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

a) The identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;

b) details of proposed planting including species, plant sizes and planting densities;

c) areas of hard landscape works and proposed materials;

d) a buffer between the remaining communal amenity space and the ground floor flat within the proposed development;

e) details of the proposed arrangements for the maintenance of the landscape works;

f) details of any exterior lighting to be provided on the site.

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

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

(8) Details of the location and nature of refuse and recycling storage facilities meeting the required capacity as outlined within "Brent's Waste and Recycling Storage and Collection Guidance for Residential Properties" for existing and proposed units within Jubilee Heights shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved facilities shall thereafter be constructed prior to the first occupation of any of the flats hereby permitted and thereafter retained.

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

(9) Details of cycle parking facilities to accommodate 16 secure cycle parking spaces including details of the location and design of the cycle store shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The cycle parking facilities and cycle store shall thereafter be constructed in full accordance with the approved details prior to the first occupation of any of the flats hereby permitted and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

(10) Details of the management arrangements showing how the car parking spaces within the Jubilee Heights/Cedar Lodge site will be allocated for each unit within Jubilee Heights/Cedar Lodge, including the additional five units hereby approved, shall be submitted to and approved

in writing by the Local Planning Authority prior to any works commencing on site. The approved management arrangements shall be implemented prior to the first occupation of any of the flats hereby permitted and thereafter retained.


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

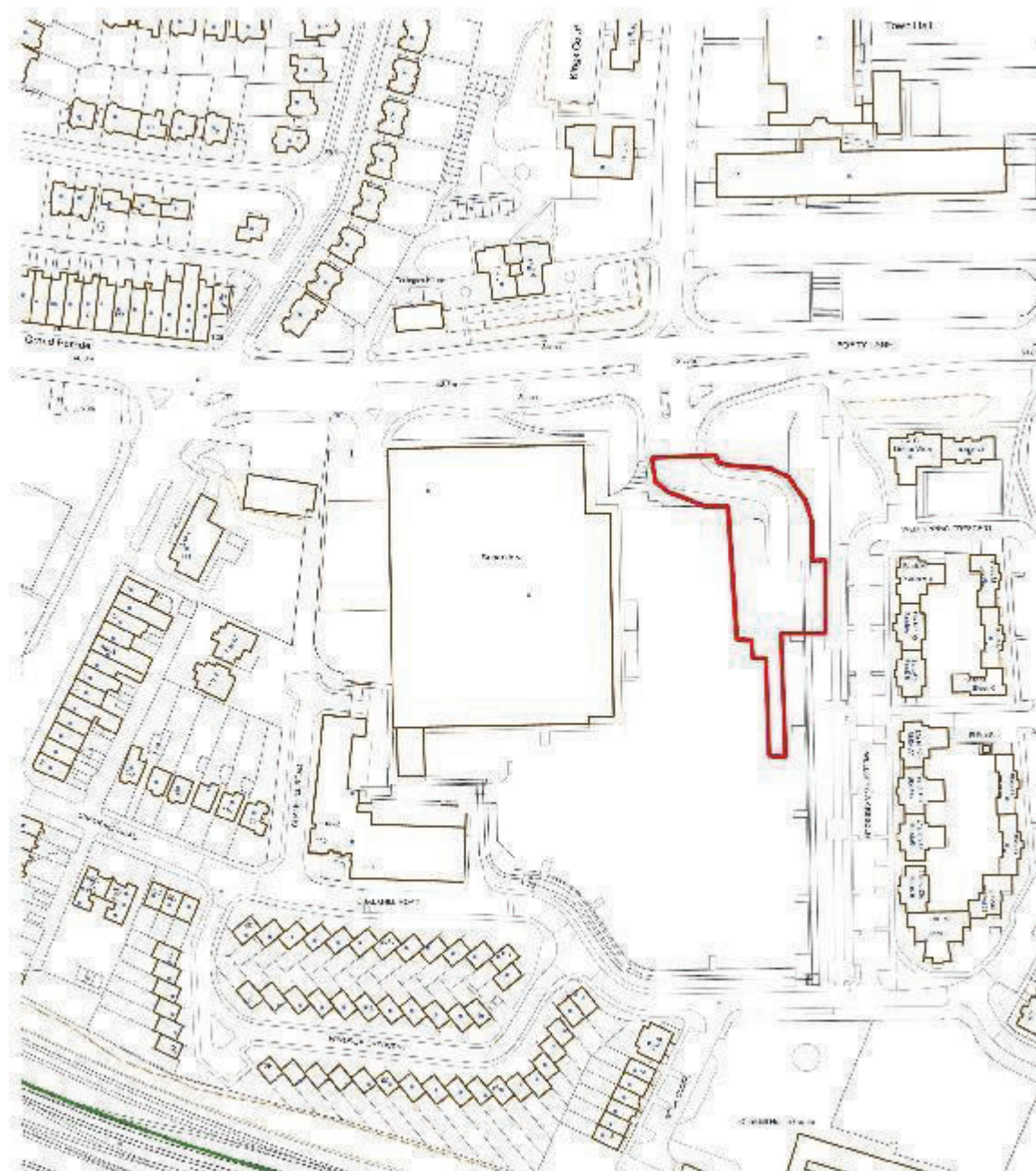
INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Miheer Mehta, 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: Asda, Forty Lane, Wembley, HA9 9EX	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

RECEIVED: 11 May, 2012

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Asda, Forty Lane, Wembley, HA9 9EX

PROPOSAL: Proposed automated four-pump petrol filling station and canopy within car park, ancillary control unit structure, relocated lamp post and CCTV post, realignment of access road and footpath and associated hard and soft landscaping works

APPLICANT: ASDA Stores Ltd

CONTACT: C & A Design

PLAN NO'S:

See condition 2

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor Pavey

Date and Reason for Request

The application has the potential to generate substantial additional traffic on a busy and dangerous road junction
The application will affect a large number of residents

Details of any representations received

None

Name of Councillor

Councillor Oladapo

Date and Reason for Request

The application has the potential to generate substantial additional traffic on a busy and dangerous road junction
The application will affect a large number of residents

Details of any representations received

None

Name of Councillor

Councillor Choudhary

Date and Reason for Request

The development would result in an increase in traffic

The development would contravene the original s.106 agreement for permission ref: 98/0413

Details of any representations received

No details provided

RECOMMENDATION

Grant consent

EXISTING

The application site is a part of the car park serving the Asda superstore on Forty Lane; it has some established shrub and tree planting and a car wash/valet use is carried out on some of the parking spaces. It is not in a conservation area nor is the building listed. Surrounding uses are mixed commercial (the superstore), residential (to the east) and public offices (the Townhall, to the north).

From the eastern edge of the application site to the residential flats is a distance of approximately 50m. Between the application site and the flats lies the access road and boundary to the car park, a landscaped pedestrian footpath route and an access road and parking for the flats themselves.

PROPOSAL

The application proposes alterations to the existing car park and access road to accommodate a new petrol filling station. It would operate 24 hours a day.

The proposed petrol filling station would have four pumps each with two filling positions, giving eight filling positions in total. Alterations would be made to the access road to accommodate the petrol filling station, including incorporating a right-turning lane into the petrol filling station and an extension of the existing two lane exit arrangement. The pedestrian footpath would be extended along the eastern boundary and the existing parking spaces there would be removed.

Existing arrangements for store delivery vehicles and recycling collections would be unaffected.

The petrol filling station would be pay-at-pump with no cash sales and no need for a sales kiosk. A small structure is proposed to house the control equipment. The filling station would also provide air and water services.

Two 80,000 litre underground storage tanks would be located beneath the forecourt.

The site would be bound to the south and west by a 1.2m high fence. Two column-mounted CCTV cameras are proposed by the entrance and the exit to the petrol filling station and two column-mounted lamps are also proposed (one of which is existing and has to be relocated due to the development). The canopy would have advertising signage on its flanks and a totem sign is shown; these would be subject to separate advertising applications.

HISTORY

11/2679 Proposed automated four-pump petrol filling station and canopy within car park, ancillary control unit structure, relocated lamp post and CCTV post, realignment of access road and footpath and associated hard and soft landscaping works **Withdrawn** 15/12/2011

07/2604 Change of use of existing car parks (ancillary to A1 retail) to car wash (Sui Generis) (as accompanied by "Car Park Valeting Limited: Drainage Legislation Summary") **Granted** 12/11/2007

07/0862 Reconfiguration of existing parking and pedestrian walkway and erection of new external pedestrian canopy walkway **Granted** 30/05/2007

04/2643 Alterations to existing car park layout and installation of 6 trolley shelters **Granted** 12/10/2004

03/1003 Variation of condition 9 (hours of delivery) of planning permission no. 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority" **Granted**

03/1053 Variation of condition 8 (opening hours) of planning permission reference 98/0413 dated 03/07/1998 for construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The premises shall not be open for retail trade except between the hours of 0800 Mondays to 2400 hours Saturdays, and between 1100 to 1700 hours on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority." **Granted** 04/06/2004

02/2884 Installation of 12 trolley shelters within the car park of super store **Granted** 30/12/2002

00/1937 Variation of condition 9 of planning consent 98/0413 for retail superstore to read as follows: "No commercial vehicles may arrive, depart, be loaded or unloaded within the general site, except between the hours of 7am and 9pm Mondays to Saturdays and between 10 am and 4pm on Sundays and Bank Holidays, without the agreement in writing of the Local Planning Authority" **Granted** 09/02/2001

99/2206 Details pursuant to condition 2 (reduction of lighting in the car-park and at its access points) of planning permission no. 99/1072 which sought to extend the opening hours imposed by condition 8 of planning permission no. 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking **Granted** 07/12/1999

99/1072 Variation of condition 8 of planning approval 98/0413 for retail superstore to read as follows: "The premises shall not be open for retail trade except between the hours of 8am and 12pm, Mondays to Saturdays, and 11am and 5pm, Sundays and Bank Holidays" **Granted** 18/08/1999

99/1073 Variation of condition 9 of planning approval 98/0413 for retail superstore to read as follows: "No commercial vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 7am and 9pm Mondays to Saturdays and between 10am and 4pm on Sundays and Bank Holidays without the agreement in writing of the Local Planning Authority" **Granted** 18/08/1999

98/0413 Construction of a retail superstore with provision of service yard and customer car-parking **Granted** 03/07/1998

POLICY CONSIDERATIONS

National

National Planning Policy Framework

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

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

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

Local

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

Brent Unitary Development Plan 2004

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

Strategic

- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent

Built Environment

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

Environmental Protection

- EP2 Noise and vibration
- EP4 Potentially polluting development
- EP10 Protection of surface water

Housing

- H22 Protection of Residential Amenity

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
- 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 non-residential developments should provide no more parking than the levels listed in PS8 for shops over 2000sqm.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- PS8 A1 (greater than 2000sqm) car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Brent Supplementary Planning Guidance

SPG17 Design Guide for New Developments

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

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

Regional

London Plan 2011

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

The following chapter is considered relevant to this application:

7. London's living places and spaces

CONSULTATION

Local

Consultation letters were sent to 197 neighbouring residents and Ward Councillors on 24 May 2012. The site was also advertised as being in the public interest with site notices on 29 May and a press notice on 31 May.

Two local residents have objected, on the following grounds:

- Impact of noise and light disturbance from the development
- Impact on the environment
- No need for more petrol stations in the area
- Impact on property prices

The chair of Chalkhill School Governors has also objected, on the grounds of:

- Risk to children’s safety from the additional traffic created by this development

The Barnhill Residents’ Association have also objected, on the grounds of:

- Impact of the development on traffic through the Bridge Road/Forty Lane junction
- Risk to pedestrian safety from the additional traffic created by this development

Councillors Pavey, Oladapo and Choudhary have requested that this application be called in for consideration by Members for the following reasons:

- The application has the potential to generate substantial additional traffic on a busy and dangerous road junction
- The application will affect a large number of residents
- The application would contravene the original s.106 agreement

External

Environment Agency

No objection subject to a condition

Thames Water

No objection

Internal

Transportation

No objection subject to a condition

Environmental Health

No objection subject to an informative

Landscaping

No objection subject to more detailing landscaping proposals

REMARKS

The key considerations are:

1. The principle of the development
2. The impact of the development of traffic, safety and parking
3. The impact of the development on the environment
4. The impact of the development on residential amenity
5. The visual impact of the development

1. *The principle of the development*

Local Councillors and residents have objected on the grounds that there are already a sufficient number of petrol filling stations in the local area and no more are needed.

There is no planning policy objection to the principle of a new petrol filling station in this location. In terms of environmental impact and impact on neighbouring amenity (specifically policy H22 of the UDP 2004) the site is sufficiently far from sensitive receptors that, subject to detail and conditions, it is likely to be acceptable on planning grounds. It is not within the planning system's purview to consider whether the proposal would result in an over-provision of petrol filling stations in the local area.

2. *The impact of the development of traffic, safety and parking*

Local Councillors and residents have raised concerns about the impact the development would have on the operation of the junction with Forty Lane in terms of traffic congestion and road safety.

The application is supported by a Transport Statement prepared by SIAS Ltd (May 2012).

2.1 Traffic impact

The key considerations are whether the petrol station would attract sufficient numbers of new trips to result in a material change to the operation of the junction with Forty Lane and the junctions to the west and the east (with Bridge Road and The Paddocks respectively), and whether in doing so this would result in a material worsening of traffic and pedestrian safety.

The proposed petrol station would have four pumps each with two filling positions, giving eight filling positions in total. It would be an at-pump pay system, resulting in quicker transaction times and thus a greater throughput of customers can be accommodated.

The Transport Statement considers information provided by Asda relating to anticipated demand during the peak trading week of the year, based on existing petrol filling stations of the same design as proposed here. This data suggests that up to a maximum of 147 cars might use the filling station in a peak hour. This takes into account the total volume of fuel to be delivered to the site and the average fill in any visit. Demand outside of the peak trading period will be lower.

According to your Highway and Transportation officers, this is consistent with the data provided to other local authorities for similar proposals in the UK.

The Transport Statement goes on to say that typically over 70% of the transactions at store petrol filling stations are associated with an existing shopping trip; that is to say trips which would already be made. This leaves 30% of visits to the petrol filling station, or 44 visits per peak hour during the peak trading period, which would be solely to purchase fuel; these can be classified as 'new' trips.

The 'new' trips will be split between those people who were passing the petrol filling station in any event and those who have made a specific trip to purchase petrol; thus the number of wholly 'new' trips is further reduced. The Transport Statement indicates that the convention in this case is to assume a passing-by rate of 30% on weekdays and 10% weekends.

To calculate the number of wholly 'new' trips for an average day—that is outside of the peak trading week—the Transport Statement use the independent data held on the TRICS national database (a national system of trip generation analysis for a range of land uses) for petrol filling stations, both with and without attached retail facilities. Applying the same ratios of new trips and passing-by trips to this data gives the following table shows the numbers of wholly new trips on the road network:

Time	Weekday		Weekend	
	Petrol filling station with retail	Standalone petrol filling station	Petrol filling station with retail	Standalone petrol filling station
06.00-07.00	8	3	5	6
07.00-08.00	15	12	12	8
08.00-09.00	16	13	16	12
09.00-10.00	15	12	20	16
10.00-11.00	16	12	25	18
11.00-12.00	16	12	25	17
12.00-13.00	18	12	29	16
13.00-14.00	16	12	25	16
14.00-15.00	16	12	22	14
15.00-16.00	17	12	22	13
16.00-17.00	17	12	25	12
17.00-18.00	19	14	25	11
18.00-19.00	19	13	27	10
19.00-20.00	16	11	23	12
20.00-21.00	14	7	16	6
21.00-22.00	8	6	12	-

Table 1: Weekday and Weekend: Total 'new' trips on road network

The data shows that the predicted number of additional trips on the road network as a result of the development would be 19 in the weekday peak hour (17.00-18.00) and 29 in the weekend peak hour (12.00-13.00).

Your Highway and Transportation officers have added these flows to previously surveyed peak hour flows on the local road network—in the region of 2,300 to 2,400 vehicles per hour—and the resultant increase in traffic volumes along Forty Lane—the aforementioned worst-case scenario of 44 trips—as a consequence of this development would be less than 2%, which is not considered significant enough to merit further study.

Previous capacity analysis carried out for the signalised junction at the Asda entrance onto Forty Lane suggests there is plenty of spare capacity at this particular junction, so the predicted increases in flows are not considered likely to give rise to any junction capacity problems at the site access.

Turning to the junctions to the west and the east, the most recent capacity assessment of the Forty Lane/Bridge Road/Forty Avenue junction was undertaken to support the Wembley North-West lands application (ref: 10/3032); this showed that the junction had 12.8% practical reserve capacity in the AM peak hour but no reserve capacity in the PM peak hour. In order to mitigate for the impact of new development, part of the s.106 agreement with Quintain is to provide highway improvements as the North West lands development is built out. It is acknowledged that this junction is at capacity in the PM peak hour but your officers consider that, in accordance with your Highway and Transportation officers advice, the increase in traffic volumes arising from this development, even in during peak trading period, is not so great as to merit additional highway improvement works nor would it be reasonable to refuse the application for this reason. Your officers expect that people looking to make a trip solely to refuel their vehicle will naturally avoid peak hours and that vehicles filling up during the PM peak hour are likely to be passing through the local road network in any case.

The most recent capacity assessment of The Paddocks/Forty Lane junction was undertaken to support

the Ark Academy application in 2008; this showed plenty of spare capacity.

The widening of the access road to accommodate a right-turn lane for the petrol filling station is welcomed as it would minimise the risk that traffic queuing to turn right into the filling station would obstruct access into the store's car park and thus lead to obstructions at the junction with Forty Lane. On present figures the additional worst-case scenario of 44 trips would increase traffic flows into Asda by 32% in the morning peak hour and 13.5% in the afternoon peak hour. Your officers have advised the applicant to provide additional survey data for these vehicle movements to provide a broader context for Members when reaching their final decision; this information will be reported in a Supplementary Report to Members before the committee.

2.2 Safety

Your Highway and Transportation officers have reviewed the accident records for the area. The records show 10 personal injury accidents in the three year period from February 2009 to January 2012; of these, one involved a fatality and one a serious injury. Six of the 10 accidents (including the fatal accident), all prior to 2011, involve right-turning vehicles at the junction. As a result, guard-railing along the central island east of the junction was removed to improve visibility, which seems to have largely addressed this particular problem. Your officers are satisfied that the low numbers of additional traffic generated by this proposal would not result in any material harm to highway or pedestrian safety.

2.3 Parking

The development would result in the loss of 52 car parking spaces; the existing car park has 516 spaces and the car wash/valet area would be relocated, thus this total would be reduced to 471 (as counted from drawing (PA)03).

Car park occupancy surveys were undertaken to inform the Transport Statement over the period between 16 and 18 March (Friday to Sunday). The peak occupancy was found to be 314 vehicles on the Friday, 432 vehicles on the Saturday and 387 vehicles on the Sunday.

The number of cars parked on the Saturday therefore totalled 91.5% of the car park's maximum capacity based on the 471 retained parking spaces. Your Highway and Transportation officers note that design guidance generally suggests that the maximum practical capacity of a large public car park is typically 95% of the actual number of spaces and thus the removal of 52 spaces will lead to the car park approaching its operational capacity on a Saturday. The operation of the car park is a management issue for Asda and the application should not be refused for this reason.

2.4 Summary

The proposed development would not result in a material increase in trips to Asda nor traffic numbers through the local road network and specifically the nearby signalised junctions; nor would the development result in increased risks to highway and pedestrian safety. The existing car park can accommodate the loss of 52 spaces without resulting in harmful overspill parking.

Detailed construction and level drawings will be sought by condition for the retaining structure on the western side of the car park and the ramp between the filling station forecourt and the store's access road, which should demonstrate a maximum gradient of 5% where it meets the access road if possible.

3. *The impact of the development on the environment*

Your Environmental Health officers have considered the proposal and have raised no objections. The petrol filling station is likely to require a licence to operate and this can be obtained from Environmental Health.

The Environment Agency have requested that a condition be imposed to ensure a scheme of surface and foul water drainage is provided and that suitable measures are included to prevent the pollution of the water environment; a suitable condition is proposed.

In respect of the impact on the environment the proposal is deemed to be acceptable, subject to a condition.

4. *The impact of the development on residential amenity*

The proposed development has the potential to cause some disturbance to local residents if the operation of

the petrol filling station is unfettered, since it is proposed to operate 24 hours a day.

It is the opinion of your officers that the act of a vehicle arriving, filling and departing is unlikely to cause harm to the amenity of neighbouring residents, even in the early hours of the morning, due to the distance between the petrol filling station and the flats and your officers expect the number of transactions are likely to be low overnight. Your officers do have some concerns, however, that the level of lighting be limited to prevent harm arising from light pollution; although as above, the distance between the site and the nearest residential accommodation is such that some 24-hour lighting can be accepted in principle. Your officers are also concerned that the act of re-filling the underground storage tanks and other maintenance works could be harmful and so would seek to restrict the hours when these acts could take place. These matters aside, the proposal is considered acceptable in terms of impact on neighbouring residential amenity.

4.1 Lighting

In terms of lighting, two 8m column-mounted lamps are proposed and, according to the Design and Access Statement, the canopy fascia would not be illuminated. Night time illumination would be provided by down-lighters supported from the canopy structure. Subject to further details of the lamps, including manufacturer's literature to demonstrate that they are designed to minimise glare and light-spill, the lamps' illuminance level and demonstration of the light spill from the lighting scheme to be secured by condition, your officers are satisfied that the lighting would not materially harm neighbouring residential amenity, taking into account the distance from the development to the nearest residential unit and the fact the site is located in a dense urban area where a degree of overnight background lighting is to be expected.

4.2 Deliveries and servicing/maintenance

The deliveries of fuel and other servicing and routine maintenance (not emergency maintenance) should be restricted to occur only between the hours of 7am and 9pm Mondays to Saturdays and between 10am and 4pm on Sundays and Bank Holidays.

5. *The visual impact of the development*

The visual impact of the development is limited, considering the nature of the existing car park and the position of this development in the townscape: whilst it will be visible from the public highway and neighbouring residential properties, it is set down in the landscape and some distance from the main road and would not be a prominent addition to the townscape. The main area which requires attention is the view to the petrol station from the public footpath and flats to the east, since the addition of the canopy and the increase in hard landscaping has the potential to cause harm to neighbouring residents.

5.1 Design

A canopy and a small structure to house the control equipment are proposed.

The canopy would be 12.69m wide, 12.25m deep and stand 5.16m above ground level with a 4.5m height clearance. In terms of design it is a conventional structure of the type commonly found in association with supermarket petrol filling stations. It would not materially harm the character and appearance of the area, subject to some structural planting around the filling station and along the adjoining boundary.

The control equipment would be housed in a 2m wide, 2m deep structure with a height of 2.3m. The image on drawing (PA)07 Rev P1 indicates this would be finished in white glass reinforced plastic (GRP). Subject to a scheme of planting to include some screening to this structure, the proposal would not material harm the character and appearance of the area.

5.2 Hard and soft landscaping and trees

A draft indicative landscaping scheme has been sent to officers following concerns raised by your Landscape officer that the development resulted in the loss of established soft landscaping and that significant additional soft landscaping is required to replace that and to screen the development from neighbouring residents. This landscaping scheme shows additional trees can be provided to provide replacement and screening. A detailed revised drawing has not yet been provided but one is expect before the committee date and Members will be updated in a Supplementary Report. Conditions 2 (approved details) and 6 (landscaping details) will be revised to reflect any new plan. In summary, subject

to the provision of detailed planting plans and species, the proposal is considered acceptable.

In terms of hard landscaping, it is likely that the specific material will need to be able to cope with occasional fuel spills whilst also not permitting the infiltration of pollutants into the ground water and thus the aesthetics of the material is less important than its other specifications. Nonetheless, officers will want to ensure the material is acceptable in terms of visual impact whilst also establishing that it meets the other performance criteria.

6. Response to objectors

The objections on grounds of traffic impact, highway and pedestrian safety and impact on residential amenity have been addressed above. The objection regarding there already being sufficient numbers of petrol filling stations in the area has been addressed in section (1).

The impact on property prices is not considered to be a material planning consideration in this case.

The objection regarding the contents of the legal agreement signed as part of the original planning permission (ref: 98/0413) is on the basis that clause 1.1 of the First Schedule states that the car park shall be used only as a short term car park for visitors to the Asda store, the Town Hall, the Chalkhill Medical Centre and other local shops. Your officers are of the opinion that this proposal would not breach the terms of clause 1.1 since the remaining car park would still be bound by that clause; the application is a properly made planning application for a new development and as such is the appropriate means by which to apply to in effect reduce the size of that car park.

7. Conclusion

The proposal would not result in a significant increase in traffic on local roads or congestion at local junctions. The small increase in traffic would not pose a material risk to highway or pedestrian safety and the remaining parking spaces would be able to accommodate observed parking requirements except perhaps during peak trading periods. The provision of additional structural landscaping would help to screen the development from the adjoining public footpath and the neighbouring residential properties, subject to the submission of further details. Due to the distances involved, it is unlikely that 24 hour operation would materially harm neighbouring residential amenity and controls are proposed to ensure deliveries and other noisy activities are restricted to certain hours of the day; similarly, further details of the lighting scheme are required to ensure the 24 hour lighting does not result in unacceptable levels of light pollution. Your officers are satisfied that the proposed petrol filling station complies with the national, regional and local planning framework and approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance
London Plan 2011
Council's Supplementary Planning Guidance

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

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

A1204/WE/(PA)01 Rev P1 *Site Location Plan*; A1204/WE/(PA)02 Rev P1 *Existing Block Plan*; A1204/WE/(PA)03 Rev P3 *Proposed Block Plan*; A1204/WE/(PA)04 Rev P4 *Proposed Petrol Station*; A1204/WE/(PA)05 Rev P1 *Proposed Forecourt Elevations*; A1204/WE/(PA)06 Rev P1 *Proposed Forecourt Sections*; A1204/WE/(PA)07 Rev P1 *Control Room Details*; A1204/WE/(PA)08 Rev P1 *Lighting Column Dome/CCTV Details*

Transport Statement (SIAS Ltd, May 2012)
Manufacturer's literature Panasonic WV-CW960 *Weather Resistant Dome Camera*
Image of *Digital Tyre Inflator*

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

- (3) No deliveries, servicing or routine maintenance may be undertaken at the site except between the hours of 07.00 and 21.00 Mondays to Saturdays and between 10.00 and 16.00 on Sundays and Bank Holidays

Reason: in the interests of neighbouring residential amenity.

- (4) Prior to the installation of any lighting, further details of a lighting scheme for the development shall be submitted to and approved in writing by the local planning authority. Such details shall include:

- (i) all lighting for the site, including the access road, forecourt areas, under-canopy lighting and building security lights;
- (ii) the output of each light and a site-wide light-spill (illuminance) diagram;
- (iii) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, ceiling bracket-mounted and demonstrating that the respective lamps are designed, for instance with baffles or diffusers, to minimise glare and light-spill

The works shall be carried out in accordance with the approved details prior to commencement of the use and shall be retained for the lifetime of the development.

Reason: To ensure that the site is safely lit for pedestrians and vehicles and to ensure such illumination does not prejudice the amenities of neighbouring residents, given the 24-hour operation of the development.

- (5) No works of any nature shall be commenced until further details of the ramp and retaining structure have been submitted to and approved in writing by the local planning authority. Such details shall include:

- (i) the retaining structure on the western side of the car park; and
- (ii) the ramp between the filling station forecourt and the store's access road, which should demonstrate a maximum gradient of 5% where it meets the access road if possible

The works shall be carried out in accordance with the approved details in prior to the commencement of the use and shall be retained for the lifetime of the development.

Reason: In the interests of safe vehicle manoeuvring

- (6) Prior to the commencement of above-surface construction works, excluding site clearance, excavations and groundworks, further details of a scheme for hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Such details shall include:

Such a scheme shall include:

- (i) all areas of hard and soft landscaping and planting including screen planting along the north and east boundaries;
- (ii) provision of 14 trees as shown on drawing XX or in similar locations, including drought resistant native trees;
- (iii) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (iv) existing contours and any proposed alteration to ground levels such as earth mounding or removal; and
- (v) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works: these should be specified to prevent water pollution

The works shall be carried out in accordance with the approved details in prior to the commencement of the use or in accordance with a programme to be agreed in writing with the local planning authority and shall be retained for the lifetime of the development.

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

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

- (7) No works of any nature shall be commenced until further details of a scheme to dispose of foul and surface water have been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. Such details shall include, where applicable:

- (i) oil and petrol separators;
- (ii) trapped gullies; and
- (iii) sealed roof drainage

The works shall be carried out in accordance with the approved details in prior to the commencement of the use and shall be retained for the lifetime of the development.

Reason: To prevent pollution of the water environment.

INFORMATIVES:

- (1) The applicant should note that petrol service stations with an expected petrol throughput of more than 500 cubic metres per year require a permit to operate under the Environmental Permitting Regulations. The permit will require both Stage 1 and Stage 2 vapour recovery systems to be installed, both of which will need to be allowed for at the design stage. The permit must be obtained before the service station commences operation. Application forms for an Environmental Permit can be obtained from:

Stephen Inch, Third Floor Brent House, 359-357 High Road, London HA9 6BZ, 020 8937 5258
stephen.inch@brent.gov.uk

REFERENCE DOCUMENTS:

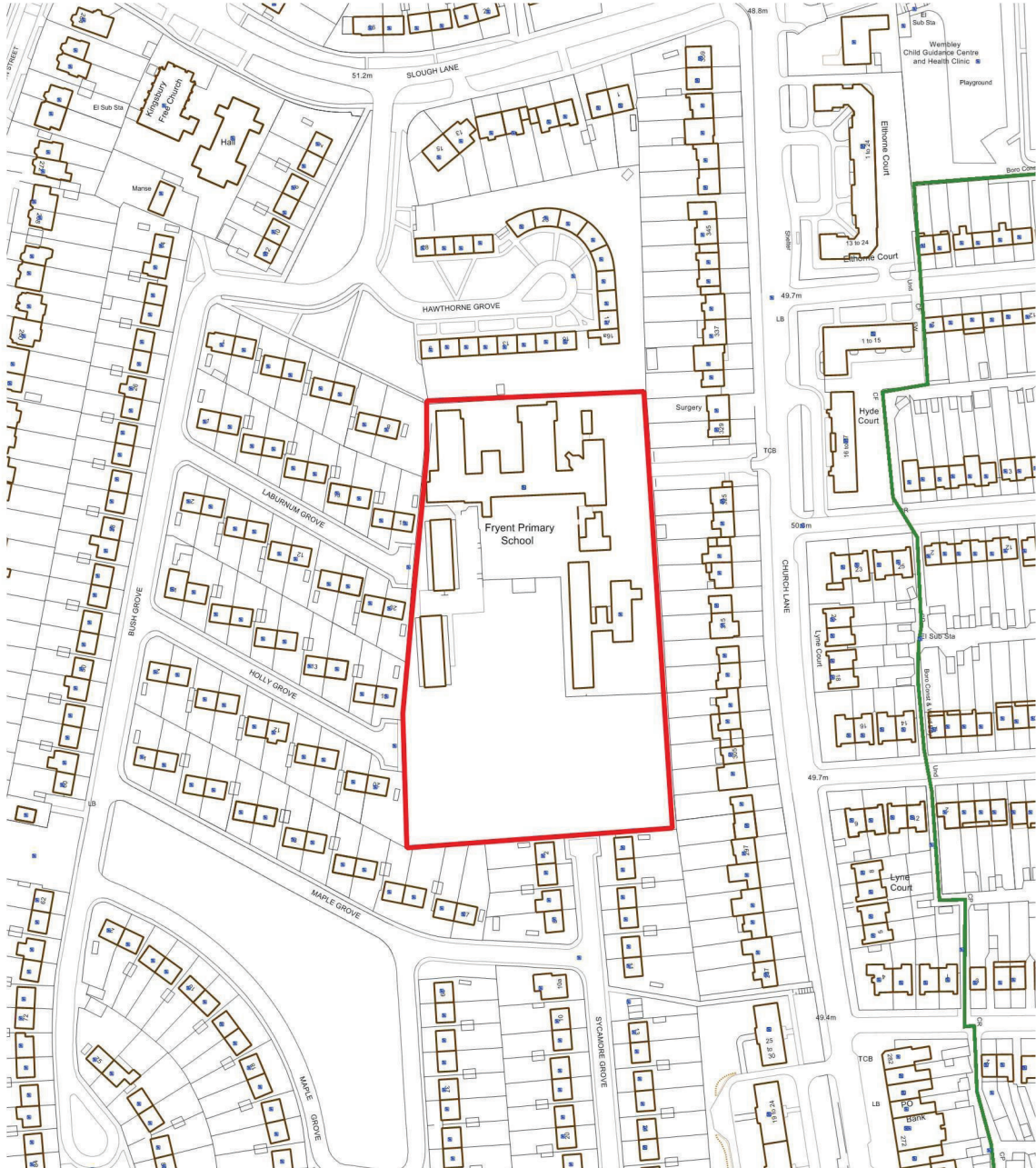
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: Fryent Primary School, Church Lane, London, NW9 8JD

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This map is indicative only.

RECEIVED: 21 May, 2012

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Fryent Primary School, Church Lane, London, NW9 8JD

PROPOSAL: Demolition of existing single storey buildings on the eastern and western sides of the site (toilet block, canteen and teaching blocks) and erection of new two storey block along the main south elevation of the school and the western edge of site to provide additional classroom accommodation and a new school sports/multi use hall, with associated hard and soft landscaping to facilitate expansion from 2 form entry to 4 form entry. (Revised Description - proposed temporary construction site access via Holly Grove during construction period removed from proposal)

APPLICANT: Fryent Primary School (Brent Council)

CONTACT: Metropolis Planning and Design

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant consent

EXISTING

Fryent Primary School is located approximately 500m south of the Kingsbury Road. The principal access to the site is from Church Lane to the east, which provides shared vehicular and pedestrian access to the school. There is an existing pedestrian gate in the northwest corner of the site accessed via Hawthorne Grove. This gate is not regularly used at the present time.

The existing buildings on site are primarily 2 storeys with a further set of 4 single storey outbuildings. The existing floorspace totals 2012 sq m. The frontage buildings are brick built with tile covering to a steep pitched roof; the northern wings have flat roofs.

In terms of capacity, the existing school has 480 pupils and 67 staff providing a 2 Form Entry primary school, including a 60 pupil nursery.

The site is bounded by residential properties. To the west of the site are the residential cul de sacs of Laburnum Grove and Holly Grove and to the south is Sycamore Grove. The north of the site borders the rear of properties fronting Hawthorne Grove and to the east are the rear gardens of properties fronting Church Lane.

PROPOSAL

This application has been submitted to facilitate the increase in size of the school to a 4 Form Entry primary school for 892 pupils and 95 staff, including a 56 pupil nursery.

The application proposes to demolish the existing single storey buildings on the eastern side of the site (toilet block and canteen) and provide a new two storey block along the main south elevation of the school and the western edge of the site. The extensions incorporate the following:

- 12 new build classrooms, associated group rooms and toilets;
- Kitchen and associated works;
- Multi-use hall including changing rooms;

- Internal remodelling of the existing school;
- Use of pedestrian access from Hawthorn Grove.

Due to the positioning of the new block, there is a need to reconfigure the recreation spaces across the site. The hard play area to the south of the site will be re-provided on the site of the former canteen building. In addition, an area of the existing soft play which is not of adequate size to form an additional sports pitch will be converted to a hard play court for netball.

The application does not propose to increase the on-site provision of 17 parking spaces for staff and visitors, including a disabled parking bay. The school has been designed with a ramp linking the main access into the site to the main entrance foyer; all proposed floor levels are the same or are accessed by internal ramps to provide disabled access.

This application originally sought to provide a temporary site access in the south west corner of the site to Holly Grove. This element of the proposal has been removed.

HISTORY

Most recent planning history:

12/1066 Application for prior notification of proposed demolition of outbuildings including refectory and single storey classrooms- Decision 22/05/2012 (prior approval not required)

10/2026 Erection of an all-weather games area with 3m high perimeter fence and 4 floodlighting columns - Granted, 03/11/2010.

08/2651 Full Planning Permission sought for installation of 3 air conditioning units to the west elevation of children's centre - Granted, 28/10/2008.

07/2964 Full Planning Permission sought for demolition of derelict existing building and erection of new single storey building (Sure Start Children's Centre), adjacent to the gardens of 315 - 319 Church Lane, with installation of CCTV cameras, gates, hardstanding and associated landscaping - Granted, 13/12/2007.

07/0646 Full Planning Permission sought for erection of an external enclosure within courtyard to house lift shaft to school main building - Granted, 27/04/2007.

03/0916 Full Planning Permission sought for replacement of existing crittal steel windows with new crittal steel windows to match existing school - Granted, 20/05/2003.

POLICY CONSIDERATIONS

National

National Planning Policy Framework

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

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

The NPPF places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. LPA's should give great weight to the need to create, expand or alter schools.

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

Regional

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

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

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

Key policies include:

Social Infrastructure

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

London’s Response to Climate Change

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable Drainage

London’s Transport

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

London’s living places and spaces

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

London Plan SPG

The Mayor’s Transport Strategy (May 2010)
Sustainable Design and Construction – Supplementary Planning Guidance (2006)
Accessible London: achieving an inclusive environment (April 2004)
Planning for Equality and Diversity in London (October 2007)

Local

The development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

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

Strategic

- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought
- STR14 New development should make a positive contribution to improving the quality of the urban environment

Built Environment

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Open Space, Sport & Recreation

- OS9 Dual Use Open Space

Community Facilities

- CF8 School Extensions
- CF10 Development Within School Grounds

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 5 Place making
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development
Requires that the infrastructure requirements of new development are met
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity
Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP 19 Brent strategic climate mitigation and adaptation measures
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

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

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

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

CONSULTATION

A total of 295 adjoining owner/occupiers were consulted regarding the application, site notice displayed adjacent to the site and the application was publicised in the local press. A total of 4 objections and 1 comment were received raising the following issues:

- Impact of construction access on parking along Holly Grove;
- Holly Grove will become building site- noise, disruption, dust, mud;
- Cars parked along access roads to Holly Grove;
- Inadequate information about site access;
- Should discourage parents from driving to the school;
- Improved parking restrictions along Church Lane;
- Loss of privacy, daylight, noise to residents in Laburnum Grove;
- Noise, disturbance and dust during construction;
- Impact on property value;

Officer Comment: The above matters will be addressed in the *Remarks* section of the report. Impact on property value is not a material planning consideration.

Environment Agency

Subject to a condition requiring mitigation measures relating to surface water run-off and surface water storage to be carried out in accordance with the FRA, no objection is raised to the proposal.

Environmental Health

New kitchen larger and closer to residents than the existing facility – will need to ensure kitchen extract will not pose odour or noise nuisance for residents. Recommend a condition be imposed.

New boilers – require condition for details to demonstrate that the nitrogen oxide (NOx) emissions are acceptable.

Sport England

Satisfied that the proposed development meets the exception test E3 of its adopted playing field policy which states that:

The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance and adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site.

Sustainability

Proposed development can be supported subject to further evidence to support some aspects of the sustainability checklist.

Officer Comment: Further information has been submitted in support of the checklist in accordance with recommendations.

Thames Water

Prior approval of Thames Water would be required if propose to discharge to a public sewer - recommend informative

Transportation

Proposal can be supported on Transportation grounds subject to the following:

- Condition requiring revised School Travel Plan;
- Construction Management Plan to be secured - not using access from Holly Grove;
- Highway works required to improve the zebra crossing on Church Lane - including the raising of the carriage way level to provide humped zebra crossing and improvements to the lighting;
- Improve foot way connections to pedestrian gate from Hawthorne Grove.

Officer Comment: The comments from Transportation will be considered in more detail in the *Remarks* section of the report. With regard to improving the foot way to Hawthorne Grove pedestrian gate, as this is an existing access that could be brought into use without planning permission, it would be unreasonable to require additional works to be carried out.

Transport for London (TFL)

- Reduction in car parking supported;
- Blue badge parking and electric parking points should be provided;
- Cycle parking should be increased to 20 spaces;
- Require construction plan.

Tree Protection Officer & Landscaping

- No objection to the removal of the trees on site subject to appropriate mitigation;
- Principle of removal of the hedge acceptable subject to securing replacement following completion of works;
- Tree protection for retained trees and pruning acceptable.

REMARKS

(1) Principle

Under sections 13 & 14 of the Education Act 1996, as amended by the Education and Inspections Act 2006,

a local education authority has a statutory duty to ensure there are sufficient school places available to meet the needs of the population in its area, but it is not obliged to provide a place in a particular (or nearest) school.

Demand for primary school places nationally is forecast to continue to exceed the supply of places. The Council submitted a report to Executive in August 2011 which set out the pressing need to provide additional school places in Brent to meet its statutory duty up to 2014/15; the report identifies that within this timeframe there will be a shortage of 1778 places if no action is taken. To meet this growing demand, a subsequent report to Executive on 23 April 2012 highlighted four schools as being suitable for expansion, including Fryent Primary School.

Having identified Fryent Primary School as suitable for expansion, consultation was carried out with the school and subsequently with local residents prior to submission of this planning application.

The Council's Unitary Development Plan (UDP) and more recent Core Strategy emphasises the importance of providing sufficient social infrastructure to meet demand. Policy CP23 in the Core Strategy and CF8 in the UDP confirms that in principle proposals are supported to enlarge a school size where it is necessary to accommodate the forecast growth in pupil numbers.

The extensions proposed at Fryent School would provide an additional two forms of entry (ultimately creating an additional 412 places) to assist in meeting the identified need for further school places within the Borough as detailed in the reports to Executive. On this basis, the principle of the proposal can be accepted as it is required to meet an identified need.

(2) Siting & Design

The existing buildings are located at the northern end of the site accessed via a shared vehicular and pedestrian access. The front part of the school building is of domestic scale, with the larger flat roof two storey wings behind. It is important that the proposed extensions do not detract from the existing building which provides an attractive frontage to the school and a clearly defined point of access for visitors. It is also acknowledged that size and general layout of the extension is determined by educational requirements. The size and scale of the extension, being part single and part two storey, is considered to respect the existing building.

The extensions link with the existing school but are not considered to adversely impact on the usability of the existing classrooms by reducing daylighting to an unacceptable level. The main hall is positioned to provide internal courtyards which, in conjunction with separating the extension from the existing building, provide an area for play. The extension is proposed to be in line with the main frontage of the school building; it is single storey and separated by a secondary access thereby appearing as a subservient addition.

The two storey element of the extension to the western side of the site replaces two existing single storey prefabricated classrooms. The existing classrooms are in a poor state of repair and there is no objection to their removal. A prior notification for demolition was submitted and approved on 22 May 2012 (See *Planning History*).

The proposed extension does not seek to replicate the design of the original building; however, the materials do reflect those of the existing building through the use of a consistent brickwork pattern to provide cohesion. The depiction of vertical elements within the design has been used to break up the bulk of the new extension. The fins are proposed to be black to harmonise with the existing timbers set into render over the main entrance to the school.

The nursery is proposed to be located in the northwest corner of the site and utilises the existing pedestrian gate in the northwest corner, accessed from Hawthorn Grove. The school and nursery will be able to operate independently, allowing a greater degree of control of parents/visitors accessing the site for each use.

Sport England is required to be consulted on any application which may affect playing pitches. In terms of the position of the proposed extension, it is located to the northern side of the site and does not impact upon the

usability of the existing playing field. Sport England has confirmed that they have no objection to the proposal. The works do result in reconfiguration of the areas of hard and soft play however the overall provision in terms of quality and overall area will not significantly change. The MUGA on the site will not be affected by the proposal.

(3) Impact on residential amenity

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the need for new development. The main impacts on amenity to be considered are: overbearing impact of the size and scale of the extension; loss of outlook, which is related to overbearing impact; loss of privacy; and loss of sunlight. Following the policies contained within part 3.7 *Urban Design Principles* of the *Built Environment Chapter* of the UDP, the council has published Supplementary Planning Guidance No. 17 "Design Guide for New Development" (SPG17) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly.

The location of the proposed extension is such that it is only the western boundary that is in close proximity to the proposed extension. There are four properties that adjoin the site - two on Holly Grove and two on Laburnum Grove. Given the distance from the two properties on Holly Grove, the proposed extension is not considered to result in any significant amenity impacts.

No. 19 Laburnum Grove is a two storey semi detached house located on the northern side of Laburnum Grove. The flank elevation of this house contains two windows facing the school site – one small window at ground floor and one larger window at first floor level. The applicant has confirmed that, having viewed plans for the internal layout of a similar house type, the first floor window to this property serves the landing and the ground floor window serves the entrance hall. There is also a door in the flank elevation (with clear glazing) to the kitchen; the kitchen is also served by a window to the rear elevation. Whilst it is acknowledged that there will be loss of light to these windows, the impact on amenity of occupiers will not be significant given that the windows do not serve habitable rooms and the door is not the main source of light to the kitchen.

No. 20 Laburnum Grove is a two storey semi detached house located on the southern side of Laburnum Grove. The flank elevation of this house contains one window facing the school site and a door. The first floor window is obscure glazed and serves a bathroom. The door in the flank elevation is to the kitchen which is also served by a window to the front elevation. As with no. 19 Laburnum Grove, whilst it is acknowledged that there will be loss of light to the window and door, the impact on amenity of occupiers would not be significant given that the window does not serve a habitable room and the door is not the sole source of light for the kitchen.

Due to the orientation of the school extension in relation to the properties on Laburnum Grove, there is likely to be some reduction in sunlight to the neighbouring houses and gardens particularly during the morning; however, given the height and relationship of the extension to the closest neighbouring properties, it is not considered that the impact would reduce the existing level of sunlight to an unacceptable degree.

In terms of privacy, the greatest impact will be as a result of the windows proposed at first floor level to classrooms in the western flank elevation. The position of the extension means that where the extension is at its closest point to the site boundary (as a result of the tapered site), the first floor windows will not directly face either the flank elevation of no. 19 Laburnum Grove or the rear garden to this property. There will be views from the first floor classrooms of the flank elevation and garden to 20 Laburnum Grove; however, at this point the distance between the building and boundary is greater, measuring 6.5m adjacent to the building and extending to 9m. Taking into account the use of the extension, separation from the boundary and existing levels of privacy, the proposal is not considered to have a significant impact on the amenity of neighbouring occupiers.

As a result of the changes in ground level across the site, with the ground level rising to the south, the two storey extension will be cut into the ground to ensure level access is provided. This also assists in reducing the visible bulk of the building. The extension will be 3.5m to the western boundary of the site at its closest point, increasing to 9m as a result of the tapered boundary. The guidance contained in SPG17 sets out that

where a proposed development adjoins a garden, the height of the proposed building should be set below a line of 45 degrees at the garden edge (taken at 2m height) to ensure that the development does not appear over dominant or overbearing. The proposed extension complies with the guidance and is considered acceptable.

In terms of noise as a result of the use, as this is an existing school site it is not considered that the increase in activity would result in a worsening of existing amenity. Generally the activity within the school grounds is most notable during the school day.

(4) Landscaping / Trees

The application proposes the loss of 11 trees in total (including a line of trees adjacent to the MUGA) to enable the development including five mature Indian bean trees. The Council's Tree Protection Officer has considered the proposal and confirmed that the loss of these trees will be adequately mitigated by the provision of 24 new trees on site following completion of the development. These trees are principally to be located along the western boundary of the site to provide an improved screen for the residential occupiers and to not encroach on the use of the sports pitch. The proposed tree protection measures set out in the submitted report for the retained trees have been reviewed and are considered acceptable.

Full details of the changes to the hard and soft landscaping, including alterations to the access, will be secured by condition. Further planting is proposed adjacent to the fence line of 325 Church Lane to provide some separation from the footpath. Overall the proposals are considered acceptable and with the additional tree planting proposed will provide an appropriate setting for the new development.

(5) Transportation

UDP policy CF8 *School Extensions* requires proposals to have an acceptable transport impact and schemes will be subject to measures to reduce car usage. Policy TRN1 *Transport Assessment* ensures applications will be assessed for their transport impact and developments with a potentially significant impact on the transport network should submit a Transport Assessment. Policies TRN2, 3 and 4 relate to testing that impact and measures to make transport impact acceptable. The London Plan 2011 contains a number of relevant policies including 6.1 *Strategic Approach*, 6.3 *Assessing Effects of Development on Transport Capacity*, 6.9 *Cycling* and 6.13 *Parking*.

The site is accessed via a single entrance from Church Lane, shared by both vehicles and pedestrians. As part of the proposal, it is the intention to make alterations to provide a separate footpath and fence line to divide the road and footpath. It is also proposed to install a non-automated removable bollard to allow the existing vehicle gates to be opened at the commencement and completion of the school day to ease congestion of pedestrians at these peak times.

With regard to parking provision on site, the application does not propose to increase the on-site provision of 17 spaces for staff and visitors. The Council's parking standards as a maximum allow 1 space per 5 workers plus 20% for visitors; the current provision (based on 64 staff) marginally exceeds this standard. With the increase in staff numbers to 95 by the time the school is fully occupied, up to 22 spaces would be permitted on site. The proposal is within the maximum allowance and considered acceptable.

Consideration must also be given to the impact of the proposed development on the surrounding roads. The submitted Transport Assessment has given consideration to the likely increase in vehicular trips to and from the site as a result of the increase in staff and pupil numbers. The report demonstrates that this will not have a significant impact on the operation of the junction at Church Lane/Kingsbury Road, which will operate within capacity. The mini-roundabout junction of Tudor Gardens and Salmon Street is considered to be a sufficient distance from the school for there to be no significant impact on the roundabout. Parking at the site has been observed to take place close to the site entrance in Church Lane and to a lesser extent along the narrow side roads. Any extension to pupil numbers is likely to increase this, with the Transport Assessment suggesting that without any reduction in the modal share by car, the increase in parking could exceed the spare on-street parking capacity close to the site entrance. As such, suitable mitigation measures are considered essential to

this scheme, including a Travel Plan to reduce car journeys, which will be secured by condition.

Bicycle parking is required at 1 space per 10 staff, giving a total requirement for 10 spaces. The proposal includes an increase in the provision from 11 spaces to 20 spaces under a covered canopy. This exceeds the standards set out in the UDP however is below the requirements of TFL. It is considered that a reasonable approach is the provision of 20 spaces on site. It is a requirement of TFL that electrical charging point is provided and further details will be secured condition.

The application does not propose changes to the waste management and collection or other servicing. The bin stores are located slightly nearer the main entrance however it is anticipated that there will be no change to the existing collections and servicing.

Construction Access

The scheme has been revised to no longer include the proposed use of Holly Grove as the construction access. This follows concerns raised by your Officers in Transportation regarding the likely damage to footways and verges, with concern also that the sub-base of these residential roads are also unable to withstand heavy loading.

It is the intention that construction traffic be routed into the school site from the main entrance from Church Lane. A condition will be imposed requiring a Construction Management Plan to be submitted for approval.

(6) Energy & Sustainability

Policy CP19 in the Core Strategy seeks to ensure that all new development contributes to achieving sustainable development, including climate change, mitigation and adaptation. The proposal is predicted to achieve a BREEAM 'Very Good' rating; new development is generally expected to meet BREEAM 'Excellent' standards. Given that the proposal is an extension to an existing school rather than comprehensive redevelopment, achieving BREEAM 'Very Good' is considered acceptable. The proposal achieves 25% over Part L of the Building Regulations 2010 in compliance with London Plan Policy 5.2. In addition, the provision of a photovoltaic system on the roof of the proposed extension will reduce carbon dioxide emissions by at least 20 percent in accordance with renewable energy targets set out in London Plan Policy 5.7. The proposed development is considered to achieve an acceptable score against the Council's Sustainability checklist requirements.

(7) Community Use

The application proposes a new two court multi use hall measuring 324 sq m. The ceiling height is 6.7m to ensure it can be used for sporting activities. The hall has been located to enable separate access to be provided for community use outside of school hours including access to the changing facilities. It is recommended that a condition is imposed to secure at least 15 hours of community access a week to accord with similar proposals in the borough with full details secured by condition.

(8) Mayoral CIL

As the development relates to the extension of an education facility, the development is exempt from paying CIL.

(9) Conclusion

The proposed scheme complies with the relevant policies for schools development at national, regional and local level and in particular with the National Planning Policy Framework which places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities; accordingly your officers recommend planning permission be granted, subject to a number of conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
London Plan 2011
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

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

Drawings: 101; 102; 103; 104; 105; 106; 107; 108; 109; 110; 111; 112; 113; 201 Rev C; 202 Rev C; 203 Rev C; 204 Rev A; 205 Rev B; 206; 207; 208; 210; 300; 301; 302; 600 Rev A; 600 Rev B

Planning Statement by Metropolis - May 2012
Design and Access Statement (May 2012 Rev A)
Flood Risk Assessment (FRA) dated 22 June 2012 Issue 3 by WSP UK Ltd
Arboricultural Impact Assessment by Landscape Planning Ltd (March 2012)
Fryent Primary School- Transport Assessment by Mott MacDonald (April 2012)
Fryent Primary School- School Travel Plan by Mott MacDonald (April 2012)
Cultural Heritage Assessment by Prospect Archaeology Ltd - LPA 2012/7 April 2012
Project Phasing and Site Logistics Version 1.4 - Watts
Sustainable Development Checklist (revised 11 July 2012)
Watts letter dated 11 July 2012 - Daylight and Sunlight Amenity

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

- (3) Before any construction work on site, excluding demolition and site clearance, further details of materials for all external work, including samples where specified, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The details shall include:

- (a) Brickwork - blended brick to match existing (including sample);
- (b) Render - Pure White (including sample);
- (c) Windows;
- (d) Doors;
- (e) Fins (including sample);
- (f) Roof finishes *excluding green roof* (including sample).

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

for the lifetime of the development.

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

- (4) All areas shown on the plan shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the completion of construction work on site. Such landscaping work shall be completed prior to occupation of the development hereby approved or by any other timetable agreed.

Such scheme shall also indicate:-

- (a) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;
- (b) Hard surfaces including details of materials and finishes - these should have a permeable construction;
- (b) Proposed lighting plan with specification;
- (c) All planting including location, species, size, density and number;
- (d) Any sustainable construction methods which are to be used;
- (e) A detailed (min. 5-year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscaping;
- (f) Proposed walls and fencing, indicating materials and heights.

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

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

- (5) Prior to the commencement of the use, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The Community Access Plan shall allow for a minimum of 15 hours of community use each week and shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of occupation of the development and it shall remain in operation for the duration of the use of the development.

Reason: To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy

- (6) The protection of the retained trees shall be implemented in full accordance with the approved details set out in the Arboricultural Impact Assessment by Landscape Planning Ltd (March 2012) prior to commencement of any preparatory work or development and retained throughout the duration of the construction works.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees.

- (7) The development shall not be occupied until the car-parking, turning areas and 20 secure cycle spaces have been provided in accordance with the approved details and these shall be retained thereafter for the lifetime of the development.

Reason: In the interests of highway safety and encourage use of sustainable transport.

- (8) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) Construction traffic routes to the development site - utilising Church Lane site access only;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel washing facilities and schedule of highway cleaning;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (ix) School, nursery and Children's Centre access during the construction phase.

Reason: To protect residential amenity and ensure the development does not have an adverse impact on the highway.

- (9) Details of the following shall be submitted to and approved in writing by the local planning authority prior to installation:

- a) kitchen extraction system and filters;
- b) ventilation equipment;
- c) boiler flue and emissions.

These details should include an assessment of the impact on air quality and the development shall be completed in accordance with the details so approved and retained thereafter for the lifetime of the development.

Reason: In order to safeguard local air quality and amenities.

- (10) Notwithstanding the plans hereby approved, further details of the green roof and photovoltaic tiles shall be submitted to and approved in writing by the local planning authority prior to any construction work, excluding demolition and site clearance. Such details shall include:

- (a) specification, details and maintenance of the green roof;
- (b) details of photovoltaic tiles

The works shall be carried out in accordance with the approved plans prior to occupation and retained thereafter for the lifetime of the development.

Reason: In accordance with London Plan policy 5.11

- (11) Within 12 months of occupation of the extension hereby approved, a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'Very Good' rating shall be submitted to and approved in writing by the local planning authority. If the review specifies that the development has failed to meet the above levels, compensatory measures to ensure the development meets or exceeds a BREEAM 'Very Good' rating shall be submitted to and approved in writing by the local planning authority within 24 months of occupation of the extension hereby approved.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (12) Prior to the commencement of the use of the buildings, a School Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented as approved and adhered to.

Reason: In the interests of reducing reliance on private motor vehicles.

- (13) The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 22 June 2012 Issue 3 by WSP UK Ltd and the following mitigation measures detailed in the FRA:

(i) Limiting surface water run-off generated by the 1 in 100 year (including an allowance for climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site as detailed in section 6.2.25 of the FRA.

(ii) Surface water storage to be achieved through the use of Sustainable Drainage Systems including green roofs and permeable paving as detailed in Sections 6.2.17-6.2.23 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- (14) Prior to the completion of construction work, appropriate arrangements shall be made in writing with the local planning authority to provide the following:

- (i) Improvements to zebra crossing on Church Lane to raise the carriageway level to provide a humped zebra crossing;
- (ii) Improvements to zebra crossing on Church Lane to provide lighting.

The use authorised by this permission shall not begin until the above works have been completed in accordance with the above points and have been certified in writing as complete by or on behalf of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety.

- (15) Notwithstanding the plans hereby approved, further details of the provision of an electric vehicle charging point (for 2 vehicles) shall be submitted to and approved in writing by the local planning authority prior to the completion of the development.

The works shall be carried out in accordance with the approved plans prior to occupation and retained thereafter for the lifetime of the development.

Reason: In the interests of climate change mitigation and to comply with London Plan policy

- (16) Prior to installation of the proposed substation, further details of external appearance and specification shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure the external appearance is acceptable and protect the amenity of adjoining residents.

INFORMATIVES:

- (1) The applicant is advised that prior approval from Thames Water Developer Services (Tel: 0845 850 2777) is required if it is proposed to discharge to a public sewer. This is to ensure the surface water discharge from the site shall not be detrimental to the existing sewerage system.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Rachel McConnell, The Planning Service,



Planning Committee Map

Site address: MIRACLE SIGNS & WONDERS MINISTERIE, Church Road, London, NW10 9NR

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This map is indicative only.

RECEIVED: 15 May, 2012

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: MIRACLE SIGNS & WONDERS MINISTRIE, Church Road, London, NW10 9NR

PROPOSAL: Demolition of the existing building and erection of a new building consisting of D1 use on the ground floor and 47 residential units on seven upper floors.

APPLICANT: Ruffello Ltd

CONTACT: TP Bennett

PLAN NO'S:

1019-PR-114
1019-PR-116
1019-PR-112
1019-PR-111
1019-PR-113
1019-PR-102
1019-PR-104
1019-PR-105
1019-PR-106
1019-PR-107
1019-PR-108
1019-PR-115
1019-PR-016
1019-PR-109
1019-PR-110
1019-EX-011
1019-EX-005
1019-EX-004
1019-EX-012
1019-EX-015
1019-EX-006
1019-EX-010
1019-EX-013
1019-EX-001
1019-EX-002
1019-EX-003

RECOMMENDATION

Refuse Consent

EXISTING

The site currently comprises a dilapidated former cinema/bingo hall which was granted permission in 1997 to change use to a church, and in 2004 was allowed to create new floorspace at the upper levels. The site does not benefit from off-street car parking or vehicular access arrangements.

The site is located within Church End and lies to the South of the signalled controlled junction between High Road and Church Road on the edge of the retail area of Church End. To the North and East are light industrial and employment land uses, including a Homebase store. Directly to the North West of the site is an open space, part of which is used as a car park and a market on Wednesdays and Saturdays. The site adjoins Ilex Road, which is a residential road defined by two storey terrace houses. White Hart Lane forms the sites North Eastern Boundary beyond which is the Former White Hart Pub currently under development to provide a flatted development.

PROPOSAL

Please see above

HISTORY

In 2004 a planning application (Ref No: 04/2847) for the installation of new windows on the sides and front, 15 rooflights, refurbishment of existing front canopy, installation of roller shutters in existing canopy and creation of new floor space within the existing building at first, second and third floor levels of church was granted permission

In 1997 a planning application (Ref No: 97/0545) for the change of use of existing building from comedy club/cinema (Use Class D2) to a church (Use Class D1) was granted permission

In 2012 a planning application was granted permission (Ref No:11/2173) for the part conversion and re-development of existing building to facilitate the erection of a 7 storey building to accommodate D1 use on ground floor and 28 residential units on upper floors ('Car Free' Scheme) and subject to a Deed of Agreement dated 23 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended on 29 March 2012. This application was considered at the Planning Committee of 14 March 2012.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STR11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

H9 Dwelling Mix

H12 Residential Quality – Layout Considerations

TRN23 Parking Standards – Residential Development

PS14 Parking Standards

EP8 Notifiable Installations

CF3 Community Facilities

Site Specific Allocations - Proposed Submission June 2009

CE3. Former White Hart PH and Church

Core Strategy

CP 10 - Church End Growth Area

CP21 - Balanced Housing Stock

Mayor's London Plan 2011

Supplementary Planning Guidance Note 17: Design Guide for New Development

Supplementary Planning Document: S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

Within growth areas, new Major proposals are required to achieve a minimum rating of Code for Sustainable Homes Level 4 rating, subject to a scheme of feasibility.

The submission meets Code for Sustainable Homes level 4 and achieves 45% compliance of the Sustainability Check-list, "Fairly Positive". The scheme includes photovoltaics panel array of 146sqm on the roof of the new residential development which would reduce CO2 emissions by 14.9%. This falls short of the London Plan presumption that major development proposals should provide 20% on site renewable energy generation (policy 5.7 - para 5.42. It proposes the use of communal gas CHP on site to provide to provide hot water and heating for the proposed development. There is no district heating network currently available in the area. No measures to offset the lack of onsite renewable's or to address the matter of no district heating

network. The Council would accept a financial contribution secured by a S106 in the absence of adequate onsite renewable's and a contribution toward sustainable heating measures. However in the absence of a S106 agreement, these elements cannot be secured.

CONSULTATION

External

57 Neighbouring properties were consulted on 16 May 2012. The Local Authority has not received any objections to date.

Internal

Transport Engineer: In technical highway terms the Transport Engineer has not objection. The site located within an area of good transport links is able accommodate a 'car free scheme'. The single floor D1 space will generate less traffic than that of the existing multi floor D1 space. The development will be adequately serviced by way of a transit sized bay and secure cycle and refuse storage.. If the application is to be approved a condition would also be sought requiring details of 4 no. publicly available cycle parking spaces within the external space adjacent to the proposed building, in order to serve staff and visitors of the D1 unit, in order to comply with Policy TRN11 and Parking Standard PS16 of the UDP-2004.

However, The proposed balconies will over sail the public foot path by 2m giving rise to highway safety issues and will restrict maintenance of service (eg, streetlights) located on the pavement.

StreetCare:

No Objection -The proposed refuse and recycling storage area is considered be of an appropriate size and easily accessible via Ilex Road

Environmental Health:

Objection - Noise insulation and measures to mitigate against dust and fine particles generated through development have not been provided

Housing Officer:

Objection - The loss of the family sized accommodation that formed part of the 11/2173 permission is contrary to CP2 and CP21. The applicant has submitted a viability study which your officers consider to be reasonable in terms of demonstrating a maximum viable quantum of affordable housing in line with planning policy requirements. The applicant has proposed three options. Your officers consider a commuted financial contribution of £642,000 is lieu of on site affordable housing to be an acceptable approach. These matters are expanded upon below.

English Heritage

No Objection - The site falls within an Area of Archeological Priority

Landscape Officer:

Objection: The North facing amenity space, enclosed on three sides by 7 and 8 storey buildings lacks detail, is not considered to be useable and will limit plant growth. Ground level planted areas are too small. These are also directly shaded by balconies above which will limit any plant growth. A contribution of £47,000 for street trees, as agreed in a similar fashion in the extant permission should be secured by legal agreement if members are minded to approve the application.

REMARKS

Introduction

The application site occupied by a former cinema building previously in use as a religious centre (Use Class D1) is located on the junction of Church Road and Ilex Road. The existing 6-storey building is currently vacant.

The area is defined by a mix of uses which include residential, retail and some commercial floorspace. The far end of Church Road is designated as a Local Centre where according to Policy SH4 of Brent's UDP 2004 small scale retailing and town centre uses will be permitted where they serve a local catchment area meeting people's day to day needs.

The boundary to the north of the site is defined by a private lane i.e. White Hart Lane. White Hart Lane is sandwiched between the former White Hart Public house (currently under construction for a 2, 3, 4 and 6-storey building, comprising 76 on the upper floors and commercial space on the ground floor) and the

subject site. To the south of the site are two-storey terrace houses. To the south west of the site, are single storey buildings in commercial use. The site is in close proximity to the junction of Church Road and High Road. To the north side of the High Road is the Magistrates Court, which is a six-storey building. At the Planning Committee of March 2012, Members, following a site visit approved an application for 28 flats with 594m2 of D1 space.

The proposal seeks permission demolish and re-develop the existing six-storey building into a eight-storey building, comprising of D1 space at ground floor and 47 residential units on the upper floors. Floors 1 to 7 of the building represent the residential element in the form of, 46 x 2-bedroom, and 1 x 3-bedroom (in total 47 units). These units are divided into two sections, accessible via two staircases which are located in the central core of the building. The proposal envisages a 'car free' development with one servicing bay for a transit vehicle with access provided from White Hart Lane. There are separate pedestrian accesses to the D1 space and residential elements of the scheme, from Church Road and Ilex Road respectively. The main changes noted between the extant permission and the proposal are note as:

Extant Permission	Proposed Scheme
28 units (4 x 1-bedroom, 20 x 2-bedroom, and 4 x 3-bedroom)	47 units (46x 2-bedroom and 1 x 3-bedroom)
594m2 - D1 space	370m2 - D1 Space
No higher than existing building	Higher than existing and extant permission
Good form of residential accommodation	Poor form of residential accommodation
No communal external amenity space	Communal external amenity space

These issues will be expanded upon below.

Land Use

The subject site titled CE3 within the 'Site Specific Allocations - Proposed Submission June 2009' has been allocated to a 'mixed use redevelopment including residential'. Policy CF3 of the UDP 2004 states the loss of any D1 community use will be resisted, unless appropriately replaced, or adequate alternative can be provided. The Core Strategy, UDP and SPG17 envisages a mix of uses within redevelopment schemes where appropriate, so to create a well used, active area and to reduce the need to travel especially by car. Therefore it is considered the use of the upper floors of the building as a residential use is acceptable in principle, subject to assessment viewed in relation to further policies regarding the overall design, impact on highways, neighbouring amenity, traffic impact, provision of affordable housing etc. which are discussed in more detail below.

The existing property provided 2,908m2 of community space, the extant permission provided 594m2 whilst the proposal will provide 370m2. During negotiations of the extant permission the applicant was uncertain how the D1 space was to be used. In an attempt to accommodate the varying end user(s) the Council required the space to have some degree of flexibility so to ensure it was useable. This flexibility was proposed in the form of moveable partitions, multiple entrances and high ceilings (4m - excluding services). The proposed development does not lend itself to such a flexible useable space by reason of its restricted floorarea (Net loss 87%), single access point and reduced height therefore failing to meet the aspiration to protect existing community facilities identified in CP23 and should form a reason for refusal.

Design

There is no concern regarding the loss of the existing building, however the redevelopment should be of a size and design which would not dominate neighbouring buildings and respect the character of the area. The existing mass and plan form of the original building is appropriate to its use as a religious building however, the large floor plate is not appropriate to the architectural planning and setting out of a residential building at upper floor levels. The core would be very dark and unable to comply with the requirements of BRE bulletin 209. SPG 17 notes the size and scale of new development should respect the height of the adjoining buildings and immediate area.

The current scheme is governed by the envelope and mass of the existing building to some degree. This is especially true of the ground floor where the majority of the building footprint has been retained, in that only a portion of the ground floor will be lost to accommodate the servicing bay on White Hart Lane, external amenity space and what appears to be a pedestrian access into a vacant space. The upper floors of the building will be set in from White Hart Lane and Ilex Road to form a capital 'I' shape. In the permitted scheme the upper floors were reduced to a larger degree causing the planform to resemble a 'T' shape. The permitted scheme also sought to reduce the bulk of the building by having the two upper most floors further reduced and set in. However in the proposed scheme only the top most floor is set in from the Eastern edge

of so to accommodate a roof terrace to the only three bedroom unit. The height of the proposed building will exceed both the existing and permitted scheme. The change in roof design and increase in height creates a more dominant feature on Church Road, Ilex Road and White Hart, this is further amplified by increase in mass of the building (i.e. when compared with the extant permission).

The latest iteration is unacceptable in terms of mass and scale, the proposals ignore previous advice to set elements of the building back from its plot perimeter to reduce the impact on the streetscape and allow adequate livable proximities within the development site and with neighbouring buildings.

The large plan form will seriously restrict the ability for adequate levels of general light to the core of some of the residential units (eg, North facing set in bedrooms, internal kitchens etc).

The design rationale for this latest approach is the pursuit of a maximum number of units within a maximum envelop defined by the form of the existing building. This approach leads the designer to this unacceptably large inarticulate mass. Overall, the mass and form of the original building is and was appropriate as an institutional assembly building (Cinema/Bingo even Ecclesiastical etc) where day to day living standards are not an issue. However, the 'conversion to a residential use requires a completely different approach to the design of the plan arrangement.

The latest proposal includes a more restricted palette of materials and colours than the permitted scheme which also adds to the heavy nature of the mass. The applicant may suggest that they intend a quality brick and a terracotta/faience solution however design officers are of the view the choice of colours and textures are not varied enough to contribute to the breaking down of the scale and mass.

The ordinary building is further exacerbated by the very regular nature of the elevational arrangement. The fenestration is very regular as is the rhythm and staking of the balconies. Unfortunately, the architecture is very reminiscent of the buildings that the Council are seeking to replace within our growth areas. The quality of detailing is not communicated by the elevations.

The latest proposals do not make enough distinction between the independent uses, the institutional element within the plinth is in a different material but the expression of the architecture does not help with the legibility of this community facility within the neighbourhood. The nature and scale of entrances is important and for a building of this size the entrances should be appropriately scaled with larger doors and door sets. The design approach is not supported in principle.

There is no objection in principle to a large building, as evident in the Council granted permission for a large building in the previous application, however the proposed development, by reason of the design, overall size, siting, bulk, scale, excessive height and density would constitute form of development that detracts from the character of the locality and relates poorly to surrounding forms of development. The development is therefore considered to result in the detriment of the visual character and appearance of this area.

Quality of Residential Accommodation

The Council's guidance in conjunction with the Mayors Plan, outlines the requirements of new development to provide adequate amenity for occupiers, providing satisfactory internal floor area, sunlight, daylight, privacy and outlook for future residents. Whilst all proposed residential units are considered to be large enough, the quality of space proposed is not considered to be acceptable as evident in all bedroom windows on the proposed East elevation being angled and obscure glazed, thereby light into and limiting outlook out of the proposed units. Further the set back bedrooms on the North elevation located between the projecting lift blocks are not considered to gain adequate light. These arrangements result in a very poor form of accommodation and is considered to be reason in itself to refuse the application.

All new flats exceed the minimum floor area standards set out the Mayors London Plan 2011. SPG17 requires flats and family sized accommodation to have 20sqm and 50sqm of external amenity space respectively, which would result in a total of 970sq.m. The proposal contains private balconies to all units of various sizes and communal external space at groundfloor. The external space (including balconies and first 6m of space fronting the street) proposed will provide 1074m². It must be acknowledged that this is unevenly distributed and a large portion of the space provided will be located at ground floor level (The first 6m of which will need to be discounted as the UDP identifies this space as landscaping and exclusively as amenity space). The communal space will be sandwiched between the former White Hart Pub and the proposed building. Owing to its North facing orientation at low level the communal space it is not considered to gain an appropriate level of light, resulting in the space being dark and damp. In the extant permission, the entire ground floor was occupied by D1 space. Owing to the upper floors (from 1st floor up) being set in, two terraces were created on the flat roof of the D1 space. The screened terraces were seen to be an appropriate

use for the vacant flat roof.

Issue is also taken with the relationship between neighbouring balconies of the proposed building, e.g., On the North elevation, direct facing balconies will be located approx 10.7m apart (as expanded below). While it is accepted the proposed external space will meet quantitative requirements, the external space provided is not considered to meet the qualitative assessments discussed above and is therefore not considered to be acceptable.

Where residential units are placed one above another, to limit noise intrusion unless sufficient soundproofing can be installed, bedrooms should not be placed either above or below living room and kitchen areas in other units. There are some units that appear to be inappropriately stacked. Specifically between units 5 and 6 on the sixth and seventh floor. There is also a concern over noise intrusion between the D1 ground floor use and the first floor residential units. No details to mitigate noise intrusion between the inappropriately stacked units and the ground and first floor have been submitted.

In assessing the quality of accommodation provided it would appear whilst sufficient space has been provided, the quality of the space appears to be very poor and is considered to be reason in itself to refuse the application.

Impact on Neighbours

SPG17 requires the size and scale of new development to respect the height of adjoining buildings and the immediate area. Whilst it is acknowledged, the existing building forms a material consideration in the assessment of this application, the Local Authority still has a responsibility to ensure the new building does not cause an overbearing impact on neighbouring amenity.

In the extant permission, the proposal sought to set the building away from the common boundary with No 2 Ilex Road and steps the upper most floors (x2) away from the Eastern Elevation (Fronting 2 Ilex Road). As explained in the 'Design' section of the plan form of the upper floors resembled a 'T' shape, causing the mass of the building to be located on the Western Elevation (Fronting Church Road).

In the current application, the building is set away from the boundary with 2 Ilex Road, is higher and wider than the existing and extant permission (as evident its capital 'I', plan form described above) with only the 8th floor being set away from the Eastern Elevation (Fronting 2 Ilex Road). Owing to the new development being, larger, higher and more bulky than previously approved, the proposal is considered to cause an overbearing impact on neighbouring amenity especially in the case of No 2.

SPG17 requires directly facing windows to be located 20m away from one another. The extant permission saw the new block being located 20m away from units on the Southern Elevation (Ilex Road) and 10m away from the Northern (White Hart) elevation. In the North elevation of the extant permission, two bedroom windows located at first floor level looked directly onto screened roof terraces. The screens were considered to obscure direct views onto neighbouring properties of White Hart Lane. Two small east facing balconies were also proposed on the North Elevation. Owing to the set back nature of the building and obscured views created by screening, the approved arrangement was on balance considered to be acceptable.

The proposed development will see the upper floors (i.e. above groundfloor) being set of the North (White Hart Lane) and South (Ilex Road) boundaries. On the Southern Elevation a 18m separation from directly adjoining properties has been created, which is less than the acceptable range (i.e. 20m) creating a loss of privacy, amplified by the presence of balconies. On the Northern Elevation a 8-9m separation has been provided for. This North flank wall will contain 14 setback single aspect bedroom windows, located approximately 15m away from neighbouring habitable rooms. This elevation will also contain 7 dual aspect Juliette balconies located 8m away the neighbouring White Hart building. The lack of an appropriate separation between units, amplified by Juliette balconies is considered to have a detrimental impact on neighbouring amenity.

All North facing units will also have balconies leading out from the kitchen/dining/living areas. These balconies will be located approximately 10.7m away from directly facing balconies of neighbouring units in the same building. The lack of separation between balconies (more especially as upper floor balconies will have the ability to have direct views into lower balconies) will create an unacceptable level of overlooking and lack of privacy. For the avoidance of doubt, no screening measures have been submitted.

The Eastern elevation will contain 14 obscure glazed angled bedroom windows and a setback screened terrace which will protect neighbouring amenity.

The inappropriate separation between units, amplified by the presence of balconies results in insufficient

consideration of this developments impact on neighbouring amenity and is considered to be reason in itself for the application to be refused.

Highways Consideration

It is clear that a place of worship arranged over one level will not attract a larger number of worshippers than the existing larger building. Furthermore the presence of a CPZ in the local area will serve to restrain visitor parking, at least during the working week. Sundays are a traditional day of worship for this type of religious building and this may still cause some traffic issues, however owing to the reduced (594sqm to 370sqm) floorspace of the D1 use, any traffic congestion caused will be significantly lower than that of the pre-existing situation (I.e. Prior to the building becoming vacant) and therefore should not form a reason for refusal. In addition, the planning statement says that the potential use will actually be either a clinic or a crèche, both of which are likely to have a lower traffic impact than a place of worship. Furthermore the presence of a CPZ in the local area will serve to restrain visitor parking, at least during the working week.

The proposed residential accommodation will be permitted maximum levels of car parking as set out in PS14 of the Unitary Development Plan. The stricter standards can be applied here since the site has good PTAL ratings (Level 4) and lies within a CPZ, whereby each 1-or-2-bed flat can be permitted up to 0.7 car spaces and each 3-bed flat can be permitted up to 1.2 car spaces. For the proposed mix of dwellings the combined maximum standard will be 33.4 car spaces, a very significant increase over the 21.6 spaces calculated for the previously approved proposal. This could be reduced somewhat by the proposed options for affordable housing provision, however the combined parking demand would still be likely to exceed local parking supply. Given that the increase cannot be accommodated off-street or on-street in the locality of the site, a car-free scheme could be accepted provided this applies equally to all the proposed flats, and is secured via S106 Agreement, however a legal agreement has not been secured

The proposed balconies along the Church Road frontage appear to over sail the public highway, projecting from the building by as much as 2m. Transportation will not accept this level of over sailing as it would impact on Highway safety by, for example interfering with the servicing of street lights. On the same theme, the proposed porch over the Church Road entrance to the D1 unit projects into the highway by 1m at a minimum height of 2.8m above the highway. This will not conflict with any existing street furniture and so can be accepted. For the avoidance of doubt balconies on the extant permission were not as prominent (I.e. 1m deep – approx) and did not protrude as far as those proposed here (I.e. 2m deep - approx)

Visitors to the D1 unit have not been provided with cycle parking, while this should under PS16 of the UDP-2004 be provided at a rate of 1 space per 8 staff and/or visitors. It is not at this point clear how many staff and visitors will come to the site, as the use is not precisely defined, and even the layout of the D1 unit is not presently available. It will be possible to provide cycle parking within the private curtilage of the development site, for example in place of some of the soft landscaping on the Ilex Road frontage. Two “Sheffield” type stands (4 spaces) would cater for up to 36 staff and visitors, which seems a reasonable initial estimate.

All refuse and recycling will be serviced via Ilex Road. Adequate refuse and recycling for both uses have been proposed. The servicing bay will be accessed via the D1 space. These arrangements are considered to be acceptable

Affordable Housing

Sites of above 0.5 Ha or proposals of above 10 residential units are required to provide an element of affordable housing on-site, to contribute towards the borough wide requirement for affordable housing. The applicant has submitted a viability study which your officers consider to be reasonable in terms of demonstrating as in the case of 11/2173 a maximum viable quantum of affordable housing in line with planning policy requirements. The applicant has proposed three options to meet the Councils requirements and these will be discussed in turn:

- 1) 26% shared ownership (12 flats) on a nil grant basis
- 2) 15% affordable rent (7 flats) on a nil grant basis
- 3) Commuted sum of £642.857 in lieu of on-site provision (£375,000 in 11/2173)

Church End is characterised by high concentrations of social rented accommodation and therefore the opportunities should be taken to introduce different tenures into the area in order to support a balanced, mixed and sustainable community. The choice would therefore seem to fall between shared ownership and commuted sum.

A number of concerns with the shared ownership option have been raised:

- The relatively small number of flats involved and their location in a single residential core with private flats
- The potential for conflicting competition with other shared ownership schemes in the area (e.g. White Hart and proposed Catalyst redevelopment of the town centre)

The option of a commuted sum, with the potential to either use the monies to deliver affordable housing in the local (e.g. the proposed Catalyst redevelopment of the town centre) or wider area appears to be more appealing as it affords the opportunity to introduce different tenure options to an area that appears to be largely dominated by affordable housing and will go some way in achieving a balanced, mixed and sustainable community. The commuted sum is therefore considered to be an acceptable solution.

Having assessed the application, the current proposal for the reduction in family sized accommodation from 4 to 1 is considered to be contrary to policy CP2 and CP21. The increase in 2-bed units would effectively replace the development of new family sized units (which previously gained permission) which would have contributed towards Brent's housing need. The provision of new family sized residential accommodation on the site was appropriate in helping to meet a known need in the borough and to contribute towards Brent's housing target as identified in CP21 and CP2.

Other

Environmental Health

The development is located within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. No measures to mitigate against the impacts of dust and fine particles generated by the operation have been employed.

Landscape

Owing to the nature of the development there is limited scope for landscaping on site. The Growth Area is in dire need of Street Trees as such, a sum of £28,000 for street trees and maintenance had been agreed on the previous application. Whilst the applicant has suggested their willingness to enter into similar negotiations these arrangements can not be secured without a legal agreement.

Mayors CIL

If the application were to be approved, it would need to be chargeable to the Mayoral Community Infrastructure Levy.

Archaeological Priority Area: The site is part of an Archaeological Priority Area and has potential to house the remains of mediaeval periods. Policy BE30 of the Revised UDP states that the applicants should have the implications of any proposal involving groundworks on such sites assessed by a recognised archaeological group. This should assess the level of importance of any finds and means of protection. The applicant has not provided an assessment of proposed ground works.

Crime Prevention – No comments have been received from the Metropolitan Police Crime Prevention Officer

Notifiable Installations – Owing to the subject site being located within 6m of a high pressure pipeline an assessment against policy EP8 is required. Members will be updated at the meeting

Conclusion

While the principle of a residential development is acceptable as indicated by the approval of 11/2173, the proposal has a number of serious shortcomings which cumulatively result in an unacceptable scheme which would be detrimental to neighbouring amenity, highway safety and would fail to provide an acceptable quality of residential environment for future occupants. Primarily, given the overbearing scale and bulk of the apartment block, the detrimental impact on neighbouring amenity and poor form of accommodation proposed without a legal agreement to secure a car free development, housing contributions in Lieu and sustainability matters, it is clear that the proposal represents an overdevelopment of this site. The proposal fails to comply with requirements set out in the Mayors London Plan 2011, Councils Core Strategy 2010 and Unitary Development Plan 2004 and is considered to be an unacceptable scheme. The proposal is therefore recommended for refusal

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development, by reason of the design, overall size, siting, bulk, excessive height, proximity to site boundaries, relationship to the streetscene and neighbouring properties, ordinary elevational treatment and prominence on site would constitute an unacceptable form of development, detracting from the character of the locality and relating poorly to surrounding forms of development in particular to the streetscene of Ilex and Church Road. 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 BE2, BE9 and H12 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: Design Guide for New Development
- (2) The proposed development would result in the loss of family sized housing (As evident in previous planning permissions of 11/3173) for which there is an identified need within the Borough and as such the proposal would be contrary to policy CP2 and CP21 London Borough of Brent Core Strategy adopted 2010
- (3) The proposal by reason of reduced floor space, reduced height and single entry form would result in a loss of Community facilities contrary to policy CP23 of the adopted Core Strategy 2010
- (4) The proposed development, by virtue of poor quality adequate external amenity space, inappropriate stacking and poor outlook is considered to present an unacceptable form of accommodation for future occupiers. As a result, the proposal is contrary to policies H12 and BE9 of Brent's adopted Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17:
- (5) The proposed development would, by reason of its height, size, siting, location of habitable windows and balconies be detrimental to the amenities of adjoining occupiers, by reason of loss of light, loss of outlook, loss of privacy and the creation of an overbearing impact on neighbouring amenity. 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."
- (6) 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".
- (7) 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.

- (8) The proposed balconies will oversail the public highway to the detriment of highway and pedestrian safety and will unacceptably prevent maintenance of the public highway and services located on it contrary to policies TRN3 and TRN34 of the adopted London Borough of Brent Unitary Development Plan 2004,


INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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

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Planning Committee Map

Site address: 79 Chamberlayne Road, London, NW10 3ND

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This map is indicative only.

RECEIVED: 13 April, 2012

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 79 Chamberlayne Road, London, NW10 3ND

PROPOSAL: The erection of a single storey rear extension and the conversion of the basement storage area into a self contained flat

APPLICANT: Mr Bijan Elghanian

CONTACT: Homes Design Ltd

PLAN NO'S:

General Map
HD480/5000
HD480/5001
HD480/5002
HD480/5003
HD480/5004
HD480/5005
HD480/5006
HD480/5007

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Permit free Development
- £3000 per additional bedroom

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

EXISTING

The site is located on the east side of Chamberlayne Road and is occupied by a three storey mid terrace property. The groundfloor commercial unit is located within the Chamberlayne Road Primary Shopping Frontage. The building is not located within a Conservation Area, nor is any part of the property a listed building. The ground slopes away from the street, meaning that although access to the shop (and upper floor flats) is located at street level the area to the rear is a true lower ground floor with its own open space at that same level.

PROPOSAL

Please see above

HISTORY

12/0004. Joint application for full planning permission for a single storey rear extension of No 79 and 77 Chamberlayne Road. Conversion of basement of no 77 into an office area and no 79 into habitable space. Withdrawn 02/04/2012.

11/1944. Proposed installation of rear dormer window, with one rear rooflight and 2 front rooflights to maisonette. Granted 19/09/2011.

98/0817. Full planning permission sought for change of use from retail (Use Class A1) to takeaway (Use Class A3). Appeal Dismissed 14/12/1998.

POLICY CONSIDERATIONS

Unitary Development Plan 2004

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

H17 Flat Conversions

H18 The Quality of Flat Conversions

H19 Flat Conversions – Access & Parking

Brent's Core Strategy

Policy CP21

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

CONSULTATION

All neighbouring properties have been consulted. 3 objections have been received on the following grounds:

1. Overlooking of neighbouring property at 2 Chevening Road.
2. Noise and disturbance from works for the proposed extension.
3. Proposed boundary treatment would appear over bearing and out of keeping with the character of the area
4. Structural damage from existing works do not fill neighbours with confidence that the proposed development will be constructed in a safe and secure manner.
5. The previous application (Ref No: 12/0004) was fraudulent in that not all freehold and leasehold interested parties were consulted.

Response:

- The garden is large enough to prevent overlooking as outlined in SPG5 and SPG17
- The application does not seek permission for a new boundary treatment, further details of landscaping shall be secured by condition
- Matters relating to noise, disturbance and structural stability are not covered by the Town and Country Planning Act, however the applicant will be reminded of his/her responsibilities under the Party Wall Act
- The applicant has filled in Certificate B stating all relevant parties have been consulted.

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

REMARKS

Principle

The Council supports residential provision, where the proposed development will not result in the loss of family sized accommodation and where the proposed accommodation is of an appropriate size and quality for prospective residents.

No objection is raised with the loss of storage space to the retail unit, as the basement has not been used for storage for some time and the retail unit will benefit from storage on the groundfloor.

Quality of Space

The proposed development results in the creation of a one-bedroom basement flat underneath the existing retail unit with storage and office at the groundfloor level. The unit will be independently accessed via the groundfloor. The unit has a proposed floor area of 67sqm, which exceeds both the London Plan and SPG 17 minimum floor area requirements. The unit will also have access to 60sqm of external amenity space which also exceeds the SPG17 requirement of 20sqm. SPG17 requires units to be appropriately stacked so to minimise noise transmission. As the new flat is located below a shop a details of adequate insulation shall be secured by condition

During the lifetime of this application, the layout of the flat has been significantly altered so to ensure adequate light and outlook is gained. In the new arrangement the open plan living/kitchen area will front the rear garden and gain light and outlook via windows and doors (x3) to the side return and rear garden. The new bedroom will gain outlook and light via the side return. Sometimes proposals to provide a new residential unit to the back of a commercial frontage can be problematic but Officers consider that for the reasons set out here this is a situation where an acceptable quality of accommodation can be provided. Owing to the large floor area, adequate external amenity space and appropriate layout of the flat, the proposed development is considered to be of an acceptable standard.

Extensions and alterations

A single storey rear extension is proposed to the rear of the original four storey rear projection. This will have a depth of 3m from the rear wall and will have a flat roof with a height of 3m above ground level and width equal to that of the existing rear projection. The proposed extension is of a size and scale that complies with Council guidelines. As such it is considered to be of a scale that is in keeping with the character and appearance of the property and that will not have a detrimental impact on the amenity of neighbouring residents.

Parking

The proposed development would result in an increase in the parking standard for the site of one space. The existing property cannot provide any parking for the existing residential units. As such the proposed scheme would only be acceptable if all residential units were covered by a car-free agreement. The applicant has confirmed a willingness to have all existing and proposed units to be 'Permit free'. No changes in parking are for the ground floor retail unit are proposed.

Cycle Storage

The cycle storage from the rear garden has been better accommodated within the bin store shown under the front of the building.

Section 106

The proposed development would have an impact on the provision of local sustainable transport, sports and open space infrastructure. A contribution (£3000 per additional bedroom) is sought through a section 106 agreement.

Conclusion

The proposed development is considered to be acceptable complies with the relevant policy guidelines. Accordingly it is recommended for approval subject to a legal agreement as discussed above

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

CONDITIONS/REASONS:

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

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

Act 1990.

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

HD480/5004 REVA
HD480/5006 REVA
HD480/5007 REVA

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

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

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

- (4) The area so designated (within the rear garden) within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

- (5) No development shall take place before a scheme for adequate sound insulation between the proposed flat and the upper floor retail unit has been submitted in addition to BRGs and approved in writing by the Local Planning Authority. The proposed flat shall not be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

INFORMATIVES:

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

REFERENCE DOCUMENTS:

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

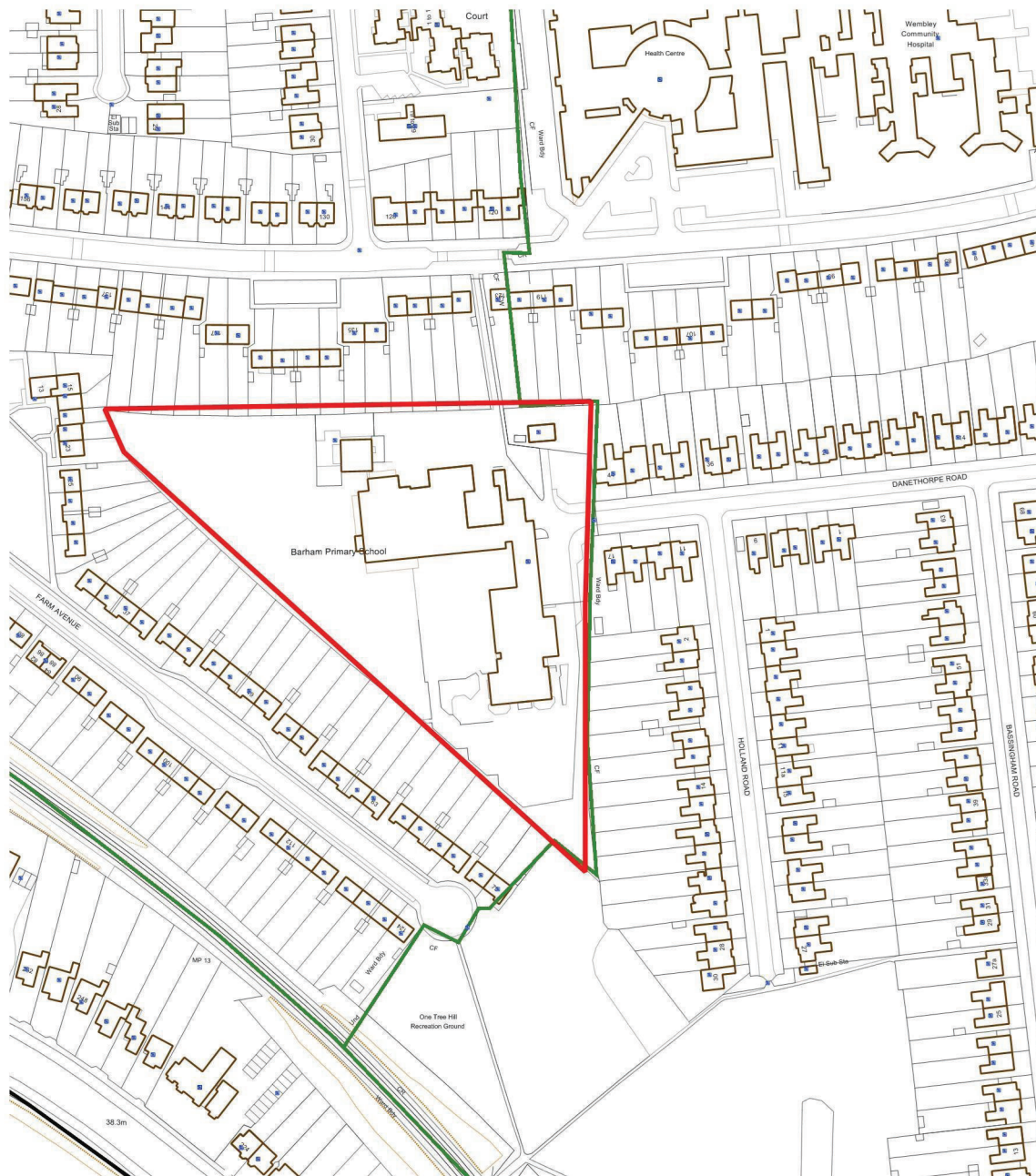
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Planning Committee Map

Site address: Barham Primary School, Danethorpe Road, Wembley, HA0 4RQ

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This map is indicative only.

RECEIVED: 18 May, 2012

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: Barham Primary School, Danethorpe Road, Wembley, HA0 4RQ

PROPOSAL: Erection of two storey extensions to the existing main school building, creation of new pedestrian access at southern boundary with One-Tree-Hill Recreation Area, demolition of single storey nursery building to provide additional parking, and reconfiguration of hard and soft play areas and landscaping across the site to facilitate expansion of the school from 3 form entry to 4 form entry.

APPLICANT: Barham Primary School (Brent Council)

CONTACT: Metropolis Planning Design

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant consent.

EXISTING

Barham School is a three form of entry primary school located in a predominantly residential of Wembley area near to Wembley High Road and Ealing Road. It currently has 720 pupils (including nursery) and 104 staff.

This site has its vehicular and principal pedestrian access from Danethorpe Road. An additional pedestrian footpath also provides access to and from Chaplin Road.

The school is bounded on all sides by residential properties along Chaplin Road, Danethorpe Road, Holland Road and Farm Avenue. The southern tip of the site abuts One Tree Hill Recreation Ground.

The original building was constructed in the 1930's and has been added to over several years. A large double height Sports Hall was added 10 years ago. The school is comprised of predominantly two storey flat roofed buildings located within a triangular shaped site. The remainder of the site provides recreational space for the school including grass and hard surfaced sports pitches and a soft play area.

The site is not situated within a conservation area nor is it a listed building.

PROPOSAL

Erection of two storey extensions to the existing main school building, creation of new pedestrian access at southern boundary with One-Tree-Hill Recreation Area, demolition of single storey nursery building to provide additional parking, and reconfiguration of hard and soft play areas and landscaping across the site to facilitate expansion of the school from 3 form entry to 4 form entry, representing an increase of 210 pupils.

The main two storey extension is located towards the centre of the existing school complex which will create a new courtyard created at the centre of the school. Two smaller infill extensions will make use of redundant narrow spaces between the existing blocks.

As a result of the additional built footprint to the centre of the site the overall provision of hard and soft play has been reviewed and an appropriate balance of these areas will be provided during and after construction.

HISTORY

Barham Primary School was built in the 1930s. It has been added to and modified numerous times over the years and was doubled in size in 1991 with the addition of a new wing. A new sports hall was added in 2001.

The most recent planning history is set out below:

11/04/2011	Planning permission granted for the erection of a single storey extension to southern end of school to increase nursery provision (Ref: 11/0388).
01/06/2010	Planning permission granted for the erection of a new canopy to side of Primary School (Ref: 10/0697).
15/11/2005	Planning permission granted for the installation and replacement of double glazed powder coated aluminium casement windows (Ref: 05/2535).
05/10/2001	Planning permission granted for the erection of a two-storey extension to provide a sports and arts building to the rear of the school (Ref: 01/1325).

POLICY CONSIDERATIONS

National

National Planning Policy Framework

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

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

The NPPF places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. LPA's should give great weight to the need to create, expand or alter schools.

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

Regional

London Plan 2011

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

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

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

Key policies include:

Social Infrastructure

3.16 Protection and Enhancement of Social Infrastructure

- 3.18 Education Facilities
- 3.19 Sports Facilities

London's Response to Climate Change

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable Drainage

London's Transport

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

London's living places and spaces

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

London Plan SPG

The Mayor's Transport Strategy (May 2010)
Sustainable Design and Construction – Supplementary Planning Guidance (2006)
Accessible London: achieving an inclusive environment (April 2004)
Planning for Equality and Diversity in London (October 2007)

Local

The development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

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

Strategic

- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought
- STR14 New development should make a positive contribution to improving the quality of the urban environment

Built Environment

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People

- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Open Space, Sport & Recreation

- OS9 Dual Use Open Space

Community Facilities

- CF8 School Extensions
- CF10 Development Within School Grounds

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 5 Place making
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development
Requires that the infrastructure requirements of new development are met
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity
Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP 19 Brent strategic climate mitigation and adaptation measures
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

SPG 17 "Design Guide for New Development" Adopted October 2001

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

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

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

CONSULTATION

A total of 263 adjoining owner/occupiers were consulted regarding the application. 3 objections have been received raising the following issues:

- Will exacerbate the already severe congestion on local roads in what is supposed to be a quiet residential area.
- Local residents have their driveways blocked at the beginning and end of the school day leading to confrontations between parents and residents..
- The proposed access via the southern boundary will do little to mitigate these problems and will reduce the security of residents who back on to the school.
- The new access from Farm Avenue will encourage parents to drop their children off at the end of the cul-de-sac.
- Concerns that new lighting will cause light pollution in neighbouring properties.

Officer Comment: The above matters will be addressed in the *Remarks* section of the report.

Environment Agency

Subject to a condition requiring mitigation measures relating to surface water run-off and surface water storage to be carried out in accordance with the FRA, no objection is raised to the proposal.

Environmental Health

Will need to ensure kitchen extract will not pose odour or noise nuisance for residents. Recommend condition imposed;

New boilers – require condition for details to demonstrate that the nitrogen oxide (NOx) emissions are acceptable.

Sport England

Advised that they have no comments to make regarding this application.

Thames Water

Prior approval of Thames Water would be required if propose to discharge to a public sewer - recommend informative

Transportation

Transportation believe that further work is necessary to mitigate the potential impact of this development, but that overall the application can be accepted subject to the alterations set out under the Transport heading in the Remarks section of this report.

Transport for London (TFL)

- Blue badge parking and electric parking points should be provided;
- Cycle parking should be increased to 20 spaces;

Tree Protection Officer & Landscaping

- No objection to the removal of the trees on site subject to appropriate mitigation;
- Principle of removal of the hedge acceptable subject to securing replacement following completion of works;
- Tree protection for retained trees and pruning acceptable.

REMARKS

(1) Principle

Under sections 13 & 14 of the Education Act 1996, as amended by the Education and Inspections Act 2006, a local education authority has a statutory duty to ensure there are sufficient school places available to meet the needs of the population in its area, but it is not obliged to provide a place in a particular (or nearest) school.

Demand for primary school places nationally is forecast to continue to exceed the supply of places. The Council submitted a report to Executive in August 2011 which set out the pressing need to provide additional school places in Brent to meet its statutory duty up to 2014/15; the report identifies that within this timeframe there will be a shortage of 1778 places if no action is taken. To meet this growing demand, a subsequent report to Executive on 23 April 2012 highlighted four schools as being suitable for expansion, including Bar ham Primary School.

Having identified Mitchell Brook Primary School as suitable for expansion, consultation was carried out with the school and subsequently with local residents prior to submission of this planning application.

The Council's Unitary Development Plan (UDP) and more recent Core Strategy emphasises the importance of providing sufficient social infrastructure to meet demand. Policy CP23 in the Core Strategy and CF8 in the UDP confirms that in principle proposals are supported to enlarge a school size where it is necessary to accommodate the forecast growth in pupil numbers.

The extensions proposed at Bar ham Primary School would provide one additional forms of entry (ultimately creating an additional 210 places) to assist in meeting the identified need for further school places within the Borough as detailed in the reports to Executive. On this basis, the principle of the proposal can be accepted as it is required to meet an identified need.

(2) Siting & Design

The majority of the new space is organised in a two storey L-shaped extension that will form a courtyard at the heart of the school. Two smaller extensions are proposed infilling gaps between existing wings of the school. The total new build floor space will be approximately 1,558 sqm. Some existing built elements will be demolished to allow integration with the existing school.

The linear arrangement of the modules will facilitate natural ventilation and will contribute to create very light and airy circulation and break-out spaces.

The original school was built in the 1930s but has been much extended and altered over the years. The most significant additions being a new two storey wing added 20 years ago and a large sports hall built 10 years ago. As a result the school is a sprawl of somewhat disparate elements.

The majority of the elements that make up the existing complex are one or two storey flat roofed buildings. The proposed extensions are therefore simple flats roofed structures that in terms of their size, scale and form do not look out of place and are considered to respect the existing building. None of the extensions will be visible from the main public entrance to the school in Danethorpe Road.

The extensions link with the existing school but are not considered to adversely impact on the usability of the existing classrooms by reducing day lighting to an unacceptable level. The main two storey extension is positioned to provide a large internal courtyard which, in conjunction with separating the extension from the existing building to allow in daylight also provides and additional external space.

While the proposed extensions do not seek to replicate the design of the original building; the external materials as well including elements of different coloured render also include a significant proportion of brick cladding which is the predominant material found within the existing school which helps to achieve a degree

of cohesion.

Sport England is required to be consulted on any application which may affect playing pitches. In terms of the position of the proposed extension, it does not impact upon the usability of the existing playing field or MUGA. The proposal does result in the loss of some existing playground. This is to be replaced by extending the playground over existing unused landscaped areas. Sport England has confirmed that they have no objection to the proposal.

(3) Impact on residential amenity

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the need for new development. The main impacts on amenity to be considered are: overbearing impact of the size and scale of the extension; loss of outlook, which is related to overbearing impact; loss of privacy; and loss of sunlight. Following the policies contained within part 3.7 *Urban Design Principles* of the *Built Environment Chapter* of the UDP, the council has published Supplementary Planning Guidance No. 17 "Design Guide for New Development" (SPG17) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly.

Rear gardens of adjoining properties back on to all three sides of the school site. However the proposed extensions are located well away from residential boundaries's and are all well within SPG17s 45 and 30 degree set down guidelines governing the relationship between new development and neighbouring private residential gardens. All the proposed two storey elements of the extensions are located well over twenty metres away from the nearest boundary. The nearest of the extensions to a neighbouring boundary is single storey and still achieves a separation of 15 metres there is therefore considered to be no significant impact on privacy.

In terms of noise as a result of the use, as this is an existing school site it is not considered that the increase in activity would result in a worsening of existing amenity. Generally the activity within the school grounds is most notable during the school day. The playground is being extended closer to the rear gardens of properties in Farm Avenue however a landscaped buffer is to be retained and augmented with additional planting the details of which will be secured by a condition.

A neighbour has expressed concern about the potential of nuisance being caused by new lighting, however no new lighting is proposed as part of this application other than one low level bollard to be located at the new pedestrian entrance to be created on to Onre Tree Hill Rec. Another neighbour has expressed concerns that this new entrance will allow unauthorised people in to the schools grounds and thus compromise the security of surrounding residents. However this entrance will only be open at the start and end of the school day and will be supervised by staff when in use. The rest of the time it will be shut. Some nursery children may leave through this entrance at lunchtime but only under the supervision of staff. The school takes security and the safety of its pupils very seriously.

(4) Landscaping / Trees

Barham Primary School is subject to a Tree Preservation Order made in February 2006. The TPO protects a total of eight native Oak trees located around the site boundary, one of which is situated within the garden of a property in Farm Avenue. The tree assessment report states that these trees will be protected throughout the development with the provision of protective fencing. The tree officer would like further details of the position of this fencing.

The school would like to remove the group of Holm Oaks close to the site boundary. The Council is aware these trees have caused some concern with neighbouring properties in the past so this may be an opportunity to consider removal and replacement with a more suitable species such as a group of birch.

The removal of other trees has been considered by the Council's Landscape Officer and would be acceptable subject to appropriate replacement planting to be secured by condition.

(5) Transportation

UDP policy CF8 *School Extensions* requires proposals to have an acceptable transport impact and schemes will be subject to measures to reduce car usage. Policy TRN1 *Transport Assessment* ensures applications will be assessed for their transport impact and developments with a potentially significant impact on the transport network should submit a Transport Assessment. Policies TRN2, 3 and 4 relate to testing that

impact and measures to make transport impact acceptable. The London Plan 2011 contains a number of relevant policies including 6.1 *Strategic Approach*, 6.3 *Assessing Effects of Development on Transport Capacity*, 6.9 *Cycling* and 6.13 *Parking*.

The site has an existing car park along the northern and eastern sides of the site providing 35 parking spaces, accessed from Danethorpe Road.. Pedestrian access is available from Chaplin Road to the north as well as from Danethorpe Road to the east.

As a result of the school expansion car parking will be reconfigured resulting in a reduction in parking to 32 spaces, two of which will be for disabled drivers. This exceeds the maximum standard of 30 spaces that would apply to the extended school

A new pedestrian access route from Farm Avenue to the south-west of the site across the One Tree Hill Open Space is proposed.

Danethorpe Road is a local access road which is not defined as being heavily parked. The site lies outside any CPZ, except on Wembley Event Days, and has fairly low accessibility with a PTAL rating of level. Sudbury Town Station (Piccadilly tube) is within walking distance of the site, and five bus routes are locally available.

Servicing

Servicing arrangements will remain unchanged with refuse and delivery vehicles entering and leaving the site from Danethorpe Road. Additional tracking information has been requested to ensure that the extensions and reconfigured car parking will still allow room for servicing vehicles to turn around within the site .

Cycle Parking

PS16 of the UDP-2004 recommends a provision of 1 cycle space per 10 staff for a Primary School site. This would mean a provision of 11 spaces for the proposed staff following the proposed increase in the overall school size. Twenty cycle spaces are proposed which would comfortably exceed the minimum requirements and so is welcomed.

Travel Plan

A revised School Travel Plan has been submitted in order to attempt mitigation of the impact of the proposed increase in pupils and staff. Although the TA suggests this impact will not be significant, Transportation welcome the provision of an updated Travel Plan but to ensure its ambitious targets are met, further details of a more robust programme of monitoring and additional measures are needed. This will be secured by condition.

(6) Energy & Sustainability

Policy CP19 in the Core Strategy seeks to ensure that all new development contributes to achieving sustainable development, including climate change, mitigation and adaptation. The proposal is predicted to achieve a BREEAM 'Very Good' rating; new development is generally expected to meet BREEAM 'Excellent' standards. Given that the proposal is an extension to an existing school rather than comprehensive redevelopment, achieving BREEAM 'Very Good' is considered acceptable. The proposal achieves 25% over Part L of the Building Regulations 2010 in compliance with London Plan Policy 5.2. In addition, the provision of a photovoltaic system on the roof of the proposed extension will reduce carbon dioxide emissions by at least 20 percent in accordance with renewable energy targets set out in London Plan Policy 5.7. The proposed development is considered to achieve an acceptable score against the Council's Sustainability checklist requirements.

(7) Community Use

The existing sports hall is already used by the community, a condition of its Sport England funding, and this won't change as a result of this application. However to ensure that an appropriate level of community access to the sport hall is retained it is recommended that a condition is imposed to secure at least 15 hours of community access a week to accord with similar proposals in the borough with full details secured by condition.

(8) Mayoral CIL

As the development relates to the extension of an education facility, the development is exempt from paying CIL.

(9) Conclusion

The proposed scheme complies with the relevant policies for schools development at national, regional and local level and in particular with the National Planning Policy Framework which places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities; accordingly your officers recommend planning permission be granted, subject to a number of conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1)

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

Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
London Plan 2011
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

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

Drawings: 03/101; 03/102; 03/103; 03/104; 03/105; 03/106; 03/107; 03/108; 03/201B; 03/202; 03/203; 03/204; 03/205; & 03/207

Planning Statement by Metropolis - May 2012
Design and Access Statement (May 2012 Rev A)
Flood Risk Assessment (FRA) dated 25 May 2012 by WSP UK Ltd
Arboricultural Impact Assessment by Landscape Planning Ltd (April 2012)
Barham Primary School- Transport Assessment by Mott MacDonald (April 2012)
Barham Primary School- School Travel Plan by Mott MacDonald (April 2012)
Cultural Heritage Assessment by Prospect Archaeology Ltd - LPA 2012/8 April 2012
Barham Brook Primary School Project Phasing and Logistics Outline Requirements Version 1.1

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

- (3) Before any construction work on site, excluding demolition and site clearance, further details of materials for all external work, including samples where specified, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The details shall include:

- (a) Brickwork - blended brick to match existing (including sample);
- (b) Render - Pure White (including sample);
- (c) Windows;
- (d) Doors;
- (e) Roof finishes (including sample).

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

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

- (4) All areas shown on the plan shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the completion of construction work on site. Such landscaping work shall be completed prior to occupation of the development hereby approved or by any other timetable agreed.

Such scheme shall also indicate:-

- (a) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;
- (b) Hard surfaces including details of materials and finishes - these should have a permeable construction;
- (b) Proposed lighting plan with specification;
- (c) All planting including location, species, size, density and number;
- (d) Any sustainable construction methods which are to be used;
- (e) A detailed (min. 5-year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscaping;
- (f) Proposed walls and fencing, indicating materials and heights.

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

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

- (5) Prior to the commencement of the use, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The Community Access Plan shall allow for a minimum of 15 hours of community use each week and shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of occupation of the development and it shall remain in operation for the duration of the use of the development.

Reason: To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy

- (6) The protection of the retained trees shall be implemented in full accordance with the approved

details set out in the Arboricultural Impact Assessment by Landscape Planning Ltd prior to commencement of any preparatory work or development and retained throughout the duration of the construction works.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees.

- (7) The development shall not be occupied until the car-parking, turning areas and 20 secure cycle spaces have been provided in accordance with the approved details and these shall be retained thereafter for the lifetime of the development.

Reason: In the interests of highway safety and encourage use of sustainable transport.

- (8) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) Construction traffic routes to the development site - utilising Church Lane site access only;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel washing facilities and schedule of highway cleaning;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (ix) School and nursery access during the construction phase.

Reason: To protect residential amenity and ensure the development does not have an adverse impact on the highway.

- (9) Details of the following shall be submitted to and approved in writing by the local planning authority prior to installation:

- a) kitchen extraction system and filters;
- b) ventilation equipment;
- c) boiler flue and emissions.

These details should include an assessment of the impact on air quality and the development shall be completed in accordance with the details so approved and retained thereafter for the lifetime of the development.

Reason: In order to safeguard local air quality and amenities.

- (10) Notwithstanding the plans hereby approved, further details of the photovoltaic tiles shall be submitted to and approved in writing by the local planning authority prior to any construction work, excluding demolition and site clearance. Such details shall include:

- (a) specification, details and maintenance of the green roof;
- (b) details of photovoltaic tiles

The works shall be carried out in accordance with the approved plans prior to occupation and retained thereafter for the lifetime of the development.

Reason: In accordance with London Plan policy 5.11

- (11) Within 12 months of occupation of the extension hereby approved, a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'Very Good' rating shall be submitted to and approved in writing by the local planning

authority. If the review specifies that the development has failed to meet the above levels, compensatory measures to ensure the development meets or exceeds a BREEAM 'Very Good' rating shall be submitted to and approved in writing by the local planning authority within 24 months of occupation of the extension hereby approved.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (12) Prior to the commencement of the use of the buildings, a School Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented as approved and adhered to.

Reason: In the interests of reducing reliance on private motor vehicles.

- (13) The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 25 May 2012 by WSP UK Ltd and the following mitigation measures detailed in the FRA:

(i) Limiting surface water run-off generated by the 1 in 100 year (including an allowance for climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site as detailed in the FRA.

(ii) Surface water storage to be achieved through the use of Sustainable Drainage Systems as detailed in the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- (14) Prior to the completion of construction work, appropriate arrangements shall be made in writing with the local planning authority to provide the following:

- (i) A new pedestrian footpath from Farm Avenue to the new school entrance on to One Tree Hill Recreation Ground

The use authorised by this permission shall not begin until the above works have been completed in accordance with the above points and have been certified in writing as complete by or on behalf of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety.

- (15) Notwithstanding the plans hereby approved, further details of the provision of an electric vehicle charging point (for 2 vehicles) shall be submitted to and approved in writing by the local planning authority prior to the completion of the development.

The works shall be carried out in accordance with the approved plans prior to occupation and retained thereafter for the lifetime of the development.

Reason: In the interests of climate change mitigation and to comply with London Plan policy


- (16) Prior to installation of the proposed substation, further details of external appearance and specification shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure the external appearance is acceptable and protect the amenity of adjoining residents.

INFORMATIVES:

- (1) The applicant is advised that prior approval from Thames Water Developer Services (Tel: 0845 850 2777) is required if it is proposed to discharge to a public sewer. This is to ensure the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

	Planning Committee Map
Site address: 107-109 Ealing Road, Wembley, HA0 4BP	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

RECEIVED: 17 February, 2012

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 107-109 Ealing Road, Wembley, HA0 4BP

PROPOSAL: Proposed demolition and reconstruction of existing two-storey retail unit in order to create a three-storey retail unit incorporating a new shop front, new basement, new second floor providing 965 sqm of gross floor space including, A1 retail, ancillary storage, office and staff facilities, covered refuse storage area, new trees and an 8 metre servicing bay to the rear.

APPLICANT: Mr N Mehta

CONTACT: A & N Architects Ltd

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

RECOMMENDATION

Approve

EXISTING

The application site is located on the eastern side of Ealing Road which is designated as a London Distributor Road. The site is within the Ealing Road Town Centre and currently comprises numbers 107-109 Ealing Road, a double fronted retail unit. The first floor of the building is partly in use as a solicitors office, along with a self-contained two-bedroom flat . The area is mixed in character with a variety of commercial uses sitting alongside residential properties.

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

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	Shops	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	641		641	965	324

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	641		641	965	324

Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £11,340.00.

PROPOSAL

Part demolition, alteration and reconstruction of existing two-storey retail unit in order to create a three-storey retail unit incorporating a new shop front, new basement, new second floor providing 965 sqm of gross floor

space including A1 retail, ancillary storage, office and staff facilities, covered refuse storage area and an 8 metre servicing bay.

HISTORY

11/2862 – Application Withdrawn

Proposed demolition of existing 2-storey building fronting Ealing Road and erection of replacement 3-storey building, with basement level, for retail use (Use Class A1).

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF) - 2012

The following policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to consideration of the application.

Brent's Unitary Development Plan 2004

STR11 - the quality and character of the Boroughs built and natural environment is protected

BE2 – Townscape: Local context, and character

BE3 - Urban structure, space and movement

BE4 - Access for disabled people

BE5 – Urban Clarity and Safety

BE6 – Public Realm Landscape Design

BE7 – Public Realm Streetscape

BE9 – Architectural Quality

BE12 - Sustainable Design Principles

H20 – Flats over and adjoining buildings in Shopping Centres

H22- Protection of Residential Amenity

TRN3 - Environmental impact of traffic

TRN4 – Measures to make Transport impact acceptable

TRN11 – The London Cycle Network

TRN20 – London Distributor Roads

TRN22 – Parking Standards Non-residential Developments

TRN34- Servicing in New Development

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

SH19 – Rear Servicing

SH21- Shopfront Design

SH31 - Development of Ealing Town Centre

LDF Brent Core Strategy 2010

CP5 – Placemaking

CP16 – Town Centres

Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Document - S106 Planning Obligations.

SUSTAINABILITY ASSESSMENT

Not applicable as this not classed as a 'major' development.

CONSULTATION

13 March 2012 – 71 properties consulted.

Three letters of objection have been received raising the following issues:

- *The development will block light to properties at the rear of the site (Westbury Avenue).*
- *Would lead to a loss of privacy to properties at the rear.*
- *The increase in height would harm the character of the area and change the face of Ealing Road.*
- *Noise from the construction works would cause disturbance.*

Landscape - Officers weren't directly consulted. They did advise during pre-application discussions what species would be appropriate for planting new trees along the back edge of the site.

Environmental Health –

Are of the opinion that there is potential for light into the neighbouring building being reduced, due to the forward projection of the building.

Highways –

The application site is located on the eastern side of Ealing Road. The site lies within CPZ “E” which operates 08:00 - 21:00 (Mon-Sun), and has good accessibility with a PTAL rating of level 4.

The parking standard for the existing building is four spaces (none provided). Under UDP standard PS17 a retail unit should provide servicing facilities suitable for a “full-sized” vehicle, and an absolute minimum of a transit sized bay.

The proposed retail premises will provide a total of 926 sqm of floor area, meaning that the maximum permissible car parking will rise to six spaces. This is considered to be a significant increase.

The site itself cannot accommodate car parking, and an increase in parking on Ealing Road would not be acceptable. Any overspill parking will be limited by the existing CPZ which operates every day of the week, which in Transportation's view should provide sufficient mitigation of this issue.

It is not possible to provide servicing for a full-sized vehicle, but for a proposed premises of this size it is reasonable to seek at least facilities for an 8m rigid vehicle. A suitable bay (8m by 3.5m) is provided and the manoeuvring space available will suffice, access is gained via Haynes Road.

The refuse/recycling storage arrangements are considered to be acceptable.

In summary there is no transportation objection, subject to a condition requiring the provision of two Sheffield type cycle stands, within the frontage.

Urban design -

- The scale, height and massing is considered to be appropriate.
- Not enough information has been submitted to demonstrate materials and finish.
- The lack of information about materials makes it difficult to understand this contemporary approach.

REMARKS

Introduction

The application proposes the demolition of existing 2-storey buildings and erection of a contemporary 3-storey building incorporating a larger retail unit, with ancillary accommodation, improved servicing facilities and landscaping improvements.

Floorspace breakdown

Existing (sqm)	Proposed (sqm)
Ground Floor - 487 (245 sqm of retail floorspace)	Basement - 300 (all retail floorspace)
First Floor - 124	Ground Floor - 438 (231 sqm of retail floorspace)
Second Floor - 30	First Floor - 115 (101 sqm of retail floorspace)
	Second Floor - 112 (89 sqm of retail floorspace)
Total = 641	Total = 965
Total of retail floorspace = 245	Total of retail floorspace = 721

This results in an increase of 476 sqm of retail floorspace, and an overall floorspace increase of 324 sqm.

Policy issues arising from Proposed Uses

The proposal will lead to a net addition of 476 sqm of retail floorspace. The site is within Ealing Road Town Centre, this means that the sequential approach to development is satisfied as the increase is consolidated within an existing centre, and meets Core Strategy policy CP16.

The loss of the solicitors office on the first floor is not protected by any existing policies. An existing 2-bedroom flat is to be lost, but there is no objection raised to the loss of residential accommodation, without adequate replacement as this proposal does not result in the loss of much needed family sized

accommodation.

Scale, massing & design

The existing buildings are 2-storey's high, and are flanked by similar aged buildings either side, also of this scale. A number of examples are found within close proximity where buildings are higher though, and also more modern in their type of architecture. 99-101 Ealing Road which is at the other end of this terrace is 3-storey's high. Elsewhere on Ealing Road is a 5-storey building, which sits on the site of the former Chequers Pubic House, this has recently been completed on site. And 93-97 Ealing Road which is on the corner with Douglas Avenue is currently under construction having been granted in October 2008, (ref; 08/2151) this was approved by Committee in October 2008 and will see a part 3 and 4-storey building built within 50 metres of the site. These examples highlight the mixed, and changing character of Ealing Road Town Centre, with buildings of varying heights part of this character.

The existing building is 8.7m high, and the proposed building will be 10.5m high. This in itself is not considered to be a significant increase. The new building would project above its neighbours either side, but this is no different to the relationship of 99-101 Ealing Road with 103-105 Ealing Road, or other similiar relationships in the town centre and for this reason it is not considered it would look particularly unusual in its surroundings or out of proportion. A 3-storey building is proposed, and development of this scale is considered appropriate for an urban, "town centre" site such as this.

A larger footprint of building is proposed, this increase will be felt towards the rear of the site, mainly on the ground floor. Existing single storey buildings will be demolished. A minor increase to the footprint is proposed at first floor level.

The architectural approach is contemporary, proposing a fully glazed front elevation which is designed in such a way that it looks like the building is leaning forward. A simple glass canopy is envisaged to identify the entrance to the building. To break up the amount of glazing and to add another interesting element to the building perforated mesh is being proposed, this would wrap around the corner of the building, and it is felt this could add an interesting contrast. The design approach, use of materials increase in scale, and the projecting elements will give this building prominence in the streetscene This approach is felt to be innovative and will introduce an iconic building into this part of the town centre, adding an interesting piece of architecture into the streetscene. The glazing elements wrap around the building onto the side elevation in part, and behind this the building would be finished in brick work on the lower level. A blue/grey colour brick is envisaged. Above the brickwork on first and second floors terracotta cladding tiles are proposed, and this elevation is broken up through the insertion of windows.

The palette of materials proposed are in keeping with the contemporary approach, and further details of these will be approved as a condition of any approval in order to ensure good quality materials are used.

The existing site frontage on Ealing Road consists entirely of a hardstanding forecourt which contributes very little to the streetscene. The proposed design respects the building-line at ground floor level and sees this as an opportunity to upgrading the forecourt setting. New forecourt paving is to be laid, and this will provide level access to the building, as well as improving the setting of the building.

The proposed building provides shop windows which although are not compatible with the traditional shopfronts advocated within Brent's SPG7, are a modern design that compliments the proposed building and its architectural approach. The design provides an active street frontage.

Impacts on adjoining residential development

Objections have been received from third parties living to the east of the site, on Westbury Avenue. They raise concerns that a 3-storey building will result in a loss of light and loss of privacy to their properties, as well as being out of character with the area.

The existing single storey structures extend up to the rear boundary that's shared with residential properties, on Westbury Avenue. Under these proposals the new building would be set further off the boundary, by 2m, and a landscaping strip which will see new trees planted along the edge is proposed in the space in between. As well as providing some much needed landscaping to the area the trees will also assist in providing an attractive visual screen between residential properties east of the site, and the proposed building. At first floor level the building will not project any deeper than the existing footprint, so in that sense neighbours either side would not be impacted any differently. An additional floor is proposed, which owing to its footprint will not have a harmful impact on neighbours either side. Properties to the rear, along Westbury Avenue are a significant distance away, with a distance of 27m being maintained from the first floor of the proposed building to the garden edge. With such generous separation distances involved the proposal does not conflict with SPG17

window-to-window 20m distances, nor does it conflict with the 30 or 45 degree tests also set out within the same guidance. These tests are in place to ensure buildings are of an appropriate size and scale to one another, and to minimise any loss of privacy.

As well as meeting Brent's own tests the proposed development also complies with the 25 degree test, issued by the Building Research Establishment (BRE), and used as a tool on developments to assess whether there will be significant loss of light into a neighbour's habitable room, or garden. The 25 degree test, measured from the middle section of the habitable window considers the impacts of building opposite each other, and compliance with this ensures that the amount of daylight inside a room isn't reduced to unacceptable levels.

Despite residents' fears, loss of privacy is not identified as being an issue by Officers. The first floor of the proposed building is approximately 27m away from the garden edge (same as the existing relationship), with an additional 10m to the rear facing windows on these properties. These distances are far more generous than SPG17 standards would seek. In any event the rear facing windows of the proposed building are serving ancillary back office rooms, and due to the nature of how these would be used in the future it is highly unlikely they would give rise to direct overlooking or loss of privacy.

Parking and servicing

The site lies in a controlled parking zone, with good access to public transport (PTAL4) with proximate rail stations and bus stops. No parking exists currently, and none is proposed for the development. Whilst UDP standards would normally seek up to 6 spaces for a development such as this, the fact that none is provided is not seen as being a concern, and is no different to the existing situation. The reason for this is that the CPZ, which operates locally Mon-Sun will be self policing, this will minimise the impacts of any overspill parking on the surrounding roads. Where parking is available on-street this is available in designated 'pay & display' parking bays, these will help to regulate the levels of parking on street.

The proposal makes provision for an 8m vehicle loading/servicing bay, with safe access provided from Haynes Road. This will satisfy UDP Policy TRN34 and is acceptable for a retail unit of this size, as it is not feasible to service the site by a full sized articulated lorry. This arrangement is supported by Transportation Officer's

Refuse and recycling storage arrangements are found to be acceptable.

Noise

The proposed development does not give rise to any noise related concerns. Objectors have pointed to construction noise as being a source of disturbance. This however is not a material planning consideration. Environmental Health have separate powers which control the hours of operation on site.

Landscaping

The site is lacking in any landscaping whatsoever. The proposals will see an improvement in this situation as it is proposed to plant x 4 Betula Pendula trees along the back edge of the site. These will provide an effective buffer between the rear service yard and the adjoining residential gardens along Westbury Avenue, as well as enhancing the visual amenities of the area, and this is welcomed.

A green/brown roof is also proposed on the part of the building, which will help with rainwater runoff and increase biodiversity on the site. Further details of the system will be dealt with by condition.

Flood Risk

The site is within Flood Zone 1 and is less than 1 hectare in size; therefore no detailed flood risk statement is required.

s106

The net increase in floorspace is less than 500 sqm and for this reason no infrastructure contributions are being sought.

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 an increase in floorspace over 100sqm, and this proposal would qualify as chargeable development. On the basis of the additional floorspace being created which is 324 sqm.

Accordingly the scheme would attract a minimum CIL amount of £11, 340 (324sqm x £35 per sqm).

Summary

The proposed development would see the introduction of an interesting, contemporary building into Ealing Road Town Centre. Officer's are comfortable with the scale of the development, and it is considered that this will have an acceptable impact on the amenity of surrounding occupiers.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
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
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

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

AR-P1
AR-P2
AR-P3
AR-P4,revB
AR-P5,revB
AR-P6,revB

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

(3) The yard area shown on the approved plans as 'loading bay' shall be retained and shall be used only for the purposes of parking and loading/unloading of servicing vehicles in association with the use of the building. No outside storage is prohibited in this part of the site.

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

- (4) The landscape works and planting shown on the approved plans shall be carried out:-
(a) prior to the occupation of any part of the development
(b) and a protective barrier shall be provided parallel to the designated loading bay and the landscaping strip

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.

- (5) All unloading/loading of servicing vehicles shall be carried out to the rear and accessed via Haynes Road only.

Reason; To ensure the proposal does not prejudice the free flow and safe movement of traffic along Ealing Road.

- (6) Further details of the illumination levels of any signage shall be submitted to and approved in writing by the Local planning Authority prior to installation on site.

Reason; To safeguard the amenities of neighbouring occupiers and in the interests of highway safety.

- (7) Any part of the building shall not be sub-divided or otherwise altered without the prior approval of the Local Planning Authority.

Reason: To ensure that no separate use commences, that servicing standards are met and that no aspect of the approved use is inappropriately intensified without the approval of the Local Planning Authority.

- (8) No structures, either temporary or permanent are permitted to be erected on the front forecourt, and this area is not permitted to be used for trading purposes either in association with the main building or independently, or for outside storage, unless otherwise agreed in writing by the Local Planning Authority.

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

- (9) Further details of any external lighting on site, including illuminance levels shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site.

Reason; To safeguard the amenities of neighbouring occupiers and in the interests of highway safety.

- (10) A sample board shall be submitted including details of materials for all external work. This shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. Thereafter the work shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- (11) Further details of the green/brown roof system to be installed shall be submitted to and approved in writing prior to installation, along with a site wide landscape maintenance plan.

Reason; To ensure a satisfactory standard of development.

- (12) A minimum of 2 secure cycle parking spaces shall be provided on the front forecourt prior to occupation, and thereafter these facilities shall be retained fully.


Reason: To ensure satisfactory facilities for cyclists.

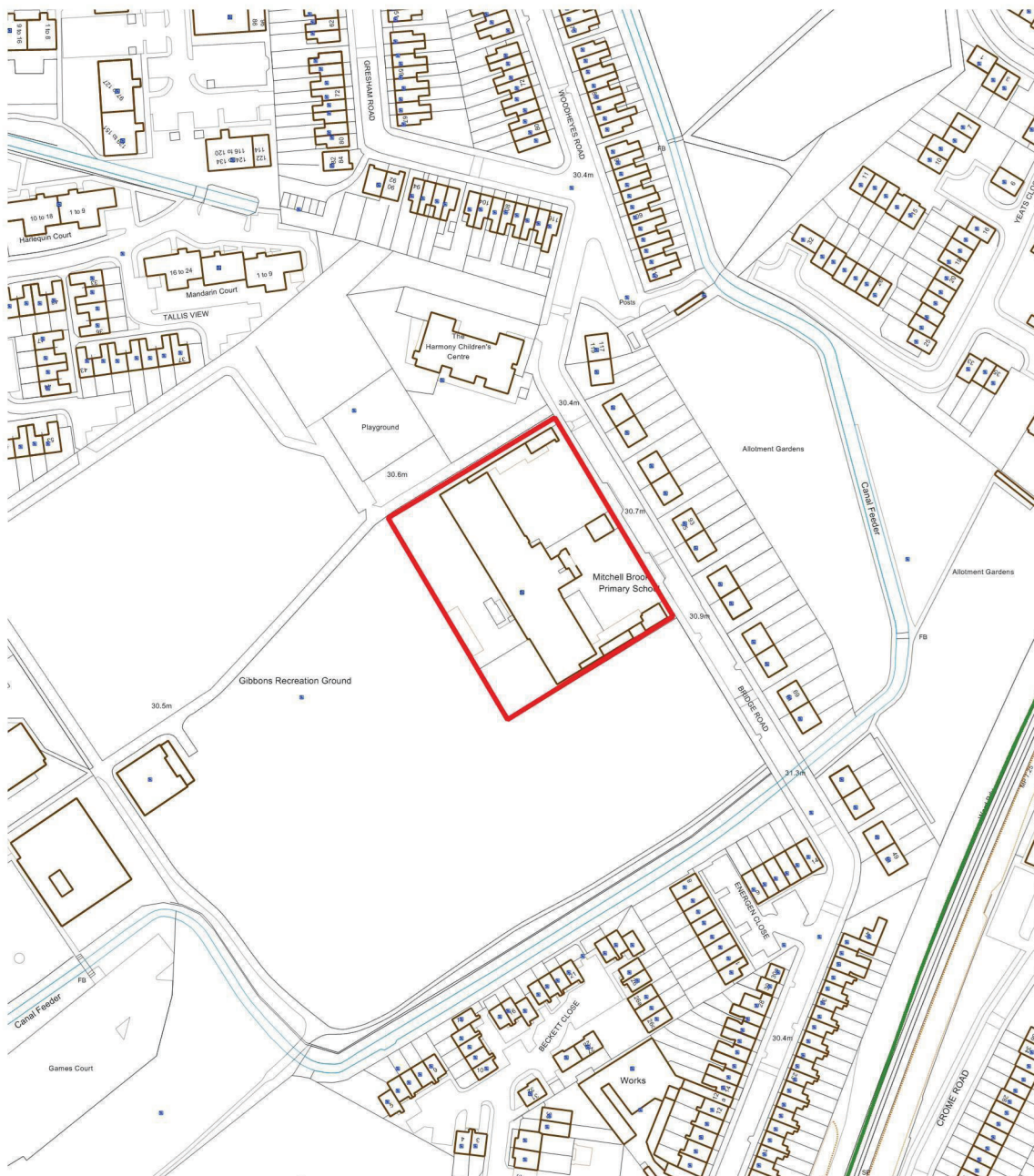
INFORMATIVES:

- (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
- (2) This grant of planning permission does not give express consent for the display of adverts. Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
- (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings
- (3) The applicant is reminded that this is considered to be development which is liable to the Mayor's Community Infrastructure Levy, otherwise known as CIL. The CIL levy is calculated at £35 per sqm, of net additional floorspace and the levy is due to be paid upon material commencement of the development.

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

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 **Planning Committee Map**
Site address: Mitchell Brook Primary School, Bridge Road, London, NW10 9BX
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This map is indicative only.

RECEIVED: 21 May, 2012

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Mitchell Brook Primary School, Bridge Road, London, NW10 9BX

PROPOSAL: Demolition of former caretaker's house, erection of part two, part single storey extension to existing school, including a third storey plant room, comprising new dining hall, sports hall, reception area, kitchens and offices, reorganisation and refurbishment of existing building and external play areas to facilitate expansion from 2 form entry to 3 form entry.

APPLICANT: Mitchell Brook Primary School (Brent Council)

CONTACT: Metropolis Planning and Design

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant consent.

EXISTING

Mitchell Brook School is a two form of entry primary school located on Bridge Road serving the Mitchell Brook, Brentfield and St Raphaels area. It accommodates 420 children, spanning 7 years (Foundation through to year 6).

The school is a large predominantly two storey brick building with a pitched roof. It has hard surfaced play and sport areas located to the front and back. The school has no grassed playing surfaces.

Gibbons Recreation Ground is located to the rear and one side of the school. A public path runs along the northern boundary of the school providing access to Gibbons Recreation Ground from Bridge Road. On the other side of this path is the Harmony Children's Centre. On the opposite side of Bridge Road are a row of two storey flats.

The school is not located within a conservation area nor is any part of it listed.

PROPOSAL

Demolition of former caretaker's house and the erection of a part two, part single storey extension to the front of the school on land partly occupied by an existing playground. The extension comprises a new dining hall, sports hall, reception area, school kitchen and offices. The proposal also includes the reorganisation and refurbishment of existing buildings and playing areas.

The works are to facilitate the expansion of the school from a 2 Form Entry to a 3 Form Entry primary school, increasing the schools capacity from 420 to 630 pupils. This is excluding the existing 60 pupil nursery which is to be relocated to the Harmony Children's Centre next door.

HISTORY

The current Mitchell Brook School was built during the first world war. It has been added to and modified over the years but is still contained mostly within the fabric of the original building. The most recent planning history is set out below:

06/06/2012 Planning application submitted for enabling works to facilitate the extension of the school and its expansion from 2 to 3 forms of entry (subject to a separate planning application reference: 12/1298). Works comprise the demolition of the former caretaker's house, the erection of a single storey extension to the

existing hall at the southern end of site fronting Bridge Road; construction of new single storey lobby and entrance on the front facade; erection of single storey link block to enclose WCs on the western elevation and associated demolition and site clearance works- (Ref: 12/1456).Not yet determined.

- 18/01/2012 Planning permission granted for the conversion of an existing enclosed shelter into a classroom, including the installation of new windows, doors and a canopy to provide a link between the new classroom and main school building (Ref: 11/2294).
- 11/01/2011 Planning permission granted for the erection of a single storey extension to school (Ref: 10/2506).
- 03/10/2005 Planning permission granted for the erection of a single storey side extension and the erection of a canopy to school building (Ref: 05/1536).
- 23/12/2002 Planning permission granted for the installation of replacement uPVC windows to school building, new glazed entrance doors, widening of front site entrance, erection of new steel gates, modification of existing footpath crossover and guard railings in front of main gates (Ref: 02/2768).

POLICY CONSIDERATIONS

National

National Planning Policy Framework

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

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

The NPPF places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. LPA's should give great weight to the need to create, expand or alter schools.

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

Regional

London Plan 2011

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

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

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

facilities

Key policies include:

Social Infrastructure

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

London's Response to Climate Change

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable Drainage

London's Transport

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

London's living places and spaces

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

London Plan SPG

The Mayor's Transport Strategy (May 2010)
Sustainable Design and Construction – Supplementary Planning Guidance (2006)
Accessible London: achieving an inclusive environment (April 2004)
Planning for Equality and Diversity in London (October 2007)

Local

The development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

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

Strategic

- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought
- STR14 New development should make a positive contribution to improving the quality of the urban

environment

Built Environment

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Open Space, Sport & Recreation

- OS9 Dual Use Open Space

Community Facilities

- CF8 School Extensions
- CF10 Development Within School Grounds

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 5 Place making
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development
Requires that the infrastructure requirements of new development are met
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity
Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP 19 Brent strategic climate mitigation and adaptation measures

- Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

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

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

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

CONSULTATION

A total of 194 adjoining owner/occupiers were consulted regarding the application and a site notice displayed adjacent to the site. 1 objection and 1 comment have been received raising the following issues:

- How long will construction last?
- Will Bridge Road have to be closed during construction?
- Insufficient parking in Bridge Road to accommodate additional pupils and teachers.
- Residents and teachers cars parked on Bridge Road have suffered damage.
- No provision has been made for parking within the school grounds.
- On event days when parking is suspended in Bridge Road, teachers park on the playground - preventing its use by pupils.
- Plans to reduce car use by introducing more cycle parking at the school are unrealistic.
- Residents in Bridge Road should be allowed driveways on which to park their cars.

Officer Comment: The above matters will be addressed in the *Remarks* section of the report.

Environmental Health

New kitchen larger and closer to residents than the existing facility – will need to ensure kitchen extract will not pose odour or noise nuisance for residents. Recommend condition imposed;

New boilers – require condition for details to demonstrate that the nitrogen oxide (NOx) emissions are acceptable.

Sport England

Advised that they have no comments to make regarding this application.

Thames Water

Prior approval of Thames Water would be required if propose to discharge to a public sewer - recommend informative

Transportation

Transportation believe that further work is necessary to mitigate the potential impact of this development, but that overall the application can be accepted subject to the alterations set out under the Transport heading in the Remarks section of this report.

Tree Protection Officer & Landscaping

- No objection to the removal of the trees on site subject to appropriate mitigation;

- Tree protection for retained trees and pruning acceptable.

REMARKS

(1) Principle

Under sections 13 & 14 of the Education Act 1996, as amended by the Education and Inspections Act 2006, a local education authority has a statutory duty to ensure there are sufficient school places available to meet the needs of the population in its area, but it is not obliged to provide a place in a particular (or nearest) school.

Demand for primary school places nationally is forecast to continue to exceed the supply of places. The Council submitted a report to Executive in August 2011 which set out the pressing need to provide additional school places in Brent to meet its statutory duty up to 2014/15; the report identifies that within this timeframe there will be a shortage of 1778 places if no action is taken. To meet this growing demand, a subsequent report to Executive on 23 April 2012 highlighted four schools as being suitable for expansion, including Mitchell Brook Primary School.

Having identified Mitchell Brook Primary School as suitable for expansion, consultation was carried out with the school and subsequently with local residents prior to submission of this planning application.

The Council's Unitary Development Plan (UDP) and more recent Core Strategy emphasises the importance of providing sufficient social infrastructure to meet demand. Policy CP23 in the Core Strategy and CF8 in the UDP confirms that in principle proposals are supported to enlarge a school size where it is necessary to accommodate the forecast growth in pupil numbers.

The extensions proposed at Mitchell Brook School would provide one additional forms of entry (ultimately creating an additional 210 places) to assist in meeting the identified need for further school places within the Borough as detailed in the reports to Executive. On this basis, the principle of the proposal can be accepted as it is required to meet an identified need.

(2) Siting & Design

The existing school faces onto Bridge Road. It consists of one large main building spanning most of the width of the site with playgrounds located to the front and rear. The main building has a two storey central section flanked by two single storey wings. Built during the first world war the school is of a traditional brick design with a large pitched roof. Although it has been altered and added to over the years it is still recognisably the school built nearly 100 hundred years ago.

The extension is to be sited to the front of the school in the north east corner of the site over part of the playground. A modular form of construction is proposed and the extension appears as a series of stepped rectangular elements, single storey at the front rising to two storeys where the extension links to the existing main school building. A smaller third storey will house the plant room.

Site constraints and the amount of additional space required means that this will be a large prominent addition to the existing school. It was felt that attempting to copy the architectural style of the existing building would result in a rather unconvincing and bulky pastiche of the original. Some elements of the existing building such as the stock and feature bricks and the vertical emphasis of the window openings are being carried through into the new extension however an unashamedly cotemporary approach is being followed that is designed to deliberately contrast with the architecture of the main building.

The extension will become the main visitor entrance for the school as well as housing a new dining hall, sports hall, reception area, library, three new classrooms, school kitchen and offices.

Apart from some enabling works that are the subject of a separate application that includes the demolition of a small number redundant outbuildings and minor extensions the exterior fabric of the remaining parts of the existing main building are not being altered. The rest of the works consist of an internal refurbishment and reorganisation of the existing interior to create additional class rooms. All the resulting classrooms and educational spaces have been arranged to ensure they receive adequate natural light and ventilation. Only store rooms and toilets will be entirely internalised.

Sport England is required to be consulted on any application which may affect sports provision. The schools entire external play areas consists of tarmac playgrounds. While some of this will be lost the school will maintain the required minimum areas of hard play required by the expanded school in accordance with

Building Bulletin 99 (the DfE's space guidelines for primary schools). The school will continue to use the adjacent Gibbons Recreation Ground for grass sports when necessary.

(3) Impact on residential amenity

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the need for new development. The main impacts on amenity to be considered are: overbearing impact of the size and scale of the extension, loss of outlook, which is related to overbearing impact; loss of privacy; and loss of sunlight. Following the policies contained within part 3.7 *Urban Design Principles* of the *Built Environment Chapter* of the UDP, the council has published Supplementary Planning Guidance No. 17 "Design Guide for New Development" (SPG17) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly.

There are no residential neighbours adjoining the site. The closest housing to the proposed extension are the two storey flats located on the opposite side of Bridge Road to the school. The extension has been designed to minimise any impact on these residents. The closest single storey element of the extension to these properties is over 17 metres away. The higher two storey element is set back further into the site and is 25 metres away from the nearest flat. The extension is considered far enough away from the nearest residential properties for it not to result in any significant amenity impacts.

(4) Landscaping / Trees

The application requires the loss of 7 trees in total. They are of varying quality and significance and there is no real scope for planting replacements within what is a very constrained site. However there is scope for off-site planting either in the form of new street trees in Bridge Road or new trees in the adjoining Gibbons Recreation Ground. For those trees to be retained on or close to the site the proposed protection measures set out in the submitted report been reviewed and are considered acceptable.

Full details of the changes to the hard and soft landscaping, including alterations to the access, will be secured by condition.

(5) Transportation

UDP policy CF8 *School Extensions* requires proposals to have an acceptable transport impact and schemes will be subject to measures to reduce car usage. Policy TRN1 *Transport Assessment* ensures applications will be assessed for their transport impact and developments with a potentially significant impact on the transport network should submit a Transport Assessment. Policies TRN2, 3 and 4 relate to testing that impact and measures to make transport impact acceptable. The London Plan 2011 contains a number of relevant policies including 6.1 *Strategic Approach*, 6.3 *Assessing Effects of Development on Transport Capacity*, 6.9 *Cycling* and 6.13 *Parking*.

The site is located on the western side of Bridge Road. Although this is a local access road, it is known to carry through traffic between North Circular Road and Church Road in Willesden. The road features an extensive series of road humps as traffic calming features and a humped zebra crossing has recently been installed in front of the school. is also located along both sides of the street outside this site.

On-street car parking in Bridge Road is generally unrestricted, although school keep clear zig-zag markings and extensive guard railing along both sides of the road do limit the amount of parking outside the school. Where parking is available, this is within marked bays.

Bridge Road is not defined as being heavily parked, with the parking survey undertaken as part of the Transport Assessment (and as verified by the transport officer's observations of the site) suggesting that parking bays in the street are generally about 60% occupied at present at school opening and closing times. There are 22 on-street spaces located along the side of the street adjacent to the school and the Gibbons Recreation Ground that do not have a residential frontage that could be used by school staff and parents, allowing the parking standard to be largely met on-street without being of huge detriment to local residents. It should be noted that no parking will be available for staff on stadium event days and this is an issue that will need to be addressed by the school through their Travel Plan.

Servicing

Due to the constraints of the site it is not possible to provide a dedicated servicing bay within the site meaning that the school can only be serviced from Bridge Road. While this is far from ideal it is how the school is

currently serviced. It is suggested by the transport officer that one way of improving the current situation would be to provide a dedicated loading bay on-street within the space between the kerb build-outs for the zebra crossing and the footpath to the north. This will result in the loss of two on-street parking spaces outside the school and will require a Traffic Regulation Order, which will in turn be subject to public consultation. The school will also be expected to produce a Delivery & Servicing Management Plan to control the times when this bay will be required and ensure that suitably sized vehicles are accessing the site.

As the provision of the loading bay will have knock-on effects with regard to staff, parent and resident parking outside the site for the school, there is no guarantee that it would actually be deliverable in practice. If it isn't possible to provide the dedicated servicing bay additional measures may be required in the travel plan to mitigate the transport impacts of the school expansion.

The school will need to fund the processing of the necessary Traffic Regulation Order and if successful, the provision of appropriate lines and signage.

Cycle Parking

Primary schools should provide cycle parking at a rate of 1 space per 10 staff under standard PS16 of the UDP-2004. The higher figure for proposed staff provided in the application documents is 91 full-time equivalent staff, rising to 109 staff with the extension, so at least 11 spaces should be provided.

There are no existing formal cycle parking facilities at the site, but a total of 14 no. secure cycle spaces are proposed. This is welcomed and the spaces will be within a suitable covered shelter.

Pedestrian Access

The main pedestrian access to the extended school will be from Bridge Road, in the location of the existing vehicular access. With the associated crossover becoming redundant, its restoration to kerb-and-channel is essential, together with the installation of pedestrian guard-railing in front of this entrance, to prevent children running directly out of the school gates into the street. While there is already a high level of guard-rail in the locality, this will be one of the most important points in terms of safeguarding vulnerable pedestrians. Furthermore, the additional railings will discourage informal car-based pick-up and drop-off from this location.

The Transport Assessment has also identified the need to improve pedestrian crossing points to the north and south of the school and should be investigated as part of the review of the road layout in front of the school suggested above.

Travel Plan

A School Travel Plan has been submitted with the application, which aims to increase the proportion of staff and pupils that travel to the site by car. This is important as there had not been an up-to-date plan for the school for several years, according to Council records. Furthermore, unless the targets in the Travel Plan are met, it will be more difficult to keep the impact of the proposal on traffic and parking levels in the area to an acceptable level.

The Travel Plan aims to reduce the percentage of pupils travelling by car from 25% to 12% by the time the school expansion is completed in 2018, with the proportion of staff travelling by car proposed to fall from 60% to 50%. If successful, there would be no overall increase in the total number of car trips to and from the site as a result of the school's expansion. While these ambitious targets are welcomed, it is considered that more could be done, including the setting up of walking buses (possibly from more remote car parking areas to encourage parents not to drop children directly outside the school entrance), car sharing schemes etc.). These measures should be further investigated, given the importance of the Travel Plan to the overall acceptability of the development. A condition is recommended requiring details of further measures, including additional measures to control servicing, and a more robust monitoring programme.

(6) Energy & Sustainability

Policy CP19 in the Core Strategy seeks to ensure that all new development contributes to achieving sustainable development, including climate change, mitigation and adaptation. The proposal is predicted to achieve a BREEAM 'Very Good' rating; new development is generally expected to meet BREEAM 'Excellent' standards. Given that the proposal is an extension to an existing school rather than comprehensive redevelopment, achieving BREEAM 'Very Good' is considered acceptable. The proposal achieves 25% over Part L of the Building Regulations 2010 in compliance with London Plan Policy 5.2. In addition, the provision

of a photovoltaic system on the roof of the proposed extension will reduce carbon dioxide emissions by at least 20 percent in accordance with renewable energy targets set out in London Plan Policy 5.7. The proposed development is considered to achieve an acceptable score against the Council's Sustainability checklist requirements.

(7) Community Use

The application proposes a sports hall measuring 172sqm with a height of 7m to ensure it can be used for sporting activities. It can be combined with the 173sqm dining which is separated by partition to create a large combined space of 345 sqm. The hall has been located to enable separate access to be provided for community use outside of school hours with access to the changing facilities. It is recommended that a condition is imposed to secure at least 15 hours of community access a week to accord with similar proposals in the borough with full details secured by condition.

(8) Mayoral CIL

As the development relates to the extension of an education facility, the development is exempt from paying CIL.

(9) Conclusion

The proposed scheme complies with the relevant policies for schools development at national, regional and local level and in particular with the National Planning Policy Framework which places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities; accordingly your officers recommend planning permission be granted, subject to a number of conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
London Plan 2011
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

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

Drawings: 02/100; 02/101; 02/102; 02/103; 02/104; 02/106; 02/107; 02/108; 02/109; 02/201A; 02/202A; 02/203; 02/204; 02/205B; 02/207; 02/208 & 02/210B

Planning Statement by Metropolis - May 2012
Design and Access Statement (May 2012 Rev A)
Flood Risk Assessment (FRA) dated 25 May 2012 by WSP UK Ltd
Arboricultural Impact Assessment by Landscape Planning Ltd (April 2012)
Primary School- Transport Assessment by Mott MacDonald (April 2012)
Mitchell Brook Primary School- School Travel Plan by Mott MacDonald (April 2012)
Cultural Heritage Assessment by Prospect Archaeology Ltd - LPA 2012/9 April 2012
Mitchell Brook Primary School Logistics and Phasing Outline Requirements Version 3 Final
Sustainable Development Checklist (revised 11 July 2012)

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

- (3) Before any construction work on site, excluding demolition and site clearance, further details of materials for all external work, including samples where specified, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The details shall include:
- (a) Brickwork - blended brick to match existing (including sample);
 - (b) Render - Pure White (including sample);
 - (c) Windows;
 - (d) Doors;
 - (f) Roof finishes *excluding green roof* (including sample).

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

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

- (4) All areas shown on the plan shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the completion of construction work on site. Such landscaping work shall be completed prior to occupation of the development hereby approved or by any other timetable agreed.

Such scheme shall also indicate:-

- (a) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;
- (b) Hard surfaces including details of materials and finishes - these should have a permeable construction;
- (b) Proposed lighting plan with specification;
- (c) All planting including location, species, size, density and number;
- (d) Any sustainable construction methods which are to be used;
- (e) A detailed (min. 5-year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscaping;
- (f) Proposed walls and fencing, indicating materials and heights.

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

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

- (5) Prior to the commencement of the use, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The Community Access Plan shall allow

for a minimum of 15 hours of community use each week and shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of occupation of the development and it shall remain in operation for the duration of the use of the development.

Reason: To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy

- (6) The protection of the retained trees shall be implemented in full accordance with the approved details set out in the Arboricultural Impact Assessment by Landscape Planning Ltd (March 2012) prior to commencement of any preparatory work or development and retained throughout the duration of the construction works.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees.

- (7) The development shall not be occupied until the car-parking, turning areas and 20 secure cycle spaces have been provided in accordance with the approved details and these shall be retained thereafter for the lifetime of the development.

Reason: In the interests of highway safety and encourage use of sustainable transport.

- (8) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) Construction traffic routes to the development site;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel washing facilities and schedule of highway cleaning;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (ix) School and Children's Centre access during the construction phase.

Reason: To protect residential amenity and ensure the development does not have an adverse impact on the highway.

- (9) Details of the following shall be submitted to and approved in writing by the local planning authority prior to installation:

- a) kitchen extraction system and filters;
- b) ventilation equipment;
- c) boiler flue and emissions.

These details should include an assessment of the impact on air quality and the development shall be completed in accordance with the details so approved and retained thereafter for the lifetime of the development.

Reason: In order to safeguard local air quality and amenities.

- (10) Notwithstanding the plans hereby approved, further details of the green roof and photovoltaic tiles shall be submitted to and approved in writing by the local planning authority prior to any construction work, excluding demolition and site clearance. Such details shall include:

- (a) specification, details and maintenance of the green roof;

(b) details of photovoltaic tiles

The works shall be carried out in accordance with the approved plans prior to occupation and retained thereafter for the lifetime of the development.

Reason: In accordance with London Plan policy 5.11

- (11) Within 12 months of occupation of the extension hereby approved, a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'Very Good' rating shall be submitted to and approved in writing by the local planning authority. If the review specifies that the development has failed to meet the above levels, compensatory measures to ensure the development meets or exceeds a BREEAM 'Very Good' rating shall be submitted to and approved in writing by the local planning authority within 24 months of occupation of the extension hereby approved.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (12) Prior to the commencement of the use of the buildings, a School Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented as approved and adhered to.

Reason: In the interests of reducing reliance on private motor vehicles.

- (13) Prior to the completion of construction work, appropriate arrangements shall be made in writing with the local planning authority to provide the following:
- (i) Reinstatement of the existing vehicular crossover to the site to footway with guard railing;
 - (ii) amendments to waiting restrictions in the street to include a loading bay outside the school;
 - (iii) review of existing SCHOOL KEEP CLEAR markings;
 - (iv) rationalisation of existing guard railing along the street (particularly along its western side);
 - (v) provision of dropped kerbs and tactile paving at suitable pedestrian crossing points;
 - (vi) provision of additional bollards to prevent unsafe footway parking.

The use authorised by this permission shall not begin until the above works have been completed in accordance with the above points and have been certified in writing as complete by or on behalf of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety.

- (14) Notwithstanding the plans hereby approved, further details of the provision of an electric vehicle charging point (for 2 vehicles) shall be submitted to and approved in writing by the local planning authority prior to the completion of the development.

The works shall be carried out in accordance with the approved plans prior to occupation and retained thereafter for the lifetime of the development.

Reason: In the interests of climate change mitigation and to comply with London Plan policy

- (15) Prior to installation of the proposed substation, further details of external appearance and specification shall be submitted to and approved in writing by the local planning authority. The

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

Reason: To ensure the external appearance is acceptable and protect the amenity of adjoining residents.

INFORMATIVES:

- (1) The applicant is advised that prior approval from Thames Water Developer Services (Tel: 0845 850 2777) is required if it is proposed to discharge to a public sewer. This is to ensure the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

PLANNING & ENFORCEMENT APPEALS

June 2012

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

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Received PLANNING Appeals between 1-Jun-2012 and 30-Jun-2012

Planning Committee: 25 July, 2012

Application Number: 12/0169 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/06/2012 **Appeal Against:** Refusal of planning permission
Location: Flat 3, 17 Brondesbury Villas, London, NW6 6AH
Proposal:
Installation of replacement white UPVC windows to rear of second floor flat

Application Number: 12/0175 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 19/06/2012 **Appeal Against:** Refusal of planning permission
Location: 343A Kilburn High Road, London, NW6 7QB
Proposal:
Conversion of existing 4 bedroom flat into 3 studio flats and one 3 bed flat, involving a first and second floor rear extension and mansard roof extension

Application Number: 12/0376 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 29/06/2012 **Appeal Against:** Refusal of planning permission
Location: 39 Queens Walk, London, NW9 8ES
Proposal:
Retrospective application for a single storey front extension and canopy to dwellinghouse

Application Number: 12/0380 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 18/06/2012 **Appeal Against:** Refusal of planning permission
Location: 251 Edgware Road, Kingsbury, London, NW9 6LU
Proposal:
Change of use from printing shop (Use Class A1) to restaurant and takeaway (Use Class A3/A5)

Application Number: 12/0411 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 28/06/2012 **Appeal Against:** Refusal of planning permission
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: 12/0484 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 21/06/2012 **Appeal Against:** Refusal of planning permission
Location: 9 & 11, Alder Grove, London, NW2 7DA
Proposal:
Erection of a two storey detached dwellinghouse (2 bedroom) at the rear of the existing dwellinghouses, fronting Paddock Road.

Application Number: 12/0505 **Team:** Southern Team **Application Type** Other CLU
Appeal Received: 18/06/2012 **Appeal Against:** Refusal of planning permission
Location: 21 Tennyson Road, London, NW6 7RT
Proposal:
Certificate of lawfulness for proposed erection of upper second floor to rear projection, rear dormer window and two front rooflights to dwellinghouse

Received PLANNING Appeals between 1-Jun-2012 and 30-Jun-2012

Planning Committee: 25 July, 2012

Application Number: 12/0609 **Team:** Northern Team **Application Type** Other ADV
Appeal Received: 25/06/2012 **Appeal Against:** Refusal of planning permission
Location: 721, 721A & Units 1-14 inc r/o 721 North Circular Road, Neasden, London, NW2 7AH
Proposal:
Erection of internally illuminated double panel sign (2.8m wide by 4.8m high) on 8.3m high structural support to advertise industrial area

Application Number: 12/0833 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 20/06/2012 **Appeal Against:** Refusal of planning permission
Location: 52 Honeypot Lane, London, NW9 9QL
Proposal:
Rebuilding of detached outbuilding to include a reduction in height and change from a pitch to a flat roof in the rear garden of dwellinghouse

Received ENFORCEMENT Appeals between 1-Jun-2012 and 30-Jun-2012

Planning Committee: 25 July, 2012

Application Number: E/08/0208 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 08/06/2012

Location: 6A Buckley Road, London, NW6 7NE

Description:

Without planning permission, the construction of a basement and its use as landlord's storage, and the erection of a rear dormer window and single storey outbuilding in the rear garden of the premises.

("The unauthorised development")

Application Number: E/08/0554 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 28/06/2012

Location: 64A Rainham Road, London, NW10 5DJ

Description:

Without planning permission, the erection of a single storey extension to the rear of the premises.

("The unauthorised development")

Application Number: E/08/0818 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 19/06/2012

Location: 21 Avondale Avenue, London, NW2 7PB

Description:

Without planning permission, the material change of use from a house to a mixed use as a house and office/business use.

("The unauthorised change of use")

Application Number: E/10/0682 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 27/06/2012

Location: 19 Greystone Gardens, Harrow, HA3 0EF

Description:

Without planning permission, the partial removal of the front boundary wall and the installation of hard surfacing to the front garden of the premises.

(The unauthorised development")

Application Number: E/10/0953 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 27/06/2012

Location: Studios 1 to 6, 2A Wendover Road, London, NW10 4RW

Description:

Without planning permission, the erection of a two-storey building to form six self-contained flats.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Jun-2012 and 30-Jun-2012

Planning Committee: 25 July, 2012

Application Number: E/11/0502 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 14/06/2012

Location: First Floor and rear yard of 2 Library Parade, Craven Park Road, London, NW10 8SG

Description:

Without planning permission, the change of use of the first floor and rear yard of the premises to a bar, and the erection of a single storey timber-framed structure to rear of the premises.

("The unauthorised change of use and development")

Application Number: E/11/0613 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 28/06/2012

Location: 8 Beechcroft Gardens, Wembley, HA9 8EP

Description:

Without planning permission, the erection of a building ('the building') in the rear garden of the premises and its use as residential accommodation ('the use').

("The unauthorised development")

Application Number: E/12/0084 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 19/06/2012

Location: 129A-B Dollis Hill Avenue, London, NW2 6RB

Description:

The change of use of the premises from a house to two self-contained flats.

("The unauthorised change of use")

Decisions on PLANNING Appeals between 1-Jun-2012 and 30-Jun-2012

Planning Committee: 25-Jul-2012

Application Number: 11/2222 **PINSRefNo** A/12/217630 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 28/06/2012

Location: 1078 Harrow Road, London, NW10 5NL

Proposal:

Retention of two storey extension and conversion of two existing studio units to rear at first and second floor level into one self-contained dwelling unit

Application Number: 11/3077 **PINSRefNo** D/12/2173088 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/06/2012

Location: 39 Pebworth Road, Harrow, HA1 3UD

Proposal:

First floor side extension and rear extension to dwellinghouse

Application Number: 11/3360 **PINSRefNo** D/12/2172865 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 06/06/2012

Location: 49 Brook Road, London, NW2 7BN

Proposal:

Erection of a single and two storey side extension to dwellinghouse

Application Number: 12/0120 **PINSRefNo** D/12/2174847 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 21/06/2012

Location: 27 Brooksville Avenue, London, NW6 6TH

Proposal:

Single storey side infill extension with lightwell to dwellinghouse

Application Number: 12/0237 **PINSRefNo** D/12/2174931 **Team:** Western Team

Appeal Decision: Appeal part dismissed / part allowed **Appeal Decision Date:** 21/06/2012

Location: 96 Harrow Road, Wembley, HA9 6PN

Proposal:

Retrospective application for the retention of 2 air conditioning units on the front elevation and one air conditioning unit on the rear elevation of the dwellinghouse, with one additional proposed air conditioning unit on the rear elevation

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**PLANNING SELECTED appeal DECISIONS between
1-Jun-2012 and 30-Jun-2012
Planning Committee: 25 July, 2012**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 11/3360 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 06/06/2012
Team: Northern Team
Location: 49 Brook Road, London, NW2 7BN
Proposal:
Erection of a single and two storey side extension to dwellinghouse

Our reference: 12/0237 **Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 21/06/2012
Team: Western Team
Location: 96 Harrow Road, Wembley, HA9 6PN
Proposal:
Retrospective application for the retention of 2 air conditioning units on the front elevation and one air conditioning unit on the rear elevation of the dwellinghouse, with one additional proposed air conditioning unit on the rear elevation

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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**ENFORCEMENT SELECTED appeal DECISIONS between
1-Jun-2012 and 30-Jun-2012**

Planning Committee: 25 July, 2012

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/11/0526	Appeal Decision Date: 15/06/2012
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 41 Fryent Way, London, NW9 9SL

Proposal:

Without planning permission, the erection of a building to the side of the dwellinghouse.

Our reference: E/11/0702	Appeal Decision Date: 20/06/2012
Team: Western Team	Appeal Decision: Appeal Allowed

Location: 65 Montpelier Rise, Wembley, HA9 8RQ

Proposal:

Without planning permission, the erection of two buildings in the rear garden of 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. Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 23 May 2012

by E A Lawrence BTP MRTPI

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

Decision date: 6 June 2012

Appeal Ref: APP/T5150/D/12/2172865
49 Brook Road, LONDON, NW2 7BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P McAndrew against the decision of London Borough of Brent.
 - The application Ref 11/3360 was refused by notice dated 15 February 2012.
 - The development proposed is part two-storey and part single-storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a part two-storey and part single-storey side extension at 49 Brook Road, LONDON, NW2 7BN in accordance with the terms of the application, Ref 11/3360, dated 21 December 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MB/1987/1, MB/1087/2 and location plan.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and the street scene.

Reasons

3. One of the purposes of the Council's Supplementary Planning Guidance No.5 – *Altering and Extending your Home* (SPG) is to ensure that extensions are well designed and complement both the existing dwelling and the neighbourhood. It advises that two storey extensions should be of a size, shape and height to complement rather than dominate the dwelling. As a guide it states that extensions should be set back from front building lines and its ridge height should be lower than the main house. By way of explanation it advises that if a setback is not provided a row of detached or semi-detached houses may be perceived as a row of terraced houses. Also that ridge heights should be lower to reduce the visual impact of the extension.

4. Brook Road is characterised by simple and uncluttered terraced houses from a limited range of designs and materials. The main front building lines are only broken by occasional two storey gabled projections and modest sized porches. Other than breaks approximately every two to four dwellings, which relate to the slight incline along the road, the main ridge heights running parallel to the road are consistent in height. Overall the terraces are characterised by strong horizontal lines, simplicity and uniformity.
5. The terrace in which the Appeal site is located is consistent with this form, other than the Appeal property. Due to the change in ground levels the ridge height of the Appeal property is lower than that of No.50. This has left the main roof of the Appeal property with an uncharacteristically short ridge and the dwelling with a more vertical appearance.
6. With the Appeal scheme the extension would continue the existing front and rear building lines and ridge height. The fenestration would respect the proportions and alignment of the existing and it would be constructed from materials which match the existing dwelling. As a result it would respect and reflect the strong horizontal lines, simplicity and uniformity of the terrace and that of other terraces in the locality. At the same time it would result in the main roof ridge of the property being longer and more in keeping with that of the terrace as a whole.
7. Conversely in this instance if the extension had a lower ridge line and was set back from the front building line, the resultant dwelling would have the potential to look cluttered and out of keeping with the terrace as a whole.
8. As a result the scheme would comply with policy BE9 of the London Borough of Brent Unitary Development Plan (UDP). It requires extensions to be of a scale, massing and height that is appropriate to its setting and townscape location; to respect the positive local design characteristics of adjoining development; and to exhibit a consistent and well considered application of the principles of any chosen style.
9. It would also be consistent with the two storey extension at the southern end of the terrace and the two storey extension on the opposite side of the junction with Tadworth Road. These extensions appear as part of the main terraces in which they are located, rather than an addition to them. They are largely unnoticeable and have been readily assimilated into the street scene. As such they demonstrate that extensions with flush building lines and ridge heights can in certain instances complement both the existing dwelling and the neighbourhood. Whilst they may not adhere to the guidelines set out in the SPG, they comply with its purpose.
10. Finally the Council has suggested the imposition of a condition requiring the use of matching external materials, which is necessary to ensure that the extension blends in satisfactorily with the host dwelling. In addition, a condition which requires the development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and in the interests of proper planning.
11. I conclude that the proposal would respect and complement the character and appearance of the host dwelling and the street scene. As such it would comply with policy BE9 of the UDP, the purpose of the SPG and the policies in the National Planning Policy Framework (NPPF). In relation to design the NPPF

states that developments should respond to local character and reflect the identity of local surroundings, as well as being visually attractive.

Elizabeth Lawrence

INSPECTOR



Appeal Decision

Site visit made on 15 June 2012

by **G M Garnham BA BPHIL MRTPI**

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

Decision date: 21 June 2012

Appeal Ref: APP/T5150/D/12/2174931

96 Harrow Road, Wembley, Middlesex, HA9 6PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Omid Massoudi against the decision of London Borough of Brent Council.
 - The application Ref 12/0237 was refused by notice dated 2 April 2012.
 - The development proposed is a retrospective application for the retention of 2 air conditioning units on the front elevation and one air conditioning unit on the rear elevation of the dwelling house, with one additional proposed air conditioning unit on the rear elevation.
-

Decision

1. The appeal is dismissed insofar as it relates to the retention of 2 air conditioning units on the front elevation. The appeal is allowed insofar as it relates to the retention of one air conditioning unit on the rear elevation of the dwelling house, with one additional proposed air conditioning unit on the rear elevation, and planning permission is granted for the retention of one air conditioning unit on the rear elevation of the dwelling house with one additional proposed air conditioning unit on the rear elevation at 96 Harrow Road, Wembley, Middlesex, HA9 6PN in accordance with the terms of the application Ref 12/0237, dated 1 February 2012, and the plan submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) That part of the development hereby permitted shall be carried out in accordance with the one approved plan submitted with the application entitled "PLANS, ELEVATIONS".
 - 3) All wiring bundles associated with the air conditioning units hereby approved shall be affixed in positions to minimise the visual impact, the details of these positions to have been submitted in advance and approved in writing by the local planning authority before the ground floor unit is installed.

Procedural matter

2. The application is in part retrospective. This does not affect my consideration of its planning merits.

Main Issue

3. I consider that this is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is a 2 storey mid-terrace house facing a busy urban thoroughfare (the A404). At the front, the 2 air conditioning units are placed on either side of the angled 2 storey bay window, in the space between the ground and first floor windows. They occupy much of each side panel. They are white in colour. The cables have been gathered into white covers. These are still quite noticeable, particularly the set going up the outside of the house to under the eaves. The units themselves protrude significantly from the faces of the bay, and include grills and open sides that draw the eye to them. They appear to be the only units of their kind on this stretch of Harrow Road, which comprises a mix of 2 storey suburban housing that appears to be of inter-war origin. The units are prominent in the open street scene, and detract from the appearance of the property and the terrace.
5. The grounds of appeal includes the contention that "it is noteworthy that the immediate area although not characterised by air conditioning units is nevertheless characterised by satellite dishes on the front elevations... Some properties have up to 2 dishes". This is indeed so. However, such devices are governed by different considerations and may not have required planning permission. In any event the cluttered appearance they create, which is becoming commonplace in this area, would not in my view justify introducing a new type of clutter in the form of prominently sited air conditioning units. I consider that, in the absence of any evidence of necessity, the units on the front of the appeal site should be resisted in the interest of the appearance of the area.
6. At the rear, the unit already in place is in an elevated position next to the first floor window and close to the boundary with no.94. It is quite noticeable in some views from the side road (Wyld Way), but in others is obscured by mature street trees. It is much less prominent than the large dormer window above it. The unit at no. 96 can also be seen in the same sweep of street scene as 2 air conditioning units on a side facing section of the front of a doctor's surgery on the opposite side of Wyld Way. On balance, I consider that the first floor unit at the rear does not harm the terrace or the street scene to the extent that planning permission for it should be withheld. The proposed unit at the rear would be close to ground level, and have little visual impact outside the back garden. I see no reason why this part of the proposal should not proceed.
7. The positioning of one of the units at the front close to the side windows in the bay of no.94 would detract from the outlook from that house. This effect lends weight to my concern over the front of the property. However, it would not of itself warrant withholding planning permission. The Council's environmental health service considers that any noise from the units would not unduly disturb the neighbour's living conditions.
8. Overall I conclude that 2 air conditioning units on the front elevation are materially harmful to the character and appearance of the local suburban area. This is contrary to the purposes of policies BE2, BE7 & BE9 of the London Borough of Brent Unitary Development Plan (2004), and policy CP17 in the

London Borough of Brent Local Development Framework Core Strategy (2010). Among other things, these policies seek to protect and enhance the distinctive suburban character of the borough.

9. I also conclude that the existing and proposed units at the rear would not significantly harm the character and appearance of the local suburban area. These units would not be in conflict with the policies cited above. In so far as one of these units has yet to be installed, the permission should be subject to the statutory limitation. In addition, I consider that it is necessary in the interest of the appearance of the area that any cabling associated with the approved units should be fixed in a position to minimise their visual impact. Finally, otherwise than as set out in this decision and conditions and for the avoidance of doubt and in the interests of proper planning, it is necessary that the proposed development shall be carried out in accordance with the approved plan.
10. I am satisfied that the air conditioning units on the front and rear elevations are physically separate and distinct and that issuing a split decision would not introduce new considerations of material importance.
11. Overall therefore I conclude that the appeal should be allowed in part so far as the rear of the property is concerned, but dismissed with respect to the units on the front elevation.

G Garnham

INSPECTOR



Appeal Decision

Site visit made on 14 May 2012

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 15 June 2012

Appeal Ref: APP/T5150/C/11/2167107
41 Fryent Way, London NW9 9SL

- 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 Paramjot Singh against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/11/0526.
 - The notice was issued on 15 November 2011.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a building to the side of the dwellinghouse.
 - The requirements of the notice are to demolish the building, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a building to the side of the dwellinghouse on land at 41 Fryent Way, London NW9 9SL referred to in the notice.

Preliminary matter

2. After the appeal was made, planning permission was granted on 15 February 2012 for the building subject of the enforcement notice on a s.78 appeal under Ref: APP/T5150/D/11/2167192. By virtue of the provisions of s.180(1) of the Town and Country Planning Act 1990, the enforcement notice has ceased to have effect so far as inconsistent with that permission. Notwithstanding this, the Council declined to withdraw the notice, and the appellant did not withdraw the appeal. The Council suggests that planning permission should now be granted, and raises no objection to my doing so.

Reasons

Ground (a) appeal – that planning permission should be granted

3. The Inspector who allowed the appeal referred to above found that although the siting of the building was not characteristic of the area, it took account of the particular circumstances of the narrowing of the road and the shape of the appeal site, and that it does no harm to the character and appearance of the

area. He therefore found no conflict with the aims of Policies BE2 and BE9 of the Brent Unitary Development Plan.

4. That appeal decision in which planning permission was granted for the building is an important material consideration. Whilst I have made my own assessment of the proposal, I see no reason to differ from the reasons put forward for allowing the s.78 appeal. I therefore conclude that the development causes no harm to the character and appearance of the surrounding area, and does not conflict with the UDP policies referred to above.
5. Since the issue of the notice and subsequent to the previous appeal decision, the National Planning Policy Framework (the Framework) has been published. However, it continues to promote good design. In the light of the circumstances of this case, and in the absence of substantive evidence to the contrary, I find that the development plan policies referred to are not in conflict with the Framework, and that there is no reason not to determine the appeal against the relevant UDP policies.
6. The Council has not suggested any conditions and I consider that none is necessary.
7. For the reasons given above, I conclude that the appeal should be allowed, and that planning permission be granted and the notice be quashed.

JP Roberts

INSPECTOR



Appeal Decision

Site visit made on 14 May 2012

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 20 June 2012

Appeal Ref: APP/T5150/C/12/2168402

65 Montpelier Rise, Wembley, Middlesex HA9 8RQ

- 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 Martin Mubanga against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/11/0702.
 - The notice was issued on 1 December 2011.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of two buildings in the rear garden of the premises.
 - The requirements of the notice are to demolish two buildings in the rear garden of the premises, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of two buildings in the rear garden of the premises on land at 65 Montpelier Rise, Wembley, Middlesex HA9 8RQ referred to in the notice.

Procedural matter

2. A letter has been submitted from someone who lives nearby. The letter was accepted with the author's name and address withheld, but was copied to the main parties, both of whom have commented on it. The writer of letter has provided his name and address on a letter in a sealed envelope for the Inspectorate use only. I have not read that signed letter because to do so would be prejudicial to the appellant, and therefore I have treated it as an anonymous letter. Without knowing the precise address of the objector, it limits the weight that I afford it.

Reasons

Ground (a)

3. The main issue is the effect on the living conditions of neighbouring occupiers, with particular regard to outlook.

4. The appeal site consists of a semi-detached two storey house with a long rear garden. The development subject of the notice comprises two closely spaced buildings at the end of the garden. The smaller of the buildings has a floorspace of about 16 sq.m, and the larger of the pair has a floorspace of about 31 sq.m., filling much of the width of the garden. Both buildings have a slightly sloping roof somewhat under 3m high at the highest points. The smaller of the buildings is fitted out with a miscellany of gym equipment, whilst the larger of the two has a number of bags suspended from the ceiling used for punching and kicking training.
5. There is a gap of about 22m between the nearer of the two buildings and the single storey rear extension of the house, and there is a similar or greater distance to the houses on either side. This is a considerable distance which ensures that the buildings do not appear oppressive when seen from nearby houses. The garden of the appeal site is enclosed by close-boarded fencing about 1.8m high, and thus the buildings protrude above them by about 1m or so.
6. The buildings abut the neighbouring boundaries of the adjacent Montpelier Rise properties for less than a third of the overall rear garden lengths. Whilst the combined size of the two buildings is fairly substantial, because of the large size of the garden, they do not appear out of scale or squeezed. The height of the buildings has no materially harmful effect on neighbours' outlook; they are neither overbearing nor obtrusive because the parts of the buildings visible over the top of the boundary fences are limited and the general character of the gardens remains open. The glazed doors all look into the garden site and have little effect on neighbours' privacy.
7. Insofar as the dwelling to the rear is concerned, the buildings are close to the house at 24 Ennerdale Gardens, but lie near a flank elevation, in which there are no windows to habitable rooms. A garage lies to the side of the house, and again, I am satisfied that the larger of the two buildings (the only one clearly visible from the garden of that property) would not appear oppressively large when seen from that property.
8. Whilst the appellant has referred to the permitted development fallback in respect of the ground (f) appeal, it is also a relevant consideration under ground (a), in that similar buildings, but to a height of 2.5m, would fall within the limitations set out in Class E1(d) of Part 1 of Schedule 2 to the Order. The fact that the Government has made specific provision for buildings just 0.4m or so lower than those built here is something that I can take into account, and this reinforces my view that the buildings here cause no material harm.
9. The appellant has referred me to 2 appeal decisions, but there is insufficient information about the developments in those cases to enable me usefully to compare or contrast them with this case, which I have considered on its own merits. The Council also submitted 3 appeal decisions and whilst they supported the Council's cases in those instances, in one case there was no appeal under ground (a), and in another, no harm was found to be caused to neighbours' outlook, and this distinguishes the issues in that case from this. Only one case (Refs: APP/T5150/C/214479 & 2144840) appears to have some similarity to this case, but in that decision the building in question appears to be isolated from other buildings whereas here, the buildings are close to the dwelling and garage at the rear. Furthermore, there is insufficient information

in the appeal decision about the relationship between the building in that case and the neighbouring gardens.

10. I therefore conclude on this issue that the development causes no material harm to the living conditions of neighbouring occupiers, with particular regard to outlook, and poses no conflict with saved Brent Unitary Development Plan (UDP) Policy BE9 which deals with architectural quality. Whilst the notice alleges a conflict with Policy BE2, this policy deals with townscape local context and character and does not relate to the effect on neighbours' living conditions, and thus this is of less relevance. For similar reasons, Policy CP17 of the Brent Core Strategy is not directly relevant to the issues in this case. Thus the appeal on ground (a) succeeds.

Other matters

11. The writer of the letter of objection referred to above has expressed concern about the use of the buildings by people other than the occupiers of the appeal property. The Council has not alleged harm arising from the use of the buildings, and I am treating the deemed application as being for buildings to be used for purposes incidental to the enjoyment of the dwelling house as such. Were the building to be used for purposes to an extent which would represent a material change of use, then the Council could take separate enforcement action should it be found expedient to do so.
12. Since the making of the appeal, the National Planning Policy Framework (the Framework) has been published, which I have taken into account in my decision. Although the main parties were given the opportunity to comment on any relevant implications, no responses were received within the prescribed timetable. I have not been provided with any substantive evidence which would lead me to conclude that the policies referred to above are in conflict with the Framework. Accordingly, the Framework has not led me to reach any different overall decision.
13. The Council has not suggested any conditions, and I consider that none is necessary.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and planning permission is granted for the development subject of the notice.

JP Roberts

INSPECTOR

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