

# **Planning Committee**

# Wednesday 17 July 2013 at 7.00 pm

Boardroom - Civic Centre, Engineers Way, Wembley, HA9 0FJ

# Membership:

Singh

Members first alternates second alternates

Councillors: Councillors: Councillors:

Ketan Sheth (Chair) R Moher Adeyeye John (Vice-Chair) Van Kalwala Ogunro Moloney Aden J Moher Baker Kansagra **HB Patel** Sneddon Cummins Hopkins Cheese **Beck** Hashmi Kabir Oladapo Al-Ebadi Kataria Long Naheerathan CJ Patel **Hopkins** Lorber Powney Gladbaum Harrison

Hossain

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

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# The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Boardroom



# **Agenda**

Introductions, if appropriate.

Order 64.

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		
	SOUTHERN AREA		
3.	1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT (Ref. 13/1123)	Willesden Green	15 - 18
4.	1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT (Ref. 13/1122)	Willesden Green	19 - 30
5.	1 Lydford Road, London, NW2 5QY (Ref.13/0656)	Willesden Green	31 - 38
6.	205 Church Road, London, NW10 9EP Ref. 13/1098)	Dudden Hill	39 - 62
7.	Units 1-6 Inc, 82 Chaplin Road, London, NW2 (Ref. 13/0574)	Willesden Green	63 - 70
	WESTERN AREA		
8.	39 & 41, Hillside, Stonebridge, London, NW10 8LY (Ref. 13/1250)	Stonebridge	71 - 84
9.	Appeals June 2013		85 - 112
10.	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		

### **SITE VISITS - SATURDAY 13 JULY 2013**

## Members are reminded that the coach leaves Brent House at <u>9.30am</u>

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/1250	39 & 41, Hillside, Stonebridge, London, NW10 8LY	8	Stonebridge	9:40	71 - 84
13/0574	Units 1-6 Inc, 82 Chaplin Road, London, NW2	7	Willesden Green	10.00	63 - 70
13/1123	1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT	3	Willesden Green	10:20	15-18
13/1122	1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT	4	Willesden Green	10:20	19-30
13/0656	1 Lydford Road, London, NW2 5QY	5	Willesden Green	10:40	31 - 38

## Date of the next meeting: Wednesday 21 August 2013

The site visits for that meeting will take place the preceding Saturday 17 August at 9.30am when the coach leaves the new Civic Centre.



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 on first come first served basis.





## LONDON BOROUGH OF BRENT

# MINUTES OF THE PLANNING COMMITTEE Wednesday 19 June 2013 at 7.00 pm

PRESENT: Councillor Ketan Sheth (Chair), Councillor John (Vice-Chair) and Councillors Aden, Cummins, Hashmi, Kansagra, Kataria, Oladapo, CJ Patel, Powney and Singh

Also present: Councillors Butt, Cheese, Colwill, Harrison, Hirani, Hossain, McLennan, HB Patel and Ms Shaw

Apologies for absence were received from Councillors Baker and Kabir

## 1. Declarations of personal and prejudicial interests

Item 5: 1A-C, 3 & 5A-D Deerhurst Road and Shree Swaminarayan Temple, 220-222 Willesden Lane, NW2 (Ref. 13/0891)

Councillor Cummins declared a personal interest, left the meeting room and took no part in the discussion or voting of this application.

## 2. Minutes of the previous meeting

**RESOLVED:-**

that the minutes of the previous meeting held on 22 May 2013 be approved as an accurate record of the meeting.

### 3. 10 Rushout Avenue, Harrow, HA3 0AR (Ref. 13/0794)

### PROPOSAL:

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

### RECOMMENDATION:

- (a) Grant Planning Permission, subject to revised conditions and informatives, the deletion of conditions 6, 9 and 12 and to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Neil McClellan, Area Planning Manager informed the Committee that further representations received from the Council's Transportation Department had advised that the existing crossover should be retained. This would allow for the retention of the street tree and trees to the south eastern boundary of the site. He therefore recommended that Condition 6 (re-instatement of a redundant crossover), Condition 9 (landscaping) and Condition 12 (cycle parking) be deleted and replaced with one revised, comprehensive condition as set out in the tabled supplementary report.

DECISION: Planning permission granted as recommended.

### 4. 117 Preston Hill, Harrow, HA3 9SN (Ref 13/1055)

### PROPOSAL:

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

### **RECOMMENDATION:**

- (a) Grant Planning Permission, subject to conditions and informatives 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.

Andy Bates, Area Planning Manager, in reference to the tabled supplementary report clarified that the lamp post on the frontage adjacent to the existing garage would not be affected by the application. He added that as the tree to the frontage of the site which was considered to be some distance away from the proposed bungalow it would not be affected. Andy Bates continued that an enforcement investigation which was carried out in relation to the outbuilding and the new flue boiler at No. 119 concluded that a breach of planning had not occurred.

Ms Sishula Manku outlined the following reasons in objection to the proposal;

- i) Gross over-development of the site which was meant to be a single family dwelling but would become two dwelling units if approved.
- ii) Overlooking and lack of privacy to both sides of the site.
- iii) As the site was situated on a corner plot which was also a bus route, the proposal would generate an increased amount of traffic detrimental to both motorists and pedestrians
- iv) The proposal would detract from the streetscene of Preston Hill.

In accordance with the Planning Code of Practice, Councillor Colwill, ward member declared that he had been approached by local residents. Councillor Colwill stated that the application which was previously refused for over-development of the site would set a dangerous precedent for similar undesirable

developments in future. He added that as Preston Hill was a bus route, the proposal would lead to increased traffic with consequent detriment to traffic flow, pedestrian safety and personal injury accidents. Councillor Colwill continued that the proposed bungalow would not only destroy the unique character of Preston Hill but also lead to loss of views. The legal representative reminded Members that a right to a view was a non-material planning consideration and should therefore be disregarded.

In response to a member's suggestion on measures to prevent overlooking, Andy Bates drew members' attention to condition 6 which required the applicant to undertake landscaping and boundary treatment.

DECISION: Planning permission granted as recommended.

# 5. 1A-C, 3 & 5A-D INC, Deerhurst Road and Shree Swaminarayan Temple, 220-222 Willesden Lane, Willesden, London, NW2 (Ref. 13/0891)

### PROPOSAL:

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

RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report Andy Bates, Area Planning Manager, informed members that the applicant had submitted further information relating to travel plans and other highway matters but which dealt with minor points only. He drew members' attention to the following outstanding key fundamental issues which remained unresolved;

- a) The significant impact of the existing use on on-street parking in residential streets which would be made worse by the proposal.
- b) The applicant's offer to allocate 21 car parking spaces to various uses; residential, care home and sheltered housing uses cannot be enforced through condition as it needs to be resolved as part of the assessment of the development as a whole.
- c) The applicant had failed to relate the Travel Plan to baseline data approach.
- d) Changes between ramped and level sections in the proposed two storey basement remained unclear.

Andy Bates reiterated the recommendation for refusal with amended reason 11 to take account of the key fundamental outstanding issues outlined above.

Mr John Mann, a local resident expressed concerns about the proposed development on the grounds of noise nuisance and a significant detrimental impact on the streetscene due to its size, height and siting. Mr Mann added that the proposal also conflicted with several provisions of the Council's Unitary Development Plan policies as set out in the officer's report.

Mr George Binney raised the following issues in objection to the proposal;

- (i) Back garden development of the size and massing proposed should not be allowed to be built on.
- (ii) The Council should encourage sustainable transport policy and discourage car usage
- (iii) The proposal would compromise the residential character of the area.

In response to members' questions, Mr Binney stated that the proposed development would be out of character with the existing residential area which was characterised by semi-detached and detached houses. He added that two levels of underground car parking would encourage car usage to the detriment of the residential amenities of the area. The legal representative interrupted that it would be inappropriate to ask questions mainly relating to the contents of the booklets tabled by the applicant as the speaker had not previously seen them.

Mr Vekaria, in support of the application, highlighted the community services and community engagement including charity walks undertaken by the Temple. He added that the proposal would provide affordable housing as well as further enhance the Temple's community activities in the borough.

In response to members' questions, Mr Vekaria stated that worshippers mostly drove to the Temple and that public transport was only used if worshippers considered it convenient. He added that the provision of the underground car park was intended to minimise on-street parking and that the affordable housing would not be exclusive to the Temple's worshippers. He also stated that the proposal would be set back adequately to prevent terracing effect.

In accordance with the provisions of the Planning Code of Practice, Councillor Hirani, Lead Member for Adults and Mental Health and member for an adjoining ward stated that he had been approached by worshippers of the Temple. He continued that the application was in response to the Temple's worshippers desire to provide residential accommodation as part of the Temple's community initiatives. He added that revisions had been made to the proposal with the dual purpose to mitigate concerns expressed by officers and reduce pressure on local parking facilities. Councillor Hirani added that the scheme accorded with the Borough's priorities in terms of providing sustainable help and empowering communities to take care of themselves. In response to the Chair's questions, Councillor Hirani compared the proposed footprint of the new building with the scope to extend the existing properties under permitted development rights.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by the local residents. Councillor Shaw in urging members to endorse officers' recommendation for refusal expressed a view that the proposal would be contrary to local and national planning policies. She added that the worshippers of the Temple were creating traffic chaos and parking problems in the area in particular during the weekends, causing traffic noise nuisance and in some cases obstruction to emergency vehicles. Councillor Shaw continued that the creation of

underground car parking facility would cause flooding in the area and a detriment to the foundations of nearby buildings. Members heard that the size, height and bulk would lead to loss of light and privacy and would also destroy the residential character of the Willesden area including local infrastructure.

In accordance with the provisions of the Planning Code of Practice, Councillor Cheese, ward member stated that he had been approached by the local residents and worshippers of the Temple. With reference to the tabled supplementary report, Councillor Cheese stated that the dismissal of the appeal for 66 Chatsworth Road did not support the officers' recommendation as that application was different from the current application. In his view, the proposed development would not create congestion in the area. Councillor Cheese also referred to the community initiatives undertaken by the Temple to support his view that the application should be approved.

Mr Meg Hirani, the applicant's agent stated the following reasons in support;

- (i) The size, scale and massing of the proposed development had not been substantially increased.
- (ii) There were no major differences in the bulk and height of the development as to make it incongruous within the area.
- (iii) As the character of the area lack homogeneity, the proposal would add to the area's variety of character.
- (iv) With parking requirements reduced over the years, there would no major traffic and parking impact from the proposed development.
- (v) The proposal would provide a much needed specialist accommodation for the old age worshippers some of whom had been separated or divorced from their husbands.

In response to members' questions, Mr Hirani stated that there had been a marginal increase in height by only 1.2metres and that attempts to reduce the scheme would not make it financially viable, although he alluded to funding of the project through donations. He continued that the proposal had been set back and gaps between blocks had been maintained to ensure, in his view, the proposal complied with Supplementary Planning Guidance 17 (SPG17). Members heard that the car park would not be for the exclusive use of the worshippers. He added that the main uses of the proposed accommodation would be care homes, social and sheltered housing.

During members' contribution, some members highlighted the community initiatives of the Temple in their support for the application. Councillors Hashmi, Kansagra Oladapo and Singh took the view that the application should be deferred in order to take account of matters still outstanding as set out in the decision column (below). Councillor Kataria who advised that he had visited the temple stated that there were no tangible reasons for deferral and stated that in his view, the application ought to be approved. Councillors John and Powney urged refusal as recommended by the officers. In addition Councillor Hashmi expressed the view that he was having difficulty in trying to understand what the applicant was seeking to achieve and as a result should go back to the drawing board with matters.

Prior to voting, Andy Bates clarified that officers' maintained their concerns following earlier pre-application submissions. He continued that without any gaps between blocks A-C, the proposal would adversely impact on the character of the area. Whilst accepting the varied character of Willesden area, he stated that the examples provided by the applicant in the booklets tabled at the meeting were different in many respects from the proposed development. The Head of Area Planning, Steve Weeks added that the application did not propose a Section 106 legal agreement which re-inforced officers' concerns about the use of the residential accommodation. He continued that deferral would result in the application passing its statutory timetable and that it was essential that members were explicit in their reasons for deferring the application. The legal representative reconfirmed that members needed to focus on the planning merits of the application.

In moving an amendment for deferral, Councillor Kansagra submitted the following points to be considered by the applicant;

- (i) re-submit a scheme with reduced car parking and further details of allocation;
- (ii) reduced bulk and massing of the flats;
- (iii) revised stacking of the flats;
- (iv) clarity on the tenure of the accommodation and financial appraisal.

DECISION: Deferred to enable the applicant to re-submit a scheme with reduced car parking and further details of allocation, reduced bulk and massing of the flats, revised stacking of the flats, clarity on the tenure of the accommodation and financial appraisal.

(5)

Voting on the amendment was recorded as follows;

FOR: Councillors Aden, Hashmi, Kansagra, Oladapo and Singh

AGAINST: Councillors Kataria, John and Powney (3)

Abstention: Councillor Sheth (1)

### 6. 24 Crawford Avenue, Wembley, HA0 2HT (Ref. 13/0575)

### PROPOSAL:

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

### **RECOMMENDATION:**

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

DECISION: Planning permission granted as recommended.

# 7. Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley (Ref.13/0471)

### PROPOSAL:

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

### RECOMMENDATION:

Deferred to enable the correct notices to be served and for the scheme to be redesigned.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager clarified that the correct notices had not been served on all those with freehold or leasehold interest in the land, in particular, Network Housing Association which had expressed concern at this failure. In view of that, he recommended a deferral to allow the correct notices to be served and for the scheme to be redesigned in order to accommodate the re-provision of any existing parking spaces that would be displaced should agreement be reached with the relevant land owners.

DECISION: Deferred as recommended.

### 8. 128 Windermere Avenue, Wembley, HA9 8RB (Ref.13/0166)

### PROPOSAL:

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

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

In reference to the tabled supplementary report, Neil McClellan, Area Planning Manger referred to additional objections raised including the applicant's commitment to carry out the required works given that officers were recommending a one year temporary approval. In response to this he drew members' attention to conditions 3, 7, 12 and 14 which covered the required works adding that the most significant of the works would be the replacement of shutter to which the applicant had agreed. He continued that the Council had powers to pursue enforcement action should the use continue without the conditions being complied with.

In respect of additional representations on consultations and use of the building, the Area Planning Manager confirmed that about 215 consultation letters were sent to local residents including members of the Sudbury Court Residents' Association. As regards the use of the site, the Planning Manager stated that whilst there would be an element of religious activity with five short (15-30 minute)

prayer sessions each day, the busier Friday lunchtime prayers known as Zohar had been excluded as a proposed activity (condition 4 referred). He added that projected visitor numbers provided by the applicant indicated a low level of use during these times.

Mr Michael Rushe speaking on behalf of South Kenton and Preston Park Residents' Association informed the Committee that the applicant had submitted false and misleading information in support of the application. He added that the applicant had not submitted an appropriate travel plan and that the parking spaces indicated were lesser than the previous scheme for the site. He added that similar facilities for Islamic education centre existed elsewhere within the Borough. Mr Rushe urged members to refuse the application for the above reasons and to ensure that the reduced vacancy rate of the area was reversed in the interest of the viability of the local shops. In response to members' questions, Mr Rushe stated that according to the applicant's travel plan, visitors to the centre would come from as far as Hatch End and Northolt. He also stated that the application stated that the use class would be B1 which was also misleading.

Mr Vinod Shah, Vice Chair of Sudbury Court Residents' Association raised concerns about parking and added that despite Friday lunchtime prayers being moved elsewhere, there would still be problems with parking with about 90—100 people worshipping at the site.

In accordance with the Planning Code of Practice, Councillor HB Patel, ward member stated that he had been approached by residents. Councillor HB Patel objected to the proposed change of use for the following reasons;

- i) There was no local demand for the proposed use although use was forecast to increase over time.
- ii) Parking and environmental problems including traffic congestion were likely to result.
- iii) No proper travel management plan had been submitted by the applicant The site was too small for the proposed change of use to Islamic Centre.
- iv) The proposed use would be out of character with the residential area.

In accordance with the Planning Code of Practice, Councillor Harrison, ward member stated that she had been approached by both supporters of and objectors to, the proposed change of use. Councillor Harrison expressed concerns about the purpose of the centre and added that the applicant needed to demonstrate to residents, the benefits of the proposal and its use.

Mr Kaleem Janjua, the applicant's agent stated that the application had been submitted in response to the need for local facilities including Islamic educational and religious prayers. He continued that the initial application which incorporated Friday afternoon prayers was withdrawn in response to residents' concerns. Mr Janjua added that the submitted travel plan sought to reduce noise pollution and traffic congestion and although no amplified sound would be in operation, adequate sound proofing materials would be used.

In response to members' questions, Mr Janjua confirmed that the site would have a capacity for 60 - 70 persons. He added that future planning permission would be sought for any other use including the tent. Mr Janjua considered a 1 one year temporary permission too short to ensure effective monitoring of the travel plan and to overcome any initial problem that may arise, expressing a preference for a three year temporary approval.

The legal representative advised that as misleading material facts had been submitted, the application was defective and in accordance with the provisions of the Town and Country Planning Act 1990, the Planning Authority could not determine it. He therefore recommended refusal. The Chair clarified that any decision to grant planning permission for a defective application could put the Council at too a high risk of its decision being judicially reviewed leading potentially to the permission being quashed in light of the circumstances to date.

DECISION: Refused planning permission on grounds of misleading material facts which rendered the application defective.

## 9. Planning appeals monitoring

Members received a report that provided additional analysis categorising reasons for refusal and recording whether the individual reasons were supported by the Planning Inspectorate. Members heard that the purpose of the analysis was to provide outcomes which would help evaluate how saved Unitary Development Plan (UDP) policies and Council's supplementary guidance (SPGs and SPDs) were currently being used in determining planning applications. It was noted that the report would also help to identify areas where Appeal Statements and/or Officer reports could be strengthened to further justify reasons for refusal.

RESOLVED:

that the appeals monitoring report be noted.

### 10. Planning Appeals May 2013

**RESOLVED:** 

that the appeals for May 2013 be noted.

### 11. Any Other Urgent Business

None raised at this meeting.

### 12. Date of next meeting

It was noted that the next meeting would take place on Wednesday, 17 July 2013.

The meeting ended at 10:35pm

KETAN SHETH Chair

Note: At 9:05pm, the meeting was adjourned for 5 minutes.

### 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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# Agenda Item 3

# Committee Report Planning Committee on 17 July, 2013

 Item No.
 03

 Case No.
 13/1123



# **Planning Committee Map**

Site address: 1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT

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This map is indicative only.

**RECEIVED:** 5 April, 2013

WARD: Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

LOCATION: 1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT

**PROPOSAL:** Conservation Area Consent sought for the demolition of all existing buildings.

APPLICANT: G H Investments Ltd

CONTACT: Stephen Marshall Architects LLP

**PLAN NO'S:** 

Drawing Numbers P01 - P33

### RECOMMENDATION

Refusal

### **EXISTING**

The site is currently occupied by a single storey parade of shops fronting onto Walm Lane and around the corner of Walm Lane with Willesden Lane. The site is within the Willesden Green Conservation Area but is not a listed building. The site has a ptal rating of 5 which is very good and is within the walking distance of Willesden Green Underground station. The retail frontage forms part of the Willesden Green Town Centre Primary Shopping Frontage. Willesden Lane is a London Distributor Road and Walm Lane is a Local Distributor Road. The site is also with a CPZ.

### **PROPOSAL**

See description above.

### **HISTORY**

**13/1123.** Full planning permission is sought for the demolition of the existing buildings at 1-12 Queens Parade and erection of a part 4-/part 6-/part 7-/part 8-storey mixed use building containing 345sqm of commercial floor space on groundfloor and 34 residential units (9 x 1-bed, 23 x 2-bed, 2 x 3-bed) with balconies and communal roof terraces. Recommended for refusal. Report into this application appears elsewhere on this Agenda.

**95/1656.** Full planning permission sought for demolition of existing buildings and redevelopment to provide 5 No. shop units comprising A1 and A2 uses and a cafe/restaurant (A3) and 14 No. flats on first and second floors (as revised by plans received 23/09/1996 and 05/11/1996). Granted 06/11/1996.

95/1657. Conservation Area Consent for demolition of all buildings on Queens Parade. Granted 06/11/1996.

### POLICY CONSIDERATIONS National Planning Policy

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

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development

Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

### **Adopted Brent UDP**

BE26 Alterations & Extensions to Buildings in Conservation Areas. They should retain the original design and materials or where not practicable be sympathetic to the original design.

BE27 Demolition & Gap Sites in Conservation Areas.

### **Brent's Local Development Framework**

### Site Specific Allocation 28 Queen's Parade/Electric House

Mixed use redevelopment for retail and/or food and drink with residential above. Proposals should include improvement to the public realm along the pavement frontage. The Council will use its Compulsory Purchase Powers to assemble this site if necessary. Development proposals should have regard to the Conservation Area designation of the site.

### **CONSULTATION**

This application has been subject to widespread consultation. 474 letters were sent out to residents within 100m of the site, 3 site notices were installed outside the site and a press notice was served. Consultation letters were also sent to local ward councillors, Urban Design and Policy.

2 objections were received from local residents on the following grounds:

• Loss of existing buildings which contribute to the character and appearance of the Willesden Green Conservation Area.

These comments will be considered further in the Remarks section of this report with officer comment.

### **Urban Design Officers**

Object to the proposed development on the grounds that the design is not suitably responsive to local precedents and the proposed rhythm, scale and colour and texture of the materials is not the best solution within the Conservation Area. Demolition of existing buildings should, therefore, be resisted.

### REMARKS

### **Demolition of building within Conservation Area**

- 1. The Willesden Green Conservation Area covers the area south west of and including Willesden Green Station, Walm Lane and Willesden High Road as well as Heathfield Park and a small section of Willesden Lane. It is a mixed use centre which was mainly developed around the late nineteenth and early twentieth centuries following the expansion of the Metropolitan Railway. The buildings are predominantly mixed use with retail on the ground floor and office and residential above. The prevalent finishes are stock London brick and red brick. Most of the detailing is typical of the eclectic Victorian Architecture of the time.
- 2. The existing building is a single storey terrace in use as groundfloor commercial units within the Willesden Green Conservation Area. The building is constructed in red brick with a front parapet wall capped with a concrete coping stone. The shopfronts have some traditional features with the high stall risers and pilasters with prominent corbels. The single storey building and shop front do not share the distinctive characteristics of the shopfronts and buildings which define the Willesden Green Conservation Area. The shopfronts have recently been painted a turquoise/green colour which is also not considered to be a distinctive characteristic of the Conservation Area. The existing buildings fail to positively contribute to the character of the Willesden Green Conservation Area by reason of their single storey scale, the lack of traditional shopfront details and the appearance of shopfronts. As a result, their demolition could be considered to be acceptable, but only on the basis that any replacement building is of an acceptable high quality of design.
- 3. It should be noted that in terms of the Site Specific Allocation (site 28) in Brent's Local Development Framework there is an acknowledgement that the building would be likely to be demolished in the event that a redevelopment proposal were to come forward.

4. However, the proposed replacement building is not considered to be acceptable as explained in the report on 13/1122 that appears elsewhere on this Agenda. Therefore, the proposed demolition is not considered to be in accordance with policy BE27 which states that replacement building should be seen as a stimulus to imaginative, high quality design and an opportunity to enhance the area.

The proposal is contrary to BE27 for the reasons identified above and is therefore recommended for refusal.

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

(1) In the absence of an acceptable replacement building or alternative surface treatment, the proposal to demolish this existing garage in the Willesden Green Conservation Area would be detrimental to the character and appearance of the locality and is therefore contrary to policy BE27 of Brent's Unitary Development Plan 2004.

### **INFORMATIVES:**

None Specified

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

# Agenda Item 4

# Committee Report Planning Committee on 17 July, 2013

 Item No.
 04

 Case No.
 13/1122



# **Planning Committee Map**

Site address: 1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT

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This map is indicative only.

**RECEIVED:** 7 May, 2013

WARD: Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

LOCATION: 1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT

PROPOSAL: Full planning permission is sought for the demolition of the existing buildings at

1-12 Queens Parade and erection of a part 4-/part 6-/part 7-/part 8-storey mixed use building containing 345sqm of commercial floor space on groundfloor and 34 residential units (9 x 1-bed, 23 x 2-bed, 2 x 3-bed) with

balconies and communal roof terraces.

**APPLICANT:** G H Investments Ltd

CONTACT: Stephen Marshall Architects LLP

**PLAN NO'S:** 

Drawing Numbers P01 - P33

### Associated Documents

Design and Access Statement by Stephen Marshall Architects March 2013 Energy Strategy by Calford Seaden Construction and Property Consultants March 2013 Air Quality Assessment by Hyder Consulting Transport Statement by Yes Engineering Limited February 2013

Planning Statement

Daylight and Sunlight Report by Calford Seaden March 2013

### RECOMMENDATION

Refusal

### **EXISTING**

The site is currently occupied by a single storey parade of shops fronting onto Walm Lane and around the corner of Walm Lane with Willesden Lane. The site is within the Willesden Green Conservation Area but is not a listed building. The site has a ptal rating of 5 which is very good and is within the walking distance of Willesden Green Underground station. The retail frontage forms part of the Willesden Green Town Centre Primary Shopping Frontage. Willesden Lane is a London Distributor Road and Walm Lane is a Local Distributor Road. The site is also with a CPZ.

### **PROPOSAL**

See description above.

### **HISTORY**

13/1123. Conservation Area Consent sought for the demolition of all existing buildings and redevelopment of the site. Under consideration.

95/1656. Full planning permission sought for demolition of existing buildings and redevelopment to provide 5 No. shop units comprising A1 and A2 uses and a cafe/restaurant (A3) and 14 No. flats on first and second floors (as revised by plans received 23/09/1996 and 05/11/1996). Granted 06/11/1996.

95/1657. Conservation Area Consent for demolition of all buildings on Queens Parade. Granted 06/11/1996.

### Electric House

There has also been an application made by Network Housing for the redevelopment of the neighbouring site Electric House.

**13/1428**. Full planning permission sought for the demolition of existing office building and erection of a seven storey building comprising 25 residential apartments (11 x 1-bed, 13 x 2-bed and 1 x 3-bed) and 383sqm of retail floorspace on the groundfloor with associated cycle parking, first floor rear communal roof terrace and associated landscaping. Under consideration.

**13/1429**. Conservation Area Consent for demolition of Electric House to facilitate redevelopment of the site. Under Consideration

### **POLICY CONSIDERATIONS**

### **National Planning Policy Framework**

The NPPF was published on 27<sup>th</sup> March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

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

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

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

Mayor's Housing SPG 2012

### **Brent's Local Development Framework**

### Site Specific Allocation 28 Queen's Parade/Electric House

Mixed use redevelopment for retail and/or food and drink with residential above. Proposals should include improvement to the public realm along the pavement frontage. The Council will use its Compulsory Purchase Powers to assemble this site if necessary. Development proposals should have regard to the Conservation Area designation of the site.

### **Core Strategy**

CP2 Population and Housing Growth

CP6 Design & Density in Place Shaping

CP15 Infrastructure to Support Development

CP16 Town Centres and the Sequentail

CP17 Protecting and Enhancing the Suburban Character of Brent

CP18 Protection and Enhancement of Open Space, Sports and Biodiversity

CP19 Brent Strategic Climate Change Mitigation Adaptation Measures

CP21 A balanced Housing Stock

### **Brent's UDP 2004**

**BUILT ENVIRONMENT** 

BE1 Urban Design Statements

BE2 Townscape: Local Context and Character

BE3 Urban Structure

BE5 Urban Clarity and Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

**BE9 Architectural Quality** 

BE12 Environmental Design Principles

BE25 Development in Conservation Areas

BE27 Demolition & Gap Sites in Conservation Areas

HOUSING

H9 Dwelling Mix

H11 Housing on Brownfield Sites

H12 Residential Quality - Layout Considerations

H13 Residential Density

**TRANSPORT** 

TRN3 Environmental Impact of Traffic

**TRN10 Walkable Environments** 

TRN14 Highway Design

TRN23 Parking Standards – Residential Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Parking Standards - Residential Development

PS15 Parking for Disabled People

**PS16 Bicycle Parking** 

Supplementary planning guidance 17: Design Guide for New Development Supplementary Planning Document: S106 Planning Obligations

### SUSTAINABILITY ASSESSMENT

This application is accompanied by a an Energy Strategy with a Code for Sustainable Homes (CfSH) Pre-Assessment, BREEAM Pre Assessment and TP6 Sustainability Checklist which confirm that the proposal will achieve a CfSH Code level of 4 and an indicative BREEAM rating of 'Excellent'. It also notes that the scheme will achieve a 12 % reduction in CO2 emissions from 2010 Building Regulations TER through "be lean" (building fabric) measures and a further 26 % reduction through on-site renewables (PV Panels).

The site is not situated within a designated Growth Area and as such, the proposal goes beyond the minimum requirement of Code Level 3 as set out within the LDF Core Strategy. Furthermore, the 40 % target reduction in CO2 that is required by the London Plan only comes in to effect once the 2013 Building Regulations have been adopted and as this has not occurred yet the 25 % target reduction in CO2 still applies. As such, the proposal also goes well beyond the current requirements for the reduction in CO2 associated with a proposed development.

The submission contends that CHP is appropriate for this scheme and that on-site renewable energy can be generated through the use of Photo-Voltaic Panels on the roof of the 8-storey part of the building.

The applicants have submitted a TP6 Sustainability Checklist which they have scored at 50.4 %. Your officers have assessed the checklist and have scored it at 40.4 % having excluded some selected measures that aren't proposed. This falls below the minimum score that is sought (50 %). However, given that the applicant is proposing to achieve Code for Sustainable Homes Level 4 when they are only required to achieve Level 3, your officers consider the TP6 Sustainability Checklist to be acceptable.

If officers were minded to recommend approval this would need to be secured through a s106 agreement. However in the absence of an appropriately worded legal agreement to control the matter this will need to be added as a reason for refusal.

### **CONSULTATION**

This application has been subject to widespread consultation. 474 letters were sent out to residents within 100m of the site, 3 site notices were installed outside the site and a press notice was served advertising development affecting a Conservation Area. Consultation letters were also sent to local ward councillors, Transportation, Streetcare, Environmental Health, Urban Design, Housing, Landscape Design and Policy.

Four objections were received from local residents on the following grounds:

- Cumulative impact of the loss of existing cultural facilities in the local area without sufficient replacement (particularly with loss of library, Spotted Dog Pub and potentially the Queensbury)
- Loss of distinctive retail units that provide real benefits to the local population.
- Loss of light as a result of the height of the 8 storey building on flats on the opposite side of Walm Lane
- Disturbance from building works.
- The proposed development will add to existing noise and congestion in the local area.
- Lack of parking will result in pressure on existing on-street parking provision.
- Loss of existing buildings which contribute to the character and appearance of the Willesden Green Conservation Area.

These comments will be considered further in the Remarks section of this report with officer comment.

### **Transportation**

Transportation object to the proposal on the grounds that the proposed servicing arrangement for the retail element cannot be implemented at present, and as such the entire development will lack acceptable servicing contrary to Policy TRN 34 of the UDP 2004.

### **Urban Design**

Object to the proposed development on the grounds that the design is not suitably responsive to local precedents and the proposed rhythm, scale and colour and texture of the materials is not the best solution within the Conservation Area.

### **Safer Streets**

No objections to the proposed development subject to suitably worded conditions to control air quality, noise insulation to ensure that the proposed development provides an acceptable quality of accommodation for prospective residents and has an acceptable impact on neighbouring residents.

### Landscape Design

The proposed development has a shortfall of amenity space. A tree protection plan would also be required to show that the existing street trees will be protected and not detrimentally impact by development. Further details of all hard materials, soft landscaping and drainage would be required by condition.

### **REMARKS**

### Introduction

- 1. The main considerations when determining a major mixed use application within a conservation area are:
- Will the demolition of the existing building result in the loss of a building which contributes to the character and appearance of the Conservation Area?
- Are the mix of uses acceptable for a development in this location?
- Is there an acceptable provision of affordable housing?
- Does the proposed development have an acceptable design?
- Does the proposed development provide an acceptable quality of residential accommodation?
- Does the proposed development have an acceptable impact on the amenity of neighbouring residents?
- Will the proposed development have an acceptable transport impact?
- What material considerations have been raised during the consultation process

### **Demolition of building within Conservation Area**

- 2. The Willesden Green Conservation Area covers the area south west of and including Willesden Green Station, Walm Lane and Willesden High Road as well as Heathfield Park and a small section of Willesden Lane. It is a mixed use centre which was mainly developed around the late nineteenth and early twentieth centuries following the expansion of the Metropolitan Railway. The buildings are predominantly mixed use with retail on the ground floor and office and residential above. The prevalent finishes are stock London brick and red brick. Most of the detailing is typical of the eclectic Victorian Architecture of the time.
- 3. The existing building is a single storey terrace in use as groundfloor commercial units within the Willesden Green Conservation Area. The building is constructed in red brick with a front parapet wall capped with a concrete coping stone. The shopfronts have some traditional features with the high stall risers and pilasters with prominent corbels. The single storey building and shop front do not share the distinctive characteristics of the shopfronts and buildings which define the Willesden Green Conservation Area. The shopfronts have recently been painted a turquoise/green colour which also is not a distinctive characteristic of the Conservation Area. The existing buildings do not make a particularly positive contribution to the character of the Willesden Green Conservation Area, by reason of their single storey scale, the lack of traditional shopfront details and the appearance of shopfronts as such the demolition of these is acceptable provided the replacement building is of an acceptable design.

### Principle of Mixed Use redevelopment/Site Specific Allocation

4. The site is within the primary shopping frontage of Willesden Town Centre. The site along with the neighbouring Electric House on Walm Lane forms part of a Site Specific Allocation (SSA) identifying the site for mixed use redevelopment for retail and/or food and drink with residential above. The SSA states that proposals should include improvement to the public realm along the pavement frontage. The justification for the allocation is that a more intensive development of the site would allow for a diversification of retail use and an increase in the supply of residential units in the area.

- 5. The SSA for the site requires that the ability to redevelop both sites is considered. The Council have sought to encourage both site owners to work together to produce a joint proposal for both sites, however despite planning officer advice to the contrary, both sites have now come forward independently. Throughout the pre-application process over the past three years Council officers have identified specific constraints with the independent redevelopment of both sites in terms of the design and relationship to each other, servicing of the ground floor commercial uses and the impact on residential quality. Network Housing have sought to address the concerns with the relationship between the two sites by reducing the scale and redesigning the corner element of their proposals, these proposals are currently under review as part of the applications referred to in the *History* section above. The concerns with the independent development of Queens Parade were also identified during the pre-application process and these will be expanded upon in this report.
- 6. The proposed development includes the provision of 345sqm of retail floorspace on the groundfloor and 34 residential flats above. This would represent an intensification of the use of the site and would involve the redevelopment of a brownfield site that would appear to go towards meeting the aspirations of the SSA and policy H11 of Brent's UDP 2004.
- 7. The existing level of retail floor space, which covers almost the entire footprint of the site, currently provides temporary retail space for start up businesses. The proposal will result in a decrease in retail floorspace from an existing gross internal area of 590sqm to 345sqm resulting in a loss of 245sqm. This loss occurs as a result of the need to provide a core access to the residential floors above and areas for servicing, cycle storage and plant for the proposed building.
- 8. The principle of the mixed use redevelopment of the site is considered to be acceptable.

### **Provision of Affordable Housing and Mix**

**9.** The proposed development provides 34 residential flats and is fully private with the following mix of housing.

_			
Та	h	ΙД	1

Floor	1-bed (46-54sqm)	2-bed (56-71sqm)	3-bed (69-83sqm)	Total
1	2	4	0	6
2	2	4	0	6
3	2	4	0	6
4	1	4	0	5
5	1	4	0	5
6	1	3		4
7			2	2
Total	9 (26%)	23 (68%)	2 (6%)	34

- **10.** The level of family housing provision is low at 6% but this level of provision is considered to be in line with Policy CP21 of Brent's Core Strategy, which requires a balance housing stock, as the site is located within a town centre where there is limited space for private amenity and parking.
- 11. The level of affordable housing sought for a major residential development should be in accordance with the Council's Core Strategy Policy CP2 which aims to achieve 50% of new homes should be affordable. Where this is not financially viable the Council seek to ensure that the maximum reasonable amount of affordable housing be provided in accordance with London Plan requirements. The applicants have confirmed that no affordable housing will be provided with this proposal but have not suitably justified this level of provision with the submission of a financial appraisal. As such the proposal fails to provide an appropriate level of affordable housing provision without sufficient justification contrary to planning policy 3.11 of London Plan 2011 and policy CP 2 of Brent's Core Strategy 2010.

### Design

Density

12. The Council's primary consideration in determining the appropriate density of new residential development is whether the proposed development achieves an appropriate urban design which makes efficient use of the land and meets the amenity needs of potential residents. It also notes that increased densities will be permitted in those parts of the Borough with good or very good public transport accessibility levels (PTAL 4 or above). This site is within a town centre with a PTAL rating of 5 which is very good.

- 13. The Council's has a density matrix set out in SPG 17 which states that a site in a town centre and near a transport interchange should have a density of between 240-700 habitable rooms per hectare(hrh). The London Plan Density Matrix sets out that proposed developments within an Urban Setting with a PTAL of 4 to 6 should have a density of between 220-700 hrh. The proposed development of Queens Parade has a density of 1400hrh. Therefore the level of development proposed is significantly in excess of London Plan and Council recommendations.
- 14. The excessive density of the site is considered to be demonstrated by the excessive scale and massing of the building in contrast to neighbouring development, the lack of adequate amenity space and high concentration of single aspect north facing residential units.

### Scale, Massing and Layout

- 15. The site specific allocation recognises that the site is suitable for more intensive redevelopment however any redevelopment should be in compliance with Brent's UDP policy BE9 which seeks to ensure that new development is of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location. Policy BE27 expands this requirement by stating that replacement buildings within a Conservation Area should be seen as a stimulus to imaginative, high quality design and an opportunity to enhance the area.
- 16. The existing single storey building occupies almost all of the site area except for a 1.2m deep 37m long pathway to the rear of the site. The Walm Lane frontage is approximately 33m long while the corner round to the boundary with Electric House provides a further 27m of frontage. The site at its deepest point on the corner has a depth of 18m this narrows to the north where it is approximately 9m deep at its shortest point adjacent to the boundary with Rutland Park Mansions. The site has an area of 640sqm. The site is a prominent location within the conservation area with an exposed location.
- 17. The neighbouring development to the north is the four storey Victorian apartment block Rutland Park Mansions. On the opposite side of Walm Lane is a row of mixed use three storey buildings with single storey front projections which provide the commercial frontage. To the west of the development site is the Locally Listed Electric House, a three storey 1930s Art-Deco office building (this building is subject to a separate planning application for its demolition and redevelopment as a mixed use development).
- 18. The proposed replacement building would occupy the whole site and is part 4/part 6/part 7/part 8 storeys in height stepping up from the boundary with Rutland Park Mansions to the corner of Walm Lane, Willesden Lane and High Road. The maximum height is retained adjacent to Electric House with a flank wall shown that could join with a proposed building should one be approved on the site.
- 19. In contrast to the neighbouring buildings on the opposite side of Walm Lane with their narrow sites and vertical emphasis and the set back and vertically defined Rutland Park Mansions Block, the proposed replacement building would have one large horizontal mass which while it steps down towards the north east boundary would be of a scale and massing out of context with neighbouring buildings within the Conservation Area. This scale and massing is further emphasised by the horizontal banding on the Walm Lane frontage which projects out to provide a curved corner element. As such it is not considered to be of a size and scale which sits comfortably within its prominent setting in the Willesden Green Conservation Area
- 20. The proposed building is of an excessive scale and massing, with a prominent horizontal emphasis which fails to preserve or enhance the character and appearance of the Willesden Green Conservation Area and surrounding street contrary to planning policies BE2, BE3, BE9 and BE25 of Brent's UDP 2004.

### Elevational Treatment, Materials and Public Realm

- 21. The main front elevation onto Walm Lane is defined by the prominent horizontal projecting banding which is to be finished in a bronze coloured PPC Aluminium panels. These panels are metal panels which will be coloured with a bronze finish. The recessed elevation behind the banding will be a mix of composite glazing and solid PPC Aluminium panels in a darker colour. The upper floors also contain three strips of balconies (to be constructed in perforated bronze PPC Aluminium Panels). The projecting balconies which start from the first floor level will are wedged shaped and have an area of approximately 7sqm. These balconies do provide some vertical emphasis to the building but not sufficient to successfully break down the massing of the proposed building.
- 22. The groundfloor contains the shop frontage which is defined by full height double glazed shop frontage with a glass canopy above. The plan of the commercial floorspace shows that this space could be

sub-divided into four separate commercial units. The main residential entrance is on the Willesden Lane frontage on the other side of the curved corner feature. The applicants have also highlighted that the space in front of the curved frontage, where there is the wider pavement width on the corner of Walm Lane with Willesden Lane, could be used for on-street seating and tables associated with the ground floor commercial use.

- 23. The proposed rear and flank wall elevations are to be finished in banded bricks in contrasting coloured bands. This would be acceptable on the flank wall facing Rutland Mansions provided the materials are of the highest quality as the facing flank wall of the Rutland Mansions is also blank and there would not be significant views of this from the streetscene. However the flank wall on the boundary with Electric House would be 7 storeys high, with a recessed eighth storey. This elevation would be prominent when viewed from east along Willesden Lane. If the neighbouring site is not redeveloped this would appear as a prominent flank wall which would have a significant unacceptable impact on views from within and outside the conservation area.
- 24. The proposed building by reason of the prominent flank wall on Willesden Lane, the projecting horizontal banding and projecting balconies and fully glazed groundfloor commercial frontage with projecting glazed canopy and the proximity of the projecting balconies to the existing street trees, would be of a style and appearance which accentuates the scale of the building to the detriment of the character of surrounding Willesden Green Conservation Area contrary to planning policies BE2, BE3, BE6, BE7, BE9 and BE25 of Brent's UDP 2004 and SPG 17:'Design Guide for New Development'.

### **Quality of Proposed Residential Accommodation**

- 25. 34 residential units are proposed and are arranged over first to seventh floors of the proposed building. The proposed units have all been designed with floor areas to meet the minimum floor areas of the London Plan policy 3.5. The one bed units are between 52.5sqm and 55sqm in size, the two bed units are between 71.7 and 78sqm and the three bed units, which are situated on the top floor are between 100 and 105 sqm. Four of the units including one of the three-bed units are disabled access units.
- 26. Due to the limited depth of the site and arrangement of the proposed floor accommodation 11 of the units will effectively be north facing single aspect units. The rear elevation of the Walm Lane part of the site cannot be used for habitable room windows as a result of its proximity to the boundary with Electric House. The main access corridors to the upper floor flats runs along the rear part of the site and while there will be windows to the corridor to correspond with windows in the rear walls of the of flats this would not be sufficient for the units to be considered as dual aspect. Members are very familiar with the fact that north facing single aspect units are not permitted, given the poor quality of environment they provide. The fact that a third of the units proposed fall into that category is a clear indication of the unacceptability of the scheme.
- 27. Each of the flats have a minimum of 7sqm of private amenity space however this would fall short of the requirement of a minimum of 20sqm per unit required by SPG 17. There is a communal roof terrace at the podium level on the first floor while there are additional roof terraces on the roof of the four storey and six storey sections of the building. This amounts to a provision of 238sqm of amenity space. Given that this space is more accessible for the upper floor units and that the first floor terrace will have limited daylight and sunlight as a result of the scale of the building, it is not considered to constitute an acceptable size and quality of amenity space to meet the requirements of the Council's planning policy guidelines. This needs to be considered in the context of the poor quality internal accommodation discussed above.
- 28. The proposed development by reason of the high proportion of north facing sole aspect habitable room windows and the inadequate area and quality of communal amenity space would result in an unacceptable quality of residential accommodation to the detriment of the prospective residents contrary to planning policy BE9 and H12 of Brent's UDP 2004 and the guidelines within the Mayor's Housing SPD and the Council's SPG17: Design Guide for New Development'

### Impact on Residential Amenity of Neighbouring Residents.

29. The nearest sensitive residential properties are those at Rutland Park Mansions. There is a gap of 8m between the flank wall of the proposed development and the flank wall of Rutland Park Mansions. There are no flank wall windows within the Rutland Park Mansions. The depth of the proposed development will match that of Rutland Park Mansions and therefore the main habitable room windows on the front and rear of this building will not be affected by the proposed building. As stated in the section above the majority of the sole habitable room windows for the proposed development are located on the Walm Lane and Willesden Lane frontages. There are 3 sole habitable room windows on the rear elevation close

- to the flank wall of the Rutland Park Mansions. These will not face an habitable room windows and will face the Electric House site and the car park to the rear for the residents of Rutland Park Mansions.
- 30. There are also residential properties on the first and second floor of the properties on the opposite side of Walm Lane. These have facing habitable room windows which are situated over 25m from the proposed building line. As such there outlook will not be detrimentally affected.
- 31. The applicants have also submitted a daylight and sunlight study which concludes that the proposed development will have an acceptable impact on daylight and sunlight to neighbouring residential properties. Officers have not challenged the conclusions of this report.

### **Transportation**

- **32.** The proposed development provides no parking for prospective residents. This is considered acceptable as it is in a location with very good public transport accessibility. To ensure that the proposal did not result in a significant increase in on-street parking a section 106 clause would need to be inserted removing the rights of prospective residents from accessing a parking permit for the CPZ. In the absence of an agreement to control this matter the proposed development would give rise to excessive on-street parking and highway conditions that would be prejudicial to highway and pedestrian safety.
- 33. The existing retail units have no off-street servicing. This is considered to be unfortunate given the status of Walm Lane and Willesden Lane as local distributor roads, the location of the site next to a controlled junction between the two roads and the presence of a bus stop on Walm Lane. The proposal provides an opportunity to deal with the issue of the absence of servicing and as a result the proposed retail units should have access to off street servicing facilities to ensure that there is no disruption to local highway safety and traffic conditions.
- 34. The applicants have shown that in the event that the site was redeveloped in the future, servicing could be provided through a link along the rear of the neighbouring Electric House site. However this could only be provided if the neighbouring site is developed at the same time or prior to Queens Parade. The Council's Highways Engineer cannot accept the proposed servicing solution, as it depends on land which is not in the control of the applicant, and depends on a redevelopment scheme taking place at the Electric House site which has itself not got the benefit of planning permission.
- 35. In the absence of a legal agreement to control parking, the absence of a on-site servicing bay and a delivery and servicing plan to control servicing the proposed development will generate a demand for on-street parking and servicing that cannot be accommodated within the surrounding area and on Willesden Lane, which is a London Distributor Road, and Walm Lane, Which is a Local Distributor Road, and as such the development would give rise to highway conditions that would be prejudicial to highway and pedestrian safety contrary to saved policies TRN3, TRN24, TRN34 and H19 of the London Borough of Brent Unitary Development Plan 2004

### **Response To Objections**

Objection	Officer Comment
Cumulative impact of the loss of existing cultural facilities in the local area without sufficient replacement (particularly with loss of library, Spotted Dog Pub and potentially the Queensbury)	The existing groundfloor space within Queens Parade is in use as retail floorspace. This space is currently occupied by start up businesses as part of a to rejuvenate the Willesden Green town centre. The proposed development. The proposed development will not result in the loss of any existing cultural facilities.
Loss of distinctive retail units that provide real benefits to the local population.	The existing space is in use as a temporary retail space. The proposed development would result in a decline in retail space however there would still be 345sqm of retail space. As with the existing units
Loss of light as a result of the height of the 8 storey building on flats on the opposite side of Walm Lane	The habitable room windows of the properties on Walm Lane are approximately set 23m from the proposed development site. They are not considered as part of the daylight and sunlight assessment as the daylight and sunlight specialist considered that they were too remote from the development site to be affected.
The proposed development will add to existing	It is noted that there will be some noise and disturbance

noise and congestion in the local area	during the construction process for any new development should the application be approved however conditions would be attached requiring details of a Construction Logistics Plan and a measures to control hours of work and dust from works.  In relation to the proposed retail and residential uses these are not considered to be significant noise
	generating uses and will not have a significant impact on noise levels.  There are concerns that the proposed development will have a detrimental impact on highway conditions as set out in the transportation section above.
Lack of parking will result in pressure on existing on-street parking provision.	The application if it were to be approved would have a section 106 clause to restrict the access of prospective residents to parking permits for the local CPZ to ensure that the proposal would not result in an excessive increase in on-street parking.
Loss of existing buildings which contribute to the character and appearance of the Willesden Green Conservation Area.	The existing buildings are considered to make a contribution towards the character and appearance of the Conservation Area as set out in paragraphs 2 and 3 above.

### Conclusion

36. The proposed redevelopment of Queens Parade has a number of serious shortcomings which cumulatively result in an unacceptable scheme which fails to provide any affordable residential accommodation, would have scale and design that harms the character and appearance of the Willesden Green Conservation Area, would fail to provide an acceptable quality of residential accommodation for prospective occupants and in the absence of a suitably worded legal agreement would have an unacceptable transport and environmental impact. The proposal fails to comply with requirements set out in the Mayors London Plan 2011, Councils Core Strategy 2010 and Unitary Development Plan 2004. Accordingly it is recommended for refusal for the reasons set out below.

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The proposed development fails to provide an appropriate level of affordable housing provision without sufficient justiciation contrary to planning policy 3.11 of London Plan 2011 and policy CP 2 of Brent's Core Strategy 2010
- (2) The proposed building is of an excessive scale and massing, with a prominent horizontal emphasis which fails to preserve or enhance the character and appearance of the Willesden Green Conservation Area and surrounding street contrary to planning policies BE2, BE3, BE9 and BE25 of Brent's UDP 2004.
- (3) The proposed building by reason of the prominent flank wall on Willesden Lane, the projecting horizontal banding and projecting balconies and fully glazed groundfloor commercial frontage with projecting glazed canopy and the proximity of the projecting balconies to the existing street trees, would be of a style and appearance which accentuates the scale of the building to the detriment of the character of surrounding Willesden Green Conservation Area contrary to planning policies BE2, BE3, BE6, BE7, BE9 and BE25 of Brent's UDP 2004 and SPG 17:'Design Guide for New Development'.
- (4) The proposed development by reason of the high proportion of north facing sole aspect habitable room windows and the inadequate area and quality of communal amenity space would result in an unacceptable quality of residential accommodation to the detriment of the

prospective residents contrary to planning policy BE9 and H12 of Brent's UDP 2004 and the guidelines within the Mayor's Housing SPD and the Council's SPG17: Design Guide for New Development'

- (5) In the absence of a legal agreement to control parking, the absence of a on-site servicing bay and a delivery and servicing plan to control servicing the proposed development will generate a demand for on-street parking and servicing that cannot be accommodated within the surrounding area and on Willesden Lane, which is a London Distributor Road, and Walm Lane, Which is a Local Distributor Road, and as such the development would give rise to highway conditions that would be prejudicial to highway and pedestrian safety contrary to saved policies TRN3, TRN24, TRN34 and H19 of the London Borough of Brent Unitary Development Plan 2004
- (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".

### **INFORMATIVES:**

None Specified

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

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# Agenda Item 5

# Committee Report Planning Committee on 17 July, 2013

 Item No.
 05

 Case No.
 13/0656



# **Planning Committee Map**

Site address: 1 Lydford Road, London, NW2 5QY

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This map is indicative only.

**RECEIVED:** 11 April, 2013

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

**LOCATION:** 1 Lydford Road, London, NW2 5QY

**PROPOSAL:** Retention of and alterations to existing single and two storey side and rear

extension, removal of front porch, existing paved surfacing to driveway to be replaced with block paving and additional soft landscaping to front of Dental

Surgery

**APPLICANT:** Mr Munther Mansour

CONTACT: Mr A Abood

PLAN NO'S: 12-01-101 Rev01 12-01-112 Rev01 12-01-113 Rev01 12-01-114 Rev01 12-01-115 Rev01

### 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 El-Abadi

### **Date and Reason for Request**

6 June 2013. Wishes to call this application to the Planning Committee for a decision.

### Details of any representations received

Approached by client.

### **Name of Councillor**

Councillor Kataria.

### **Date and Reason for Request**

6 June 2013. Would like the matter to be referred to the Planning Committee.

### Details of any representations received

None given.

### Name of Councillor

Councillor Cheese.

### **Date and Reason for Request**

6 June 2013."I would like the Committee to make the decision on the long-standing disagreement and consider independently whether the amended proposals offer a practical solution to placate both applicant and planners".

## Details of any representations received

Approached by the applicant.

#### Name of Councillor

Councillor Hunter.

#### **Date and Reason for Request**

6 June 2013. "I would like the Committee to make the decision on the long-standing disagreement and consider independently whether the amended proposals offer a practical solution to placate both applicant and planners".

# Details of any representations received

Approached by the applicant recently and, over a year ago, Cllr. Emad Al-Ebadi.

# Name of Councillor

Councillor Jones

# **Date and Reason for Request**

6 June 2013. "I would like the Committee to make the decision on the long-standing disagreement and consider independently whether the amended proposals offer a practical solution to placate both applicant and planners".

# Details of any representations received

Approached by the applicant.

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

# Name of Councillor

Cllr Hunter

**Cllr Jones** 

Cllr Cheese

Cllr El-Abadi

Cllr Kataria

# **Date and Reason for Request**

10 June 2013

To allow the Planning Committee to make the decision on the long-standing disagreement and consider independently whether the amended proposals offer a practical solution to placate both applicant and planners.

# **RECOMMENDATION**

Refuse

# **EXISTING**

The subject property is a detached property on the western side of Lydford Road on the junction with Willesden Lane. It is in use as a dentist on the groundfloor and a flat on the upper floor. It is not a listed building nor is it within a Conservation Area.

## **PROPOSAL**

See description above.

#### **HISTORY**

**12/0856.** Retrospective application for existing part single storey/part two storey side and rear extension and hard-surfacing to front forecourt of property in use as a dentist surgery on ground floor and first floor flat, with alterations to include the reduction in height of existing single storey side and rear extension, reduction in width of first floor element to part two storey side extension and erection of pitched roof, removal of open side porch and provision of landscaping in front courtyard. Refused for the following reasons:

- 1. The part single-storey/part two-storey side extension by reason of lack of set back from the front wall of the property, the excessive height of the single storey element, the excessive height and depth hipped roof of the proposed first floor side extension and its prominence in the street scene, is not suitably subservient to and appears out of keeping with the character and appearance of the original building and the surrounding streetscene contrary to planning policy BE2 and BE9 of Brent's UDP 2004 and the guidance set out in SPG 5:'Altering and Extending Your Home'
- 2. The part single-storey/part two-storey side extension by reason of its excessive height and forward projection at the first floor level on the boundary with the property at Nos 1-12 Mapeshill Place has a detrimental impact on the amenity of neighbouring residents in terms of loss of outlook and overbearing impact contrary to planning policy BE9 of Brent's UDP and the guidance set out in SPG5: 'Altering and Extending Your Home'.

In spite of the proposed changes to the structures on site this application was dismissed on appeal on 03/01/2013. The Inspector dismissed the appeal on the grounds that the extensions would have a detrimental impact on the amenity of neighbouring residents in terms of over-bearing impact and loss of daylight.

**11/2661**. Retention of and alterations to existing part single storey/part two storey side and rear extension and hard-surfacing to front forecourt of property in use as dentist surgery on ground floor and first floor flat.

The alterations involve reduction of height to existing single storey side extension, removal of open side porch and provision of landscaping in front garden.

Refused for the following reasons:

- The part single-storey/part two-storey side extension by reason of lack of set back from the front wall of the property, the excessive height of the single storey element, the flat roof of the first floor with the hipped roof of the original building and its prominence in the street scene, is not suitably subservient to and appears out of keeping with the character and appearance of the original building and the surrounding streetscene contrary to planning policy BE2 and BE9 of Brent's UDP 2004 and the guidance set out in SPG 5:'Altering and Extending Your Home'
- The part single-storey/part two-storey side extension by reason of its excessive height and forward projection at the first floor level on the boundary with the property at Nos 1-12 Mapeshill Place has a detrimental impact on the amenity of neighbouring residents in terms of loss of outlook and overbearing impact contrary to planning policy BE9 of Brent's UDP and the guidance set out in SPG5: 'Altering and Extending Your Home'.
- The alterations to the front forecourt by reason of the excessive area of hard-standing and the failure to provide 50% soft landscaping, are out of keeping with the character and appearance of the dwellinghouse and the surrounding streetscene contrary to planning policy BE7 and BE9 of Brent's UDP and the guidance set out in SPG 5:'Altering and Extending Your Home'

**E/08/0588**. Enforcement investigation on the erection of a single storey side and rear extensionm sid/front porch on the side of the premises adjacent to 1-12 Mapeshill Place and the formation of a hard surface to the front and side garden area of the premises. Appeal dismissed on 06/07/2011.

The Council issued an enforcement notice on 31<sup>st</sup> December, 2010 which amongst other things required the demolition of the side and rear extension. Dr Mansour appealed the enforcement notice to the Secretary of State whose Inspector subsequently dismissed the appeal. Dr Mansour then appealed the Secretary of States decision to the High Court. The matter has been adjourned in the high court pending the outcome of this application and any subsequent appeal that is made against it. If this application is refused and no appeal is made or if the appeal is dismissed, the High Court will continue its deliberations on the matter. If the High Court finds in favour of the Council, the side and rear extension will have to be demolished.

**08/1251**. Full planning permission sought for the erection of a rear dormer window and side dormer window to dwellinghouse. Withdrawn 13/06/2008.

**07/3316**. Details pursuant to condition 6 (self-containment of first-floor flat) of Full Planning Permission reference 07/1787, dated 20 August 2007, for erection of single-storey rear extension to dental surgery. Granted 26/11/2007.

**07/1787**. Full planning permission sought for erection of a single storey rear extension to dental surgery. Granted 20/08/2007.

**06/0777**. Full planning permission sought for change of use of ground floor from residential (use class C3) to dental surgery (Use Class D1), with retention of residential use on first floor (as accompanied by Dental Practice Proposal Statement). Granted 13/06/2006.

#### **POLICY CONSIDERATIONS**

# **National Planning Policy Framework**

The NPPF was published on 27<sup>th</sup> March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

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

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

## **Brent's Core Strategy 2011**

CP17: Protecting and Enhancing the Suburban Character of Brent

# Brent's UDP 2004

**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.

BE7: Public Realm: Streetscape - 50% soft landscaping should be provided in the front garden.

**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.

**TRN23: Parking Standards: Residential Developments** - Residential developments should not provide more parking that the levels as listed in standard PS14.

**PS14** - 2 parking spaces should be provided for dwellings with 4+bedrooms.

# SPG 5: 'Altering and Extending Your Home'

## **CONSULTATION**

All neighbouring properties have been consulted.

Five representations have been received objecting on the following grounds:

- Detrimental impact on amenity of neighbouring residents due to loss of light and outlook
- Out of keeping with the character and appearance of the property and surrounding streetscene.
- Landscaping proposed is not of an appropriate size or quality

These objections will be considered further in the Remarks section of this report.

#### **REMARKS**

## Introduction

- 1. The key considerations for this application are:
- Planning History
- · Impact on neighbours
- Design of Extensions

# **Planning History**

- 2. The current application is in relation to the unauthorised extensions at 1 Lydford Road. Details of the other applications and Enforcement Investigations are set out in the *History* section above. The submission of the latest application follows an unsuccessful appeal by the owner against a refusal of planning permission (12/0856), which was dismissed on 3 January 2013. The Inspector dismissed the appeal on the grounds that the proposed alterations to the existing extensions would have a detrimental impact on the amenity of neighbouring residents in terms of the loss of outlook and daylight as a result of the proposed extensions overbearing visual impact.
- 3. In the conclusion to their decision the Inspector stated:

I conclude that the extension would result in harm to the living conditions of occupants of the ground floor flats with side facing windows at Mapeshill Place, in terms of its overbearing effect and loss of daylight. It would therefore be contrary to Saved UDP Policy BE9(e) and SPG5.

- 4. The building does benefit for planning permission for a single storey rear addition granted in 2007, but the extensions that were built on the site are plainly larger than what was given consent, and include works to the side of the property which were not even part of the 2007 permission. The Council continues to take the view that the harm from the larger extensions is clear and this is why recent applications which do not significantly alter the size and appearance of the extensions have been refused and defended on appeal.
- 5. Previously, the appellants have argued that the extensions built on site were actually no higher than what was originally in place before works took place. The Inspector in his Enforcement decision letter helpfully gave his own view on this and clearly set out that what was built on site was of "a significantly greater height" than what was shown on any approved drawing.

Amendments since Planning Appeal Decision for 12/0856

- 6. Following the receipt of the appeal decision the applicants met with Council Planning and Enforcement Officers to discuss the amendments that would be required to address the concern raised by the Planning Inspector in their decision. Council Officers recommended that the following alterations should be made to make the existing extension acceptable:
- Each element of the single storey side extension should be reduced in height by 1m for its full length, to reduce the impact on the amenity of neighbouring residents at Mapeshill Place and take the structure back to its height before the unauthorised works took place.
- The height and width of the first floor side extension should be reduced.
- 7. Unfortunately the applicant has not agreed to the recommendations of Council Officers and while the proposals have been amended they have not fully addressed the detrimental impact of the existing extensions on the amenity of neighbouring residents at Mapeshill Place. The application has been amended in the following ways since the previous refusal:
- Instead of reducing the width of the first floor side extension and introducing the proposed hipped roof the

- first floor side extension is to be retained as existing so that it retains the flat roof and remains flush with the ground floor flank wall.
- The single storey side extension has been reduced by 1m in height measured down from its highest point and has a level flank wall instead of stepped.
- 8. Thus the proposed development is very similar to the proposal which was refused in 2012 under planning reference 11/2661(see History Section above).

# **Amenity of Neighbouring Residents**

- 9. The ground floor side extension projects up to the boundary of the site with the blocks of flats at 1-12 Mapeshill Place. The ground floor flats of Mapeshill Place have sole habitable room windows through to kitchens on the flank wall facing towards the boundary with No. 1 Lydford Road. These windows are positioned approximately 2.5m from the flank wall for the front flat and 2.2m for the rear flat. The side extension with the proposed alterations would have a height of 5.25m above the ground level of Mapeshill place. This in conjunction with the full width first floor side extension, which has a depth of 4.25m and a flat roof at a height of 7.8m, would have an overbearing impact on the neighbouring residents and would significantly limit daylight to and outlook from these sole habitable rooms.
- 10. The changes that the applicant has made since the dismissed appeal do not overcome these objections. As such the heights are excessive and have a detrimental impact on the amenity of neighbouring residents in terms of their visual amenity and outlook. The proposal fails to comply with policy BE9 and SPG5 specifications.

# **Design of Extensions**

- 11. The ground floor element of the extension is positioned next to the front bay feature in line with the main wall of the bay but back from the projecting element. It has a width of 4m from the main side wall of the dwellinghouse on the frontage, for a depth of 3m and then a width of 3.1m for a depth of 18.9m. The single storey side element of the extension has a stepped parapet wall on the boundary of the site with Nos. 1-12 Mapeshill Place. The steps follow the decreasing height of ground level from front to rear so that it is between 5.5 and 5.4m above ground level of the neighbouring property for its full length. The alteration proposed is to reduce this height to between 5.35 and 5.25m. At the front the single storey side element has a partially hipped roof which has a eaves height of 4.4m and a ridge of 4.9m. There are also two larger sash windows on the front elevation.
- 12. The front part of the extension is a lobby which provides access to the first floor flat, the rear provides additional rooms for the dentist surgery. To accommodate the stairs providing access to the upper floor flat a full additional storey has been added. The first floor side extension is set back 3.4m from the front bay, has a width of 3m and a depth of 4.25m. It has a flat roof with a parapet wall at a height of 7.2m above ground-level at the front and 7.8m above the ground level of the neighbouring amenity space for the residential blocks at Nos. 1-12 Mapeshill Place.
- 13. The flat roof of the first floor element of the side extension is not in keeping with the character and appearance of the original dwellinghouse which has a hipped roof. The ground floor side extension is also out of keeping with the character and appearance of the original dwellinghouse as it is not adequately set back from the main front wall of the dwellinghouse, has an excessive height and width and with the large front sash windows fails to be suitably subservient to the original dwellinghouse. Furthermore the prominent position of No.1 Lydford Road provides clears views of the extensions from Lydford Road, Willesden Lane and the rear of Mapeshill Place. The extensions appear incongruous and out of keeping with the character and appearance of the surrounding street scene. As such the extensions fail to comply with policies BE2 and BE9 of Brent's UDP 2004 and the guidance set out in SPG 5.

# **Response to Objections**

14. In response to each of the concerns raised:

Objection	Officer Comment
The proposed alterations will still result in a detrimental impact on the amenity of neighbouring residents due to loss of light and outlook.	Council Officers consider that the proposed development will have a detrimental impact on the amenity of neighbouring residents as set out in paragraph on residential amenity. This view has recently been supported at appeal.
The proposal is out of keeping with the character	Council Officers consider that the proposed development

and appearance of the property.	will be contrary to Council Planning Guidelines and out of keeping with the character and appearance of the surrounding street scene for the reasons set out above.
Landscaping is not of an appropriate size or quality.	The landscaping as proposed is similar to that which was required as one of the Enforcement Steps to remedy the breach of planning. This would be similar to what was in place prior to works commencing and would include the provision of 2 small trees. If the application were to be approved full details of the proposed landscaping would be sought by condition.

#### Conclusion

The proposed development will have a detrimental impact on the amenity of neighbouring residents and is out of keeping with the character and appearance of the existing property and surrounding street scene. This application fails to overcome the material issues that were considered by an appeal Inspector as recently as January 2013. Accordingly the application is recommended for refusal for the reasons set out below.

**RECOMMENDATION:** Refuse Consent

## CONDITIONS/REASONS:

- (1) The part single-storey/part two-storey side extension by reason of lack of set back from the front wall of the property, the excessive height of the single storey element, the flat roof of the first floor with the hipped roof of the original building and its prominence in the street scene, is not suitably subservient to and appears out of keeping with the character and appearance of the original building and the surrounding streetscene contrary to planning policy BE2 and BE9 of Brent's UDP 2004 and the guidance set out in SPG 5:'Altering and Extending Your Home'
- (2) The part single-storey/part two-storey side extension by reason of its excessive height and forward projection at the first floor level on the boundary with the property at Nos 1-12 Mapeshill Place has a detrimental impact on the amenity of neighbouring residents in terms of loss of outlook and overbearing impact contrary to planning policy BE9 of Brent's UDP and the guidance set out in SPG5: 'Altering and Extending Your Home'.

## **INFORMATIVES:**

None Specified

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

# Agenda Item 6

# Committee Report Planning Committee on 17 July, 2013

 Item No.
 06

 Case No.
 13/1098



# **Planning Committee Map**

Site address: 205 Church Road, London, NW10 9EP

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This map is indicative only.

RECEIVED: 29 April, 2013

WARD: Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 205 Church Road, London, NW10 9EP

**PROPOSAL:** Demolition of 205 Church Road and proposal of new market square to replace

Eric Road. Demolition of 3 storey building to the rear of 203 Church Road and proposal of 34 residential dwellings and ground floor non-residential space

(class A1/A3/B1/D1). Stopping up of Eric Road.

APPLICANT: London Borough of Brent

**CONTACT:** mae LLP architects

PLAN NO'S: See condition 2.

## **RECOMMENDATION**

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

## **SECTION 106 DETAILS**

The application requires a legal 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
- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Layout of Market Square as per approved drawings
- A contract to build the market to be let before the 30<sup>th</sup> unit is occupied (unless market square is required for construction of Catalyst land)
- Use of Commercial unit as a social enterprise for at least 5 years
- Transfer Family affordable unit to Brent Housing Partnership as a social rented unit
- Plant trees in Church Road as per approved drawings or fund works to be carried out by the council.
- A 'car-free' agreement, withdrawing the right of future occupants to on-street parking permits;
- A Delivery, Servicing & Access Management Plan for the market square prior to occupation of the commercial units or operation of the market;
- Marketing and promotion for a Car Club at the site, including the provision of subsidised membership;
- An agreement under S278 of the Highways Act 1980 to cover works in the highway, including tree planting along High Road and works in Eric Road and Preston Gardens;
- Sustainability submission and compliance with the Sustainability checklist ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4
- Achieve a BREEAM rating of 'Excellent' for the commercial element of the development
- Join and adhere to the Considerate Contractors scheme
- Transportation improvements, to include £10,000 towards a CPZ review;

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

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £517,263.49is £87,171.66.

# **EXISTING**

The subject site occupies approximately half of the Church End car park site located on southern side of Willesden High Road, north of Church Road, adjacent to the Neasden Lane/Willesden High Road roundabout, covering an area of approximately 0.31 hectares. Nos.179-203 Church Road to the immediate south of the site form part of the Church Road Local Centre. It includes land from the most western point of the car park up to and marginally beyond the eastern side of Eric Road. The site does not contain a listed building and is not located within a conservation area but is a designated Site of Archaeological Interest.

The northern boundary of the site adjacent to Willesden High Road is lined with mature trees, the south of the site is adjacent to the rear of 2-storey buildings on Church Road which are mainly commercial/retail at ground floor with residential above. No. 205 Church Road itself is a 3-storey building, located immediately adjacent to the north of Eric Road. There is an existing 2-storey building located to the rear of no. 203 Church Road, the ground floor of which is used as an extension to the shop floor area. North-east of Eric Road is the other section of the car park which is owned by Catalyst Housing Group and nos. 207-235 Church Road within the 3-storey buildings that form part of the Church Road Shopping Parade. This northern section of the car park is outside the site boundaries and has been subject to housing/retail-led pre-application interest but no formal planning application is yet to be submitted to redevelop the site.

Members will be aware that the whole car park site is currently used as an open-air market on Wednesdays and Saturdays for which there have been a number of temporary planning consents, the last of which was recently granted under application 11/1458 to renew temporary consent to continue the use until 22/05/2014.

## **DEVELOPMENT SCHEDULE**

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

#### Floorspace Breakdown

#### **USE**

Number	Primary Use	Sub Use
1	shops	
2	financial and professional services	
3	restaurants and cafes	
4	drinking establishments (2004)	
5	hot food take away (2004)	
6	businesses and offices	
7	businesses / research and development	
8	businesses and light industry	
9	general industrial	
10	storage and distribution	
11	hotels	
12	residential institutions	
13	non-residential institutions	
14	assembly and leisure	

# FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	209	0	209	250	250
2	0		0	0	
3	0		0	0	
4	0		0	0	
5	0		0	0	
6	0		0	0	
7	0		0	0	
8	0		0	0	
9	0		0	0	
10	0		0	0	
11	0		0	0	
12	0		0	0	
13	0		0	0	

- 1	1 7	U	0	0	

# **TOTALS** in sqm

Totals	3		Lost	New	Net gain
	209	0	209	250	250

#### **PROPOSAL**

The proposal would see the demolition of 205 Church Road and the creation of a new market square to replace Eric Road. The 3 storey building to the rear of 203 Church Road would also be removed and 34 residential dwellings and a ground floor non-residential space would be created.

The redevelopment of the site would be positioned on the boundary of the site addressing the High Road and would take the form of 3 linked blocks of stepped-storey heights, carrying 3 storeys at the western end of the High Road frontage, 4 storeys in the central element, rising to 5 storeys on the eastern section of the site adjacent to Eric Road. The building would wrap around the corner shared with the High Road and Eric Road, addressing a new pedestrianised market square. The section of the building adjacent to no. 203 Church Road would step down to 2-stories. Approximately 240m2 of non-residential floor space would be provided at ground floor level addressing the public square, spread between 2 units.

It is proposed that the non-residential area will be used as a social enterprise space and the intention is that the applicant will enter into an agreement whereby the floor space is secured for this purpose for the first 5 years following its availability.

At this stage, as planning permission has not yet been approved for the development, the applicant is not able to confirm who the exact end user will be for this space and therefore the proposal seeks consent for a flexible range of uses, that may be required to deliver the intended regenerative benefits. These could include Use Class A1 (which covers retail use and therefore may provide start-up space for a local retail-related business), A3 (which covers cafe/restaurant type uses and therefore could facilitate creation of a community cafe), B1 (which covers office use and therefore could provide business start-up space) and D1 (non-residential institutions, e.g. community use) use classes, and it is considered that all of the above uses would be acceptable in this location.

Following the development, the intention is that ownership of the market square and non-residential floor space would be retained by the Council and the 50 market stalls within the square would be let out at an affordable rate to market traders. The initial intention would be to continue market days on Wednesdays and Saturdays.

# **HISTORY**

# Address: Church Road Car Park rear of 189-203, Church Road, London

**11/1458:** Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 24/05/2013

**09/1095:** Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 29/07/2009

**08/2590:** Details pursuant to condition 7 (market management plan) of full planning permission reference 08/0792, dated 26 June 2008, for renewal of temporary planning permission reference 07/0014 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 03/12/2008

**08/0792:** Renewal of temporary planning permission 07/0014 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 26/06/2008

**07/0014:** Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 25/04/2007

05/3523: Change of use of car park to open-air market on Wednesdays and Saturdays – Granted 02/03/2006

# Address: 205 Church Road, London, NW10 9EP

**07/3808:** Change of use from launderette (Use Class Sui Generis) to restaurant (Use Class A3) – Granted 27/02/2008

07/3809: Change of use from launderette (Use Class Sui Generis) to take-away (Use Class A5) - Granted 27/02/2008

## **POLICY CONSIDERATIONS**

National Planning Policy Framework (NPPF)

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

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

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

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

Mayors London Plan 2011

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

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

Emphasis in the NPPF is for local planning authorities to identify and update annually a supply of deliverable housing sites (paragraph 47). The publication of figures from the Census 2011 have emphasised the need to identify additional land for housing, particularly in London and in Brent where the actual population increase

has significantly exceeded all projections. Brent has a significant problem with people living in unsuitable accommodation therefore there is an imperative to maximise the supply of new homes. This need is recognised in London Plan policy 3.3, Increasing Housing Supply, which highlights the pressing need for more homes in London. The provision of 34 new homes will be a welcome addition to the housing supply in Brent. In terms of the density of housing, it is necessary to consider policy 3.4 of the London Plan, which states that development should optimise housing output for different types of location within the relevant density range shown in table 3.2.

In terms of density, the number of units proposed is appropriate for the site as it is within a range considered by the London Plan to be appropriate for this type of location (urban) and which benefits from good public transport accessibility.

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

Objective 1: to promote economic performance & regeneration

Objective 2: to meet employment needs and aid the regeneration of industry and business

Objective 3: to enhance the vitality and viability of town centres

Objective 4: to promote the arts and creative industries

Objective 5: to meet social infrastructure needs

Objective 6: to promote sports and other recreational activities
Objective 7: to achieve housing growth and meet housing needs

Objective 8: to reduce the need to travel and improve transport choices

Objective 9: to protect and enhance Brent's environment

Objective 10: to achieve sustainable development, mitigate & adapt to climate change

Objective 11: to treat waste as a resource

Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

- CP 5 Place making. Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping. Sets out the requirements for appropriate design and density levels for development
- CP 19 Brent strategic climate mitigation and adaptation measures. Highlights the need for new development to embody, or contribute to, climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities. Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

# Unitary Development Plan 2004

# Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development that reduces the need to travel, especially by car, will be achieved.
- STR11 Seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.
- STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

#### **Built Form**

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.

- Don urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings.
- BE7 Public Realm: Streetscene
- BE8 Lighting and Pollution
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

## Environmental Protection

- EP3 Noise and vibration
- EP3 Requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.
- EP6 Contaminated land

#### Housing

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

# Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN23 Parking standards for residential developments
- TRN27 Loss of existing off-street parking
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS6 Car parking standards Class B1
- PS7 Car parking standards Class A1
- PS9 Car parking standards Class A3

PS12 Car parking standards – Class D1

PS15 Parking standards for disabled people

PS16 Cycle parking standards

PS19 Servicing standards

## Community Facilities

CF2 Location of small scale community facilities

Town Centres & Shopping SH27 New Retail Markets

Brent Council Supplementary Planning Guidance and Documents

#### SPG 17 "Design Guide for New Development"

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

# SPG19 "Sustainable Design, Construction & Pollution Control"

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

Brent Site Specific Allocations Adopted 2011 (SSAD)

# CE1 Church End Local Centre

The car park is part of site **CE1** Church End Local Centre in the SSAD which contains the whole of the car park site and buildings to the south. It includes Fortunegate Offices. The policy outlines that a new market square is proposed in the subject site alongside a new health centre. The site is outlined to have capacity for 120 units. CPO powers will be used to develop site.

# SUSTAINABILITY ASSESSMENT

Policy CP19 of the Council's Core"Strategy sets out that where proposals are located in Growth Areas, such as Church End, they should achieve level 4 of the Code for Sustainable Homes in terms of new residential accommodation and achieve a BREEAM rating of 'Excellent' in terms of new commercial floorspace. The development has been designed to comply with these standards. Further details with regards to the sustainability credentials of the proposal shall be included within the Supplementary report.

# **CONSULTATION**

Public consultation undertaken 28/05/2013 - 18/06/2013. 493 neighbouring properties were consulted. 1 letter of support and 1 letter of objection was received.

# Issue raised by consultee

- 1. I support the scheme. It will create a vibrant and pleasant place to live
- 2. The proposal involves land not under the ownership of the Council

## Response to comments

No further comment is needed

The objection is in relation to the 2-storey bu implement the development. The owner/occu Statement submitted alongside the submissi that the Council would aquire this site in order then it would not be possible for the develope submitted by an applicant whether or not the the determination of the application.

# Statutory consultees:

Transportation: No objection to the proposal, subject to a number of conditions as set down in the "remarks" section and the applicant entering into a legal agreement for the highway/streetscape works and travel plans.

Landscaping: No objection to the proposal, subject to a number of conditions as set down in the "remarks"

section and the applicant entering into a legal agreement for the highway/streetscape works

Environmental Health: The proposal can be supported subject to compliance with a number of conditions in relation to details of energy/air quality and noise impact mitigation.

Ward Councillors: No comments were received.

#### **REMARKS**

# Principle of development

- 1. The site is part of the wider Church End Growth Area which is based on mixed use regeneration including a new market square, up to 800 new homes by 2026 and at least 200 new trees. Policy CP10 of the Site Specific Allocations Document (SSAD) also sets out a vision for the growth area in which affordable premises for local businesses and an educational outreach centre will be provided to support business start-ups and skills development. The car park is part of site CE1 Church End Local Centre in the SSAD, which contains the whole of the car park site and buildings to the south. The policy outlines that a new market square should be provided within the subject site alongside a new health centre. The site as a whole is outlined to have an indicative capacity for 120 units.
- 2. The principle of the proposed development is considered to be broadly in accordance the NPPF, regional and local policy and with the criteria of policy CE1 of the SSAD. The wider SSAD area is 1.4 hectares in size but this encompasses the whole of the car park, boundary embankment and existing shopping parade.
- 3. Originally, it had been envisaged that a comprehensive redevelopment of the site would be brought forward by Catalyst Housing Group in accordance with the SSAD, with the assistance of the Council using its Compulsory Purchase Order (CPO) powers where required to acquire the land necessary to assemble the site. However, the economic downturn severely impacted upon the viability of the proposals to develop the entire site. In order to kick start the regeneration of Church End local centre, the Council have decided to make a more rationalised development proposal covering only part of the comprehensive development site.
- 4. At 34 units within the 0.31 hectare site, the number of units is broadly in line with the 120 unit capacity identified as appropriate for the whole of the car park site and would leave sufficient capacity within the remainder of the site for an appropriate scale of development (given the rationalised approach that has needed to be taken) to be provided in the future as part of a seperate application. The site lies on the boundary between an area with average to good levels of Public Transport Accessibility with a density of level of 297 habitable rooms per hectare (HRH) and therefore is considered to be in accordance with the Density Matrix in policy 3.4 of the Greater London Plan 2011 (GLP) which suggests an appropriate density range of between 200-450 hrh.
- 5. It would provide a 1400m2 new public market square in line with the wider objective of the Church End Growth Area to introduce such a facility on the site. No health care facility is proposed however. The Planning Statement outlines that the reason for this centres on a lack of public funding available and reforms of governance arrangements around the delivery of local health services making inclusion of such a facility unfeasible at present as there is currently little prospect of finding an operator for the facility. In providing the market square, the proposal would deliver a key component of the wider Church End Growth Area aspiration to regenerate the area and would improve pedestrian access between the High Road and Church Road. The scale and principle of development is therefore considered to be acceptable.

# Housing mix and tenure

Mix

Туре	No. of bedrooms	Ho. Hab. Rooms	Sq.m	No. of units	% unit type	Total Hab. Rooms
1b/2 person	1	2	51	13	38%	26
2b/3 person	2	3	61	9	38%	27
2b/ 3 person	2	3	63	4		12
2b/4 person	2	3	75	2	21%	6
(WCA)						6
2b/4 person	2	3	70	2		9
						ŭ .

2b/4 person	2	3	74	3		
3b/5 person	4	6	135	1	3%	6
Total				34	100%	92
Residential						

- 6. Core Strategy policy CP2 states at least 25% of all new homes should be family sized accommodation of three bedrooms or more. Whilst there is a particular need for larger family homes of three bedrooms or greater in the borough, the constrained nature of the site in terms of its size and close proximity to the busy main road makes it less suited to family housing provision. A mix of 1-bedroom (13 units) and 2-bedroom (20 units) flats have been proposed, alongside a single 3-bedroom family dwellinghouse with a private garden. The family unit would be the 1 affordable unit within the development, offered as a rented property. The layout of the site also makes provision of amenity space appropriate for any significant number of families unit hard to achieve.
- 7. The application only contains 1 affordable unit; London Plan policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes requires "the maximum reasonable amount of affordable housing should be sought when negotiating" on relevant schemes. The policy provides further detail on the factors Local Planning Authorities should consider when assessing applications, including the need to encourage rather than restrain residential development (LP policy 3.3) and the specific circumstances of individual sites. It goes on to say that negotiations on sites should consider, amongst other things, the development viability and the implications of phased development where this could allow a re-appraisal of the viability prior to implementation.
- 8. In accordance with adopted policy, an Affordable Housing Viability Assessment has been submitted to support the application and this seeks to demonstrate that the scheme financial viability is such that no more affordable housing than the 1 unit proposed can reasonably be delivered as part of the residential element of the scheme. Your officers have assessed this document, which sets out the anticipated development costs and scheme revenue. The scheme proposes to deliver a step change in build quality to lift the local centre, and to provide both new market square facilities and social enterprise space that can support enterprise or community uses. The viability assessment shows the scheme fails to deliver any significant positive residual value for the councils land and that viability for the scheme would be marginal. With respect to the affordable housing element of the scheme, a single family house is offered for affordable rent.
- 9. Given the low values in the area, the proposed high build quality of the scheme and provision of both the new market square facilities and social enterprise space, your officers consider that this position is reasonable, and that the benefits associated with the delivery of a high quality first phase of a regenerated new local centre outweigh affordable housing considerations here, particularly when the existing high concentrations of social rented housing in the Church End area are taken into consideration, and stated policy to promoted mixed use, mixed tenure development in the borough.

# Standard of accommodation

- 10. The ground floor units within the development would be accessed from personal entrances off the High Road whilst the upper floor units would be accessed from 3 stair cores accessed off the High Road. Lift access would be provided for the units above the commercial space. All units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17 and the London Housing Design Guide. All of the proposed units are dual aspect; there are no single aspect north facing units which accords with the standards set out in the Mayors Housing SPG 2012. The standard of amenity provided is in general compliance with the requirements of SPG17.
- 11. There are some 1<sup>st</sup> and 2<sup>nd</sup> floor rear windows of upper floor flats that would be within 9 metres of the first floor kitchen window of upper floor flat within 203 Church Road. Whilst SPG 17 outlines that a minimum distance of 20 metres between directly facing habitable rear windows should be maintained to provide sufficient levels of privacy between units, the windows within the affected units of the development are to be treated with opaque glazing to preclude views into the kitchen of no. 203 whilst providing a source of natural light.
- 12. The windows serve the kitchen/living room space of the units which would also benefit from north-east windows facing windows to provide sufficient levels of outlook. Therefore, an acceptable level of privacy for the affected units would be retained whilst providing a satisfactory outlook for the proposed units. There are other upper floor rear windows within the proposed flats that would be less than 20 metres from rear windows within existing flats on the upper floors of Church Road, but none of these are directly facing and set at oblique angles to each other and therefore would not be considered to give rise to an unacceptable

lack of privacy.

- 13. Living room windows within the proposed upper floor units have been recessed and carry timber screens which will reduce the scope for views into rear windows of Church Road properties. Whilst some of the rear windows of units at the north-east end of the High Road block will have a restricted outlook by virtue of the part 5-storey wrap-around element of the scheme, this section of the building does step-down to 2-stories. On balance, it is considered a sufficient level of outlook and access to natural light would be provided for these windows.
- 14. The frontage of ground floor units would be set-back 2 metres from the street and are to be set 0.5m raised from street level. A combination of 0.9 metre boundary hedge and secure front boundary railings shall ensure there is a secure sense of division between unit frontages and the street. The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. 4 of the 34 units are wheelchair adaptable and are positioned on the ground floor adjacent to the 3 on-street parking spaces within Preston Gardens.
- 15. All of the residents units would benefit from private amenity space. The family unit would have access to a private garden of approximately 130m2 which is well in excess of the 50m2 required for a family unit to meet SPG 17 standards. All of the flats within the scheme would benefit from private amenity space in the form of balconies or terraces, and would also have access to a well-landscaped secure courtyard area of approximately 375m2. The total private and communal amenity space would provide approximately 20m2 amenity space per unit which complies with SPG 17 guidelines for amenity space provision for 1 or 2 bedroom units.

## <u>Design</u>

16. The general layout of the development is well considered. Street frontages are clearly defined and activated by commercial units to the market and residential entrances to the High Road. Your officers consider the proposed scale, bulk and massing of the development to be sympathetic to its surrounding urban landscape. The elevations of the building would provide a simplistic, yet relatively legible style of architecture, the mass of which would be broken by virtue of recessed balconies and recessed upper floor windows. Whilst it could be argued that the proposal would benefit from greater variation in the brick type, given the length of its frontage, the materials palette is supported, particularly the use of timber windows and the concrete lintels and canopies. The proposal shall be conditioned so that the development is carried out in accordance with the materials as set out in the submitted details, to ensure that as built it meets the same standard of design as set out in the planning submission.

# Impact on neighbouring amenity

- 17. As outlined in the standard of accommodation section above, there are some upper floor rear facing windows and balconies within the development that would be within 20 metres of rear habitable windows within existing adjacent upper floor residential properties on Church Road. As these windows are set at oblique angles to each other, and timber screening panels are to be placed on the recessed balconies, it is considered that a satisfactory level of privacy would be provided for both existing and proposed units.
- 18. SPG 17 requires the envelope of the building to be set below a line drawn at 30 degrees from the nearest rear habitable room window at 2 metres height. The proposal is in general compliance with the 30 degree rule aside from one section where the envelope of the 2-storey and recessed 5-storey element of the building would be marginally set above a line drawn at 30 degrees from the rear kitchen window of first floor flat within no. 203 Church Road. At present, the rear kitchen window of this property faces a dilapidated 2-storey building used in conjunction with the ground floor retail unit which is 9.6 metres away. Taking this existing view into account and the overall improvements both to the public realm and improved standard of built form that the development would introduce to the area, whilst the proposal would be visually prominent when viewed from this rear window, on balance your officers consider that it would not be to such an extent that would warrant refusal of the application.

# Function of the Market Square

19. The proposed new market square will provide a pedestrianised link between the High Road and Church Road. This will be a permanent home for the existing Church End market which currently runs on Wednesdays and Saturdays, but also gives the scope for the market to grow and function on other days. The orientation of the square would encourage the line of pedestrian flow to and from the local centre allowing

access along the frontages of the proposed building. The horizontal arrangement also gives permeability between ground floor building frontages either side of the square.

- 20. The existing mature tree at the top of the site will be retained to act as a destination marker and focal point for the square. The central part of the square will house a maximum of 50 no. 3.05m width x 3.05m length market stalls at one time, although an alternative arrangement could see 48 stalls laid out vertically as opposed to horizontally which would reduce permeability of access to ground floor frontage of the buildings. As is set out within the transportation section of this report, a loading and servicing area for the market square is to be provided via a retractable bollard controlled area of the square adjacent accessed off Church Road. The aim is to provide alternative options for parking without having a detrimental impact on the market function which would close or cause the market to relocate. Lighting posts are located at the periphery to give unified background lighting to the square and market. Support space for the market is found within the proposed building at ground floor level. This includes storage space for market stalls, WC provision, water services and bin stores which will be secured access and controlled by the market's managing company.
- 21. It is envisaged that the market square shall remain under the ownership of Brent Council and shall be let out to a market management company who would set the chargeable rates for individual market stall traders. On non-market days, there is scope for the space to be used for community events. The surface of the market square shall be of a high quality durable material. At present, the proposed plans do not indicate that access will be retained to the Catalyst site but it may be necessary to allow access from the market square onto the north section of the car park to maintain existing access available and also to allow any future development of this site to proceed. Further details of means of access to this area shall therefore be conditioned to be provided.

## **Transport**

# Loss of Car Park

- 22. The proposed development would result in the loss of the existing car-park which provides approximately 46 car-parking spaces when not in use by the market. However, it does not appear that proper parking within the site is enforced resulting in frequent occurrences of haphazard and, sometimes dangerous, parking on the site. At the time of previous visits to the site the car park has sometimes been over occupied, with vehicles double-parked or parked on kerb build-outs. The closure of the car park to enable regeneration is implicit in the SSA for the site and therefore is considered to be acceptable in principle.
- 23. Despite being under the ownership of the Council, at present there are no charges for the use of the car park. As such, the car-park use does not generate any revenue for the Council and offers an opportunity for individuals to avoid the on-street parking charges (both pay and display and resident permit bays) that currently exist in the surrounding area. As such, the turnover of these spaces is low with many remaining parked by the same users for long periods of time. This pattern of parking was observed by the Council's Transportation Officer at the time of a site visit. A low turnover of spaces was also noted in the Transport Assessment submitted with the application. The assessment summarises that people currently take advantage of the absence of parking charges in the car-park to avoid using pay and display bays in the local CPZ or to park for long periods of time, perhaps because they work, attend college or places of worship in the area. There is therefore little evidence that the car park is much used by shoppers visiting Church End, for whom the retention of off-street parking would be a priority under Policy TRN27 of the UDP. If, as suspected, the car park is predominantly used by local businesses, college students or worshippers, then its removal would help to encourage use of non-car modes of transport, in line with Brent Council's strategic transport policies.
- 24. With regard to the impact of the loss of the car-park on on-street parking, the surrounding area is noted as being heavily parked, so in theory offers little scope to safely accommodate displaced parking. However, the fact that the car park is not available on market days means that a measure of the likely impact can be gauged more accurately by observation of parking conditions on market days. To this end, the submitted Transport Assessment included parking surveys on for the immediate area, on both a Wednesday and Saturday when the market was in operation. The main difference between these days is that the CPZ is in operation on Wednesdays and not on Saturdays. The data obtained form the surveys concluded that although parking levels in the area remain high, particularly on Saturdays when the CPZ is not in force, that there would continue to be sufficient parking capacity, and parking alternatives, for existing residents and shoppers who currently use the car-park. Other users may be encouraged to use more sustainable forms of transport through the removal of free car-park.
- 25. In order to provide some additional mitigation for the loss of the car-park nine new off-street parking

spaces at the eastern end of the square for use on non-market days is proposed. It is intended that these be managed by Brent Council Parking Services as an off-street car park, with the same pricing structure as the on-street pay and display spaces along Church Road. Adequate dimensions are shown for the spaces and the central aisle, whilst the crossover width is also fine. Further details of signage and pay and display machines will need to be approved as a condition of any approval.

# Parking Residential Development

- 26. The application does not propose to provide any parking for the development with the exception of a dedicated space for the single dwellinghouse and the capacity to provide two further disabled parking bays in Preston Road should to need arise. Instead the application proposes that the residential element of the development would be 'permit-free' whereby occupiers of the residential units would not be entitled to on-street parking permits. The criteria for accepting this form of agreement are that the development should be within a controlled parking zone and in a location with excellent public transport accessibility.
- 27. The site lies within Controlled Parking Zone "HY", operational between 8.30am-6.30pm on weekdays. However, despite being within 960 metres (12 minutes walk) of Neasden Underground station (Jubilee line) and within a short walking distance of three bus services the public transport accessibility of the site is calculated to be moderate (PTAL 3). Whilst this would not normally be sufficient to support a permit free agreement there are a number of mitigating factors that need to be taken into account in this instance.
  - The subject site is located within a designated Growth Area, where sustainable development is encouraged.
  - The site is extremely close to areas achieving a PTAL of 4, with the nearby developments on the site of the former White Hart and the Church of Miracles Signs and Wonders both benefiting from permit-free agreements
  - The subject site is located adjacent to a local centre.
  - A bus stand and bus drivers toilet have already been provided on High Road to facilitate future
    extension of bus services into this area as it is redeveloped which would improve the PTAL.
  - If car-parking were required it is difficult to envisage how the site, which is identified in a SSA, could feasibly be delivered.
  - The scheme comprises predominantly of a mix of smaller (1 and 2-bedroom) units, rather than family accommodation.
- 28. Given the very exceptional circumstances of this particular site and the proposals it is considered that in this instance it would be justified to accept a 'permit-free' arrangement for the residential element of the scheme.
- 28. With a moderate PTAL rating though, it is important that a Car Club is established in the area to complement the development the nearest existing cars being located almost one mile away. Whilst the scale of this proposal would not by itself support a Car Club, when combined with other nearby recent and proposed developments on the northern half of this car park site, at the former White Hart PH and at the Church of Miracle Wonders & Signs, there should be more than sufficient development coming forward to support a Car Club.
- 29. To assist with this, any consent on this site should include a commitment to future marketing of a Car Club for the area, including the provision of free or subsidised membership for residents for two years from first occupation. With regard to the siting of the Car Club vehicles, the applicant has suggested this be on Preston Gardens, which is considered acceptable in principle.

# Servicing

- 30. In terms of servicing and emergency access, the proposed flats front High Road, allowing straightforward access for refuse and fire vehicles. The refuse storage area at the northern end of the building fronts the zig-zag markings associated with the adjacent pelican crossing, but is within 10m of a location just beyond the zig-zag markings in which refuse vehicles can safely stop. The store for the southernmost units within the rear amenity area is within 10m of Preston Gardens, to allow easy access.
- 31. In terms of the commercial units, servicing by transit sized vans would generally suffice for the proposed uses, although if the larger unit were to be used as an office, this would in theory require servicing by 8m rigid lorries. The proximity of the pelican crossing on High Road means that it is essential that these units are able to be serviced from Eric Road and to enable this, collapsible bollards are proposed to allow vehicular access onto the new market square on non-market days. This is acceptable in principle, but time

restrictions on servicing times may be required as part of a servicing plan, to limit access to quieter times of the day.

- 32. In the event that this development is built out before any development takes place on the northern part of the car park, vehicular access will also need to be retained to the remaining parking spaces and to the private car park at the rear of 225 Church Road. This is not ideal, but as a temporary arrangement pending future redevelopment, could be accepted in the short term and should be allowed for in the design.
- 33. Servicing standard PS17 for retail uses also applies to street markets. On market days, vehicular access to the market square will be severely restricted, meaning loading will inevitably need to take place from Church Road alongside and across the access to the market square. However, there is only kerbside space in this area for about two vans, before vehicles would interfere with the bus stop to the north of Eric Road. Use of the loading area will therefore need to be very carefully co-ordinated and managed to ensure bus movements are not obstructed, although it does help that the market will generally set up in the early hours of the day.
- 34. There is also inadequate space within the site for the parking of market traders' vehicles during the day and an off-site location will need to be secured for their use once the market is set up. Various locations are currently under consideration in this respect, with the use of the privately managed Dalmeyer Road being the preferred option at present. This is supported by the Transportation Unit, as it is located close by, is not adopted highway and offers almost 200m of kerbside parking space that is currently largely unused.
- 35. Nevertheless, given the uncertainties over the manner in which the market and shop units will be serviced, any planning consent for this scheme must be contingent upon a suitable Delivery and Servicing Plan being agreed in advance of occupation of the units or operation of the market, to be complied with thereafter and to include regular reviews of operations, including access requirements across the square. This will be secured through a S106 Agreement, rather than planning condition.

## Stopping up of Eric Road

- 36. The formation of the market square is proposed to involve the stopping-up of Eric Road as adopted highway. This is acceptable in principle, as it gives more flexibility to how the area is managed (particularly on market days), although retention and extension of the adopted highway would also be acceptable. Future maintenance will be funded using income from the rental of the space for the market.
- 37. The new pedestrian route will still be retained as a public right of way, connecting Church Road with the High Road pelican crossing and on to Neasden Lane and the Church End development beyond. However, the improvements to the route arising from the increased width, better surfacing and lighting are particularly welcomed.

#### Landscaping

- 38. The frontage of the site addressing High Road currently has 13 mature trees along the embankment, 11 of which would have to be removed as part of the development. There are also 4 trees within the car park itself that would have to be removed. Whilst it is obviously regrettable that the boundary trees would be lost, given the contribution the trees make to the visual amenities of the street scene, retention of them would hinder the development of the site, as doing so would require the building to be set-back much further from the boundary of the site bringing it into closer proximity to the existing buildings on Church Road which would create issues with regards to its relationship with these adjacent properties. It would also reduce the size of the courtyard that could be provided as amenity space for occupants of the proposal.
- 39. The proposed landscaping scheme seeks to mitigate the loss of the exsiting trees and would see 2 mature trees at the south-west and north-west ends of the site retained, with the north-west London Plane tree retained within the Market Square. At the same time a total of 8 replacement street trees of an appropriate species would be planted at the centre point of the public footway between the cycle and pedestrian footway. The proposed trees will act as an attractive landscape treatment which would not impede pedestrian/cycling movement whilst ensuring the outlook of windows within the frontage of the development is not unduly impacted up. 9 trees would be planted within the courtyard of the development alongside a high quality scheme of boundary landscaping and hard landscaping materials. The courtyard would act as a secure amenity space for occupants of the proposal providing lawned areas with seating and bike storage. Given the constrained nature of the site and the good standard of proposed landscaping that would act as replacement, on balance the loss of the existing trees is considered to be acceptable. Details of landscaping shall be conditioned to be carried out in accordance with the submitted details.

# **Archaeology**

- 40. The site lies within a site of Archaeological Importance as designated within the UDP. The policy requires that applicants have the archaeological implications of their proposals assessed by means of a recognised archaeological group (if necessary by a preliminary site investigation), provision is made so that sites are properly investigated and excavated before development begins; and that landowners and developers work in accordance with the British archaeologists and developers' code of practice. This is in line with The National Planning Policy Framework and the Greater London Plan 2011 which requires Local Planning Authorities to require a desk-based assessment where a proposal may affect a designated heritage asset and where necessary a field evaluation report.
- 41. An Historical Environment Assessment has been submitted which has been carried out by the Museum of London. This sets out the archaeological and historical background of the site, the likely significance of any buried heritage assets on site, the potential impact of the proposal on these assets and suggestions for further investigations that are likely to be required.
- 42. The report outlines that there is a high potential for post-medieval remains including evidence of buildings, cess pits, refuse pits and wells and evidence of park/garden features. There is also a high potential for later medieval and Saxon remains which may include evidence of buildings and farming, forming part of the known settlement at Church End. There is a low to moderate potential for prehistoric remains. The potential for Roman remains is low, there is a lack of evidence for use of the area during this period and it is likely that evidence of small-scale activity which may have occurred has been removed by subsequent use of the site.
- 43. Given the above, the report advised that further site-specific investigation in the form of a programme of archaeological work should be required to ensure that the impacts on the potential archaeological assets within the site resulting from the proposal are thoroughly investigated prior to the commencement of any excavation or construction works on site. This shall be conditioned.

# **Ecological interests**

44. In support of the application, a bat and habitat survey have been submitted. The bat survey indicated that there were no signs of bats or bat activity were found within the surveyed trees within the site whilst the Habitat survey recommended that any trees that are to be retained within the proposal should be protected in accordance with the correct legislation, British Standard 5837: 2012. Further details in relation to the protection of existing trees are set out within the lansdscaping section of this report.

## Secured by Design

- 45. The backs of gardens for the ground floor units will carry approximate 1 metre boundary railings and boundary landscaping to provide security in the form of a landscaped boundary treatment. Railings will also be provided along the frontage and entrances of ground floor units alongside planting which shall create active frontages where habitable rooms look out onto streets and allow for on-street surveillance around the block. Front boundary fences/planting will be a minimum of 900mm.
- 46. The rear garden for the family unit adjacent to Preston Gardens will carry a minimum of 2m high solid brick wall or secure metal fencing with robust low level planting. The boundary walls to properties off Preston Gardens will be constructed from perforated metal fencing which allow improved surveillance from dwellings onto the street. Relocated street lighting will also improve security lighting on to the street and new lighting will be proposed for the market place and courtyard garden.
- 46. The market square shall be an open, legible and well-lit public environment which will allow for on-street surveillance from both Church and High Road ends. There will be minimal street furniture clutter, no hidden corners or changes in levels, which aids the visual permeability of the space. The non-residential ground floor use fronting onto the market square and the High Road will help to create an active frontage for as long as possible during the day and evenings. The upper floors above the ground floor space comprise of apartments and have habitable rooms and balconies directly overlooking the square to maximise surveillance.
- 47. It is hoped that the market square will used by the local community on non-market days which will need further exploration by local groups and organisations.

#### 48. Section 106/CIL:

# Conclusion

- 49. The proposed development would offer the following strategic benefits:
- A new public market square
- A new non-residential space which would be envisaged to be used for local social enterprise
- 34 new homes including 1 affordable family-sized unit,
- An environmentally sustainable development, reaching Code For Sustainable Homes Level 4 and BREEAM 'Excellent'
- A high quality level of architecture that would improve the local built environment.
- 50. The low provision of affordable housing is considered to be outweighed by the benefits resulting from the delivery of a high quality first phase of regeneration of the Church Road Local Centre, the provision of a public market square and the social enterprise space. The proposal is therefore considered to be in general with national, regional and local policy which seeks to promote sustainable development. It is therefore recommended for approval.

## **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
  - NPPF
  - Council's Supplementary Planning Guidance
  - Mayors London Plan

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
- Design and Regeneration: in terms of guiding new development

Site-Specific Policies

# **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):

417.001a Existing site plan

417.002a Tree survey

417.003a Tree protection

417.010c Landscape general arrangement

417.011c Soft landscaping

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417.012c Boundary landscaping detail key plan
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417.013c Lighting

417.014c Drainage

417.015b Adoption

417.100c Eric Road landscaping detail

417.101b Courtyard landscape

417.102b High Road landscape

417.201 Cyclestore

417.202 Gates Preston Gardens

1233 PG100b Ground floor plan

1233 PG101b First floor plan

1233 PG102b Second floor plan

1233 PG103b Third floor plan

1233 PG104b Fourth floor plan

1233 PG300b Proposed elevations

1233 PG400 Proposed market elevations

1233 PG401 Proposed High Road elevations

1233 PG402 Proposed High Road elevations 2

1233 PG403 Proposed facade details

1233 PG404 Affordable unit - plans and elevations

1233 PG405 Communal entrance and Core A details

1233 PG406 Communal entrance and Core B details

1233 PG407 Communal entrance and Core C details

1233 PG408 Proposed rear elevation details

1233 PG409 Commercial shop front and corner elevations

1233 PG410 Commercial rear and gable elevations

417.204 Circular Planter Detail

417.205 Terrace Walls

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

The dwellings shall achieve a Code Level 4 in accordance with the requirements of the Code (3) for Sustainable Homes: Technical Guide. No dwelling shall be occupied until a Certified Assessor has confirmed that the dwelling has achieved Code Level 4 and a final application has been made to obtain a Final Code Certificate.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of ensuring a sustainable form of development.

(4) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site and the loading areas indicated on the approved plans shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority. All loading and unloading of goods and materials shall, where practicable, be carried out entirely within the curtilage of the site.

Reason: To ensure that materials or vehicles awaiting or being loaded or unloaded are parked in designated areas and do not interfere with the free passage of vehicles or pedestrians within the site and along the public highway and in the interests of the visual amenities of the area

(5) All residential units within the development hereby approved shall be built out in compliance with Lifetime Homes Standards.

Reason: In order to ensure an adequate quality of residential environment

(6) 10% of all residential units within the development, hereby approved, shall be easily adaptable for wheelchair users, as defined by the Mayor's SPG (November 2012) ie: do not require

structural alterations (such as removing walls to enlarge rooms) to make it suitable for wheelchair users.

Reason: To ensure a development that would meet the needs of all potential users and in order to comply with the provisions of the London Plan.

(7) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use of the area denoted as "Non-residential/Commercial A1/A3/B1/D1" on the ground floor plan hereby approved shall only be for purposes within Use Classes A1, A3, B1 or D1, unless otherwise agreed in writing by the Local Planning Authority, providing that any extraction equipment required by the uses are approved by the Local Planning Authority in advance of the unit being served by the required extract equipment being occupied.

Reason: To allow an appropriate level of flexibility in the use of this floorspace and in the interests of amenity.

- (8) The ground floor commercial premises (A1, A3, B1 or D1) shall not be used except between the hours of:
  - 0700 hours and 0000 hours Mondays to Saturdays
  - 0900 hours and 2300 hours Sundays and Bank Holidays

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

(9) The development shall be constructed using all the external materials shown in the plans and documents hereby approved.

# List of details...

Reason: To ensure a satisfactory standard of development.

(10) The development shall be carried in accordance with the layout and design of the residential cycle storage areas including the configuration and layout and details of the cycle storage fixtures as shown in the plans and details hereby approved. The development shall not be occupied until the cycle parking spaces have been laid out in laid out in full accordance with these details and these facilities shall be permanently retained for the lifespan of the development.

Reason: To ensure satisfactory facilities for cyclists.

(11) The roof of the second floor of the development adjacent to the rear of No. 203 Church Road shall not be used as a roof balcony/terrace amenity space by the occupants of the scheme for the lifespan of the development.

Reason: In the interests of safeguarding the amenities of neighbouring residential occupants.

(12) No development shall take place, including any works of demolition, 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 include details of:

- i. Specification of construction works at each phase of the development
- ii. Construction Logistics Management
- iii. Consideration of environmental impacts and required remedial measures
- iv. Erection and maintenance of security hoarding including decorative displays, where appropriate
- v. Wheel-washing facilities
- vi. Parking of vehicles of site operatives and visitors
- vii. Arrangements for the loading and unloading of plant and materials
- viii. Storage of plant and materials used in constructing the development
- ix. Scheme for recycling/disposing of waste resulting from demolition and construction works
- x. Commitment to adopt and implement the Considerate Contractor Scheme

Reason: To allow the Local Planning Authority to exercise proper control over the development in the interests of amenity.

(13) All residential units shall be designed to achieve daytime and night time internal noise levels of 30 dB LAeq. A test shall be carried out post-completion and submitted to the Local Planning Authority for approval in writing, to show that the criteria has been met.

Reason: In order to ensure an adequate quality of residential environment

(14) Prior to the commencement (save for demolition) of the development hereby approved the applicant shall provide an Air Quality Impact Assessment demonstrating the effect of the proposed heat and power systems for the development will be within acceptable limits.

Reason: To protect local air quality in accordance with Brent UDP policies EP3 and EP4.

- (15) No works shall commence on the development before an Arboricultural Method Statement for the development has been submitted to and approved in writing by the Local Planning Authority. Such details shall include:
  - (i) A schedule of all works to trees on-site to facilitate the development or ensure the health of the tree(s)
  - (ii) For those areas to be treated by means of any hard landscape works including access Roads and pathways, provide:
  - " detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
  - " details of a no-dig solution for areas within root-protection zones using a cellular confinement system to include a method statement for such works;
  - " attendance of a qualified and experienced arboricultural consultant during sensitive operations;
  - " works to trees should be carried out by an Arboricultural Association Approved Contractor in accordance with the latest industry guidance (British Standard 3998:2010);

The works shall be completed in accordance with the approved details. The applicant shall give written notice to the local planning authority of seven days prior to carrying out the approved tree works and any operations that present a particular risk to trees Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of amenity.

- (16) No works shall commence for each phase of the development before a Tree Protection Plan for the development has been submitted to and approved in writing by the local planning authority. Such details shall include method statements and plans which:
  - (i) adhere to the principles embodied in BS5837:2012
  - (ii) indicate exactly how and when the retained trees on-site or off-site near the site boundaries will be protected during the construction; and
  - (iii) show root-protection zones

Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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

(17) No above ground development (save for demolition) shall commence until details of any external lighting shall, including the external lighting fixtures and a light contour plan for the land surrounding the building shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area

(18) Further details of layout and details of the cycle storage fixtures for the area denoted as Non-residential/Commercial A1/A3/B1/D1" on the ground floor plan hereby approved shall be submitted to and approved in writing prior to the commencement of above ground development (save for demolition) works on site. Thereafter, the works shall be carried out in accordance with the approved details prior to occupation of the development and maintained as such for the lifespan of the development.

Reason: To ensure satisfactory facilities for cyclists.

(19) No plant machinery or equipment shall be installed externally on the building unless details of the equipment, the expected noise levels to be generated and any measures to mitigate against the external transmission of that noise, have been submitted to and agreed in writing by the Local Planning Authority unless agreed otherwise in writing by the Local Planning Authority. Thereafter the plant/equipment shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance

The noise level from this plant together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".

Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise mitigation measures and to safeguard the amenities of adjoining occupiers and future occupiers.

(20) The area denoted as 'Non-residential/Commercial A1/A3/B1/D1" on the ground floor plan hereby approved shall achieve a BREEAM Excellent Rating. Prior to occupation, a BREEAM post-construction review shall be submitted to the Local Planning Authority to verify delivery of this specification.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of ensuring a sustainable form of development.

(21) The development hereby approved shall not be occupied unless details of external CCTV cameras to be used on site are submitted to and approved in writing by the Local Planning Authority. Once approved the approved details shall be implemented in full and permanently maintained.

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

(22) The hard and soft landscaping works within the development shall be completed in accordance with the details hereby approved and shall be completed prior to occupation of the buildings.

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.

(23) A landscaping management plan which sets out the proposed arrangements for the ongoing maintenance of the landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the buildings within the development. The landscaping shall be maintained in accordance with the approved details thereafter for the lifespan of the development.

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

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

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

- (25) The development hereby approved shall not commence (save for demolition works) unless a number of additional details have been submitted to, and approved in writing by, the Local Planning Authority. Once approved, these details must be fully implemented and permanently maintained:
  - (a) Further details including the design, materials and source (which should preferably be locally manufactured)
  - (b) refuse storage facilities and collection arrangements.

Reason: In order to ensure a satisfactory form of development and in order to allow the Local Planning Authority to exercise proper control over the development.

(26) The development hereby approved shall not commence (save for demolition) unless a drainage strategy, detailing on and/or off site drainage works has been submitted to and

approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been implemented in full.

Reason: To ensure a satisfactory form of development.

(27) Prior to the commencement of the development (save for demolition works) the applicants shall submit details for approval of a ventilation scheme for the development designed to protect future residents from the effects of poor air quality. The ventilation system shall be installed, and maintained, in accordance with the approved details.

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

(28) Prior to the commencement of the development (save for demolition works), Further details of the signage and pay and display machines for the parking spaces near market square as shown on the plans hereby approved 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.

Reason: In the interests of highway and pedestrian safety within the locality.

(29) No excavation and/or construction works relating to the development hereby approved may be undertaken on the site until a programme of archaeological work, in accordance with a written scheme of investigation has been submitted to, and agreed in writing by, the Local Planning Authority, and implemented to the satisfaction of the Local Planning Authority".

Reason: To ensure that this site, in an Archaeological Priority Area, is properly investigated and if necessary excavated before development begins, in accordance with policy BE31 of the adopted London Borough of Brent Unitary Development Plan 2004.

## **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 <a href="https://www.communities.gov.uk">www.communities.gov.uk</a>
- (2) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.
- (3) The applicant is informed that, for the avoidance of doubt, this permission does not give consent for any shopfront or advertisements on the building which would require formal approval in their own right.
- (4) The applicant is advised that this case is liable to pay the Community Infrastructure Levy (CIL) and the liable party/parties should contact the S106/CIL officer Angus Saunders (angus.saunders@brent.gov.uk, 020 8937 5237) for further information on how to pay CIL and their duties under the CIL Regulations. A separate Liability Notice has been issued to liable party/parties or those with a material interest in the land which contains greater detail.

The applicant is advised that this case is subject to a legal agreement and the developer should contact the S106/CIL officer Angus Saunders (<a href="mailto:angus.saunders@brent.gov.uk">angus.saunders@brent.gov.uk</a>, 020 8937 5237) for further information on how to pay any financial contributions and how to address any non-financial obligations.

(5) The applicant is informed that they should contact Thames Water Developer Services, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ in order to discuss the development.
REFERENCE DOCUMENTS:
Any person wishing to inspect the above papers should contact Roland Sheldon, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232

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# Agenda Item 7

# Committee Report Planning Committee on 17 July, 2013

 Item No.
 07

 Case No.
 13/0574



# **Planning Committee Map**

Site address: Units 1-6 Inc, 82 Chaplin Road, London, NW2

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This map is indicative only.

**RECEIVED:** 30 April, 2013

WARD: Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Units 1-6 Inc, 82 Chaplin Road, London, NW2

**PROPOSAL:** Retrospective application for redevelopment of building, including first floor

extension, and increase in number of office units from 8 to 12, with installation

of new front UPVC windows and 5 rooflights

**APPLICANT:** Mr Vijay Kara

**CONTACT**: Dan Design

PLAN NO'S: See condition 1.

# **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
- The production and approval of a detailed Delivery and Servicing Management Plan for the proposed units, in order to comply with Policy TRN34 of the UDP-2004
- Car free agreement preventing businesses occupying the units applying for business permits.

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

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £17,319.82.

#### **EXISTING**

The application site is located on the south-western side of Chaplin Road, a local access road which is defined as being heavily parked. The site lies within CPZ "GC" which operates 08:30 – 18:30 Monday to Friday, and has very good accessibility with a PTAL rating of level 5. Dollis Hill Station (Jubilee tube) is within walking distance of the site, and nine bus routes are locally available. The site currently comprises a two-storey building (484m²) on a backland site, arranged around a central courtyard accessed along a narrow (2.5m wide) driveway between two residential properties. The buildings lawful use is as 8 no. commercial units, but has planning permission under ref. 09/2455 for use as six commercial units. Its current arrangement is as 12 B1 units with individual floor areas of between 26m² and 47m²

#### **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	general business use	GENERAL BUSINESS USE (BI)

# **FLOORSPACE** in sqm

Number	Existing	Retained	Lost	New	Net gain
1	446	446	0	38	484

#### **TOTALS** in sam

Totals	Totals Existing		Lost	New	Net gain

#### **PROPOSAL**

See above.

#### **HISTORY**

09/2455 Planning permission GRANTED 17/03/2010 - Redevelopment of building, including extension to facing courtyard walls and reduction in number of office units from 8 to 6, with installation of new front UPVC windows and 5 rooflights.

12/2345 Planning application submitted 20/11/2012, WITHDRAWN 09/01/2013 - Redevelopment of building, including first floor extension, and increase in number of office units from 8 to 12, with installation of new front UPVC windows and 5 rooflights.

E/12/0692 Enforcement Notice SERVED - Without planning permission, the change of use of the premises into 12 self-contained dwellings("the unauthorised change of use").

# **POLICY CONSIDERATIONS**

National Planning Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. Its includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant.

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

## **Brent Unitary Development Plan 2004**

BE2 Townscape: Local Context and Character

**BE9** Architectural Quality

**TRN22** Parking Standards: Non-Residential Developments

**EMP2** Small and Medium Sized Enterprises

**EMP10** The Environmental Impact of Employment Development

# Supplementary Planning Guidance 17 'Design Guide for New Development'

## **CONSULTATION**

#### External

68 Neighbouring owner/occupiers consulted 30/04/2013 and letters sent to ward Councillors. To date 3 objections have been received including a single objection from Ward Councillor Jones. Residents raised the following points;

- Applicant has history of unlawful residential conversions, is likely to convert the property into flats once approval is acquired
- Noise disturbances from previous works in the past
- Refuse build up from unlawful residential use

Ward Councillor comments are as follows:

- History of applicant working outside of sociable hours in other instances locally generating noise complaints resulting in enforcement visits(E/12/0819).
- Applicant had application ref:93/1663 for redevelopment of commercial site into flats refused. Residential
  use was implemented and owing to four year tenant period was subsequently able to benefit from
  established use.
- 82 Chaplin Road used for residential unlawfully with unacceptable results to neighbouring residential amenity with regard to noise and disturbances during construction, lack of refuse collection, increased vehicular and pedestrian activity on a 24 hour basis.

#### Internal

No transportation objections subject to a Section 106 Legal Agreement requiring; the production and approval of a detailed Delivery and Servicing Management Plan for the proposed units, in order to comply with Policy TRN34 of the UDP-2004, and the a car free agreement preventing businesses occupying the units applying for business permits. In addition a condition requiring the submission of further details of bicycle parking is recommended

# **REMARKS**

# 1. Background

Planning permission under reference 09/2455 was granted 17/03/2010 for the redevelopment of building, comprising 'extension to facing courtyard walls and reduction in number of office units from 8 to 6, with installation of new front UPVC windows and 5 rooflights'. Planning enforcement received notification from adjoining neighbours that the site was in use as residential. Between the months of May and June in 2012, Enforcement Officers visited the site and found no evidence of residential accommodation, rather the intensification of the site to 12 Office units was evident, which was, in itself, a breach of planning. The owner was then instructed to either regularise the use through a planning application or implement the consented scheme comprising 6 units. A planning application to increase the number of office units from 8 to 12 was subsequently submitted 20/11/2012 under reference 12/2345.

2. The Council continued to receive complaints that the use was residential. Further site visits made by Planning Officers dealing with the planning application and Enforcement Officers in the run up to the submission of this application confirmed that the 12 units had actually become residential. Following this, Planning Enforcement issued an enforcement notice, putting in place a time frame for the discontinuation of the residential use. This current application now seeks permission for 'redevelopment of building, including first floor extension, and increase in number of office units from 8 to 12, with installation of new front UPVC windows and 5 rooflights'. Officers have visited the site and confirm that the site is not currently in residential use.

# 3. Principle

In terms of the mix, this proposal differs from the 09/2455 permission in that the proposed number of B1 units is being increased from 8 to 12 rather than being reduced from 8 to 6. The external alterations to the building are the same as those which were considered to be acceptable under original planning permission reference 09/2455. Additional cycle parking proposed this time around.

4. The subject site is not identified as a strategic employment area but is capable of providing employment in the locality and therefore the Council will seek to retain such sites which do not cause unacceptable environmental problems, as per adopted policy EMP9 of the UDP 2004. The conversion results in the

subdivision of the space but also increases the internal floorspace by approximately 38m². The floorspace has been increased through the reduction of the width of the existing U shaped structure leaving a 5.5m x 12.0m courtyard with cycle and bin storage. Therefore the conversion does not result in the loss of employment space and the principle remains acceptable.

5. Adopted policy EMP10 of the Unitary Development Plan 2004 seeks to ensure that residential areas are not unduly impacted from employment developments and that those developments should have regard to appearance; noise; dust; pollution; hours of use; access and servicing. The site being a Local Employment Site, is considered to be appropriate for a continued B1 use. Due to its location in close proximity to housing however, the employment use will be restricted within Use Class B1, by condition and therefore full planning permission will be required for any proposed change of use not within this use class. This is the same restriction that was applied when issuing the original permission under reference 09/2455.

# 6. Redeveloped building

The physical changes to the building are the same as that which was granted permission under reference 09/2455. The original structure is 6.2m in height at the residential boundary of Chaplin Road, featuring a sloping roof measuring 7.0m at its highest point. The proposal reduces the maximum height to 6.2m, this is an improvement upon the previously existing structure in terms of residential amenity, and is therefore welcomed. The front walls of the existing building will be extended inwards by 1.2m. This reduces the internal courtyard for vehicle manoeuvre however it is not considered to impact residential amenity or the character and appearance of the area. Officers would be concerned if any building increased in height due to the impact that it would inevitably have on people living nearby. However, this is not the case here.

# 7. Parking, servicing and refuse/recycling

Parking standards for B1 offices are set out in PS6 of the UDP-2004. 1 car space can be permitted for units per 150sqm floor space, with standard PS2 allowing a space for any units below this threshold. The permitted unimplemented use of the existing premises is as 6 no. B1 office units, equating to 6 car spaces, rising to 12 spaces for the proposed layout. This increase is very significant and there is no space on-site to accommodate further car parking. The lawful mix of 8 units still results in a significant increase to 12.

- 8. The local CPZ would not prevent non residential parking along Chaplin Road through the rights of business users to apply for parking permits, and this could put additional strain on the residents parking on a designated heavily parked street. Therefore the applicant would have to enter into a car free agreement that would restrict the ability of business users to apply for parking permits in order for Officers to support the scheme.
- 9. There are also servicing requirements associated with commercial uses, whereby units below 100m<sup>2</sup> require servicing by transit sized vehicles (6m x 2.5m). This proposal therefore doubles the number of bays required from the approved scheme from 6 to 12 and it is clearly not possible to provide each unit with its own bay.
- 10. The centre of the site comprises a courtyard 5.5m wide by 12m long, which can at the very most accommodate two "Transit" sized servicing bays, although even with this provision makes turning and manoeuvring a vehicle within the site extremely difficult. It will therefore be necessary to share any servicing space within the site between the units. To help this to operate efficiently, a full Delivery and Servicing Management Plan will be required, to be properly secured via S106 Agreement, setting out the means by which tenants will be required to co-operate to pre-schedule deliveries within rigid time-slots.
- 11. The proposed refuse and recycling storage facility is located approximately 25m from the highway, within the site. As a commercial development, the site's occupants will need to make their own arrangements for the collection of refuse. The provision of cycle parking is welcomed in principle, at a rate of 1 space per office. Strictly speaking though, standard PS16 requires a minimum of 2 spaces per office unit, so the number of spaces provided should in fact be increased from 12 to 24. A stacking two-tier system could be considered as a means of achieving this. The matter will be conditioned.
- 12. As fire access to this site cannot be guaranteed, the applicant should talk to the Fire Service and Building Control regarding requirements for dry risers, sprinkler systems etc, and an informative will be attached to this permission emphasizing this point.

## 13. Replacement windows & Rooflights

The fenestration and rooflights in this application are the same as that which was granted 17/03/2010 under reference: 09/2455. As per the original approval, in consideration to policy EMP10, existing

windows at ground and first floor level on the flank wall facing the rear gardens of Chaplin Road were removed. The result is that there are no windows which have overlooking implications in adjoining gardens. The proposal includes the installation of four rooflights/lanterns sited on the first floor roof, these will project 0.3m from the flat roof to provide increased daylighting within office units and stairwells and will not increase the impact.

# 14. Section 106 Planning obligations, Community Infrastructure Levy (CIL)

For the purposes of calculating CIL, the Local Authority may deem the internal gross floor area of existing building to be zero given that it is in an unlawful use, and has not been in lawful use for at least six months of the previous year. As such CIL payments would be chargeable at an amount of £17,319.82 for the Mayoral CIL and a nil charge for Brent CIL as B1 uses attract a zero charge. As set out above, A Section 106 Agreement will be required in order to secure the following;

- The production and approval of a detailed Delivery and Servicing Management Plan for the proposed units, in order to comply with Policy TRN34 of the UDP-2004
- Car free agreement preventing businesses occupying the units applying for business permits.

# 15. Consideration of Objections

Objection	Officer's response to objection
Applicant has implemented unlawful residential conversions in the past and gained established use through certificate of lawfulness, and does not intend to utilise this site for B1 use and is likely to convert to residential under new permitted development legislation 16.	Officers have to base an assessment on the proposal before them and have the appropriate avenues for pursuing breaches of planning when they occur. Members are aware of the changes to prior approval recently introduced by government.
The unlawful residential use has resulted in refuse build up as the units are not registered for refuse collection, resulting in environmental health hazard and pests	The proposed B1 use will need to have its own dedicated refuse collection organised as is the case with commercial uses. If this does not occur the Council have the appropriate means of environmental health enforcement
There has been a lack of a joined up approach on the Councils part when handling this site, that has allowed the applicant to get away with unlawful activities with detrimental impact toward neighbours	Planning Officers have been closely involved with Enforcement Officers in the handling of this and previous applications, resulting in an enforcement notice being served against the previous residential use. The submission of this application does not have any baring on the instructions set out in the enforcement notice, which have required residential uses to cease at the property.
Building works have, in the past, been carried out at unsociable hours which have caused disturbances to neighbouring amenity	The works on site have for the most part been already carried out. Any future development resulting from the discharging of planning conditions will be controlled by condition 3.

**Summary** The

proposed refurbishment of the two storey office block would not result in a building which is higher than the existing structure and should not therefore, cause undue loss of amenity to neighbouring residents. In terms of parking, the proposal increases the proportion of floorspace by approximately 38 square metres, but due to the restricted courtyard area, it would not result in an increase of onsite parking. In addition non-residential parking will be prevented on-street through a car free agreement. Concerns expressed by adjoining occupiers have been considered carefully when dealing with this application, and this report sets out that where the Council is able to apply controls to address matters, it has done through planning condition and Section 106 agreement. In consideration of the above, the application is deemed acceptable in relation to

policies BE9 and EMP10 of the UDP 2004.

**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 17 'Design Guide for New Development'

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

Built Environment: in terms of the protection and enhancement of the environment Employment: in terms of maintaining and sustaining a range of employment opportunities Transport: in terms of sustainability, safety and servicing needs

# **CONDITIONS/REASONS:**

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

12/20/1 rev B 12/20/2 rev B

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

(2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use hereby permitted shall only be for the purpose of Use Class B1.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons:-

- (a) so as to enable other uses to be considered on their merits;
- (b) so that the use does not prejudice the amenity of the area by reason of over intensive use of the property;
- (c) because of the limitations of the site;
- (d) so that the use complies with the Council's adopted policies;
- (e) so as to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another Use Class are not necessarily considered to be acceptable in this location.
- (3) During construction on site:-
  - (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;
  - (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 1700 Mondays Fridays, 0800 1300 Saturdays and at no time on Sundays or Bank Holidays;
  - (c) Vehicular access to adjoining and opposite premises shall not be impeded;
  - (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;
  - (e) No waste or other material shall be burnt on the application site;
  - (f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.

(g) - A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

(4) The courtyard shall be available for the servicing of the units at all times in accordance with the required Delivery and Servicing Management Plan and for no other purpose.

Reason: To ensure the property can benefit from uninterrupted off street servicing which does disrupt pedestrian and vehicular access on Chaplin Road.

(5) Details of the provision of a minimum of 24 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority no later than 3 months after this decision is issued. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

# **INFORMATIVES:**

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) As fire access to this site cannot be guaranteed, the applicant should seek guidance from the Fire Service and Building Control regarding requirements for dry risers, sprinkler systems etc.

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

# Agenda Item 8

# Committee Report Planning Committee on 17 July, 2013

 Item No.
 08

 Case No.
 13/1250



# **Planning Committee Map**

Site address: 39 & 41, Hillside, Stonebridge, London, NW10 8LY

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This map is indicative only.

**RECEIVED:** 10 May, 2013

WARD: Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** 39 & 41, Hillside, Stonebridge, London, NW10 8LY

**PROPOSAL:** Construction of 47 new dwellings comprising 11 one-bedroom flats and 24

two-bedroom flats within a 7-storey building fronting Hillside with vehicular access from Shrewsbury Road (Site 22b) together with 3 one-bedroom flats and 9 two-bedroom flats within a 4 storey building fronting Shrewsbury and Johnson Roads (Site 24c), new road connecting Shrewsbury Road and Johnson Road and new access, on-street and off-street car parking, cycle

storage, landscaping and ancillary development.

**APPLICANT:** The Hyde Group

CONTACT: Terence O'Rourke Itd

**PLAN NO'S:** 

Please see condition 2.

# **RECOMMENDATION**

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

#### **SECTION 106 DETAILS**

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

- 1. Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
- 2. A contribution of £47,000 (£1,000 per unit), index-linked from the date of committee and due on Material Start towards childrens' play and recreational facilities and/or improvements to open space in the locality.
- 3. A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to the piling of foundations for the development hereby approved. Unless otherwise agreed in writing, this shall demonstrate:
  - a. How the development will achieve a minimum of Code for Sustainable Homes Level 4 (submission of a design stage assessment by a BRE approved inspector);
  - b. How the indicated Brent Sustainability Checklist measures will be implemented within the scheme (or other such measures approved by the Council which meets or exceeds the score achieved by the submitted Sustainability Checklist).
  - c. How the scheme will achieve the CO2 reduction of at least 25 % below 2010 Building Regulations Target Emission Rate;
- 4. The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
- 5. On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a Code for Sustainable Homes Level 4.
- 6. If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required:
  - d. the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
  - e. the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of

the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough.

7. The submission and approval of a Residential Travel Plan prior to first occupation and the implementation of that plan, the purpose of the plan being to manage the transport needs of the Development so as to minimise car usage and promote alternative modes of transport, including monitoring and annual reviews of the Travel Plan for the first 5 years from occupation.

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

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £146,073.36is £816,400.00.

#### **EXISTING**

The site falls within the area previously designated as the Stonebridge Regeneration Area and the buildings that were previously on site were demolished some time ago as a part of this regeneration scheme.

The site adjoins the shopping parade that was constructed as a part of the Stonebridge regeneration scheme and also includes the Hillside Housing offices. Opposite the site, on the northern side of Hillside lies the Stonebridge Park Hotel (a Grade II Listed Building) and the relatively recently constructed Stonebridge Hub, the latter comprising a PCT Medical Clinic, community hall, community rooms, retail unit (Tesco) and flats.

A Canal and Riverside Trust (previously known as British Waterways) Canal feeder runs along the western boundary of the site (outside of the site). The element of canal next to the site runs below ground. However, it returns to the surface to the south of the site. On the opposite site of the canal from the site lies the Stonebridge Adventure Playground, an open space, the Stonebridge School, Our Lady of Lourdes Catholic Primary School and the Welsh School.

The ground level increases from west to east and from south to north within the site.

## **DEVELOPMENT SCHEDULE**

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

# Floorspace Breakdown

#### USE

Number	Primary Use	Sub Use
1	dwelling houses	

# **FLOORSPACE** in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	4082	4082

# **TOTALS** in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	4082	4082

# **PROPOSAL**

See above.

# **HISTORY**

Planning permission was granted in September 1997 for the redevelopment of the Stonebridge Estate on both the North and South sides of Hillside. The permission allows for the erection of approximately 1604 houses and flats in buildings that are 2, 3 and 4 storeys high. It also looked to provide replacement shops

fronting Hillside and community facilities and open space. The outline permission envisaged replacement of the Stonebridge tower blocks with low-rise developments within a more traditional street layout with better connectivity between dwellings and the adjoining streets, good levels of natural surveillance of public spaces and adequate levels of parking. It sought to diversify the tenure of homes by introducing a proportion of private dwellings (up to 25 %).

All of the tower blocks have now been demolished and all but a handful of sites have been delivered. The development has won a number of awards which highlight the success of the regeneration process. Only sites 10, 22B, 24C, 27, 29 and 30 are yet to be redeveloped, with planning consent granted for site 10 and this application relating to 22B and 24C. Almost all of the parks and all of the community facilities have been provided, including the Hillside Hub and the Fawood nursery and the shops that adjoin this site. The majority of housing has been provided as social rented units in order to accommodate the tenants of the "old" Stonebridge tower blocks. The remaining sites are accordingly likely to include a high proportion of private housing to achieve this tenure balance. The London Plan now expects higher densities of housing than those set out within the 1997 Outline Planning Consent which only allowed up to 247 Habitable Rooms per Hectare and the remaining sites are accordingly likely to come forward as new full or outline applications.

# **Application history:**

# 97/0131 - Granted 4 September 1997

Comprehensive redevelopment of the entire site with the provision of a new road network, approximately 1,604 residential units in 2-, 3- and 4-storey blocks, new open space, shops and community facilities.

# **POLICY CONSIDERATIONS**

## **NATIONAL**

National Planning Policy Framework

### **REGIONAL**

The Mayor of London

The London Plan 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affording Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)

Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment (April 2004)

Supplementary Planning Guidance – Housing (2012)

Supplementary Planning Guidance - Shaping Neighbourhoods: Play and Informal Recreation (2012)

### LOCAL

# **Brent Local Development Framework Core Strategy 2010**

CP 1 Spatial Development Strategy

CP2 Population and Housing Growth

CP5 Placemaking

CP6 Design and Density in Placemaking

CP15 Infrastructure to Support Development

CP17 Protecting and Enhancing the Suburban Character of Brent

CP18 Protection and Enhancement of Open Space, Sports and Biodiversity

CP19 Brent Strategic Climate Mitigation and Adaptation Measures

CP21 A Balanced Housing Stock

# **Brent Unitary Development Plan 2004**

**Policies** 

BE2 Local Context & Character

BE3 Urban Structure: Space & Movement

BE4 Access for disabled people

BE5 Urban clarity and safety

BE6 Landscape design

BE7 Streetscene

BE8 Lighting and light pollution

**BE9 Architectural Quality** 

BE12 Sustainable design principles

EP3 Local air quality management

EP6 Contaminated land

**EP12 Flood protection** 

**EP15** Infrastructure

H12 Residential Quality - Layout Considerations

H13 Residential Density

H14 Minimum Residential Density

TRN2 Public transport integration

TRN3 Environmental Impact of Traffic

TRN4 Measures to make transport impact acceptable

**TRN9 Bus Priority** 

TRN10 Walkable environments

TRN11 The London Cycle Network

TRN15 Forming an access to a road

TRN23 Parking Standards – Residential Developments

TRN34 Servicing in new developments

TRN35 Transport access for disabled people & others with mobility difficulties

Appendix TRN2 Parking and Servicing Standards

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road

SPG12 Access for disabled people

SPG17 Design Guide for New Development

SPG19 Sustainable design, construction and pollution control

SPD Section 106 Planning Obligations

# SUSTAINABILITY ASSESSMENT

This application is accompanied by a Sustainability and Energy Statement and a Code for Sustainable Homes Pre-Assessment summary report which confirm that the proposal will achieve a Code level of 4 and that the scheme will achieve a 41 % reduction in CO2 emissions from 2010 Building Regulations TER through "be lean" (building fabric) measures and a further 21 % reduction through on-site renewables (PV Panels).

The site is not situated within a designated Growth Area and as such, the proposal goes beyond the

minimum requirement of Code Level 3 as set out within the LDF Core Strategy. Furthermore, the 40 % target reduction in CO2 that is required by the London Plan only comes in to effect once the 2013 Building Regulations have been adopted and as this has not occurred yet the 25 % target reduction in CO2 still applies. As such, the proposal also goes well beyond the current requirements for the reduction in CO2 associated with a proposed development.

The submission contends that the level of heat loss that is experienced within site-wide heat networks is far greater than the standard SAP calculations account for and as such, CHP is not feasible for the site. The same argument was put forward for Site 10. At this point of time, the GLA do not necessarily agree with this view which would probably render site wide and district wide heat networks unviable in most situations. However, given the size of the scheme officers consider it unlikely that CHP would be feasible and the proposal goes well beyond the minimum requirements for both CO2 reduction and Code for Sustainable Home and as such, the proposed measures are considered to be acceptable.

The applicants have submitted a TP6 Sustainability Checklist which they have scored at 38.6 %. Your officers have assessed the checklist and have scored it at 44 % having excluded some selected measures that aren't proposed, adding some that are proposed but that have not been highlighted in the TP6 and reducing the maximum achievable score by subtracting those measures that are not applicable. This still falls below the minimum score that is sought (50 %). However, given that the applicant is proposing to achieve Code for Sustainable Homes Level 4 when they are only required to achieve Level 3, your officers consider the TP6 Sustainability Checklist to be acceptable.

# **CONSULTATION**

Letters sent: 30 May 2013 Site Notices: 21 May 2013 Press Notice: 23 May 2013

Letters were sent to 173 adjoining and nearby owners and occupiers.

No comments were received.

#### Internal consultees:

# Safer Streets / Environmental Health:

No objections. Conditions are recommended regarding NOx levels for boilers, air quality, soil contamination and noise.

## Highways:

Highways do not object to the proposal subject to the submission and approval of a revised Travel Plan and minor alterations to the layout including the provision of a door to the refuse storage area leading to Hillside and alterations to the inside kerb radius for the new road. Section 106 contributions are requested and the new highway and works to the existing highway should be secured through Section 38/278 agreements (of the Highways Act).

Revised drawings were received and Highways have commented that the amendments are acceptable and address their previous comments.

[Section 106 contribution are no longer sought for "the standard charge" as the Council's CIL charging schedule has now come into effect. The revised Travel Plan is to be secured through the Section 106 agreement.]

# **Recycling and Waste:**

The recycling and waste team concur with the comments from Highways that the doors should be added so that waste for the Hillside buildings (Site 22) is collected from Hillside.

# **External consultees:**

# **English Heritage:**

English Heritage do not wish to offer any comments. The application should be determined in accordance with local policy and guidance.

## **REMARKS**

1. This application seeks approval for the construction of two new buildings within land that previously formed a part of the Stonebridge Regeneration Area and the associated Outline Planning Consent. This application proposes a 6- to 7-storey building within the Hillside frontage which will adjoin the existing 4-to 7-storey building (site 22b). The proposed 4-storey building which fronts Shrewsbury and Johnson

Roads completes the existing block which comprises 3-storey houses and 4-storey blocks of flats.

# General principle of development

- 2. The principle of the redevelopment of this site for residential purposes has been accepted with the 1997 consent for the regeneration of Stonebridge. The original outline scheme included the potential to deliver retail uses at ground floor level within the Hillside frontage. However, Hyde / Hillside Housing experienced difficulties letting the retail units due to a lack of demand and therefore have proposed building services and facilities (cycle storage, entrance etc) at ground floor level.
- 3. The applicant proposes that there are no restrictions are put in place regarding the tenure of the dwellings. So, all of the units could be provided as private homes. Nevertheless, Hyde housing have indicated that they are likely to deliver a mix of tenures within the site. The principle of the provision of private homes was approved within the 1997 outline consent. The 1997 consent allowed up to 25 % of the homes to be delivered within Stonebridge to be provided as Private units (i.e. not Affordable) to diversify the tenure of homes within Stonebridge. The "Conclusory Statement" to the Stonebridge Masterplan which was endorsed by the Planning Committee in 2007 set out that this proportion may be increased to 33 % and that densities may be higher to reflect current policy requirements, but that this would need to come forward in separate new planning applications rather than Reserved Matters applications pursuant to the original Outline Consent.
- 4. At the time of submission of this application, 1,327 homes had been delivered within the Stonebridge Regeneration area. Of these, 1,268 had been delivered as Social dwellings and 59 as private or Intermediate homes. The high proportion of Social Rented homes that have been delivered to date reflects the need to re-house the tenants of the previous Stonebridge estate.
- 5. The original 1997 Outline application granted consent for the construction of approximately 1,604 homes. The delivery of 1,268 Social Rented homes has already exceeded the requirement for a minimum of 75 % (1,203) of these homes to be Affordable. At present, 95.6 % of the homes that have been delivered are Social. If all of the homes proposed within this application are private, then 87.8 % of the 1,444 homes within the Stonebridge Regeneration Area will be Social and the remainder Intermediate or private. This is still well above the 75 % minimum level. It should also be noted that Intermediate homes are also considered to be Affordable and contribute towards the 75 %, thus increasing the proportion of Affordable homes above this level. As such, the proposal to potentially allow a 100 % private scheme is considered to be acceptable in this instance.
- 6. With regard to the mix of units, the proposal only includes 1- and 2-bedroom flats and does not include any with 3 or more bedrooms. While family units are normally required for schemes of this size, the proposed mix is considered to be acceptable in this instance due to the very high proportion of family homes that Hyde/Hillside Housing have previously delivered it this area.

# Layout

- 7. The layout of the site 22B building (Hillside frontage) mirrors that of the existing element of site 22, providing a strong frontage to Hillside and projecting south toward the rear of the site at the western end of the Hillside frontage. The south projecting wing of the building overlooks the open space adjacent to the site, providing a good outlook for residents and significant improvements to the natural surveillance (and thus security and safety) of that open space. Car parking is provided at ground level to the back (south) of the site and under the building. It adjoins the parking area for the existing element of Site 22, within the Shrewsbury Road frontage. Whilst your officers consider that this is the appropriate location within the site for car parking, the adjoining element of the site is not considered to be visually successful as it appears overly hard and lacks soft landscaping. To address this, the applicant has proposed that the parking area within the application site is broken up with soft landscaping.
- 8. The layout of the site 24C building (Shrewsbury and Johnson Roads) simply fills in the last remaining element of the block in a form that generally similar to that of the remainder of the block.

# **Design and massing**

# Site 22B

9. Within the hillside frontage, the proposal seeks to achieve the sense of verticality and the rhythms established within the existing block by breaking this elevation down into four elements (terracotta

- cladding, deck access, glazed core then terracotta cladding). The terracotta cladding is carried around the curved end of the building and along the façade facing the open space to the side of the site. That frontage is broken up by the use of a varied arrangement of fenestration and recessed balconies.
- 10. These elevational treatments sit above the ground floor "plinth" and below the recessed top floor of the building which define the base and top of the building. The ground floor looks to provide a buffer between the noise and activity along Hillside and the open space to the side whilst the recessed top floor reduces the visual mass of the building and typically increases external amenity space. "Hit and miss" brick work is proposed at ground floor level to provide some visual interaction and activity in a location where alternative commercial uses may not be viable and residential uses to ground floor may suffer from a poor environment or issues of security and safety.

## Site 24C

11. The rear block includes a curved corner as well, with the facades broken down with steps in the external façade together, projecting balconies and through the arrangement of fenestration. The height of the building (4-storeys) is in keeping with the treatment of other buildings situated on corners or bends in the road that have been delivered to date within the locality.

#### **Materials**

12. The quality of material is critical to the success of the buildings. The overall approach to the materials is considered to be acceptable, with the plot 22B block comprising bricks at ground floor level, terracotta cladding for the middle section and zinc cladding for the upper floor and the plot 24C block comprising bricks. However, further details of the material are to be secured through condition.

#### **Public Realm**

13. The new element of street simply connects the ends of Shrewsbury and Johnson Roads, following a similar design rationale to the other streets in Stonebridge with on-street parking spaces separated by street trees and the standard arrangement of carriageway and footway. The existing footway that leads from Hillside to Johnson Road remains in place and is situated outside of the application site. This footway, which is already lit, will benefit from additional natural surveillance as discussed above.

# Landscaping

**14.** The proposal incorporates landscaping within the new street, along the northern and western sides of Plot 22B and within the off-street car parking area. However, the proposal provides limited scope for planting within the site. As such, Section 106 contributions towards planting, amenity space (improvements to open space) and play/recreational space have been sought. The latter two points are discussed later in this report.

# **Quality of Accommodation**

# Internal floorspace and accessibility

**15.** The proposed units meet or exceed the standards for internal floorspace that are set out within the London Plan. 10 % of the units have been designed to be wheelchair accessible and all units will be built to Lifetime Homes standards.

# Light, outlook and privacy

- 16. The layout of the development of the two sites is such that the proposal is unlikely to have an unduly detrimental impact on the light or outlook of surrounding flats. The applicants have submitted an internal daylight assessment which looks at the levels of daylight received by the proposed units. It concludes that the proposal will achieve a daylight credit under the Code of Sustainable Homes subject to some minor changes to the scheme as assessed for the daylight assessment (which have been incorporated by the proposal).
- 17. Given the arrangement of the proposed development the habitable rooms within the proposed development will have acceptable levels of outlook. The proposal includes some habitable rooms windows adjoin the deck accesses. However, where this is the case, the associated room has large windows within the opposite side of the room to ensure that the future residents can have good levels of

light and outlook while maintaining their privacy. The rear facing windows within Plot 24C are set closer to the boundary than SPG17 suggests as a minimum. However, such relationships are typical within the Stonebridge Regeneration Area (including the block that this plot forms a part of) and the proposal represents that typical situation with respect to outlook for the ground floor units and privacy for the adjoining gardens.

# External amenity space and play space

18. The proposal incorporates balconies for units but does not provide any communal amenity space or play space. Open spaces and play equipment was provided as a part of the Stonebridge Regeneration Scheme. However, this proposal looks to deliver a greater number of homes than those originally approve on the site. Furthermore, current policies require the provision of a greater amount of play and recreational space for young people. As such, it does not meet the Council's requirements for external amenity space or the London Plan requirements for play and recreational space. Nevertheless, the site is adjacent to an area of public open space and close to several others. Your officers accordingly consider it appropriate to seek contributions towards the provision and/or improvement of public open spaces and play/recreational space in the vicinity of the site to mitigate against the impacts of this deficit. A total of £47,000 has been sought (£1,000 per unit).

# **Proximity to Listed Building**

19. The proposed development is on the opposite side of Hillside to the Stonebridge Park Public House, a Grade II listed building. English Heritage have commented that they do not wish to make any comments on this proposal. The proposal has been discussed with the Council's conservation officer. It is considered that the relationship between the proposed development and the Listed Building is acceptable and that there are no objections to the proposal with regard to the potential for impact on that building.

# **Transportation**

- 20. The submitted drawing detail a total of 33 off-street parking spaces with plot 22B and 10 on-street spaces resulting in a total parking provision of 43 spaces. The UDP maximum parking standard for the development is 53.6 spaces and the proposal equates to an average of 0.915 spaces per unit. Highways estimate car ownership to be approximately 75 % of the maximum standards, resulting in a figure of around 41 cars in this case. The level of car parking for the Stonebridge Site 10 scheme (situated on the opposite side of Hillside and approved by committee earlier this year) was 0.9 spaces per unit. A total of 5 wheelchair accessible spaces is proposed, which meets the UDP standard of one per wheelchair accessible unit.
- 21. The proposed car parking provision is considered to be acceptable, being below the maximum standards but above the likely level of car ownership. The proposed provision of 36 secure, weatherproof cycle spaces for Plot 22B and 12 for Plot 24C is in accordance with UDP Parking Standard PS16. Refuse collection for Plot 22b was initially proposed with access from Shrewsbury Road. However, in response to comments from Highways and Waste, this was amended so that refuse for this plot is collected from Hillside. Refuse collection from plot 24c is undertaken from Shrewsbury Road, which is considered to be acceptable. Refuse storage areas are situated internally within each of the buildings.
- 22. The new road connection through the site between Johnson Road and Shakespeare Road and the footway connections are welcomed. Amendments to the kerb radii on the inside of the bend in the road were requested by Highways and revised drawings have been submitted demonstrating this. Highways have commented that the revisions are acceptable. The new road, footways and parking bays will all need to be adopted as public highway through a Section 38 agreement (of the Highways Act).
- 23. The application has been accompanied by a Transport statement and a draft Travel Plan. The level of traffic anticipated within the Transport Statement is not considered sufficient to have a noticeable impact on the local road network. However, the draft Travel Plan has failed to achieve a PASS rating, due mainly to shortcomings in the proposed targets. Highways have recommended that a revised Travel Plan is submitted and your officers have included this within the Section 106 Heads of Terms.

# **Air Quality**

**24.** The proposal is accompanied by an Air Quality Assessment which examines the potential impact of the development and the impacts of existing air quality on future residents. It sets out that the impacts of traffic associated with the development is likely to be insignificant. Levels of NO2 are approaching the air

quality standards for NO2 at the proposed units that are close to the Hillside. However, mechanical air inlets for the homes are to be situated on the roof to improve air quality for those homes. Measures to mitigate against the potential impacts of air quality during construction are to be implemented. Environmental Health have recommended that conditions are attached regarding NOx levels for boilers and measures to mitigate against the air quality impacts during construction.

#### Noise

25. The applicant has submitted a noise assessment which examines the potential impact on noise from Hillside on the proposed homes. It highlights the potential impacts of noise for some future residents and recommends measures such as the inclusion of suitable glazing and ventilation systems with heat recovery so windows can be kept closed if needs be. Your officers accordingly recommend that a condition is attached regarding the noise mitigation measures.

# Contamination

**26.** A site investigation has been submitted for this development. The submitted investigation discovered a hot spot of elevated lead (human health concern) and elevated levels of zinc (which may impact plant growth). Environmental Health / Safer Streets therefore recommend that a remediation strategy is secured through condition to ensure that the soil in the landscaped areas is suitable for use.

# **Summary**

- 27. The proposal looks to provide 47 homes within the former Stonebridge Regeneration Area. The building within Plot 22 front Hillside and the adjoining open spaces and are urban in its character, reinforces the street frontage and provides natural surveillance of the adjoining open space. While the rear block (Plot 22) looks to emulate the form and massing of the blocks of flats that are situated on many street corners within the Stonebridge Regeneration Area. The proposal is considered to exceed the minimum levels of parking considered necessary for this location but remain sufficiently below the maximum parking standards. Cycle parking is in accordance with the Council's standards. The provision of amenity and play space falls below Council and Mayor of London Standards so Section 106 contributions have been sought to mitigate against the impacts of this on the local open spaces in the vicinity.
- 28. Your officers consider that the scheme is acceptable and recommend that planning permission is granted subject to conditions and a Section 106 agreement.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

National Planning Policy Framework London Plan 2011 Brent Local Development Framework Core Strategy 2010 Brent Unitary Development Plan 2004 Council's Supplementary Planning Guidance

# **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):

001 003 Rev P1 009 Rev P1 010 Rev P2 011 Rev P2 012 Rev P2 013 Rev P2 014 Rev P2 015 Rev P2 016 Rev P2 018 Rev P1

018 Rev P1

020 Rev P2

021 Rev P2

022 Rev P2

1000 Rev P2

# Supporting reports:

Air Quality Assessment by Phlorum dated May 2013

CSH Pre-assessment summary report by Max Fordham dated 21 Feb 2013

Design and access statement dated May 2013

SUDS Strategy

Phase 1 habitat report

Internal daylight assessment by NRG Consulting dated 8 May 2013

Phase 1 habitat survey and Code For Sustainable Homes Assessment by Applied Ecology Ltd dated April 2013

Planning supporting statement

Interpretative report by RSA Geotechnics Ltd dated May 2013

Noise impact assessment revision B by Max Fordham dated 10 May 2013

Arboricultural Survey: Stonebridge Sites 22b and 24c by ACS Consulting dated 10 April 2013 Sustainability and energy statement revision B by Max Fordham dated 10 May 2013 Sustainable development checklist dated 9 May 2013

Transport statement by Mayer Brown Limited dated May 2013

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

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

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

(4) The dwellings hereby approved shall not be occupied until such time as Certificates of Substantial Completion have been issued for the construction and adoption of new roads and footways connecting Shrewsbury and Johnson Roads within the site boundary under an Agreement pursuant to Section 38 of the Highways Act 1980 in general accordance with drawing no. 010 Rev P2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in the interest of highway flow and safety and amenity.

(5) Details of materials for all external surfaces of the building and all other external works, including samples, shall be submitted to and approved by the Local Planning Authority before any work is commenced on the Superstructure of the building and the works shall be carried out in full accordance with the approved details.

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

(6) All areas shown on the approved plans shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on the Superstructure of the building and the approved details shall be implemented in full. Such landscaping work shall be completed prior to first

occupation of the development hereby approved and thereafter maintained. The submitted scheme shall include details of:

- a) the planting scheme for the site, which shall include species, size and density of plants, sub-surface treatments (or planters where applicable), details of the extent and type of native planting, any new habitats created on site and the treatment of site boundaries;
- b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- c) treatment of areas of hardstanding and other areas of hard landscaping or furniture, including materials;
- d) details of levels and contours within and adjoining the site;
- e) a landscaping maintenance strategy, including details of management responsibilities; Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

(7) Detailed drawings which show the layout of cycle storage areas and types of cycle stands shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development and the development shall be carried out in full accordance with the approved details prior to first occupation and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development that makes adequate provision of cycle storage.

(8) A drainage strategy detailing any on- and/or off-site drainage works shall be submitted to and approved by the Local Planning Authority prior to the piling of foundations and the development shall be carried out in full accordance with the approved details prior to occupation.

Reason: To ensure an adequate and appropriate means of dealing with surface and foul drainage from the site is provided in the interests of the water environment and the environment of the locality.

(9) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority in prior to the commencement of any works on the Superstructure and the approved details shall be implemented in full prior to occupation unless otherwise agreed in writing with the Local Planning Authority. This shall include details of the lighting fixtures, luminance levels through the site and luminance levels at sensitive receptors within and adjoining the site.

Reason: In the interests of safety and the amenities of the area.

(10) A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the flats hereby approved demonstrating that the on-site soil quality is suitable for use. The report shall verify that soil remediation has been carried out in accordance with a remediation scheme agreed with Brent Council's Safer Streets service and that any imported soil is suitable for use.

Reason: To ensure that the development does not pose a risk to end users

(11) Prior to the occupation of the residential units, details of all domestic boilers to be installed shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the rated emissions of Oxides of Nitrogen (NO x ) do not exceed 20 mg/kWh, or other such level as is agreed in writing by the Local Planning Authority. The approved details shall be implemented.

Reason: To protect local air quality.

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

Criterion Typical situations Design range LAeq, T

Reasonable resting Living rooms 30 – 40 dB (day: T =16 hours 07:00

Conditions -23:00)

Reasonable sleeping Bedrooms  $30-35 \text{ dB (night: T = 8 hours } 23:00 \\ -07:00); \text{ LAmax } 45 \text{ dB (night } 23:00 \\$ 

- 07:00) should not normally be

exceeded

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

Reason: To obtain required sound insulation and prevent noise nuisance.

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

Reason: To minimise dust arising from the operation.

(14) Details of any air-conditioning, ventilation and flue extraction systems including particulars of noise levels, any associated noise mitigation measures and locations and design of ducts, flues and intake/termination points shall be submitted to and approved in writing by the Local Planning Authority before any works commence on the Superstructure. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the existing or future residents.

(15) Works shall not commence on the Superstructure unless an impact study of the existing water supply infrastructure have been submitted to and approved in writing by the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

(16) Prior to first occupation of the development, confirmation that all dwellings have been built to the Lifetime Homes standard and 5 of the dwellings have been constructed as Wheelchair Accessible Housing (or are easily adaptable to Wheelchair Accessible Housing) shall be submitted in writing to the Local Planning Authority.

Reason: To ensure a development that is sufficiently accessible.

### **INFORMATIVES:**

- (1) The loading and transfer of all materials shall be carried out so as to minimise the generation of airborne dust with all material kept damp during handling. Road vehicles loaded with crushed material shall be sheeted or otherwise totally enclosed before leaving the site. In order to prevent dust nuisance to neighbouring properties / residents, there should be adequate screening and damping down during all demolition activities, sandblasting, clearance work and other site preparation activities.
  - Reason: To minimise dust arising from the operation and safeguard the amenity of neighbouring residences.
- (2) During construction on site:-
  - (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
  - (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out

between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.

- (c) Vehicular access to adjoining and opposite premises shall not be impeded.
- (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
- (e) No waste or other material shall be burnt on the application site.
- (f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
- (g) A barrier shall be constructed around the site, to be erected prior to demolition.
- (h) A suitable and sufficient means of suppressing dust must be provided and maintained. Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.
- (3) Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- (4) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason to ensure that 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 David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344

# Agenda Item 9

# **PLANNING & ENFORCEMENT APPEALS**

# **DATE / YEAR June 13**

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

# **SPECIAL ITEMS**

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Received PLANNING Appeals between 1-Jun-2013 and 30-Jun-2013

Planning Committee: 17 July, 2013

Application Number: 12/2046 <u>Team:</u> Southern Team <u>Application Type</u> S78 FUL

Appeal Received: 06/06/2013 Appeal Against: Refusal of planning permission

Location: 2B Cavendish Road, London, NW6 7XH

Proposal:

Alterations to the first floor flat and conversion of the roof space to form an additional 1 bedroom flat with new dormer windows to the rear and new heritage roof lights to the side and front

Application Number: 12/2225 <u>Team:</u> Southern Team <u>Application Type</u> S78 FUL

Appeal Received: 07/06/2013 Appeal Against: Refusal of planning permission

**Location:** 200 Villiers Road, London, NW2 5PU

Proposal:

Change of use of the property and grounds from office and car parking to a 3 bed dwellinghouse, including installation of 3 domed sunpipes to roof and obscure glazing to rear facing kitchen and bedroom at ground and first floor of flats in 200 Villiers Road, alteration to existing amenity space and hardstanding to create a parking space and amenity space for the dwellinghouse.

Application Number: 12/3396 <u>Team:</u> Southern Team <u>Application Type</u> S78 FUL

Appeal Received: 07/06/2013 Appeal Against: Refusal of planning permission

<u>Location:</u> 29B Huddlestone Road, London, NW2 5DL

Proposal:

Retention of 1st floor and roofspace as 2 x1 bed dwelling units, including alterations to forecourt to incorporate refuse storage, cycle storage and landscaping.

Application Number: 13/0410 <u>Team:</u> Southern Team <u>Application Type</u> S78 FUL

Appeal Received: 17/06/2013 Appeal Against: Refusal of planning permission

Location: 219 & Flats 1-9 inc, Church Road, London, NW10

**Proposal:** 

Conversion of 9 unauthorised studio flats into 3 self contained flats (2x 1 bed & 1x 2 bed), retain and modify unauthorised ground floor retail unit and installation of rear dormer window and 2 front rooflights (Amended description)

Application Number: 13/0508 Team: Northern Team Application Type S78 HSE

Appeal Received: 11/06/2013 Appeal Against: Refusal of planning permission

<u>Location:</u> 38 Park View Road, London, NW10 1AL

**Proposal:** 

Alterations including reduction in width and removal of two windows to be replaced with single window to existing detached outbuilding, and new hedging between outbuilding and fence at Clifford Way elevation to rear of dwellinghouse

Application Number: 13/0649 Team: Southern Team Application Type S78 HSE

Appeal Received: 13/06/2013 Appeal Against: Refusal of planning permission

Location: 36 Kingswood Avenue, London, NW6 6LS

Proposal:

Rear dormer window with one front and one rear rooflights to dwellinghouse

Received PLANNING Appeals between 1-Jun-2013 and 30-Jun-2013

Planning Committee: 17 July, 2013

Application Number: 13/0679 Team: Northern Team Application Type S78 FUL

Appeal Received: 26/06/2013 Appeal Against: Refusal of planning permission

**Location:** 57 Kinloch Drive, London, NW9 7JU

Proposal:

Two storey side to rear extension and single storey rear extension to ground and first floor flats in accordance with revised plans received 30/05/2013

Application Number: 13/0775 Team: Southern Team Application Type Other CLD

Appeal Received: 17/06/2013 Appeal Against: Refusal of planning permission

Location: 12 Greyhound Road, London, NW10 5QG

Proposal:

Certificate of lawfulness for proposed rear dormer window and replacement roof tiles with slates at the front of

property.

Application Number: 13/0878 Team: Southern Team Application Type S78 HSE

Appeal Received: 21/06/2013 Appeal Against: Refusal of planning permission

Location: 13 Dyne Road, London, NW6 7XG

Proposal:

Single storey side/rear extension

Application Number: 13/0882 <u>Team:</u> Southern Team <u>Application Type</u> Other CLD

Appeal Received: 28/06/2013 Appeal Against: Refusal of planning permission

**Location:** 27 Brenthurst Road, London, NW10 2DX

**Proposal:** 

Certificate of lawfulness for proposed rear dormer window, 2nd floor extension to the rear outrigger and 2 front rooflights to dwellinghouse

Received ENFORCEMENT Appeals between 1-Jun-2013 and 30-Jun-2013

Planning Committee: 17 July, 2013

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

**Appeal Started:** 13/06/2013

**Location:** 6 The Paddocks, Wembley, HA9 9HE

**Description:** 

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

("the unathorised development")

Application Number: E/10/0421 Appeal Against: Enforcement Appeal Team: Northern Team

Appeal Started: 17/06/2013

Location: Garage & land rear of 41, Woodhill Crescent, Harrow, HA3 0LU

**Description:** 

Without planning permission, the change of use of the premises to a yard for the storage of heavy machinery and deposit of building and scrap materials

("the unauthorised change of use")

**AND** 

Without planning permission, the erection of two buildings to the rear of the existing row of garages.

("the unauthorised development")

Application Number: E/12/0398 Appeal Against: Enforcement Appeal Team: Southern Team

**Appeal Started:** 20/06/2013

**Location:** Flats 1-6, 32 Neasden Lane, London, NW10 2UN

**Description:** 

Without planning permission, the erection of a rear dormer window to the premises

("the unauthorised development")

AND

Without planning permission, the change of use of the premises from two flats into six self-contained flats

("the unauthorised change of use")

Application Number: E/12/0417 Appeal Against: Enforcement Appeal Team: Northern Team

Appeal Started: 20/06/2013

Location: 85A Cricklewood Broadway, London, NW2 3JG

**Description:** 

Without planning permission, the erection of a roof extension on top of the existing two-storey rear projection.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Jun-2013 and 30-Jun-2013

Planning Committee: 17 July, 2013

Application Number: E/12/0546 Appeal Against: Enforcement Appeal Team: Western Team

**Appeal Started:** 17/06/2013

**Location:** 113 Sudbury Court Drive, Harrow, HA1 3SS

**Description:** 

The unauthorised erection of a dwelling in the rear garden of the premises.

("The unauthorised development")

Application Number: E/13/0045 Appeal Against: Enforcement Appeal Team: Western Team

Appeal Started: 07/06/2013

Location: 17 Watford Road, Wembley, HA0 3ET

**Description:** 

The erection of a building in the rear garden and the erection of a new rear extension onto an existing rear extension.

("the unauthorised development")

Application Number: E/13/0169 Appeal Against: Enforcement Appeal Team: Western Team

**Appeal Started:** 05/06/2013

**Location:** 21 Eton Avenue, Wembley, HA0 3AZ

**Description:** 

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

("The unauthorised development")

Application Number: E/13/0177 Appeal Against: Enforcement Appeal Team: Southern Team

Appeal Started: 20/06/2013

Location: 74 and 74A Chaplin Road, Wembley, HA0 4UL

**Description:** 

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

("The unauthorised development")

Application Number: E/13/0179 Appeal Against: Enforcement Appeal Team: Northern Team

**Appeal Started:** 26/06/2013

Location: 38 Elmcroft Gardens, London, NW9 9QP

**Description:** 

Without planning permission, the change of use of the premises into 2 flats

("the unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Jun-2013 and 30-Jun-2013

Planning Committee: 17 July, 2013

Application Number: E/13/0198 Appeal Against: Enforcement Appeal Team: Western Team

Appeal Started: 11/06/2013

**Location:** 93 Beaumont Avenue, Wembley, HA0 3BY

**Description:** 

The change of use of the property into three self-contained flats, the addition of a rear dormer loft extension to the premises and alterations to the front porch of the premises.

("The unauthorised development")

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

Appeal Started: 06/06/2013

**Location:** 4 Danethorpe Road, Wembley, HA0 4RQ

**Description:** 

1. The erection of a building in the rear garden and its use for residential purposes;

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

("The unauthorised development and change of use")

Application Number: E/13/0224 Appeal Against: Enforcement Appeal Team: Western Team

Appeal Started: 21/06/2013

**Location:** 114 Harrow Road, Wembley, HA9 6PN

**Description:** 

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

("The unauthorised development")

Application Number: E/13/0271 Appeal Against: Enforcement Appeal Team: Western Team

Appeal Started: 07/06/2013

**Location:** 15 Queenscourt, Wembley, HA9 7QX

**Description:** 

The unauthorised erection of a dwelling in the rear garden of the premises

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Decisions on PLANNING Appeals between

1-Jun-2013

and 30-Jun-2013

Planning Committee: 17-Jul-2013

Application Number: 11/2103 PINSRefNo A/13/2190579/WF Team: Southern Team

Appeal Decision: Appeal Allowed Appeal Decision Date: 19/06/2013

Location: 45 Staverton Road, London, NW2 5HA

**Proposal:** 

Installation of vehicular access and formation of hard and soft landscaping to front of ground floor flat

<u>Application Number:</u> 12/1403 <u>PINSRefNo</u> A/12/2184194 <u>Team:</u> Northern Team

Appeal Decision: Appeal Dismissed Appeal Decision Date: 26/06/2013

Location: 51 Blackbird Hill, London, NW9 8RS

Proposal:

Retrospective application for part change of use of the rear of the ground floor as a self contained flat.

<u>Application Number:</u> 12/1424 <u>PINSRefNo</u> X/12/2180579 <u>Team:</u> Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 07/06/2013

Location: 226 Walm Lane, London, NW2 3BS

Proposal:

Certificate of lawfulness for existing single storey rear extension to dwellinghouse

Application Number: 12/1693 PINSRefNo D/12/2189564 / D/12/2189575 Team: Northern Team

<u>Appeal Decision:</u> Appeal Dismissed <u>Appeal Decision Date:</u> 10/06/2013

Location: 24 The Paddocks, Wembley, HA9 9HH

**Proposal:** 

Demolition of existing two-storey side and rear extension and erection of a replacement two-storey side and rear extension, single storey side extension, rear dormer extension and four new flank roof lights to dwellinghouse

Application Number: 12/1861 PINSRefNo D/12/2189222 Team: Southern Team

Appeal Decision: Appeal Dismissed Appeal Decision Date: 21/06/2013

**Location:** 73 Bryan Avenue, London, NW10 2AS

**Proposal:** 

Single storey rear extension to ground floor flat

<u>Application Number:</u> 12/1965 <u>PINSRefNo</u> A/12/2185686/WF <u>Team:</u> Western Team

Appeal Decision: Appeal Dismissed Appeal Decision Date: 28/06/2013

Location: Flats 1-6 inclusive at 27, 29, 29A, 31, 33 and 33A Elm Road, Wembley, HA9 7JA

Proposal:

Retrospective application for erection of a single storey outbuilding to rear of dwellinghouses and self-contained

flats

<u>Application Number:</u> 12/2260 <u>PINSRefNo</u> A/12/2188960/NWF <u>Team:</u> Southern Team

Appeal Decision: Appeal Dismissed Appeal Decision Date: 26/06/2013

Location: 1A Streatley Road, London, NW6 7LJ

Proposal:

Erection of four storey building comprising 4 no. one-bedroom flats with associated amenity space to the rear.

Decisions on PLANNING Appeals between 1-Jun-2013

and 30-Jun-2013

Planning Committee: 17-Jul-2013

Application Number: 12/2325 PINSRefNo A/12/2188145/NWF Team: Northern Team

Appeal Decision: Appeal Dismissed Appeal Decision Date: 03/06/2013

**Location:** 525 Kenton Road, Harrow, HA3 0UL

Proposal:

Conversion of three bedroom dwellinghouse into 1 x one bedroom flat and 1 x two bedroom flat

<u>Application Number:</u> 12/2689 <u>PINSRefNo</u> E/13/2195208 <u>Team:</u> Southern Team

Appeal Decision: Appeal withdrawn Appeal Decision Date: 24/06/2013

**Location:** 14 Mowbray Road, London, NW6 7QT

Proposal:

Conservation area consent for demolition of attached single storey garage, conservatory and extension to rear and erection of a two storey side extension, single storey rear extension to include roof terrace and formation of new vehicular access

<u>Application Number:</u> 12/3486 <u>PINSRefNo</u> D/13/2197830 <u>Team:</u> Northern Team

Appeal Decision: Appeal Dismissed Appeal Decision Date: 13/06/2013

Location: 1 Park Close, London, NW2 6RQ

Proposal:

Demoltion of existing garage and erection of two storey side extension, single storey rear extension, rear dormer window, two flank rooflights and one front rooflight to dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Jun-2013 and 30-Jun-2013

Planning Committee: 17 July, 2013

<u>Application Number:</u> E/08/0621 <u>PINSRefNo</u> C/12/2183579 <u>Team:</u> Southern Team

<u>Appeal Decision:</u> Appeal Dismissed <u>Appeal Decision Date:</u> 28/06/2013

Location: 194A Purves Road, London, NW10 5TG

Proposal:

Without planning permission, the erection of a single storey outbuilding in rear garden of the premises.

("The unauthorised development")

<u>Application Number:</u> E/11/0197 <u>PINSRefNo</u> C/12/2183671 <u>Team:</u> Western Team

<u>Appeal Decision:</u> Appeal Dismissed <u>Appeal Decision Date:</u> 03/06/2013

**Location:** 16 West Court, Wembley, HA0 3QH

Proposal:

Without planning permission, the erection of a building with attached front canopy extension in the rear garden of the dwellinghouse.

("The unauthorised development")

<u>Application Number:</u> E/11/0731 <u>PINSRefNo</u> C/12/2184835 <u>Team:</u> Northern Team

<u>Appeal Decision:</u> Appeal Dismissed <u>Appeal Decision Date:</u> 26/06/2013

Location: 51 Blackbird Hill, London, NW9 8RS

Proposal:

Without planning permission, the change of use of the ground floor of the premises to a mixed use as office and residential

("The unauthorised change of use")

<u>Application Number:</u> E/12/0170 <u>PINSRefNo</u> C/12/2180600 <u>Team:</u> Northern Team

Appeal Decision: Appeal Dismissed Appeal Decision Date: 07/06/2013

Location: 105A-C Dartmouth Road, London, NW2 4ES

Proposal:

Without planning permission, the installation of three meter boxes to front elevation (at base level) of the premises, and the erection of metal railings and wooden decking on top of a single storey rear extension to form a roof terrace (with access from new door to rear of first floor flat) to rear of the premises.

("The unauthorised development")

<u>Application Number:</u> E/12/0219 <u>PINSRefNo</u> C/12/2179188 <u>Team:</u> Northern Team

Appeal Decision: Appeal Allowed Appeal Decision Date: 06/06/2013

Location: 10 Oakleigh Court, Edgware, HA8 5JB

**Proposal:** 

Without planning permission, the erection of a building to the rear of the premises.

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Jun-2013 and 30-Jun-2013

Planning Committee: 17 July, 2013

<u>Application Number:</u> E/12/0396 <u>PINSRefNo</u> C/12/2182166 <u>Team:</u> Western Team

<u>Appeal Decision:</u> Appeal Dismissed <u>Appeal Decision Date:</u> 10/06/2013

Location: 47 Twybridge Way, London, NW10 0SU

Proposal:

Without planning permission, the erection of a single storey detached building in rear garden of the premises.

("The unauthorised development")

<u>Application Number:</u> E/12/0431 <u>PINSRefNo</u> C/13/2191349 <u>Team:</u> Western Team

<u>Appeal Decision:</u> Appeal Dismissed <u>Appeal Decision Date:</u> 25/06/2013

Location: 72 Scarle Road, Wembley, HA0 4SW

**Proposal:** 

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

("The unauthorised development")

# PLANNING SELECTED appeal DECISIONS between 1-Jun-2013 and 30-Jun-2013

Planning Committee: 17 July, 2013

#### Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 11/2103 Appeal Decision: Appeal Allowed Appeal Decision Date: 19/06/2013

Team: Southern Team

**Location:** 45 Staverton Road, London, NW2 5HA

Proposal:

Installation of vehicular access and formation of hard and soft landscaping to front of ground floor flat

Our reference: 12/1424 Appeal Decision: Appeal Allowed Appeal Decision Date: 07/06/2013

Team: Northern Team

**Location:** 226 Walm Lane, London, NW2 3BS

Proposal:

Certificate of lawfulness for existing single storey rear extension to dwellinghouse

# **Background Information**

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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Item 4/03

# **ENFORCEMENT SELECTED appeal DECISIONS between**

1-Jun-2013 and 30-Jun-2013

Planning Committee: 17 July, 2013

## Introduction

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

Our reference:E/12/0219Appeal Decision Date:06/06/2013Team:Northern TeamAppeal Decision:Appeal Allowed

Location: 10 Oakleigh Court, Edgware, HA8 5JB

Proposal:

Without planning permission, the erection of a building to the rear 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 14 May 2013

# by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 19 June 2013

# Appeal Ref: APP/T5150/A/13/2190579 Ground floor flat, 45A Staverton Road, Brondesbury Park, London NW2 5HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Gabrielle Jullienne against the decision of the Council of the London Borough of Brent.
- The application Ref: 11/2103 dated 1 August 2011, was refused by notice dated 9 October 2012.
- The development proposed is conversion of part of front garden to parking space.

# **Decision**

- 1. The appeal is allowed and planning permission is granted for installation of vehicular access and formation of hard and soft landscaping at ground floor flat, 45A Staverton Road, Brondesbury Park, London NW2 5HA in accordance with the terms of the application Ref: 11/2103 dated 1 August 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 plan: car port dated July 2012.
  - 3) Notwithstanding condition 2, prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of a retaining front boundary wall no higher than 1 metre on either side of the crossover and a drainage grille at the boundary of the site with the public footway to discharge into the area of the hardstanding. The development shall be constructed in accordance with the approved details which shall thereafter be permanently retained.
  - 4) The soft landscaping shown on the approved plan shall be carried out prior to the completion of the access and hardstanding or in accordance with a programme to be agreed with the local planning authority.

# **Procedural Matters**

2. I have adopted the Council's amended description of development in my decision, which I consider more accurately describes the proposed works.

# **Main Issue**

3. The main issue raised in this appeal is the effect of the proposal on highway and pedestrian safety and the availability of on-street parking.

#### Reasons

- 4. The appeal property is a semi-detached property on the west side of Staverton Road within a predominantly residential area. The property is divided into three flats. A significant proportion of the properties in the same road have off street parking and there is, in addition, on-street permit parking. There appears to be no issue with the principle of introducing off-street parking for the property; the considerations relate primarily to the details of the siting of the arrangements proposed.
- 5. The Council has indicated that the crossover should be moved to the side of the frontage, in accordance with their guidance in their Domestic Vehicle Footway Crossover Policy 2008 (DVFCP) in order to relate to adjoining crossovers and minimise the loss of on street parking. Neither of the adjoining properties have vehicle crossovers although nearby properties beyond the immediate neighbours do.
- 6. Policy TRN15 of the Council's adopted Unitary Development Plan 2004 (UDP) relating to the creation of an access from a dwelling to a highway, indicates that no more than one on-street space should be lost where the street is heavily parked. Contrary to the indication in the ground for refusal referring to high levels of on-street parking, the Highway and Transportation report indicates that this is not a road which is defined as being heavily parked. Nonetheless, I agree with the Council that the positioning of the crossover should seek to minimise the loss of on-street parking. However, I agree with the Appellant that there appears to be an error in the Council's diagram so that only one space, rather than two would be 'lost'. It is not clear to me that moving the crossover to one side of the property would therefore lead to a smaller reduction in on-street parking provision.
- 7. The grounds for refusal refer to the proposed layout having a difficult and hazardous manoeuvre when exiting and entering the site which would have a detrimental impact on pedestrian and highway safety. However there is no evidence before me to substantiate this concern, and it is my view from my site visit that the proposed layout would not lead to hazardous manoeuvres in entering or exiting the site. There would be no material harm to pedestrian or highway safety.
- 8. I accept that the width of the crossover shown does not correspond to the Council's guidance but this would not by itself justify refusing planning permission. Moreover, the DVFCP also indicates that where a hardstanding is wider than the width of the crossover applied for, a solution would be to require a low wall to be retained to prevent vehicles crossing over an area of footway that has not been strengthened. It is not clear from the application

- plan whether the existing wall is to be retained on either side of the crossover but this is a matter which can be satisfactorily addressed by a condition.
- 9. I therefore conclude that there would be no material harm to highway and pedestrian safety and the availability of on-street parking. There would be no conflict with Policies TRN3 and TRN15 of the UDP as well as guidance in the DVFCP.
- 10. The amount of front garden landscaping which would remain would fall below the 50% which the Council indicates in Policy BE7 and its DVFCP should be retained. However, I consider that the proposed layout would be of a high landscaping standard and would respect the character and appearance of the local area. The proportion of front garden landscaping would be acceptable in the particular circumstances of this case.
- 11. The Council has proposed no conditions in respect of this proposal. I have already indicated that I propose to impose a condition regarding approval of a retaining wall in order to reflect the guidance in the DVCLP where the hardstanding is wider than the corresponding crossover. This condition also requires approval of the drainage arrangements to meet the requirement of the DVCLP. I shall also add a condition to list the approved plan on the basis that, otherwise than as set out in this decision and in conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have also added a condition to require the soft landscaping works to be undertaken prior to completion of the access and hardstanding in order to respect the street scene. Although these conditions have not been seen by either the Appellant or the Council, I am satisfied that neither party would be prejudiced by their imposition.
- 12. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

**INSPECTOR** 



# **Appeal Decision**

Site visit made on 19 February 2013.

# by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 7 June 2013

# Appeal Ref: APP/T5150/X/12/2180579 226 Walm Lane, London NW2 3BS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is by Tim Jackson against the decision of the Council of the London Borough of Brent.
- The application Ref. 12/1424, dated 24 May 2012, was refused by notice dated 20 July 2012.
- The application was made under section 191(1)(b)of the Town and Country Planning Act 1990 as amended.
- A certificate of lawful development was sought for two rear single-storey extensions to a single dwellinghouse.

Summary of decision: The appeal is allowed and a certificate of lawful development is granted.

# **Costs application**

1. A written application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

# **Preliminary matters**

- 2. For the avoidance of doubt, I should explain that in the context of an appeal under Section 195 of the Act, which relates to an application for a lawful development certificate, the planning merits of the existing use or operations are not relevant. My decision rests on the facts of the case, and on relevant planning law and judicial authority.
- 3. The application was for 'two rear storey extensions to single dwelling house'. I note that the relevant development is 2 rear single-storey extensions built to either side of a two-storey projection on the back of the house. I have amended the description of development stated in the LDC application to reflect this. I do not consider any party suffers significant injustice in consequence.
- 4. I note that the appeal property lies within the Mapesbury Conservation Area, that is, on Article 1(5) land for the purposes of the GPDO<sup>1</sup>.

<sup>&</sup>lt;sup>1</sup> The Town and Country Planning (General Permitted Development) Order 1995 as amended.

5. For the purposes of this decision subsequent paragraph references are to paragraphs of Part 1, Class A of Schedule 2 to the GPDO. References to the *Guidance* are to the DCLG Technical Guidance relating to interpretation of the GPDO<sup>2</sup>.

# **Main Issue**

6. I consider the main issue in this appeal to be whether the Council's decision was well-founded. In that regard the main question is whether the extensions that have been built are lawful under the provisions of the GPDO Schedule 2, Part 1, Class A.

# Reasons

- 7. The appeal property is a substantial detached dwelling of two storeys with attics, standing on the southern side of Walm Lane. At the back it originally had a two-storey extension projecting approximately 6.5 metres from the main back wall and positioned in roughly the middle third of the back elevation. It is apparent from photographs that the extension was in very poor structural condition, with significant cracks, and several arches over window openings apparently on the point of collapse. It is also apparent from photographs of works in progress that this extension has been extensively restore
- 8. The two single-storey extensions which the LDC application addresses stand to either side of the back projection and extend to a depth of 4 metres, or slightly less from the main back wall of the house. They effectively infill most of the re-entrant corners between the main house and the back projection. The extension to the west is some 3.17 metres high to the parapet, that to the east some 2.91 metres to the parapet. Separate planning applications have been made for retention of the single-storey extensions both refused and Section 78 appeals subsequently dismissed<sup>3</sup>.
- 9. As the Council say, the two extensions appear to have been built as very much part and parcel of the same operation as works to the two-storey extension. However, looking at this and taking into account the planning permissions ref. 12/3041<sup>4</sup> and 12/1605<sup>5</sup>, as well as photographs of the works in progress I consider that as a matter of fact and degree the works to the two-storey projection were essentially repairs and alterations to the original back extension, rather than creating a new construction. Furthermore, the Council do not raise objections to the works carried out to the two-storey projection in their submissions. In this context, I consider the single-storey extensions can be looked at as additions to the original extension, and it is reasonable to consider whether they might be permitted enlargements to the original dwellinghouse.

<sup>&</sup>lt;sup>2</sup> Department for Communities and Local Government 'Permitted Development for Householders': Technical Guidance.

<sup>&</sup>lt;sup>3</sup> Eastern single-storey extension - Decision notice ref. 12/1305, dated 26 July 2012. Appeal decision ref. APP/T5150/D/12/2180728, dated 15 October 2012.

Western single-storey extension - Decision notice ref. 12/1404, dated 24 July 2012. Appeal decision ref. APP/T5150/D/12/2180738, dated 15 October 2012.

<sup>&</sup>lt;sup>4</sup> Planning permission for rebuilding of single and two-storey rear projection and insertion of 3 no. windows in the flank elevation to the dwellinghouse.

<sup>&</sup>lt;sup>5</sup> Planning permission for minor material amendments comprising (revised roof pitch on two-storey rear projection and insertion of 3 no. windows in the flank elevation to the dwellinghouse.

- 10. I note that in their consideration as to whether the two-storey extension might itself be permitted development the Council came to the view that the provisions of paragraph A.1(c) preclude it, because the ridge of the extension projects above the eaves level of the dwelling. However, that is an incorrect assessment, since A.1(c) refers to the height of the eaves of the enlarged part being above the eaves of the existing dwellinghouse, which is not the case here. Nevertheless, it cannot be considered to be permitted development under the provisions of paragraphs A.1(f)(i) and A.2(c).
- 11. In relation to the two single storey extensions, the appellant puts forward advice from the Guidance on paragraph A.1(e) including the diagram showing allowable forms of extension beyond rear walls where rearward single storey extension to a detached house might be permitted, up to a depth of 4 metres subject to other restrictions. This is clearly relevant advice in this instance. The Council put forward Guidance advice relating to paragraph A.1(h), which concerns extensions from side walls that would be over 4 metres in height, have more than one storey, or a width greater than half the width of the original dwellinghouse. I consider this advice is not applicable to single-storey extensions.
- 12. However, as the Council say, paragraph A.2(b) places a restriction on permitted development for dwellinghouses on Article 1(5) land as is this one if the enlarged part would extend beyond a wall forming a side elevation of the original dwellinghouse. The Guidance says that extensions beyond any side wall will not be permitted in these areas. No further advice, diagrammatic or otherwise, is provided.
- 13. If this advice were taken to include side elevations of original back extensions narrower than the original house, it would mean that back extensions to such properties would be limited to those up to 4 metres deep beyond any original extension, but no wider than it. Furthermore, on the basis of the Council's argument a situation would exist where a full-width single-storey back extension to a detached house in a conservation area could be permitted development, as could a back extension alongside an earlier lawful back extension that was not original, whereas an extension alongside an original back extension would not. Also, it would be possible to demolish an original back extension, and build a new and possibly wider one under permitted development rights. These is are all clearly untenable situations, and must be counter to the intentions of the Order, which are concerned here with such matters as maintaining spaces between houses in conservation areas, and ensuring that permitted extensions do not have a harmful visual impact in the public realm.
- 14. Furthermore, I concur with the views expressed in paragraphs 4 and 5 of a 2010 appeal decision<sup>6</sup> concerning a conservatory built within a re-entrant angle of a semi-detached house in a conservation area, that the extensions would not project beyond a side elevation of the original dwellinghouse.
- 15. I consider the two single-storey extensions should be regarded as permitted development under the provisions of Class A of Part 1 of Schedule 2 to the GPDO.

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<sup>&</sup>lt;sup>6</sup> Appeal decision ref. APP/B1930/X/09/2110874, dated 4 March 2010.

# **Conclusions**

16. For the reasons given above and having regard to all other matters raised, I am satisfied that the Council's refusal to grant a certificate of lawfulness of proposed use or development was not well-founded and that the appeal should succeed. I shall exercise the powers transferred to me under Section 195(2) of the 1990 Act as amended.

# Formal decision

17. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing operation which is considered to be lawful.

# Stephen Brown

**INSPECTOR** 



# **Lawful Development Certificate**

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010: ARTICLE 35

**IT IS HEREBY CERTIFIED** that on 24 May 2012 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The operations would have been permitted development under the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 1995 as amended.

Signed

# Stephen Brown

Inspector

Date 07.06.2013

Reference: APP/T5150/X/12/2180579

# First Schedule

Two rear single-storey extensions to a single dwellinghouse.

#### Second Schedule

Land at 226 Walm Lane, London NW2 3BS.

#### **NOTES**

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

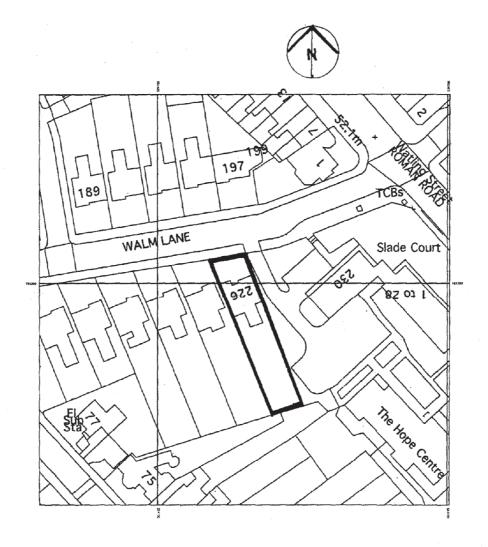
The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

# **Plan**

This is the plan referred to in the Lawful Development Certificate dated:07.06.2013

by Stephen Brown MA(Cantab) DipArch RIBA Land at: 226 Walm Lane, London NW2 3BS Reference: APP/T5150/X/12/2180579

Scale: DO NOT SCALE



# **Appeal Decision**

Site visit made on 14 May 2013

# by Sara Morgan LLB (Hons) MA Solicitor

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

**Decision date: 6 June 2013** 

# Appeal Ref: APP/T5150/C/12/2179188 10 Oakleigh Court, Edgware, HA8 5JB

- 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 M Srikantha against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/12/0219.
- The notice was issued on 28 May 2012.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a building to the rear of the premises.
- The requirements of the notice are:
  - STEP 1 Demolish the rear 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 three 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 rear of the premises on land at 10 Oakleigh Court Edgware referred to in the notice, subject to the following conditions:
  - 1) The building hereby permitted shall not be used for any purposes other than purposes incidental to the enjoyment of the dwelling house 10 Oakleigh Court as such.
  - 2) No part of the building hereby approved shall be used as a bedroom, kitchen, bathroom or other primary living accommodation.

# **Main Issue**

2. The main issue in the ground (a) appeal and the deemed planning application is the effect of the development on the character and appearance of the surrounding area.

# Reasons

3. The building the subject of enforcement action is a detached single storey pitched roof building situated at the far end of the rear garden of 10 Oakleigh Court. The building takes up virtually the whole width of the rear garden, and according to the Council has a ridge height of around 3.5 m. Permitted development rights would allow the construction of a building taking up the full

- width of the garden, provided that its ridge height did not exceed 2.5 m, so this building does not benefit from permitted development rights.
- 4. The Council argues that this building is overbearing and large in a typical garden context, being of a size, scale and design that is out of character with its garden setting. However, the building cannot be seen from the public highway, only being visible from the rear gardens of Oakleigh Court and other nearby roads. 10 Oakleigh Court has a reasonably large garden, and the building is not out of scale or overly large in this context, despite its width. Given the amount of garden remaining, the building has not resulted in an overdevelopment of the site. It is clearly subordinate in scale to the dwelling and to the other dwellings in the area, despite its size.
- 5. The gable walls project above the boundary fences of the neighbouring properties and can be seen from the gardens on either side, but those properties too have lengthy rear gardens; only the rearmost part of the gardens furthest from the dwellings would be affected. What could be seen of the building from the gardens and from nearby properties would not be unduly overbearing for the immediate neighbours or materially harmful to their living conditions.
- 6. The materials used in the construction of the outbuilding (rendered walls with interlocking tiles on the roof) do not look out of place in the context of the traditional design of dwellings in the area. The use of UPVC for the windows and doors would not be unusual in an outbuilding of this type, and they do not look out of place. In my view the building has the appearance of a large outbuilding, and not that of a bungalow, as suggested by the Council. It would not significantly detract from the character and appearance of the area.
- 7. For these reasons, I conclude that the building would not have an unacceptably harmful effect on the character and appearance of the surrounding area. It would not, therefore, be in material conflict with policies BE2 and BE9 of the Brent Unitary Development Plan adopted in 2004, which require proposals not to harm the character and appearance of the area and to be of an appropriate scale, massing and height for their setting, or with policies contained in the National Planning Policy Framework.
- 8. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted subject to appropriate conditions.

# **Conditions**

9. Given the location of the building in the rear garden of 10 Oakleigh Court, it should only be used for purposes incidental to the enjoyment of the dwellinghouse 10 Oakleigh Court as such. Any other use, including a use as primary residential accommodation, would be likely to cause harm to the living conditions of nearby occupiers. Consequently, I shall impose conditions limiting the use of the building to incidental purposes, and preventing the provision within the building of bathrooms, kitchens or other primary residential accommodation. The Council has suggested that business use should be specifically restricted, but that is not necessary in view of the proposed restriction to use for purposes incidental to the dwellinghouse use.

Sara Morgan

**INSPECTOR**