



Planning Committee

Wednesday 21 August 2013 at 7.00 pm

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

Membership:

Members

Councillors:

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

first alternates

Councillors:

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

second alternates

Councillors:

Adeyeye
Ogunro
Moloney
HB Patel
Hopkins
Beck
Al-Ebadi
Naheerathan
Lorber
Harrison
Mashari

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

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

| ITEM | WARD | PAGE |
|---|------------------|----------|
| 1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda. | | |
| 2. Minutes of the previous meeting | | 1 - 6 |
| Extract of Planning Code of Practice | | |
| NORTHERN AREA | | |
| 3. Land of former Scout Hut, John Billam Playing Fields, Woodcock Hill, Harrow (Ref. 13/0687) | Kenton | 11 - 22 |
| 4. 557 Kenton Road, Harrow, HA3 9RS (Ref. 13/0947) | Kenton | 23 - 30 |
| 5. 17 & 19 Bermans Way, London, NW10 (Ref. 13/1403) | Dudden Hill | 31 - 38 |
| SOUTHERN AREA | | |
| 6. Marada House, Brondesbury Park, Kilburn, London (Ref. 13/1065) | Brondesbury Park | 39 - 46 |
| 7. 111 Leighton Gardens, London, NW10 3PS (Ref. 13/1140) | | 47 - 54 |
| 8. Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ (Ref. 13/1428) | Willesden Green | 55 - 74 |
| 9. Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ (Ref. 13/1429) | Willesden Green | 75 - 80 |
| WESTERN AREA | | |
| 10. 575 North End Road, Wembley, HA9 0U (Ref. 13/1494) | Tokyngton | 81 - 98 |
| SPECIAL ITEM | | |
| 11. Appeals Monitoring April to June 2013, Q1 | All Wards | 99 - 104 |
| PLANNING APPEALS | | |
| 12. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64. | | |

SITE VISITS – SATURDAY 17 AUGUST 2013

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

| REF. | ADDRESS | ITEM | WARD | TIME | PAGE |
|---------|---|------|------------------|-------|---------|
| 13/1494 | 575 North End Road, Wembley, HA9 0UU | 10 | Tokynnton | 9:35 | 81 - 98 |
| 13/0687 | Land of former Scout Hut, John Billam Playing Fields, Woodcock Hill, Harrow | 3 | Kenton | 10.00 | 11 - 22 |
| 13/0947 | 557 Kenton Road, Harrow, HA3 9RS | 4 | Kenton | 10:20 | 23 – 30 |
| 13/1428 | Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ | 8 | Willesden Green | 10:45 | 55 - 74 |
| 13/1429 | Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ | 9 | Willesden Green | 10:45 | 75 - 80 |
| 13/1065 | Marada House, Brondesbury Park, Kilburn, London | 6 | Brondesbury Park | 11:10 | 39 - 46 |
| 13/1140 | 111 Leighton Gardens, London, NW10 3P | 7 | Brondesbury Park | 11:30 | 47 - 54 |

Date of the next meeting: **Wednesday 4 September 2013**

As the meeting will consider reports on policy issues only, there will no prior site visits. The next meeting that will consider planning applications will take place on 14 September 2013.



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 17 July 2013 at 7.00 pm

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

ALSO PRESENT: Councillor Emad Al-Ebadi

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

1 Lydford Road, London NW2 5QY (Ref. 13/0656)

Councillor Hashmi declared that he had received a telephone call and an email from the applicant which he passed on to the case officer's attention.

Councillor Kataria declared that he had received an email from the applicant which prompted him to call in the report to Committee, but that the applicant was not known to him.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 19 June 2013 be approved as an accurate record of the meeting.

3. **1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT (Ref. 13/1123)**

PROPOSAL:

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

RECOMMENDATION: Refuse planning permission.

Andy Bates, Area Planning Manager informed the Committee that the applicant had withdrawn the application for reasons set out in the tabled supplementary.

DECISION: Application would have been refused had it not been withdrawn by the applicant.

4. **1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT (Ref. 13/1122)**

PROPOSAL:

Full planning permission 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 ground floor and 34 residential units (9 x 1-bed, 23 x 2-bed, 2 x 3-bed) with balconies and communal roof terraces.

RECOMMENDATION: Refuse planning permission.

Andy Bates, Area Planning Manager informed the Committee that the applicant had withdrawn the application for reasons set out in the tabled supplementary.

DECISION: Application would have been refused had it not been withdrawn by the applicant.

5. 1 Lydford Road, London, NW2 5QY (Ref.13/0656)

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.

RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report Andy Bates, Area Planning Manager, set out the background to the application adding that the original enforcement proceedings began when an approved single storey rear extension was expanded to also involve building a new larger side extension which members saw on the site visit. He continued that officers had required the applicant to reduce the height of the building and to restore it to the situation before the unauthorised works took place so that the impact on neighbours was no worse. The applicant had resisted the requirements on the grounds that it would affect the viability of the business that operated on the ground floor of the building. The applicant had made appeals including against enforcement to the Planning Inspectorate both of which were dismissed. Andy Bates drew members' attention to extracts from the Inspector's reports that confirmed the dismissals and in the main supported officers' views of the applications.

Prior to the applicant and her agent addressing the Committee, the legal representative advised that in accordance with the Council's Planning Code of Practice under its Constitution, Councillor Al-Ebadi, the applicant's technical adviser, should not take part in the discussion of the application.

Following discussions and clarifications, Councillor Kataria moved an amendment for the application to be deferred from consideration until the applicant could find another technical adviser to speak on her behalf.

DECISION: Deferred from consideration until the applicant can find another technical adviser to speak on her behalf.

6. 205 Church Road, London, NW10 9EP Ref. 13/1098)

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.

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

Andy Bates, Area Planning Manager, drew members' attention to additional responses to the consultation and officers responses to them. He explained that the delivery of the market square was integral to the regeneration benefits of the development which the Council wanted to ensure was not hindered by any third party matters. He continued that following the publication of the Committee report, a sustainability checklist had been submitted by the agent which set out that the scheme score was 50%. Officers had highlighted some areas in which further clarification and minor amendments may be required to ensure that this target was achieved in practice. Officers were confident that amendments can be made to ensure that the applicant put in measures to ensure that a 50% score was attained, in order to comply with the terms set out in the legal agreement attached to any planning permission for the proposal

The Area Planning Manager then clarified the issue of access to the parking spaces within the northern section of the car park via the area that would be occupied by the market square. He added that whilst in officers' view it would be acceptable for access to the spaces via the market square to continue in the short term, Catalyst Housing Group, the owners of the private car park, proposed to provide controlled access for vehicles over the market square from the proposed parking area adjacent to Church Road. In addition, lockable bollards would be erected at the northern end of the parking area to prevent unauthorised vehicles from entering the mainly pedestrianised market square whilst allowing Catalyst employees controlled access to the private car-park. It was anticipated that Catalyst Housing Group would re-develop the site in the future, but until then officers did not consider that continued access to the private car park would unacceptably hinder the function of the space for use as a market square or as a pedestrianised space. In the event that the market square was built prior to any re-development of the Catalyst car park, a construction management plan which would set out how the means of construction would be carried out without any significant encroachment over the market square area shall be required as part of any subsequent grant of planning permission. In re-affirming the recommendation for a section 106 approval, Andy Bates drew members' attention to amended

conditions 9, 11 and 25 and the removal of condition 7 as set out in the tabled supplementary report.

Mr Ankram objected to the proposed development on the grounds that due to its height, it would result in loss of light, loss of privacy and a detrimental impact on his business which he operated from 203 Church Road.

Mr Aslam also raised objections to the proposed development on the grounds that it would result in a detrimental impact on his business particularly his storage facilities and would thus result in loss of family income.

Mr Alex Ely, the applicant's agent stated that the proposal to build 34 new homes would be a significant improvement on the currently blighted site. He added that the development would make use of quality and robust materials to provide a development with private amenity spaces, better storage facilities for the market stall holders which would mitigate fly tipping whilst enhancing the functions of the square.

In response to members' questions, Mr Ely stated that eight pay and display car parking spaces would be provided to overcome the current irregular parking situation which was mainly for long stay parking. He continued that the area was accessible to good public transport facilities with level 4 PTAL rating. He also clarified that extensive consultation with all interested parties including the market's management company was carried out during design and development stages of the proposal and that their suggested amendments were incorporated. Mr Ely added that the development would provide one affordable housing unit.

Andy Bates then submitted the following responses to members' queries: In excess of 500 consultation letters were sent out to residents and business owners in addition to press and site notices. Delivery and servicing plan would be agreed in advance of occupation of the units or the operation of the market and would be secured as part of the section 106 legal agreement. In accordance with the scheme's viability assessment submitted in support of the application, no more than one affordable housing unit proposed could be reasonably delivered as part of the residential scheme. In the circumstances, it was appropriate to relax the 50% affordable housing unit requirement usual for such applications.

Chris Walker, Assistant Director of Planning and Development added that the Council consulted widely on its vision for Church End in drawing up measures to attract inward investment into the area. He continued that the London Development Framework (LDF) had site specific proposals for market site which included mixed, residential and market uses. He noted that the single affordable housing unit being offered was a departure from the norm. However the difficult current market conditions meant the viability of the scheme would suffer if the Council insisted on a higher figure. The Assistant Director confirmed that in officers' view, the right balance between affordable housing and viability had been struck.

DECISION:

Granted planning permission as recommended subject to amended conditions 9, 11 and 25, the removal of condition 7, and informatives.

7. Units 1-6 Inc, 82 Chaplin Road, London, NW2 (Ref. 13/0574)

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.

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

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager responded to the queries raised by members at the site visit regarding parking and access issues. He explained that as the development would be a "car free" scheme, occupiers would be unable to apply for business permits. In terms of the vehicular access way, he stated that since the proposed use would remain the same (B1 use) there were no grounds to impose any additional restrictions. He confirmed that there were no proposals to increase the height of the existing building. Andy Bates reiterated that there was a valid Enforcement Notice (E12/0692) relating to the site

Mr Asher an objector alleged that the house was in multiple-occupation (HMO) in flagrant breach of planning conditions. He emphasised his suspicion that the applicant's real motive was to increase residential use and lettings for the property through certificate of lawfulness of use. This raised additional concerns for waste management, noise nuisance and fire risk.

Andy Bates responded that the site which had been served with an enforcement notice was not appropriate for quality residential uses

DECISION: Planning permission granted as recommended.

8. 39 & 41, Hillside, Stonebridge, London, NW10 8LY (Ref. 13/1250)

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.

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

With reference to the tabled supplementary report, Andy Bates responded to queries raised by members at the site visit on the primary material for the proposed building within the Hillside frontage, the distances between the proposed buildings and existing homes and Stonebridge Adventure Playground and the Stonebridge School. He explained that although the proposed material (terracotta cladding) had been used successfully on some other buildings, the design approach could lend itself to a number of other materials that could be used successfully. Details of materials had been secured through condition (No. 5). Members heard that the distances between the windows of the proposed buildings and the windows of other homes were significantly in excess of the Council's minimum levels as set out within SPG 17, drawing attention to examples set out in the tabled supplementary report.

DECISION: Planning permission granted as recommended.

9. Appeals June 2013

RESOLVED:

that the schedule of appeals for June 2013 be noted.

10. Any Other Urgent Business

Chris Walker

Members were informed that this was the last meeting of Chris Walker, Assistant Director of Planning and Development as he was due to retire on 31 July 2013 after 33 years of continuous service with Brent Council. On behalf of the Committee, the Chair paid tribute to Chris Walker for his long service to Brent Council and wished him a long and happy retirement.

The meeting closed at 8.50 pm

K SHETH
Chair

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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|---|-------------------------------|
|  | Planning Committee Map |
| Site address: Land of former Scout Hut, John Billam Playing Fields, Woodcock Hill, Harrow | |
| © Crown copyright and database rights 2011 Ordnance Survey 100025260 | |



This map is indicative only.

RECEIVED: 20 May, 2013

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Land of former Scout Hut, John Billam Playing Fields, Woodcock Hill, Harrow

PROPOSAL: Variation of condition 4 (opening hours) to allow opening of the premises between 8:00 to 22:00 Monday to Friday and 8:00 to 22:00 Saturday and Sunday of full planning permission reference 10/0438 dated 19/04/2010 for development of land comprising the former scout hut and adjacent car park at the John Billam Playing Fields off Woodcock Hill with a two storey adult learning and support centre (to relocate the Albert Road Day Centre and ASSPECT facility) with adjustments to the boundary with the John Billam playing fields and involving:

- (1) Re-provision of 108 car parking spaces to the south of Kenton Hall including variation to the parking layout for Kenton Hall approved under condition 3 of full planning permission ref: 03/2865
- (2) Reinstatement of the car park to the north of Kenton Hall to landscaped open space
- (3) Changes and re-surfacing of the access road layout including to the front of Kenton Hall
- (4) Amendments to Parks Depot boundary
- (5) Varying the hours of use at Kenton Hall – amending condition 7 of full planning permission ref: 03/2865 to allow activities within the Kenton Hall to operate on a permanent basis within the following hours:

0800 - 2230 Sundays to Thursdays, with the premises cleared within 30 minutes after these times

0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times

0800 – 0030, with the premises cleared within 30 minutes after these times for the following events:-

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- GAA London Sports and Golf Society function
- 10 further events in any calendar year

(as accompanied by Design and Access Statement prepared by MACE; External Noise Survey Report prepared by Robert West Consulting Ltd; and BS5837: 2005 Tree Survey)

APPLICANT: Mrs Nancie Alleyne

CONTACT:

PLAN NO'S:

Refer to Condition 1

RECOMMENDATION

Grant Consent

EXISTING

The application site comprises a two storey building known as John Billam Resource Centre located at the end of the access road off Woodcock Hill that also serves Kenton Hall, Parks Depot and the allotment within Woodcock Park.

The John Billam Resource Centre was granted planning permission in April 2010 (LPA Ref: 10/0438). The centre is run by the Council and was built to provide a fully integrated and self contained facility catering for users that were previously accommodated within the Albert Road Day Centre (ARDC) and the Strathcona Autism Services Promoting Partnership, Empowerment, Creativity and Teamwork (ASPPECT). The centre provides day services for adults with profound learning disabilities in addition to severe physical impairments and/or challenging behaviour, and adults with severe autistic spectrum disorders.

The 2010 planning application also granted planning permission for the following:

- Re-provision of 108 car parking spaces to the south of Kenton Hall including variation to the parking layout for Kenton Hall;
- Reinstatement of the car park to the north of Kenton Hall to landscaped open space;
- Changes and re-surfacing of the access road layout including to the front of Kenton Hall;
- Amendments to Parks Depot boundary; and
- Varying the hours of use at Kenton Hall

PROPOSAL

This application seeks to vary condition 4 (opening hours) of full planning permission ref: 10/0438 to allow the John Billam Resource Centre to be open between 8.00 to 22.00 Monday to Friday and 8:00 to 22:00 Saturday and Sunday. The current hours of use are 0900 - 1700 hours Mondays to Fridays, with the premises required to cleared within 30 minutes after these times.

The application does not propose any changes to the hours of use for Kenton Hall. They will remain as per the times approved as part of the 2010 planning permission. For reference these approved hours are provided below:

0800 - 2230 Sundays to Thursdays, with the premises cleared within 30 minutes after these times

0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times

0800 – 0030, with the premises cleared within 30 minutes after these times for the following events:-

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
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- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- GAA London Sports and Golf Society function; and
- 10 further events in any calendar year

HISTORY

The planning history of the site is set out below:

12/0321: Details pursuant to condition 15 (Transport Management Strategy) as supplemented by addendum received 03/04/2012 of full planning permission 10/0438 dated 19/04/2010 - **Granted, 13/04/2012.**

11/2523: Non-material amendment comprising (1) repositioning of building footprint; (2) alterations to external landscaping; and (3) plant equipment on rooftop as revised by plans of full planning permission 10/0438 dated 19/04/2010 - **Granted, 22/03/2012.**

11/0211: Non material amendment (revised building layouts and removal of tree T7) of full planning application reference 10/0438 dated 19/04/2010 - **Granted, 23/02/2011.**

11/0145: Details pursuant to condition 5 (external materials), 8a (Site Investigation), condition 9 (sustainability), condition 10 (construction method statement), condition 11 (landscape works), condition 14 (Bin Store) and condition 15 (management plan and travel plan) of Deemed (Reg4 Councils Other Development) reference 10/0438 dated 19 April 2010 - **Granted, 24/11/2011.**

10/2565: Details pursuant to condition 12 (relocation of 2 disabled bays) 12 (2 secure cycle parking spaces) of deemed (Reg4 councils other development) reference 10/0438 dated 19 April 2010 - **Granted, 04/11/2010.**

10/1982: Non-material amendment (variation to car-park layout to include 6 no. disabled parking spaces to north of Kenton Hall and 2 no. additional disabled spaces next to the Resource Centre) of Deemed (Reg4 Council's Other Development) planning permission reference 10/0438, dated 19/04/2010 - **Granted, 07/10/2010.**

10/0438: Full Planning Permission sought for development of land comprising the former scout hut and adjacent car park at the John Billam Playing Fields off Woodcock Hill with a two storey adult learning and support centre (to relocate the Albert Road Day Centre and ASSPECT facility) with adjustments to the boundary with the John Billam playing fields and involving:

- (1) Re-provision of 108 car parking spaces to the south of Kenton Hall including variation to the parking layout for Kenton Hall approved under condition 3 of full planning permission ref: 03/2865
- (2) Reinstatement of the car park to the north of Kenton Hall to landscaped open space
- (3) Changes and re-surfacing of the access road layout including to the front of Kenton Hall
- (4) Amendments to Parks Depot boundary
- (5) Varying the hours of use at Kenton Hall – amending condition 7 of full planning permission ref: 03/2865 to allow activities within the Kenton Hall to operate on a permanent basis within the following hours:

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- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- GAA London Sports and Golf Society function
- 10 further events in any calendar year

(as accompanied by Design and Access Statement prepared by MACE; External Noise Survey Report prepared by Robert West Consulting Ltd; and BS5837: 2005 Tree Survey) - **Granted, 19/04/2010.**

POLICY CONSIDERATIONS

The following policies are considered to be relevant for this application:

London Plan 2011

The London Plan forms the spatial development strategy for London and was adopted on 22 July 2011. The relevant policy for this application is provided below:

Policy 3.16 - Protection and Enhancement of Social Infrastructure

Brent's Core Strategy 2010

Brent's Core Strategy was adopted on 12 July 2010 and sets out the vision, objectives, key policies and monitoring framework for future development in Brent. The relevant policy for this application is provided below:

Policy CP23 - Protection of existing and provision of new Community and Cultural Facilities

Brent's Unitary Development Plan 2004

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

Policy CF2 - Location of Small Scale Community Facilities

Policy TRN4 - Measures to make Transport Impact Acceptable

Policy TRN22 - Parking Standards: Non Residential Development

CONSULTATION

The consultation period for this application is set out below:

Consultation Period: 13/06/2013 - 04/07/2013

Additional Consultation Periods: 14/06/2013 - 05/07/2013 & 21/06/2013 - 12/07/2013

Site Notice Displayed: 20/06/2013 - 11/07/2013

Public Consultation

244 residents consulted including properties on Calverley Gardens, Manning Gardens, Preston Road, Preston Waye, Silverholme Close, Viewfield Close, Woodcock Dell Avenue, Woodcock Hill, and Woodcock Court.

4 objections received raising the following points:

- There are already parking problems in the area particularly on Woodcock Hill as a result of commuters parking for the station and existing events at Kenton Hall. This proposal would further increase parking problems and congestion in the area.
- Inability by the Council to effectively monitor opening/closing times leads greatly to noise creation, especially late at night.
- The John Billam Resource Centre will change from a facility for local usage into money making business activities, and will change the essential character of the locality from purely residential to commercial.
- Landscaping within the car park next to the Resource Centre not completed.
- Guests will depart at 1am, resulting in noise from cars and people.

Objections have also been raised from the GAAL who occupy Kenton Hall. Their concerns are as follows:

- Visitors and staff to the resource centre will expect to park in the car park to the south of Kenton Hall which is in breach of the agreement set out in the Transport Management Plan.

External Consultation

Preston Amenities Protection Association (PAPA) - Objections received raising the following points:

- Substantial increase in people and traffic along the access road that will affect the residents of Silverholme Close and on Woodcock Hill.
- Services provided at the John Billam Resource Centre will be under threat.
- Local residents already experience noise and disturbance as a result of fireworks from Kenton Hall

Internal Consultation

Transportation - Proposal can be supported on transportation grounds as traffic movements to and from the Resource Centre are relatively low key compared with Kenton Hall and the playing fields when they are in use. The alterations to the opening and closing times are considered unlikely to have significant impact on the existing transportation matters for this site. It is recommended that there is ongoing monitoring and control of access and parking.

Environmental Health - Given the location of the resource centre, between railway and an allotment, no concerns are raised from an environmental health perspective, as the nearest residents who could be affected by potential noise with the increased hours, are far enough away.

REMARKS

1. The John Billam Resource Centre currently operates between 0900 and 1700 hours Mondays to Fridays, with the premises cleared within 30 minutes after these times. The restriction on the hours of use of the Resource Centre was imposed as part of condition 4 of planning permission ref: 10/0438 to ensure the centre does not compromise access arrangements to the car park to the north of the Resource Centre that is shared between Kenton Hall and authorised park users, including the Gaelic football club and local school users.

2. This application is seeking to extend the opening hours of the John Billam Resource Centre to between 0800 and 2200 hours on Mondays to Sundays. During the normal working hours (0800 and 1700 hours Mondays to Fridays) the Resource Centre will continue to be run by Brent Council providing services as an adult learning and support centre. Outside of normal working hours (from 1700 to 2200 on Mondays to Fridays and 0800 to 2200 Saturdays and Sundays) the Resource Centre will be occupied by Neasden Gateway Club. Neasden Gateway Club are a voluntary organisation for adults with learning disabilities, and have been running in Brent since 1966. The Neasden Gateway Club is affiliated to Royal Mencap and the activities that will take place include playing pool, table tennis, art and craft, board games, discos and watching television.

3. Their membership is around 90 but officers have been advised that all members never attend activities at the same time. At the present time, two sessions per week are proposed on Tuesdays and Thursdays. There is one full time member of staff with 5 volunteers on Tuesdays and 3 on Thursdays. The maximum total attendance is around 75 on a disco night. It should be noted that the proposal is to extend the hours Monday – Sunday so this application would allow for further activities to be held than those specified.

4. The majority of visitors will arrive and be picked up from the Resource Centre by mini buses supplied by Brent Transport Service together with Dial a ride and other mini buses (equates to approximately 6 minibuses on a disco night). This will be a drop off and pick up service where mini buses will not wait on the premises. Information also sets out that in some cases taxis maybe used. It is recommended that in these cases special arrangements are made for pick up and drop off (See paragraph 17). Other members will use public transport and walk. Two of the car parking spaces along the east elevation of the Resource Centre will be used by the full time member of staff and one volunteer.

5. The key considerations in assessing this application is whether the increase in the hours of use will have a detrimental impact upon the amenities of local residential properties, and whether there will be a significant increase in vehicular movements along the access way that could be detrimental to highway and pedestrian safety. Each of these points is discussed below:

Whether the proposal would be detrimental to the amenities of neighbouring properties?

6. The Resource Centre is sited between the allotments and the railway. Officers in Environmental Health have confirmed that given that the Resource Centre is over 30m from the nearest residential properties on Preston Way, the activities carried out within the Resource Centre are unlikely to cause noise

nuisance to these residents as they are a considerable distance away. Furthermore, officers in Environmental Health have confirmed that they have not received any complaints regarding noise nuisance from Kenton Hall since planning permission was granted in April 2010 for the increased hours of use. Kenton Hall is more intensely used with more visitors compared to the Resource Centre and is closer to the nearest residential properties on Silverhome Close which are just over 15m away.

Whether the proposal would result in a significant increase in vehicular movements along the access way that could be detrimental to highway and pedestrian safety?

7. Traffic movements to and from the Resource Centre will be relatively low key compared with Kenton Hall and the playing fields when they are in use. This is due to the majority of visitors travelling to the Resource Centre via mini bus service, predominantly provided by Brent Community Transport. There is a turning area to the east of the Resource Centre to allow mini buses to enter and leave the site in a forward gear. Such arrangements currently take place during normal working hours.

8. There is a Transport Management Strategy/Travel Plan in place for the site to include monitoring of parking, access and traffic generation, with traffic management measures reviewed annually. This is a management plan between users of Kenton Hall and authorised park users for the 108 space car park located between Kenton Hall and the Resource Centre.

9. To ensure that the arrival and departure of the mini buses during the evenings and weekends does not compromise vehicular movements within the site, especially when there is a large event such as Gaelic football in the summer or a large event at Kenton Hall, the Transport Management Strategy will need to be amended in agreement with the Kenton Hall to include vehicular movements for the activities within the Resource Centre during the evenings and weekends. It is recommended that such measures shall include:

- No parking within the 108 space car park for staff or visitors;
- Mini bus arrival times to be staggered so that there is only one mini bus on site at any one time;
- The drop of location in the site located adjacent to the Resource Centre;
- The route that the mini buses will take to enter and exit the site;
- Arrangements with other users if alternative modes of transport are required.

10. Subject to the Transport Management Strategy being updated to reflect the above measures to ensure that the overall vehicular movements within the site are appropriately managed, it is considered that the increased hours of use is unlikely to cause significant transport impacts.

Response to objections raised

11. Four objections from local residents and an objection from PAPA were received. Each point is set out below:

| Objection | Response |
|--|--|
| <p>There are already parking problems in the area particularly on Woodcock Hill as a result of commuters parking for the station and existing events at Kenton Hall. This proposal would further increase parking problems and congestion in the area.</p> | <p>There is a Transport Management Strategy in place which includes management arrangements for events within Kenton Hall. This includes the use of stewards for larger events to direct traffic to the Preston Road car park in the event of the car park on site being full.</p> <p>The Transport Management Strategy includes yearly monitoring of the site where a log is required for each event including a log of unauthorised parking. Any authorised parking as a result of events either within Kenton Hall or authorised park events, such as Gaelic Football or Brent Schools FA, should be reported to the Council for further investigation.</p> <p>As discussed above, the majority of visitors will arrive at the Resource Centre via mini bus. The Transport Management Strategy will be updated to include the management arrangements for the mini buses.</p> |
| <p>Inability by the Council to effectively monitor</p> | <p>Officers in Environmental Health have confirmed that</p> |

| | |
|--|--|
| <p>opening/closing times lends greatly to noise creation, especially late at night.</p> | <p>they have not received any noise complaints since the extended hours of use were granted in April 2010. Furthermore, there is no planning enforcement record in relation to the breach of hours of use.</p> <p>If there are problems with Kenton Hall operating beyond the approved hours of use (as set out in paragraph 5 above) then the matter needs to be passed on the Planning Enforcement Team for further investigation.</p> |
| <p>The John Billam Resource Centre will change from a facility for local usage into money making business activities, and will change the essential character of the locality from purely residential to commercial.</p> | <p>The John Billam Resource Centre will continue to be run by the Council during normal working hours providing services as an adult learning and support centre.</p> <p>Outside of these hours, it will currently proposed to be occupied by the Neasden Gateway Club, who are a voluntary organisation for adults with learning disabilities</p> |
| <p>Landscaping within the car park next to the Resource Centre not completed.</p> | <p>This matter has been passed onto the Planning Enforcement Team for further investigation.</p> |
| <p>Guests will depart at 1am, resulting in noise from cars and people.</p> | <p>A list of the approved hours of use for Kenton Hall is set out in paragraph 5 above. This includes a number of events which are allowed to operate until 0030 hours with the premises cleared within 30 minutes after this time.</p> |
| <p>Substantial increase in people and traffic along the access road that will affect the residents of Silverholme Close and on Woodcock Hill.</p> | <p>As discussed in paragraphs 15 to 18 above, the vehicular movements associated with the evenings and weekends use of the Resource Centre is low key compared to Kenton Hall and park users.</p> <p>The Transport Management Strategy will be updated to take into account vehicular movements to the Resource Centre for evening and weekends.</p> |
| <p>Services provided at the John Billam Resource Centre will be under threat.</p> | <p>The John Billam Resource Centre will continue to be run by the Council during normal working hours providing services as an adult learning and support centre.</p> |
| <p>Local residents already experience noise and disturbance as a result of fireworks from Kenton Hall</p> | <p>Officers in Environmental Health have confirmed that they have not received any noise complaints since the extended hours of use were granted in April 2010.</p> <p>Any noise and disturbance should be reported to Environmental Health for further investigation.</p> |
| <p>Visitors and staff to the resource centre will expect to park in the car park to the south of Kenton Hall which is in breach of the agreement set out in the Transport Management Plan.</p> | <p>The Transport Management Strategy will be updated to set out that no parking within 108 space car park (to the south of Kenton Hall) will be available for staff or visitors.</p> |

Conclusions

12. In conclusion, the increased hours of use of the John Billam Resource Centre will allow the centre to provide services for the wider community. It is considered that the building is sufficient far away from the nearest residential properties to not have an adverse impact upon the amenities of the residential properties.

Furthermore, vehicular movements to the site will be low, and it is recommended that a condition is secured to update the Transport Management Plan to take into account the mini bus movements in conjunction with other vehicular movements within the site, so that they can be appropriately managed. This will need to be undertaken in agreement with Kenton Hall.

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

London Plan 2011
Brent Core Strategy 2010
Brent Unitary Development Plan 2004

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

Unnumbered "Site Plan at scale 1:1250"
Email from Nancie Alleyne dated 24th June 2013 setting out details of how the Resource Centre will operate during the extended hours

Please refer to 11/2523 for the following:

North & South Elevation – 8150 A 240 C2
East & West Elevation – 8150 A 241 C2
Proposed Roof Plan – 8150 A 212 C3
Proposed Ground Floor General Arrangement Plan – 8150 A 201 C4
Proposed Ground Floor General Arrangement Plan (showing overlay between old and new position)
– 8150 SK 137

Please refer to 11/0211 for the following:

L 240 002 Rev A
102 PL_A3
103 PL_A4
104 PL_A4
105 PL_A3
106 PL_A4

Please refer to 10/1982 for the following:

PL1_A1

Please refer to 10/0438 for the following:

Plan Nos: 001 PL_A3; 100 PL_A1; 101 PL_A1; 102 PL_A2; 103 PL_A3; 104 PL_A3; 105 PL_A3; 106 PL_A3; 107 PL_A3; 150 PL_A3; 902 PL_A2; 903 PL_A1; 09384 - 01 Sheet 1; 09384 - 01 Sheet 2; 09384 - Sheet 3; and 09384 - 01 Sheet 4

Design and Access Statement prepared by MACE
External Noise Survey Report prepared by Robert West Consulting Ltd
BS5837: 2005 Tree Survey

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

- (2) The activities within Kenton Hall shall be permitted between the following times and at no other times without the consent in writing of the Local Planning Authority:

0800 - 2230 Sundays to Thursdays , with the premises cleared within 30 minutes after these times;

0800 - 2330 Fridays and Saturdays, with the premises cleared within 30 minutes after these times

0800 – 0030, with the premises cleared within 30 minutes after these times for the following events:-

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December);
- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- GAA London Sports and Golf Society function; and
- 10 further events in any calendar year

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

- (3) The John Billam Resource Centre shall be designed in accordance with BS 8233: 1999 'Sound insulation and noise reduction for building - Code of Practice'.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels.

- (4) The development shall be fully carried out in accordance with the requirements of the revised TP6 Sustainability Checklist and accompanying documents approved as part of application ref: 11/0415 dated 24 November 2011.

Reason: To ensure a sustainable development.

- (5) The hard and soft landscape works, signage and street furniture shall be completed in strict accordance with the details approved as part of application ref: 11/0145 dated 24th November 2011 and subsequent non-material amendment application ref: 11/2523 dated 22 March 2012. A list of the approved documents is listed below:

Application ref: 11/0415

234.11.1B

8150 A 201 C4

24769 010 L DRW A 00 902 P1

Landscape Maintenance and Management Plan prepared by Elizabeth Greenwood CMLI

FArborA for MACE

2915 003 700 D

2915 003 504

Unnumbered Plan for Thorn 4m Tapered Column Lighting.

TLL/B/01074047/JSBC E/RA

Application ref: 11/2523

8150 SK 137
8150 A 201 C4

Any trees, shrubs, flowers or grass planted in accordance with the landscaping scheme 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

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.

- (6) The provision of two Sheffield cycle stands located to the front of John Billam Resource Centre shall be provided in strict accordance with the details approved as part of application ref: 10/2565 granted on 4 November 2010. The cycle stands shall be retained permanently throughout the lifetime of the development. A list of the approved documents is listed below:

101 PL1_A1

Reason: To ensure that the proposed development provides satisfactory facilities for cyclists.

- (7) The car park layout including the provision of 8 disabled parking bays (six to the north of Kenton Hall and two located in the south western corner of the car park) shall be completed in strict accordance with the details approved as part of application ref: 10/2565 granted on 4 November 2010. There shall be no alterations to the car park layout unless otherwise agreed in writing by the Local Planning Authority. A list of the approved documents is listed below:

101 PL1_A1

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

- (8) The increased hours of use for the John Billam Resource Centre hereby approved shall not be implemented until such time as an addendum to the Transport Management Strategy and Green Travel Plan for the use of the site approved as part of application ref: 12/0321 dated 13 April 2012 is submitted to and approved in writing by the Local Planning Authority. The addendum shall be written out in consultation with Kenton Hall and shall include the following measures:

- No parking within the 108 space car park for staff or visitors;
- Mini bus arrival times to be staggered so that there is only one mini bus on site at any one time;
- The drop off location in the site located adjacent to the Resource Centre;
- The route that the mini buses will take to enter and exit the site;
- Arrangements with other users if alternative modes of transport are required.

The development shall operate in full accordance with the approved Transport Management Strategy and Green Travel Plan and addendum to the Transport Management Strategy .

Reason: To ensure that the usage of the development is appropriately controlled in the interest of residential amenities and highway safety in the local area.

- (9) Within three months of the date of this permission, a final verification report shall be submitted to the Local Planning Authority, providing relevant documentation for the importation and removal of materials off site (including waste carrier notes, landfill certificates, topsoil


certificates and any other information relating to the construction of the access road and the John Billam Resource Centre) and any mitigation measures that have been carried out in accordance with the details set out in the Remediation Strategy Report prepared by Robert West (dated March 2011), approved as part of application ref: 11/0415 dated 24 November 2011.

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

INFORMATIVES:

None Specified

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

 **Planning Committee Map**
Site address: 557 Kenton Road, Harrow, HA3 9RS
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This map is indicative only.

RECEIVED: 24 May, 2013

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 557 Kenton Road, Harrow, HA3 9RS

PROPOSAL: Variation of condition 5 (to allow changes in opening times from 0900 - 2130 Monday to Saturday and 1000 - 1700 Sundays and Bank Holiday to 0900 - 1300 & 1700-2130 Monday to Friday, 0800 - 2130 Saturday to Sunday and 1000 - 1900 Bank Holidays) of full planning permission reference 09/2091 dated 26/11/2009 for erection of single-storey and two-storey side and rear extension to religious institution, formation of basement with lightwell to rear and associated landscaping (as accompanied by Apcar Smith Planning Design & Access Statement ref. CA/2349A and Three Counties Flood Risk Assessment dated 19/08/2009)

APPLICANT: Shantiniketan Ltd

CONTACT: Multi Creation

PLAN NO'S:
See Condition 1

RECOMMENDATION

1 year temporary consent to extend hours

EXISTING

The property is a 2-storey property on the south side of Kenton Road. It is not a conservation area nor is the building listed. The surrounding area is predominantly residential. The property was formerly a single family dwellinghouse but now comprises a self-contained flat on the first floor and the ground floor is in use as a place of worship (Class D1). The place of worship is , a Jain Temple operated by the Mahavir Foundation. Kenton Road is a major London Distributor Road and forms the borough boundary with Barnet.

In 2009, the Planning Committee approved an application for the erection of a single-storey and two-storey side and rear extension to the religious institution, including the formation of a basement with a lightwell to its rear (LPA Ref: 09/2091). These alterations have now been implemented, with the exception of the basement.

PROPOSAL

The proposal is to vary the opening hours of the temple. The previous planning permission restricted the opening hours to 0900 - 2130 Monday to Saturday and 1000 - 1700 Sundays and Bank Holidays.

It is proposed to extend these hours to:

- 0900 - 1300 & 1700-2130 Monday to Friday;
- 0800 - 2130 Saturday to Sunday;
- 1000 - 1900 Bank Holidays

HISTORY

The relevant site history is as follows:

13/0946: Retention of front boundary wall and proposed alterations to include installation of railings (1.35m high), sliding metal gate (1.35m high) and hedges to the front elevation of the religious institution - Granted, 26/07/2013

E/13/0497: The erection of a marquee in rear garden of the premises AND the breach of condition 4 (No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.) of planning permission 09/2091 dated 26/11/2009 – Further action suspended

12/2301: Erection of front boundary wall, parking layout plan and single storey outbuilding to rear garden of religious institution – Application withdrawn, 30/04/2013

E/12/0418: The breach of conditions 1 (landscaping) 7 (boundary hedge/ tree screen) 13 (front garden layout) 14 (cycle parking) and 15 (flood barrier) of planning permission No. 09/2091 dated 26/11/2009 (landscaping, boundary treatment, retention of hedges/ trees, front garden layout, cycle parking) – Ongoing though a number if these matters have now been resolved

09/2091: Erection of single-storey and two-storey side and rear extension to religious institution, formation of basement with lightwell to rear and associated landscaping (as accompanied by Apcar Smith Planning Design & Access Statement ref. CA/2349A and Three Counties Flood Risk Assessment dated 19/08/2009) - Granted, 26/11/2009

09/0892: Erection of basement, single storey rear and side extensions, single storey extension to front entrance and associated landscaping of religious institution - application withdrawn, 04/06/2009

06/2973: Certificate of Lawfulness for proposed use of the ground floor as a place of worship - Granted, 08/02/2007

95/1559: Change of use of ground floor of property from residential to part non-residential educational use and part residential. (As revised by letters dated 12/11/95 and 10/12/95 and plan dated 12/95 received on 08/01/96) - Refused, 13/02/1996

86/0515: Erection of single storey side extension and car port - Granted, 24/06/1986

POLICY CONSIDERATIONS

The relevant policies are:

Brent UDP 2004

STR37 Accessible community facilities to meet the needs of the Borough will be permitted and existing community facilities will be protected
H22 Protection of Residential Amenity
EP2 Noise and Vibration
TRN3 Environmental Impact of Traffic
TRN4 Measures to Make Transport Impact Acceptable
TRN22 Parking Standards: Non Residential Developments
PS12 Non-Residential Institutions (Use Class D1) and Hospitals (Use Class C2)
CF4 Community Facilities Capable of Holding Functions – proposals should have an acceptable transport impact and noise impact

CONSULTATION

The Council consulted 39 adjoining owner/occupiers regarding the proposal. In addition, the Council's Transportation and Environmental Health Departments were consulted.

No objections have been received from either Transportation or Environmental Health, whom consider the change in hours acceptable, however three objections have been received from residents on the following grounds:

- The change in operating hours will result in an increase the amount of traffic and parking in adjoining streets, particularly during the times when the local roads are busy with school traffic/parking during weekdays;
- Increase in on-street parking during weekends, particularly early in the morning;
- Extending the hours is likely to result in increased noise nuisance, which has already occurred from a

public address system and marquee being used in the rear garden over an extended period, which is contrary to the conditions stipulated in application reference 09/2091 which requires that no public address system could be used; this condition has been not been adhered to;

- The premises is already operating from 08:30 at weekends when it should be operating in accordance with the current planning consent (09:00 on Saturday and 10:00 on Sundays). This has led to a noticeable increase in noise levels from parking activities such as banging of car doors and loud conversations, particularly in the mornings at weekends.

REMARKS

Key considerations

1. The key considerations are:

- Need to provide adequate community facilities for a diverse Borough
- Implication of increase in opening hours to community facility on neighbouring residential amenity
- Transport implications of extensions to opening hours of community facility

Need to provide appropriate facilities

2. Brent is one of the most ethnically diverse boroughs in Britain, with the majority of residents from a wide range of ethnic and cultural minority communities. This diversity gives rise to a high demand for community facilities, many of whom cannot compete in the market for land and buildings.

3. Brent's policy guidance seeks to reflect this situation by protecting existing facilities and ensuring new or expanded facilities can be accommodated, subject to any impact being minimised, mitigated or controlled.

Implication of extension of a community facility on neighbouring residential amenity and traffic

4. The ground floor of the premises is used on a daily basis as a place of worship, whilst the first floor is used as a flat which is ancillary to the use and management of the temple. It is noted from information provided as part of the 2009 planning application (LPA Ref: 09/2091) that approximately 10 to 15 people attend prayer between 19:00 and 21:00 daily, and meditation meetings are held 3 -4 days a week between 10:00 and 12:30 which are attended by between 30 and 50 people. Those people visiting the temple arrive by car, bus and on foot. Up to 10 times a year a maximum of 100 people attend special events.

5. The proposed hours of use are: 0900 - 1300 & 1700-2130 Monday to Friday, 0800 - 2130 Saturday to Sunday and 1000 - 1900 Bank Holidays.

6. Whilst the use of the premises would be further restricted within the afternoons Monday to Friday, the weekend hours would be extended including an extra hour in the morning on Saturdays from 8:00, and additional 6.5 hours on Sundays and an additional two hours on Bank Holidays.

7. The applicant has stated that the increase in hours will provide no significant change to the nature of operation occurs (e.g. number of visitors, changes in patterns of worship, increase in number of functions).

8. In relation to the issue of noise and disturbance, the proposed extended hours are not considered unreasonable. The Council's Environmental Health Department have commented on the proposal stating that, since its operation, one complaint has been made in relation to the use of the premises as a place of worship, in April 2013 which related to the use of a public address system. In consideration that this was a one-off event and no complaints have been received since, the Council's Environmental Health officers do not raise objection to the application. It is acknowledged that concerns have been raised regarding vehicle movements and visitor related noise when arriving at and leaving the premises. However, due to this being a large detached property, and the limited additional opening times requested, the extension of hours is unlikely to generate noise which has potential to significantly impact on the amenity of nearby residents. As the application proposes use of the premises from 8:00 on Saturdays and Sundays, it is recommended that a temporary consent is given for a maximum of one year to monitor the impact of the use.

9. With regard to traffic impact, the Council's Transportation Department have commented on the proposal and consider the change in hours to be acceptable.

10. The street which is most likely to be affected by the proposal is Kinross Close, located to the west of the site (accessed from Kenton Road). It is noted that there is on-street parking on both sides of the road which is not classified as a Heavily Parked Street within Brent's Unitary Development Plan. In consideration

that most of the residents on this road have off street parking, the on-street parking spaces are little used by the residents.

11. In consideration of the capacity in relation to this floorspace (167 sq m) and the ample surrounding parking, the Council's Transportation Department advise that the variation in the opening hours will have little effect on the parking and access areas around the temple.

Response to objections

| Objection | Officer response |
|--|---|
| The change in operating hours will result in an increase the amount of traffic and parking in adjoining streets, particularly during busy times in the week/ weekend | There is no evidence to suggest that there would be increased traffic to a level that would be considered unacceptable by the increase in opening hours. The applicant has advised that the change in hours will not significantly change the existing operation of the temple. |
| Increase in noise nuisance from both visitors parking outside the premises (e.g. car doors banging/ loud conversations early in the morning including at weekends). | See Remarks Section |
| Failure to comply with current planning conditions, i.e. the premises is already operating from 08:30 at weekends when it should be operating in accordance with the current planning consent (09:00 on Saturday and 10:00 on Sundays) and the use of a public address system and marquee being used in the rear garden over an extended period, contrary to the conditions stipulated in application reference 09/2091. | Any applicant would be required to comply with the planning conditions as set out in their decision notice including those set for the hours of operation/ use of a public address system. They were reminded of this following a complaint received from a local resident. |

Conclusion

12. The proposed amendment to the opening hours would provide improved accessibility to an existing lawful community facility. Consideration has been given to the location of the site is a predominantly residential area and the proposal is not considered to have a detrimental impact on the amenity of neighbouring occupants. A temporary 1 year consent is recommended which can then be reviewed.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5

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

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

Approved under 09/2091: 738/1 Rev B; 738/2 Rev B; 738/3 Rev B

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

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

Reason: To safeguard the amenities of the adjoining occupiers.

- (3) Activities within the building shall only be permitted between 0900 - 1300 & 1700-2130 Monday to Friday, 0800 - 2130 Saturday to Sunday and 1000 - 1900 Bank Holidays, with the premises cleared within 30 minutes after these times (unless the Local Planning Authority agrees other hours in writing). This permission shall be for a limited period of 1 year only from the date of this decision notice.

Following the expiration of the 1 year temporary period, unless a further application has been submitted to and approved in writing by the Local Planning Authority, the hours of use shall revert back to 0900 - 2130 Monday to Saturdays and 1000 - 1700 Sundays and Bank Holidays.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use.

- (4) The basement, ground floor and first floor office extension shall be used only for the purpose of worship and religious instruction and ancillary activities and for no other purpose (including any other purpose in Use Class D1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

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

- (5) The boundary hedge/tree screen situated on the north and west boundaries of the site shall be retained at a minimum height of 1.5m in accordance with details approved under reference 13/0946. Should any part die or be damaged during the course of development, replacement planting shall be undertaken in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: Permission is granted having regard to the present screening and boundary planting in existence, the retention of which will ensure a satisfactory visual appearance.

- (6) The whole or any part of the premises shall not be used/occupied by more than 50 persons (including staff) at any one time on any given day of the week, Sundays to Saturdays inclusive (except where events for up to a maximum 100 people are approved on either permanent or temporary basis by the Local Planning Authority) without the further prior written consent of the Local Planning Authority.

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

- (7) Notwithstanding the provisions of Condition 6 above this permission shall allow no more than 10 days per calendar year where up to 100 persons (including staff) are present without the prior written consent of the Local Planning Authority.

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

- (8) A Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision and the development thereafter shall only be used or occupied in compliance with the plans so approved unless amended with the agreement of the Local Planning Authority in writing.

The Green Travel Plan shall set out objectives to encourage persons visiting the site to use alternative forms of transport to the private motor car and to address the detailed traffic and parking implications the usage of the development creates. The travel plan shall include details of the matters listed below which directly link to the usage/occupation of the development in accordance with the maximum occupancy numbers. The plan shall also set out and include details of specific targets for the various objectives, the arrangements for monitoring and implementation of the objectives the responsibility of which rest with the developer/occupiers. The plan shall also include details of a system for reporting the monitoring information to the Local Planning Authority for reviewing/comment and approval:

- (a) measures to encourage the use of public transport facilities organised coach travel for large groups, car sharing and cycling;
- (b) arrangements for the uses set out in Condition 9 where persons using/ occupying the development will be up to 100, which shall include details on the following matters:
 - stewarding of the pedestrian and vehicular traffic in particular at times of arrival and departure from the site.
 - use of any park and ride/off site facilities to provide adequate offsite overspill parking during the Special Events Days.

Reason: To ensure that a satisfactory management of the parking and to ensure that the proposed development does not prejudice the enjoyment of the neighbouring occupiers in the area

- (9) Notwithstanding the approved plans, details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. All detailed works shall be carried out as approved within 2 months of approval of these details. Such details shall include:

- (i) planting of the front garden area with shrubs and/or trees;
- (ii) the retention of existing hedges and shrubs;
- (iii) provision of additional front boundary planting or other form of boundary treatment;
- (iv) car parking space for 4 cars including 2 disabled spaces, the defined points of access and the surfacing materials to be used;
- (v) waste and recycling storage facilities

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

- (10) Details of the provision of a minimum of 2 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) Further details of a raised threshold or demountable barrier around the basement to delay or prevent flooding to the basement shall be submitted to and approved in writing by the Local Planning Authority before any works are carried out to provide a basement and completed in all respects in accordance with the details so approved before the basement is occupied.

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

- (12) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) the landscaping of the rear access terrace;
- (b) proposed means of enclosure, indicating materials and heights, along the boundary with No. 555;
- (c) screen planting along the boundary with No. 555;

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

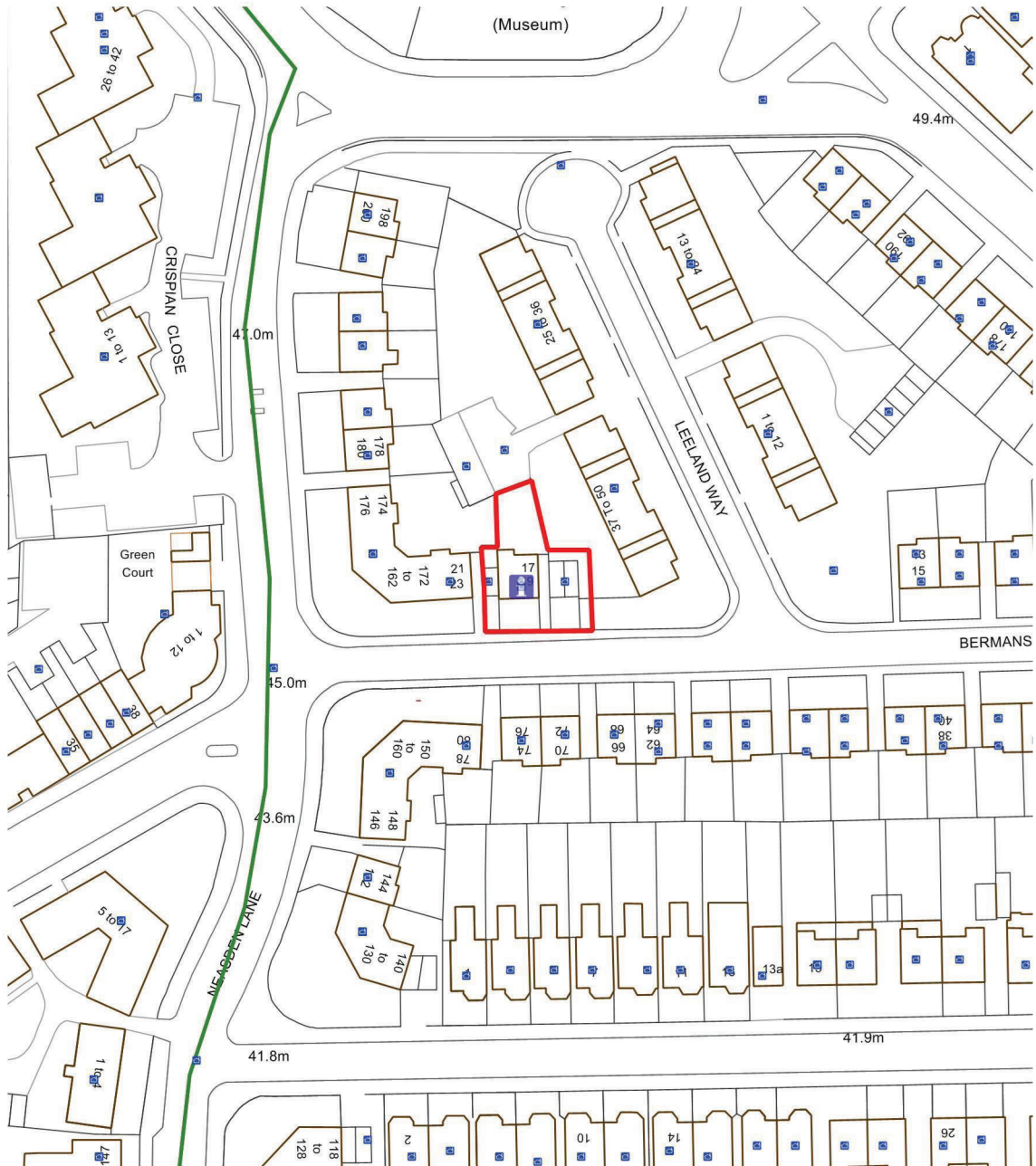
Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

INFORMATIVES:

- (1) The applicant is advised that details are required to be submitted to the LPA for approval to satisfy conditions imposed on the original consent. These details are required to be submitted within 3 months of the date of this decision (see details above).

Any person wishing to inspect the above papers should contact Laura Jenkinson, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5276

 **Planning Committee Map**
Site address: 17 & 19 Bermans Way, London, NW10
© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 23 May, 2013

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 17 & 19 Bermans Way, London, NW10

PROPOSAL: Demolition of an existing detached double garage and attached single garage, and erection of a roof extension comprising an additional two-bedroom flat, a three-storey side extension providing stair access to the new second-floor flat, with associated landscaping

APPLICANT: ANI Management Ltd

CONTACT: David Knott Architect

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant Permission.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £19,078.39is £3,338.72.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £19,078.39is £3,338.72.

EXISTING

The subject site is occupied by a two storey detached building with a pitched roof comprising 2 no. two bed flats, an attached single garage and detached double garage, with communal amenity space to the rear To either side of the application site, are two, three, and four storey residential buildings which front onto Bermans Way, Neasden Lane, and Leeland Way.

The site has good access to public transport services, with a PTAL value of 4, with access to seven different bus routes and the Neasden underground station within walking distance. Bermans Way is with a controlled parking zone (CPZ) area NS and is close to Neasden Town Centre. The controlled parking is from Monday-Saturday between the hours of 8am to 6.30pm. It is also with the Wembley Event Day zone whereby on street parking is restricted to permit holders only. Bermans Way is a local access road and is a heavily parked street.

PROPOSAL

The proposal is to demolish the existing detached double garage and attached single garage, and erect a roof extension comprising an additional two-bedroom flat. In addition, a three-storey side extension is proposed providing stair access to the new second-floor flat.

HISTORY

09/2544 - Demolition of an existing detached double garage and attached single garage, and erection of a roof extension comprising an additional two-bedroom flat, a three-storey side extension providing stair access to the new second-floor flat, with associated landscaping, subject to a Deed of Agreement dated 8th of February 2010 under Section 106 of the Town and Country Planning Act 1990, as amended. **Granted** 08.02.10

09/0840 - Demolition of double garage next to 17 & 19 Bermans Way, erection of a roof extension and 3-storey side extension, comprising an additional 4 self-contained flats (2 x two-bedroom and 2 x one-bedroom), and formation of 2 off-street parking spaces, at 17 and 19 Bermans Way – **Refused** for the following reasons:

1. *The proposed development, by virtue of its bulk, layout, and location, would be detrimental to the amenities of the occupants of 37 - 48 Leeland Way, by way of loss of outlook, loss of privacy, loss of daylight/ sunlight, and increase in levels of noise and disturbance, contrary to policy BE9 of Brent's Unitary Development Plan 2004, and design guidance provided by supplementary planning guidance note SPG17 - Design Guide for New Development.*
2. *The provision of additional parking between the proposal and the street, without adequate soft landscaping, is detrimental to the appearance of the streetscene, contrary to policies BE6 and BE7 of Brent's Unitary Development Plan 2004, and design guidance provided by supplementary planning guidance note SPG17 - Design Guide for New Development.*
3. *The proposal will result in a reduction of existing communal outdoor amenity space, and will put further pressure on that space that remains. This will be harmful to the amenities of existing residents of Neasden lane, Bermans Way, and Leeland Way who currently use this area, and will contribute to a poor standard of accommodation for future residents of the proposed flats, contrary to policy H12 of Brent's Unitary Development Plan 2004, and supplementary planning guidance note SPG17 - Design Guide for New Development.*
4. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places; and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment. As a result, the proposal is contrary to policies TRN3, TRN10, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004 and the adopted S106 Planning Obligations Supplementary Planning Document.*
5. *The proposed development, as a result of inadequate provision for off-street parking for residents of the proposed flats, would be likely to have an unacceptable impact on parking pressure on Bermans Way, which is a Heavily Parked Street, contrary to policy TRN3 of Brent's Unitary Development Plan 2004.*

POLICY CONSIDERATIONS

Brent UDP 2004

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- TRN11 Developments should comply with the plan's minimum cycle parking standard.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses
- PS16 Cycle parking

Brent Core Strategy 2010

CP 17 Protecting and enhancing the suburban character of Brent

Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings..

Brent Supplementary Planning Guidance

SPG17 Design Guide for New Developments

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

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

London Plan 2011

Policy 3.5 Minimum unit sizes

London Housing Design Guide

CONSULTATION

32 letters were sent to neighbouring properties on 13.06.13. Two letters objection have been received (including one petition with seven signatures) The objections are set out below:

| Objection | Officer's response to objection |
|---|---|
| Proposal would build on a communal garden | The proposal would be situated on top of the existing roof, whilst a side extension is proposed, this is in the same location as the existing garage.. |
| The previously approved scheme never resulted in the proposed parking being provided. | This permission was never implemented; a condition has been placed on the permission to ensure this is provided prior to occupation. Comments on the provision of parking relating to other developments in the vicinity of the site is addressed in the Remarks section of the report. |
| The proposal would result in noise and disturbance to the existing occupants of the building and would be detrimental to their amenity. | The extension would not prejudice the amenity of the existing occupiers of the building given that the majority of the built form would be on top of the roof. There are no existing windows on the side elevation of the proposed side extension and it would not project beyond the front and rear elevation. The extension would be required to meet Building Regulations standards in terms of insulation & noise transmission. |
| Proposal would de-value existing property. | This is not a material planning consideration. |
| Proposal would not respect character and appearance of the surrounding area. | See 'Remarks' section below. |
| Proposal would place a strain on local | The CIL contribution will be used for |

| | |
|--|--|
| infrastructure. | infrastructure improvements in the Borough to mitigate any impacts of the development. |
| Existing maintenance arrangements not being fulfilled by the freehold owner. | This is a civil matter and not a material planning consideration. |

Consultees

Transportation: No objection subject to condition securing cycle parking.

Landscape: Further detail required to support application. This will be secured by condition.

Thames Water: No objection.

REMARKS

Background

1. The Council considered an identical planning application in 2010 which was granted planning permission. Since the time, the Council has adopted its Core Strategy (2010) and the London Plan (2011) has been adopted. The application therefore needs to be considered in light of these changes to the Statutory Development Plan and the adoption of the Community Infrastructure Levy, which is set out below.

Key considerations

2. The key considerations of this proposal are as follows:

- (1) Design and impact on local character;
- (2) Impact on neighbouring amenity;
- (3) Quality of proposed residential accommodation;
- (4) Parking provision; and
- (5) Community Infrastructure Levy

Design and impact on local character

3. The application property is the only detached building within the existing housing development of which it is a part. These housing developments comprise buildings which are 2 and 3 storeys high, and have elevations of a similar appearance to the application property. The existing building has a hipped roof which is more reflective of the character of the semi-detached properties on the opposite side of Bermans Way.

4. The proposal involves the removal of the existing hipped roof, and the erection of a flat-roof extension comprising one 2-bed flat. In terms of height, this will bring the building height in line with the existing 3-storey block to the east. Elsewhere in the street scene, roof top extensions to create an additional storey of residential accommodation have been undertaken, including at the adjacent blocks of flats on the junction with Leeland Way (Ref. No. 08/2774). The proposal would seek to replicate this type of development which is considered to sit comfortably within the street scene.

5. The extensions are proposed to be constructed in natural wood and glass, which are expected to complement the existing brick facing appropriately. This design approach was previously been considered acceptable in respect of the previously considered extensions described above. Finishing materials will be required to be submitted for approval.

6. The bulk, massing, and appearance of the proposal is therefore considered appropriate to the character of the existing building, the surrounding area, and streetscene.

Impact on neighbouring amenity

7. As discussed above the height and bulk of the extensions are comparable to the existing neighbouring buildings. At the nearest point, the extensions will be 14m from the existing residential block to the east, so will be unlikely to lead to harm to the outlook or receipt of light to these properties. No flank wall windows are proposed facing these properties, however the proposed roof terrace will afford some views in this direction. Due to the distance between the terrace and existing buildings (over 16m), this impact is unlikely to be harmful.

8. The proposed stairway extension to the west of the existing building will encroach toward the existing flat block on this side. A distance of 2.2m will be kept from the existing flank wall, which is the same as that maintained by the existing attached garage on this side. The existing flank wall contains some secondary windows, however these face east and are already obscured by the existing building. Although the proposal will have some impact on these windows, this is not considered significant.

Quality of proposed residential accommodation

9. The proposed 2-bed flat exceeds the minimum floor space guidance in terms of internal floor space as set out in the London Plan, and has an acceptable layout which complies with policy H12. Sufficient circulation and storage space is provided, the flat will be dual-aspect, and a small roof terrace is provided. The proposed roof terrace is less than the 20sqm amenity space per flat required by SPG17, however, the terrace has a southerly aspect and access to the communal gardens below.

10. The site has a communal amenity area to the rear, however this is shared by many residents, and is of relatively poor quality. The applicant proposes the removal of the existing detached double garage adjacent to the existing flats, and provision of a landscaped area in its place to be used by residents of the flats (existing and proposed). This is considered acceptable, however a condition will be proposed required a detailed landscape plan to be submitted for approval. An informative is proposed warning of any potential contamination resulting from the use of the existing garage. Additional front garden landscaping will also be required.

Highways

11. Car parking allowances for dwelling house are given in standard PS14 of the UDP. Brent's Crossover Policy Section 22 is also applicable. Policy BE7 may also be applicable. As this site is within a CPZ, reduced parking standards are applicable. The car parking allowance for the existing two units is 0.7 spaces per unit, totalling 1.4 spaces. The parking allowance for a new 2 bedroom flats is a maximum of 0.7 spaces and therefore the overall allowance for this site is 2.1 spaces (2 spaces).

12. As Bermans Way is a heavily parked street, 2 independently accessible off-street parking spaces should be retained for the site in line with the maximum standard. The proposed block plan shows the retention of three parking spaces within the site boundary, which are currently sited in front of the garages that are to be demolished. Although this total still exceeds standards, they are existing parking spaces and the proposed demolition of the garages will in any case bring the overall level of parking within the site more into line with standards than at present. It is also possible that these spaces may also be available to residents of the surrounding blocks in Leeland Way and Neasden Lane, which form part of the same overall development. As such, their retention is acceptable.

13. Drawing number 1699/02 also shows a further four parking spaces being created within the landscaped area between the site and flats 37-48 Leeland Way and these are proposed in connection with the provision of additional flats at Leeland Way as approved under planning reference 08/2774. It is noted that this phase of the development is currently under construction and is subject to a condition requiring them to be made available to the residents of this development.

14. Cycle parking, in line with Policy PS16, should also be provided for the additional and existing units which would generate a requirement of three spaces. Details will be secured by condition.

Community Infrastructure Levy

15. The proposal consists of a net gain of residential floorspace of 93.3 sqm and as such is liable for the Brent and Mayoral CIL at a rate of £200 and £35 respectively.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
London Plan (2011)

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

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

CONDITIONS/REASONS:

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

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

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

1699/Loc;
1699/01;
1699/02;
1699/03;
1699/04; and
1699/05

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

- (3) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank walls of the building, as extended, without the prior written consent of the Local Planning Authority.

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

- (4) The building shall not be occupied until the car parking areas shown on the approved plans have been constructed, surfaced and marked out in accordance with the approved plans. The car parking areas shall be retained thereafter for use by residents of the existing properties known as 17 & 19 Bermans Way and the new residential unit hereby approved.

Reason: In the interests of free flow of traffic and highway safety

- (5) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. Where samples are required these should be made available for inspection on site. The work shall be carried out in accordance with the approved details.

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

- (6) The remainder of the site area shown edged red on the approved plan no. 1699/5 shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed within 12 months of commencement of the development hereby approved.

Such a scheme shall also indicate:-

(a) Provision of suitable tree and/or shrub planting between the proposed development and Bermans Way, including an appropriately positioned and screened refuse-storage area.

(b) Provision of adequate screen planting and boundary treatment between parking spaces and proposed amenity area (site of removed detached double garage), in order to provide a level of privacy to this area.

(c) Provision of adequate screen planting and boundary treatment between flank wall of 17 Bermans Way and proposed amenity area (site of removed detached double garage), in order to provide a level of privacy to this area and to reduce any noise and disturbance to occupants of 17 Bermans Way. The existing side access arrangements to the ground-floor flat shall be retained.

(d) Provision of benches, shrub and tree planting, and small areas of hardsurfacing to the proposed amenity area to the side and rear of the development where appropriate, in order to improve the quality and usability of this area for residents, and to provide adequate privacy for residents of the ground-floor flat.

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

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

- (7) Details of the provision of a minimum of 3 secure cycle parking spaces shall be submitted to and approved in, writing, by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been provided in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

INFORMATIVES:

- (1) It is important that the builders are vigilant for signs of potential contamination in the soil during excavation works. This may include obvious visual or olfactory residues, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during on-site works. If any unforeseen contamination is found during the works, Environmental Health must be notified immediately. Tel: 020 8937 5252, Fax 020 8937 5150, E-mail: env.health@brent.gov.uk.
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Matthew Harvey, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 4657



Planning Committee Map

Site address: Marada House, Brondesbury Park, Kilburn, London

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This map is indicative only.

RECEIVED: 10 May, 2013

WARD: Brondesbury Park

PLANNING AREA:

LOCATION: Marada House, Brondesbury Park, Kilburn, London

PROPOSAL: Retrospective application for an existing single storey one bedroom flat and ancillary store to rear of Marada House

APPLICANT: AHK International

CONTACT: ROH Architects

PLAN NO'S:
E-100RevP1
E-101RevP1

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 Tayo Oladapo

Date and Reason for Request

05/07/2013. The reasons for refusal and intended enforcement action have and can be mitigated by the applicant.

Details of any representations received

Haleem Kherallah (The applicant)

Name of Councillor

Councillor Mary Arnold

Date and Reason for Request

05/07/2013. To give councillors the opportunity to hear the applicants explanation as well as the officer's views.

Details of any representations received

No direct representations

Name of Councillor

Councillor James Denselow

Date and Reason for Request

05/07/2013. The reasons for refusal and intended enforcement action have and can be mitigated by the applicant.

Details of any representations received

No representations received.

Name of Councillor

Councillor Lesley Jones

Date and Reason for Request

05/07/2013. The reasons for refusal and intended enforcement action have and can be mitigated by the applicant.

Details of any representations received

Yes from Councillor Oladapo

RECOMMENDATION

Refusal

EXISTING

The subject site is a single storey building to the rear of a six storey block of flats. It is not a listed building nor is it within a Conservation Area.

PROPOSAL

See description above.

HISTORY

E/11/0860. Enforcement Investigation for, without planning permission, the erection of a single storey detached dwellinghouse and store to the rear of the premises. Enforcement Notice Issued on 05/06/2013 and served on 16/06/2013. For the information of Members the reasons for action, and the proposed steps to comply with the Enforcement Notice, are set down in full below:

"Reasons for action

The unauthorised development has poor access arrangements, outlook and external appearance, fails to provide outdoor amenity space or soft landscaping, and fails to provide bin storage or cycle parking, and negatively affects the setting and outlook of the pre-existing residential building. Additionally, it results in an overly intensive use of the property, and has resulted in the provision of sub-standard accommodation contrary to National Planning Policy Framework 2012, Policy 3.5 of the London Plan 2011, Policies BE3, BE5, BE9, H12 and H18 of the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17- 'The Design Guide for New Development.

The unauthorised development reduces the number of essential parking spaces on site, contrary to policy TRN27 of the Brent Unitary Development Plan 2004.

In the absence of a legal agreement to control the matter, the development results in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places; and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment. As a result, the development is contrary to policies TRN3, TRN10, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004 and the adopted S106 Planning Obligations Supplementary Planning Document".

Proposed Steps

"Cease the use of the additional residential unit in the outbuilding at the rear of the site.

Demolish the building and remove all resulting waste and debris from the land.

Reinstate the car park and landscaping as per the plans approved by planning permission reference 08/1587 dated 19 June 2009".

Period for compliance

Three months

In addition there are two planning decisions that are considered to be relevant to this application:

08/1587. Change of use of the existing ground floor from Use Class B1 (offices) to Use Class C3 (residential), erection of a 5-storey rear extension and erection of 5th floor level to provide an additional 8 x 2 bed self contained flats to the existing 7 self contained flats, erection of single storey building to rear to provide 14 car parking spaces, installation of refuse store to front and cycle store to rear of site and subject to a Deed of Agreement dated 19th June 2009 under Section 106 of the Town and Country Planning Act 1990, as amended. Granted 24/06/2009.

06/0207. Change of use of the existing ground floor from Use Class B1 (offices) to Use Class C3 (residential), erection of a 5-storey rear extension and erection of 5th floor level to provide an additional 8 x 2 bed self contained flats to the existing 7 self contained flats, erection of single storey building to rear to provide 14 car parking spaces, installation of refuse store to front and cycle store to rear of site and subject to a Deed of Agreement dated 19th June 2009 under Section 106 of the Town and Country Planning Act 1990, as amended. Granted 18/07/2008.

POLICY CONSIDERATIONS

London Plan 2011

3.5 Quality and Design of Housing Developments

Core Strategy 2010

CP2 Housing Growth
CP15 Infrastructure to Support Development
CP17 Protecting and Enhancing the Suburban Character of Brent
CP21 A Balanced Housing Stock

UDP 2004

BE2 Townscape : Local Context & Character
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
H12 Residential Quality – Layout Considerations
TRN11 The London Cycle Network
TRN23 Parking Standards – Residential Developments
PS14 Residential Developments

SPG17: 'Design Guide for New Development'

CONSULTATION

All neighbouring residents were consulted by letter on 14 May 2013. One objection has been received on the following grounds:

- Concern that the building will be used for commercial operations as this has occurred regularly since the building has been built. Loss of Parking
- Provision as the building has been constructed over a previously approved car park.

TRANSPORTATION ENGINEER

The Council's Highways Officer has objected to the proposals on the following grounds:

The loss of the six car spaces will lead to an increase in unsafe and/or illegal car parking within the public highway to the detriment of highway and pedestrian safety.

REMARKS

Principle of Development

1. The main considerations when considering whether the proposed development is acceptable or not are:

- Consideration of the Enforcement Background to the site (see details above).
- Whether the proposed demolition of the garages would have a detrimental impact on local highway conditions.
- Whether the proposed demolition of the garages and erection of new building would be in keeping with the character of the area.
- Whether the proposed development would have an acceptable impact on the amenity of neighbouring residents.
- Whether the proposed development provides an acceptable quality of residential accommodation.

Amendments

2. The applicants have submitted an amended plan showing a revised layout for the existing flat and a revised parking layout. This has not been considered as the revised parking layout would require re-consultation to notify neighbouring residents of the proposed parking spaces close to habitable room windows. A site visit by the case officer has confirmed that some of the proposed alterations to the unauthorised outbuilding have already been made this includes:

- Removing an internal wall to make the property a one-bedroom dwelling (the original submission was for a two-bed unit)
- Installation rooflights
- Installation of green roof
- Creation of a small private garden area.
- Increase in the size of the residential unit from 55sqm to 60sqm
- submission of Transport Statement.

3. Revised plans have been submitted to show the alterations that have been made to the property.

Enforcement Background

4. This outbuilding was constructed without the benefit of planning permission from November 2011 to February 2012 and is considered to be unauthorised. Enforcement Officers first visited the site in February 2012 and following that sent the owner a letter confirming that a breach of planning had occurred. A planning application was submitted for the retention of the outbuilding (our ref 12/1200). This application was withdrawn by the applicant after they were informed that the application was likely to be refused. The enforcement case was re-opened this year following a follow up from the complainant and an absence of steps being taken to resolve the matter. The Council's Enforcement Officer visited the premises following this and met one of the two tenants on-site who were renting the outbuilding.

The Enforcement Notice also makes reference to the lack of a legal agreement to secure a contribution towards transport infrastructure and education, sustainable transport improvements or school and nursery places; and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment. This is not now included within this report as Members will be aware that the matter is now covered by Brent's Community Infrastructure Levy (CIL) which was adopted in July 2013. Following the introduction of CIL the Council are no longer able to require 'tariff' style contributions (eg: £3000 per bedroom) towards the general provision of infrastructure. The applicants have submitted a CIL liability form with the application submission details.

Loss of Existing Parking

5. The new building is located to the rear of the apartment block at Marada House, which contains 15 self-contained flats. The extension to Marada House was approved with a parking plan showing the provision of 14 spaces (including 2 disabled parking spaces) and the provision of a secure cycle parking area (ref 08/1587). The applicants have submitted a revised parking layout (ref P-100RevP3) and a Transport Statement in support of their proposals.

6. The Council's Highways Officer has reviewed the information within the Transport Statement and the proposed parking layout shown on drawing P-100Rev P3 and has objected on the grounds that the retention of the proposed development would lead to an increase in unsafe and/or illegal parking within the public highway to the detriment of highway and pedestrian safety.

7. The existing building occupies land that had previously been allocated for parking and would result in a

reduction of parking spaces from 14 spaces to 8 spaces. The existing apartment building at Marada House, according to the approved plans, contains 13 x 2-bed and 2 x 3-bed flats. The parking standard for 2-bed flats is 1.2 spaces while the 3-bed flats would have a parking standard of 1.6 spaces, resulting in a parking standard requirement of 18.8 spaces. The one bedroom flat the subject of this application would increase this to 19.8spaces.

8. The Transport Statement states that a parking standard of 0.5 spaces per unit should apply however this is not the case as the site is not within an area with good public transport accessibility. The area has a Public Transport Accessibility Level (PTAL) of 3, which is classified as 'moderate'. The Council apply minimum standards to parking provision and would accept a minimum provision of 75% of the maximum standard in this location. For this development this would equate to the need to provide 14 spaces.
9. The Transport Statement states that car ownership statistics for the area are in the order of 0.88 per household. The Council Highways Officer believe this reinforces evidence that for the 15 flats and the unauthorised residential unit a provision of 14.96 spaces would be needed to meet demand for parking on the site.
10. With new developments in areas with a PTAL rating of 3 or less car free agreements will not be permitted and proposed development will need to provide a minimum of 75% of the maximum standard. This would require the development to provide a minimum of 15 parking spaces. The neighbouring Brondesbury Park is a Distributor Road and as such it is not suitable for additional on-street parking.
11. In responding to the revised layout and statement the Council's Highways Officer states that they would continue to object to this scheme on the grounds that the loss of on-site car parking will lead to an increase in unsafe and/or illegal parking which cannot be accommodated on site or on-street in the locality, nor can it be acceptably mitigated through legal agreement. Within the site, pedestrians and vehicles share access at a number of points and it is considered that the loss of these spaces would be likely to result in parking in locations where this would result in unsafe conditions for pedestrians. The numbers of parking spaces required for a development of this size cannot be accommodated within the site if the parking area has been removed, as has happened here.
12. The retention of the existing building results in the permanent loss of 6 existing parking spaces required for the provision of acceptable level of parking for the existing residential flats at Marada House, to the detriment of local highway conditions contrary to planning policies TRN3, TRN23 and PS14 of Brent's UDP 2004.

Quality of Residential Accommodation

13. The residential accommodation is provided in the rear of the single storey outbuilding. The flat has an area of approximately 60sqm. This is above the minimum floor area required by London Plan policy 3.5 which sets the minimum floor area for a 1-bed flat as 50sqm.
14. The residential accommodation is positioned to the rear of the building as there is a non-residential storage space with an area of 9.2sqm to the front of the property. This storage space is unrelated to the residential use. The main living room window faces towards the main apartment building approximately 6m away. There is a secondary window facing north west which is positioned 85cm from the north boundary of the site with neighbouring school. The proposed kitchen has three habitable room windows. Two of these face north west and are positioned within 50cm of the north boundary while the secondary window faces north east and is situated 1m from the boundary with the neighbouring school site. The proposed bedroom is positioned in the rear most part of the building and has two habitable room windows facing north east situated approximately 70cm from the boundary with the school (both of these windows are obscure glazed). There is also a proposed window in the south east elevation which faces towards the car park. This level of outlook is considered to be unacceptable for a residential unit particularly as they are located so close to land outside of the control of the applicants and are sited below the height of the existing boundary fence.
15. The amenity of residents of the unit is also detrimentally affected by privacy in terms of the proximity of neighbouring habitable room windows and the balconies that have been implemented on the rear wall of the existing unit. This would allow views directly into the amenity space and the habitable room window of the residential unit, which is situated only 6m from the rear elevation of Marada House. The amended plans show that some 40sqm of private amenity space is provided although this is in excess of SPG17 would be situated very close to the rear boundary of Marada House and would have limited privacy for prospective residents. The relationship between the unauthorised structure and the approved Marada House is considered to be a poor one.

16. The proposed development makes no provision for waste or cycle storage for prospective residents.
17. The proposed residential accommodation, by reason of the proximity of habitable room windows to the site boundaries and parking area provides insufficient levels of outlook and privacy for prospective residents, the lack of adequate quality amenity space, lack of cycle parking and refuge storage and result in an unacceptable quality of accommodation contrary to planning policies BE3, BE5, BE9, H12 and H18 of Brent's UDP and SPG 17: 'Design Guide for New Development.'

Character and appearance of the building

18. Although the building is small in scale and not visible from the streetscene it is situated approximately 6m from the rear wall of the extended Marada House at its closest point and 7.5m from the recessed part of the building which contains the storage facilities. The proximity of the building to the rear wall detrimentally affects the setting of Marada House contrary to planning policy BE9 of Brent's UDP which seeks to ensure that buildings are of a scale appropriate to their setting.
19. The building is single storey with a shallow pitch roof with small gable ends facing north east and south west. The ridge line has a maximum height of 3.2m and an eaves level of 2.2m. The land was previously allocated for parking provision as set out above. It is finished with a painted white render with a green roof. The windows are upvc windows. These materials are not in themselves of the highest quality, but are not considered to be of such a poor quality so as to warrant a reason for refusal.
20. Soft landscaping has been installed around the building and additional soft landscaping is proposed between the parking area and the south east wall of the building. The proposed landscaping in conjunction with the green roof will soften the appearance of the building, but will not overcome the significant problems set out above.

Impact on Amenity of Neighbouring Residents

21. The north east and north west walls face towards the boundary with the neighbouring school. As such there will be no detrimental impact on these aspects. To the south east is Marada House and this has facing habitable room windows within 6m of the building. This relationship is considered to be a poor one, as explained above, even taking account of the low height of the structure the habitable room windows would be within 6m of each other. This would be contrary to SPG 17 which requires that facing habitable room windows should be positioned over 20m from each other. As such the retention of the outbuilding will have an unacceptable impact on the amenity of residents of Marada House in terms of privacy.
22. To the south east of the building is the remaining area of car parking and beyond this is the development of No 9 The Avenue. Planning permission was granted for 9 self contained flats in 2011. The nearest rear windows of this development, currently under construction, are over 12m from the wall of the subject building. The existing residential use has no windows facing towards the new flats at 9 The Avenue. As such there is no detrimental impact on the residents of this property.
23. The proposed retention of the outbuilding by reason of the proximity of facing habitable room windows will have a detrimental impact on the amenity of neighbouring residents of Marada House in terms of loss of privacy contrary to planning policy BE9 of Brent's UDP 2004 and the guidelines set out in SPG 17: Design Guide for New Development.

Consultation

| Objection | Officer Comment |
|---|---|
| The building will be used for commercial operations as this has occurred regularly since the building has been built. | It is clear that the building has been used for storage purposes since it was constructed. The proposed development would remove most of the storage use however this does not outweigh the Council's concerns in relation to the loss of parking and the poor quality of accommodation proposed. |
| Loss of parking provision as result of the loss of the car park | This has been raised as concern by the Council's Highways Officer and is discussed in paragraphs 4-9 above. |

Conclusion

24. The retention of the single storey outbuilding and its use as a residential building results in a loss of

existing parking required for the residents of Marada House to the detriment of local highway conditions while the residential accommodation is not considered to be of an acceptable quality for existing and prospective and will have an unacceptable impact on the amenity of neighbouring residents at Marada House. Accordingly the application is recommended for refusal for the reasons set out in this report.

RECOMMENDATION: Refuse Consent


CONDITIONS/REASONS:

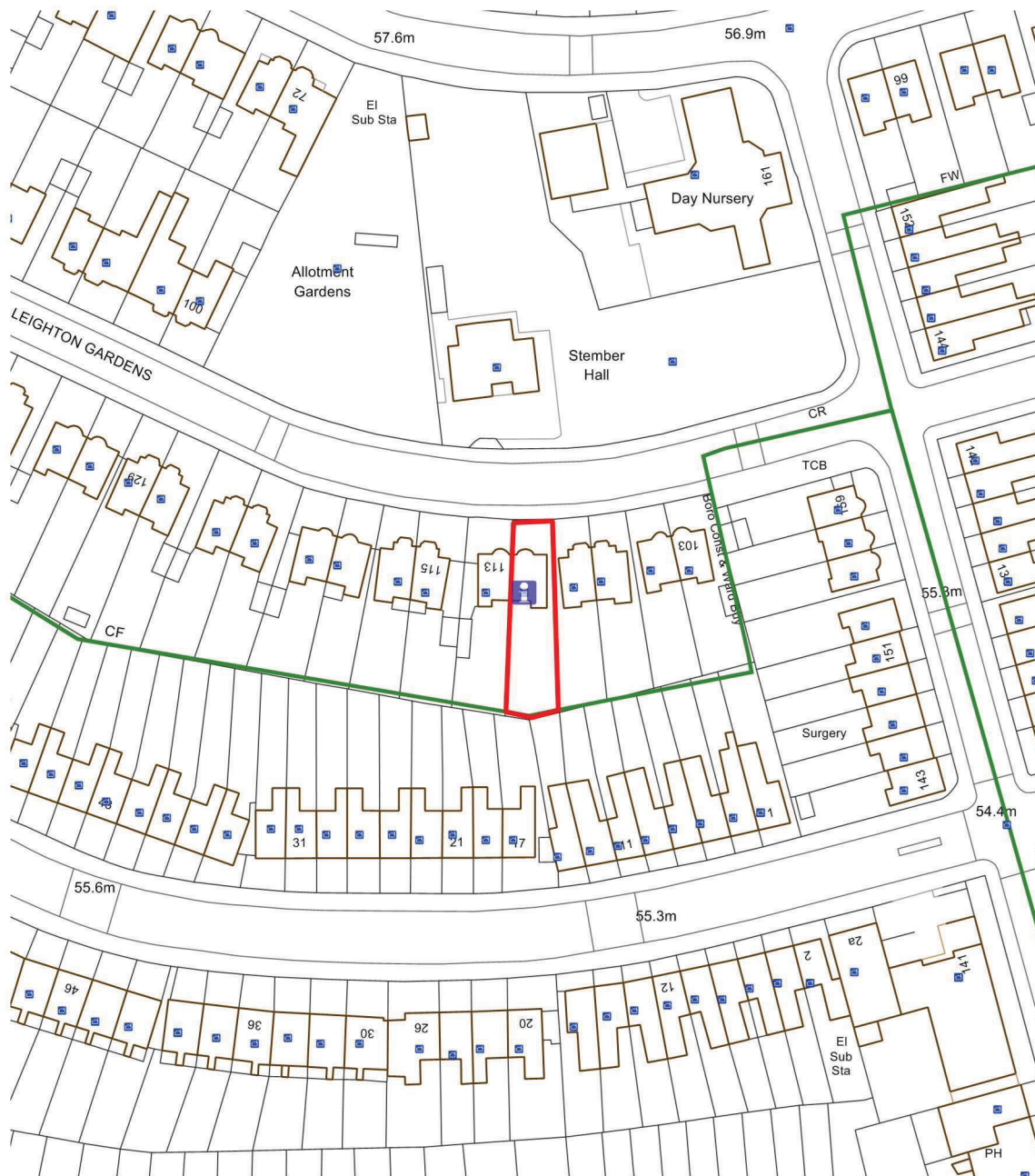
- (1) The retention of the existing unauthorised building results in the permanent loss of 6 car parking spaces, as well as bicycle parking, that area required for the provision of an acceptable level of parking, and the availability of access to non-car means of travel, required to meet the needs of the existing residential flats at Marada House. The loss would be likely to result in an increase in examples of unsafe parking within the site that would lead to conditions prejudicial to pedestrian and highway safety, as well as overspill parking onto local roads. As a result, the proposal would be to the detriment of local highway conditions, contrary to planning policies TRN3, TRN23 and PS14 of Brent's UDP 2004, as well as the Council's adopted SPG17 "Design Guide for New Development".
- (2) The residential accommodation, by reason of the significantly constrained outlook from windows, proximity of habitable room windows to the site boundaries and relationship with car parking area would provide for an unacceptable quality of environment for residents. Furthermore, the development would fail to provide an adequate quantity and quality of external amenity space that would intensify the concerns about the poor internal accommodation proposed. As a result, the proposal is contrary to policy BE9 of Brent's UDP and SPG 17: 'Design Guide for New Development.'
- (3) The proposed retention of the outbuilding, by reason of the relationship between habitable room windows and the existing Marada House, would result in a detrimental impact on the amenity of residents of both buildings, in terms of loss of privacy and outlook, contrary to policy BE9 of Brent's UDP 2004 and the guidelines set out in SPG 17: Design Guide for New Development.

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

 **Planning Committee Map**
Site address: 111 Leighton Gardens, London, NW10 3PS
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This map is indicative only.

RECEIVED: 21 May, 2013

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 111 Leighton Gardens, London, NW10 3PS

PROPOSAL: Proposed part two-storey/part single storey rear extension, replacement of front entrance porch and creation of one car parking space including alterations to hard and soft landscaping at front garden of dwellinghouse (as amended by plan received on 04/07/2013 and 08/07/2013)

APPLICANT: Mr S Palomo

CONTACT: PLAN_it

PLAN NO'S:
See condition 2.

MEMBERS CALL-IN PROCEDURE

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

Name of Councillor

Councillor Shaw

Date and Reason for Request

11/07/2013. There have been a large number of residents objections. I would like members to view this application and form their opinion as to over development.

Details of any representations received

Was approached by a local resident in relation to the application.

Name of Councillor

Councillor Colwill

Date and Reason for Request

11/07/2013. There have been a large number of residents objections. I would like members to view this application and form their opinion as to over development.

Details of any representations received

None.

Name of Councillor

Councillor Kansagra

Date and Reason for Request

11/07/2013. There have been a large number of residents objections. I would like members to view this application and form their opinion as to over development.

Details of any representations received

None.

RECOMMENDATION

Approval

EXISTING

The existing property is a two-storey semi-detached dwellinghouse located on Leighton Gardens within Kensal Rise. It is not a listed building nor is it within a Conservation Area.

PROPOSAL

See description above.

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2

BE7

BE9

SPG 5: 'Altering and Extending Your Home'

CONSULTATION

All neighbouring residents were consulted on 21 May 2013. A total of 9 objections have been received making the following points:

- The proposed development fails to comply with the guidelines set out in SPG5
- The proposed two-storey rear extension is of a size and scale not in keeping with the character and appearance of the property.
- The proposed extensions would dominate the surrounding houses and gardens and will not be in keeping with the character and appearance of the surrounding streetscene.
- The proposed roof terrace would result in a loss of privacy for neighbouring residents.
- The proposed extensions would have an overbearing visual impact on the amenity of neighbouring occupiers.
- Loss of light to neighbouring properties.
- The large French windows on the first floor and second floor levels are not in keeping with the character and appearance of the property.
- The proposed front porch is of an excessive size out of keeping with the proportions of the existing house/
- The proposed front garden layout results in an excessive area of hard standing and a significant loss of soft landscaping.
- There is an existing unauthorised building in the rear garden.

In addition, as explained at the beginning of this report, the case has been "called in" by Councillors Shaw, Kansagra and Colwill.

REMARKS

Introduction

1. The proposed development involves extending and altering the existing semi-detached dwelling house at 111 Leighton Gardens. The main considerations when assessing such proposals are:

- The impact on the character and appearance of the property
- The impact on the amenity of neighbouring residents
- Issues raised from consultation.

Amendments

2. For the information of Members, the application has been significantly amended in the following way during the lifetime of the application:

- The proposed gable-end extension and rear dormer have been removed
- The depth of the first floor rear extension has been reduced and a pitch roof is proposed instead of the flat roof.
- The proposed first floor and second floor rear roof terraces have been removed.
- The proportion of hard standing the front garden has been reduced and the area of soft landscaping will be increased

As a result, many of the comments made by objectors are no longer relevant as they related to a submission that was considered to be equally unacceptable to Officers. The revisions that have taken place to the proposal now make the scheme SPG5 compliant and it is this reduced scheme that is to be considered by Members.

Character and appearance of the dwelling house

3. The proposed two-storey rear extension has a depth of 1.8m while the proposed single storey rear extension has a depth of 3m beyond the main rear wall of the dwelling house, with a small open canopy beyond. The roof of the two-storey rear extension is hipped to match that of the existing property and is appropriately set down from the main roof ridge line to appear subservient. The proposed single storey rear extension will have a flat roof at a maximum height of 3m. The proposed rear extensions are considered to be in keeping with the scale and design of the existing dwelling house.
4. To the front of the property a new front garden layout is proposed showing the provision of one off-street parking space and additional soft landscaping. The proposed crossover will be no wider than 3m in width. The level of soft landscaping provision proposed is shown as being below 50%, with only approx 12.2 sqm of landscaping equating to 25% of the front forecourt. It is relatively simple to increase this amount to an acceptable level and a revised plan of the front forecourt taking account of the need for an enhanced landscaping treatment will be secured by condition.
5. The proposed extensions are considered to be of a scale and appearance which are in keeping with the existing dwelling house, in particular, and the locality, in general. The proposed alterations to the front forecourt will be acceptable on the basis that a condition requiring an increase to the proportion of soft landscaping will be sought.

Amenity of Neighbouring Residents

6. The proposed first floor rear extension has been reduced to a maximum depth of 1.8m. This will comply with the 2:1 rule set out in SPG 5 as the nearest habitable room window on the neighbouring property is situated over 4m from the proposed flank wall. As such it is considered to have an acceptable impact on the amenity of neighbouring residents.
7. The proposed single storey rear extension has a depth of 3m from the main rear wall of the dwelling house and a flat roof at height of 3m. This is in compliance with SPG5 specifications and will not have a detrimental impact on the amenity of neighbouring residents.
8. A new raised decking area is proposed to a depth of 2.5m beyond the rear wall of the dwelling house this has a maximum height of 0.3m which is in compliance with SPG5 specifications and should not have a detrimental impact on the amenity of neighbouring residents.
9. 3 windows are proposed at the first floor level of flank wall of the proposed development. These are all through to non-habitable rooms (two bathrooms and one landing). A condition will be attached to ensure that all these windows are obscure glazed and non-opening only.

Consultation

| Objection | Officer Comment |
|---|---|
| The proposed development fails to comply with the guidelines set out in SPG5. | The proposed development has been amended so that it complies with the guidelines set out in SPG5 |
| The proposed extensions will have a detrimental | The proposed extensions have been reduced in scale |

| | |
|---|--|
| impact on the character and appearance of the property from the street scene. | and altered to ensure that they fully comply with SPG5 specifications. As such the proposed development is considered to be subservient to the subject and surrounding dwellings and is in keeping with the character and appearance of the building within the street scene as set out in paragraphs 3-5 above. |
| The proposed roof terraces would result in a loss of privacy for neighbouring residents. | The roof terraces have been removed from the proposed development. |
| The proposed extensions would have an overbearing visual impact on neighbouring residents and would result in a loss of daylight and sunlight as well. | The proposed two-storey rear extension has been reduced to a depth which complies with the 2:1 rule set out in SPG5 while the proposed single storey rear extension has a maximum depth of 3m. These are in compliance with SPG5 and are not considered to have a detrimental impact on the amenity of neighbouring residents in terms of overbearing visual impact and loss of light. |
| The French windows at first floor and second floor levels and the large front porch are not in keeping with the character and appearance of the property. | These have been removed from the proposals. |
| The proposed front garden layout has excessive areas of hard landscaping. | The area of hard landscaping has been reduced and the proportion of soft landscaping increased on the amended plans. |
| There is an existing unauthorised building in the rear garden. | The existing outbuilding that is close to completion in the rear garden does not form part of this application. Such buildings can be built without the need for planning permission provided they are of an acceptable size and used for a use which is incidental to the use of the property as a dwelling house. The Council's enforcement officers are currently investigating to determine if there has been a breach of planning. An Informative will be attached to this consent making this point clear. |

Conclusion

10. The original submission here was considered to be unacceptable to Officers as it was significantly in conflict with adopted SPG5. It is this scheme that generated the understandable objections summarised above. However, during the lifetime of the application the applicant submitted revised drawings that took account of the provisions of adopted SPG5 and it is this much reduced scheme that Members are being asked to consider.

11. The proposed part two-storey/part single storey rear extension with alterations to the front garden is in accordance with the Council's guidelines for extensions to dwelling houses as set out in SPG5: Altering and Extending Your Home. It is therefore considered to be in keeping with the character and appearance of the property within the street scene and will not have a detrimental impact on the amenity of neighbouring residents. Accordingly approval is recommended subject to the conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

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

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

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

147.A.P.100
147.A.P.101
147.A.P.102 rev1
147.A.P.103 rev1

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

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

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

- (4) Notwithstanding the plans hereby approved full details of the proposed front garden layout including details of the boundary wall, an increase in the proportion of the area of soft landscaping to 50% of the front forecourt area, details of plant species and densities, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved within 18 months of works commencing.

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

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

- (5) The proposed first floor flank wall windows shall be obscure glazed and high opening (above 1.7m) only. They shall be permanently retained as such unless agreed in writing by the Local Planning Authority.

Reason: To preserve the amenity of neighbouring residents.

- (6) No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your

obligations can be obtained from the Communities and Local Government website
www.communities.gov.uk

- (2) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (3) The applicant is informed that the existing outbuilding in the rear garden does not form part of this application. The Council's Planning Enforcement Officers are currently investigating to determine if there has been a breach of planning as far as the outbuilding is concerned.

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

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Planning Committee Map

Site address: Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ

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This map is indicative only.

RECEIVED: 4 June, 2013

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ

PROPOSAL: 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.

APPLICANT: Network Stadium Housing Association

CONTACT: Jones Lang LaSalle

PLAN NO'S:
see Condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 100% Affordable housing comprising of 25 units. 5 affordable rent units and 20 Shared ownership units.
- Membership and compliance with the 'Considerate Contractors' Scheme.
- Compliance with sustainability checklist exceeding 50% score
- Code for Sustainable Homes Level 4
- CO2 reduction representing 25% improvement on 2010 Building Regulations
- Submission of Green Travel Plan
- An agreement under S278 of the Highways Act 1980 for works within the footway to the front of the site, to include new paving, tree planting, street furniture and removal/adjustment to existing vehicular crossovers.
- Shared use of the service yard between this development and any future development of the Queens Parade site.

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 £348,563.95is £11,129.06.

EXISTING

The existing building is a locally listed three storey building that was constructed in the 1930's. It is within the Willesden Green Conservation Area . The Willesden Green Conservation Area is characterised by two and three storey terraced buildings with retail on the ground floor and residential above which dates predominantly from the late 19th and early 20th century. As such Electric House does not fit with the established character of the Conservation Area.

The neighbouring site is Queens Parade which was recently subject of a planning application for

redevelopment which was withdrawn prior to consideration by the Planning Committee.

The site has an area of 0.092 hectares with the existing building covering most of the site. The most recent permanent use of the building has been as offices although the groundfloor has more recently been used for a temporary use by a local art group as an art gallery and studio.

The groundfloor is also on the edge of the Willesden Town Centre Primary Shopping Frontage. The site is in an area with a Public Transport Accessibility Level Rating of 4 which is classified as good, and is within 400m of the Willesden Green Tube Station.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

| Number | Primary Use | Sub Use |
|--------|------------------------|----------------------|
| 1 | businesses and offices | |
| 2 | shops | |
| 3 | dwelling houses | housing - affordable |

FLOORSPACE in sqm

| Number | Existing | Retained | Lost | New | Net gain |
|--------|----------|----------|------|------|----------|
| 1 | 1700 | 0 | 1700 | 0 | -1700 |
| 2 | 0 | 0 | 0 | 383 | 383 |
| 3 | 0 | 0 | 0 | 1628 | 1628 |

TOTALS in sqm

| Totals | Existing | Retained | Lost | New | Net gain |
|--------|----------|----------|------|-----|----------|
| | 1700 | 0 | 1700 | 383 | -1317 |

PROPOSAL

See description above.

HISTORY

13/1429. Conservation Area Consent sought for demolition of Electric House to facilitate redevelopment of the site. Under consideration as reported elsewhere on this committee.

96/1312. Full planning permission sought for internal alterations and use of former retail showroom on ground floor as extension to housing association offices on upper floor. Granted 10/09/1996.

Neighbouring Queens Parade Site:

13/11/22. 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. Application withdrawn by applicant.

13/1123. Conservation Area Consent sought for the demolition of all existing buildings and redevelopment of the site. Application withdrawn by applicant.

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th 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

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

SUSTAINABILITY ASSESSMENT

This application is accompanied by 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 17 % reduction in CO2 emissions from 2010 Building Regulations TER through "be lean" (building fabric) measures and a further 8 % 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 complies with 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 7-storey part of the building.

The applicants have submitted a revised TP6 Sustainability Checklist which they have scored at 51 %. Your officers have assessed the checklist and have scored it at 51%. This is in compliance with the minimum score that is sought (50 %).

If officers were minded to recommend approval this would need to be secured through a s106 agreement.

CONSULTATION

This application has been subject to widespread consultation. Over 400 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 and a departure from the Unitary Development Plan. Consultation letters were also sent to local ward councillors, Transportation, Streetcare, Environmental Health, Urban Design, Housing, Landscape Design and Policy.

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

- Loss of an existing local landmark building which contributes to the character of the Willesden Green Conservation Area.
- The proposed building in conjunction with other developments within the town centre will destroy the character of Willesden Green
- The proposed building reflects nothing of the architectural characteristics of the area.
- The height of the proposed building would create a terracing effect on an important intersection resulting in a more dense and darker streetscape.
- The building is too large and imposing and out of scale with neighbouring buildings.
- Broken roof lines are a feature of the area and will not be replicated with the proposed development.
- Loss of light to habitable room windows on the neighbouring Sheil Court
- Over-parking on surrounding streets and in car park at Sheil Court
- Proposed development will exacerbate existing congestion problems.
- The space could be better used as a public park.
- If housing is to be built it should be terraced housing or a maximum of four storeys as people are happier in such buildings.
- Having balconies on the road side is misguided as the road is too noisy and dirty for prospective residents to use and will instead be used as additional storage space which is unsightly.
- The Planning and Conservation Areas Act 1990 requires that areas should retain their essential character, whereas the planned development represents a radical change to the area and will annihilate the current Conservation Area streetscape.
- It fails the challenge to preserve areas of character whilst at the same time enabling higher density development.
- The existing building could be suitably converted for residential.
- The proposed development will overshadow a wide number of neighbouring properties.

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

Transportation

No objections to the proposed development subject to a Section 106 agreement/and or CIL confirming the following:

- The development shall be entirely car-free
- A robust delivery and servicing management plan shall be agreed with Brent Council setting out how deliveries to the service yard will be scheduled and how operation of the service yard will be co-ordinated between various users in order to minimise impact on the adjoining public highway.
- Shared use of the service yard between this development and any future development on the adjoining Queens Parade Site, on Walm Lane with maintenance of an unobstructed service access corridor between the service yard and the adjoining development.
- Contributions towards improving highway safety, new parking controls and enhancing non-car access to the borough.
- A section 278 agreement to be made between the developer and the Council for works within the footway to the front of the site, to include new paving, tree planting, street furniture and removal/adjustment to existing crossovers.

Urban Design

Electric house is an interesting example of twentieth century architecture, its tall proportions and distinctive Art deco style set it apart from the otherwise established late Victorian character of the rest of this part of the Conservation Area. The building was Locally listed principally for its stylistic contribution to local street scape character; in terms of plan form the building has difficult proportions with a very large open ground floor and relatively small floor plates higher up. This makes the reuse of the building very difficult and it is difficult to see what alternative contemporary use could be found that would be able to use the difficult spaces with success or viability. It is always regrettable to lose a building in a conservation area but as Electric House would be very difficult to viably convert to other uses the Council needs to balance the Community benefits that a new multi-unit residential development may bring. Unfortunately buildings that are difficult to convert lie unused for many years and subsequently suffer from lack of maintenance. The proposals offer an opportunity to the community of Willesden that with correct housing shortages we cannot really afford to ignore.

The positive outcome of the local listing is that in regrettably agreeing to the demolition of the building the Council is able to negotiate better design outcomes to enable the proposed building to sit more comfortably in the Conservation Area and Willesden generally. The applicants are a Social housing partner of the Council and have worked closely with the planning service and the Council to develop a building that will provide many homes preserve the distinctive architecture and landmark/streetscape role of Electric house.. The new building will not be a pastiche of the original Electric House but it will be sensitively referenced to it ; the Scheme is designed by award winning architects who have developed a scheme that will preserve the established architectural quality within the Conservation Area. The curved corner of the new building is inspired by the character of electric house with the highest part of the proposals located in the same plan position as the tallest part of Electric house. The materials palette will be simple but instead of a render there will be careful combination of high quality bricks and a cladding system all colour coordinated. The building will offer a quality of living accommodation that a converted building never could; with properly proportioned rooms generous outside space and balconies that have generous soft landscaping. As part of the proposals the applicants are proposing to improve the landscape quality of the forecourt, which together with the high quality shop fronts will provide a much improved public realm and an increase shopping offer to residents."

Safer Streets

No objections to the proposed development subject to the submission of a revised air quality assessment clarifying model input and boiler information, vand conditions relating to 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

No objections. 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. This should include clear details of the public realm space, roof terrace and green roofs.

REMARKS

Introduction

1. The main considerations when determining a major mixed use application which includes the demolition of a building within a conservation area are:
 - Will the demolition of the existing building result in the loss of a locally listed 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?
 - Does the proposed development have an acceptable environmental impact.
 - What material considerations have been raised during the consultation process

Demolition of locally listed 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 occupied by a part two- part three-storey building constructed in 1930s. The building was used as a showroom for electronic goods until 1985 when it was converted into offices. The office use ceased in 2007 and the site has remained vacant since then except for the temporary art gallery use which has been present in the building in recent months.
4. The site forms part of a Site Specific Allocation (SSA), which was adopted in 2011, which identified the site as suitable for redevelopment for mixed use with commercial on the ground floor and residential above. The justification for the redevelopment is that it would allow for a more intensive development which in turn could allow for a diversification of the retail use and an increase in residential units in the area. As such the demolition of the Electric House would need to occur for the aspirations of the SSA to be fully realised.
5. A Heritage Appraisal has been submitted as part of the report. This has been produced by a Conservation Consultant for the Applicants to set out the history and significance of the site. The building was originally commissioned by the Willesden Urban District Council and designed by the Borough Engineer and Surveyor. The existing building is distinct within the Willesden Green Conservation Area by reason of its construction in the 1930s contrast to the Victorian era of the majority of the Conservation Area and its size scale as a stand alone building in contrast to the established rhythm and uniform pallet of the other buildings. The building was not designed by an architect of any great significance and while it has some connection to the overall character of in that a semi-commercial activity operated there, the building is considered to make a slight positive contribution to the character of the Conservation Area.
6. The Heritage report notes that the existing buildings architectural and aesthetic significance has already been diminished by inappropriate alteration and adaptation. The heritage appraisal notes that none of the original interior fixtures and fittings survive, the windows of the building have been largely replaced and some have been blocked and the facing treatment of the main elevation had been changed. Given the diminished architectural significance and the buildings distinctive differences from the predominant character of the conservation area it is not considered to make a positive contribution to the character of the Conservation Area.
7. Council officers are of the opinion that the building does make a contribution towards the local streetscape although its design and appearance make it distinct from the surrounding built environment as set out in Urban Design comments reported in the Consultation section of this report. In particular they state: *The building was Locally listed principally for its stylistic contribution to local street scape character; in terms of plan form the building has difficult proportions with a very large open ground floor and relatively small floor plates higher up. This makes the reuse of the building very difficult and it is difficult to see what alternative contemporary use could be found that would be able to use the difficult spaces with and success or viability. It is always regrettable to lose a building in a conservation area but as Electric house would be very difficult to viably convert to other uses the Council needs to balance the Community benefits that a new multi-unit residential development may bring. Unfortunately buildings that are difficult*

to convert lie unused for many years and subsequently suffer from lack of maintenance. The proposals offer an opportunity to the community of Willesden that with correct housing shortages we cannot really afford to ignore.

8. The applicants have considered the retention and conversion of the existing building and have concluded that a conversion scheme including a commercial use with off-street servicing would only allow for the provision of 7 flats. These units would have limited outlook with some being single aspect with limited space for amenity and long internal corridors. They conclude that the conversion of the existing building would not be viable in design terms or be code compliant.
9. Thus while it is regrettable that the existing building will be demolished the proposed replacement offers the potential for further community benefits in the form of affordable housing and employment opportunities. The local listing of the existing building ensures that the proposed replacement building will have to be of the highest quality of design to ensure that it makes a positive contribution to the character of the conservation area

Principle of Mixed Use redevelopment/Site Specific Allocation

10. The site is on the edge of the primary shopping frontage of Willesden Town Centre. The site along with the neighbouring Queens Parade 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.
11. 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. Although the Council have requested that both applicants work together approval of this scheme will not prejudice the development of the neighbouring site.
12. The proposed development includes the provision of 383 sqm of retail floor space on the ground floor and 25 residential flats above. This would represent an intensification of the use of the site and would involve the redevelopment of a brown field site that would appear to go towards meeting the aspirations of the SSA and policy H11 of Brent's UDP 2004.
13. The principle of the mixed use redevelopment of the site is considered to be acceptable.

Provision of Affordable Housing and Mix

14. The proposed development provides 25 residential flats and is fully affordable with the following mix of housing.

Table 1

| Floor | 1-bed (46-54sqm) | 2-bed (56-71sqm) | 3-bed (69-83sqm) | Total |
|--------------|-------------------------|-------------------------|-------------------------|--------------|
| 1 | 2 | 2 | 1 | 5 |
| 2 | 3 | 3 | 0 | 6 |
| 3 | 3 | 3 | 0 | 6 |
| 4 | 1 | 2 | 0 | 3 |
| 5 | 1 | 2 | 0 | 3 |
| 6 | 1 | 1 | | 2 |
| Total | 11 (44%) | 13(52%) | 1 (4%) | 25 |

15. The level of family housing provision is low at 4% 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.
16. 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 5 (20%) of the units are for affordable rent and 20 (80%) of the units are for shared ownership. This level of affordable provision is considered to be in compliance with Council and London Plan policy towards affordable housing provision and will be secured through the section 106 agreement.

Design

17. The site is located in a prominent location on Willesden Lane close to the junction with Walm Lane and the High Road with important views of the site from all three streets. As the proposed building will replace the existing Locally Listed building within the Willesden Green Conservation Area and as it is in such a prominent position within the streetscene it is very important the replacement building is one of the highest quality design and detailing. As such following advice from Council Officers, the applicants and their design team have developed the proposals to address concerns and provide a design which can provide a building which will contribute positively to the streetscape while also providing high quality living accommodation and commercial floor space.

Density

18. 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.
19. 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 Electric House has a density of approx 600hrh. Therefore the level of development proposed is within the density matrix recommendations of both the London Plan and Council Guidance.

Scale, Massing and Layout

20. The SSA 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.
21. The proposed replacement building would occupy most of the site but is set in from the splayed boundary with Sheil Court by 3.3m at the point closest to Willesden Lane and 8.4m at it the rear. The flank wall of the proposed building is situated 9.7m from the flank wall of the Sheil Court. This separation distance is considered to be acceptable in streetscape.
22. It is part 4/part 6/part 7 storey in height stepping up from four storeys on the east flank to the boundary with Sheil Court, to seven storeys at the west flank wall on the boundary with Queens Parade. The maximum height is retained adjacent to the neighbouring site Queens Parade. The proposed building has a curved feature addressing the south west corner of the site. This rises to seven storeys and is capped with a parapet wall rising above the flank wall.
23. To the rear of the site the building drops down to three storeys on the east flank adjacent to Sheil Court and to a first floor rear communal garden adjacent to the boundaries with Queens Parade and the car park at the rear of Rutland Park Mansions. The projecting rear three storey element is due to the splayed boundaries set in a minimum of 6m and a maximum of 9m from the rear boundary. To the rear there is an existing 10m high rear wall with a length of 16.6m which is situated less than 2m from the rear boundary. The proposed projecting element will have a width of 13.5m and is set in a minimum of 6m and a maximum of 9m from the rear boundary and will also be screened by planting on the ground and first floors. To the west due to the splayed boundaries the rear projection will be set in a minimum of 9m and a maximum of 13m from the boundary with Queens Parade.
24. The proposed servicing yard for the commercial unit and for refuse and recycling collection for the residential is situated between the flank wall of the proposed building and the side boundary with Sheil Court.

25. As acknowledged in the SSA council officers consider that the site is one of the sites within the Willesden Green Conservation area that can accommodate a larger building, provided that the treatment of the design detailing is sensitively done. The proposed massing and height while greater than that of neighbouring developments is considered to be appropriate given that the site is in a prominent town centre location and has a wide pavement width on Willesden Lane to ensure an appropriate setting for a building of this size. The following section will consider how the design detailing has been developed to provide a considered and sensitive response to the context of the site within the Conservation Area.

Elevational Treatment, Materials and Public Realm

26. Officers have spent time critiquing the development and advising the applicants on design to ensure that the detailing and design of the replacement building is appropriate for a development within a prominent location. During the development process the applicants have made the following alterations:

- Changed the main material of the Willesden Lane frontage from aluminium panelling to brick.
- Providing improved quality and detailing of the public realm.
- Increased the prominence of the corner feature by amending the design of the parapet at the top and extending it further round onto Willesden Lane
- Providing details of the brick reveals for the recessed elements on the west flank and the windows on the east flank.
- Re-configuration of the groundfloor to provide the main residential entrance on the ground floor of the corner feature.
- Extending the front canopy over the residential entrance

27. The main front elevation is characterised by a continuous band of brick with aluminium clad balconies intersected with recessed bands of glazing and solid dark coloured aluminium panels. The top storey of the Willesden Lane frontage is recessed glazing and aluminium panelling which is set back from the main frontage. The proposed balconies are arranged vertically with the cantilevered balconies projecting out to a depth of almost 2m. The facing panel is a bronze coloured aluminium panel while the flank panels are glazed.

28. The ground floor of the Willesden Lane frontage contains the commercial frontage, the entrance to the cycle stores and on the corner the entrance to the residential. The commercial frontage is mainly glazed with a grey powder coated aluminium frame. A glazed canopy projecting out to a depth of 2.8m is situated above the shopfront along the frontage and round the curved corner. The shopfront advertising can be incorporated under this and on the canopy while the lettering for the name of the building will be situated above the main entrance to the residential.

29. The curved corner feature uses the same yellow brick bands but intersects these with bands of red brick. to provide added emphasis for the proposed corner a set of 3 glazed panels run from the first floor level up to the seventh storey above this is the further band of yellow brick forming a parapet wall. A clock is proposed above this as an added feature. The entrance to the residential is situated on the ground floor. The curved corner feature and the provision of the clock make reference to characteristics that were present on the original building.

30. The flank and rear walls use the same bands of yellow and red brick to add visual interest to these facades. The west flank wall of the building is situated on the boundary with Queens Parade. This could be used as an adjoining flank wall with any development of the Queens Parade site. This is supported as part of the SSA but to ensure that it does not result in the provision of a large blank facade recessed areas of brick are proposed to break down the massing and add some vertical emphasis. Full details of the reveals showing a depth of at least one brick width are required. This is particularly important given the prominence of this elevation when viewed from Walm Lane.

31. The flank wall adjacent to Sheil House is four storeys high and contains four habitable room windows per floor. This along with the proposed brick banding adds visual interest to this facade. Again details of the proposed windows reveals are required to demonstrate that the windows will have effective shadow lines to bring visual interest to this facade. A screen boundary treatment is proposed along the boundary with Sheil Court and in conjunction with the existing landscaping of Sheil Court and some boundary planting within the site the service yard will be effectively screened when viewed from east along Willesden Lane. Full details of the boundary treatment and planting will be sought by condition.

32. The success of the elevations will be largely based on the quality of the materials proposed. Council planning policy requires materials for new development to be of the highest quality and durability to ensure that proposed buildings make a lasting contribution to the areas within which they are located. As

such the Council will seek details of the materials by condition prior to works commencing.

33. The proposed development includes alterations to the public realm between the shop-frontage on Willesden Lane and the main Council. The main features of this include the replacement of the existing raised beds and hard surfacing and the installation of a new high quality re-constituted stone paving, two new raised planter beds with new trees and a bench. Full details of these spaces will be sought by condition to ensure that they are of the highest quality. An existing tree which is considered to contribute to the existing street scene will be retained. These alterations are considered to raise the quality of the public realm in keeping with the requirements of the SSA.
34. It is considered that the proposed elevations and public realm are of a high quality and will ensure that the building makes a positive contribution to the character and appearance of the surrounding street scene and Conservation Area.

Quality of Proposed Residential Accommodation

35. 25 residential units are proposed and are arranged over first to sixth 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 50sqm and 62sqm in size, the two bed units are between 72 and 79sqm and the three bed unit which is situated on the first floor is 100 sqm. Three of the units including the three-bed units are disabled access units. The proposed units are all dual aspect units and have acceptable levels of outlook. A daylight and sunlight study has been submitted with the application and states that all of the proposed units will have acceptable levels of daylight and sunlight.
36. 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. This amounts to a provision of 235sqm of communal amenity space. This in conjunction with the proposed balconies and roof terraces will provide a total of 505sqm of amenity space. However given the over provision of amenity space for two upper floor units the deficit of private amenity space is approximately 270sqm therefore there will be a shortfall of 40sqm of communal amenity space. Given that details of a high quality landscaping space is to be provided for the first floor communal terrace and the public realm area to the front of the proposed shortfall is not considered to be significant and will not detract from the quality of the accommodation proposed.
37. The proposed residential accommodation is considered to be of a high quality and is in accordance with London Plan and Council Planning Policies relating to the quality of residential accommodation.

Impact on Residential Amenity of Neighbouring Residents.

38. The nearest sensitive residential properties are those at Sheil Court to the east. There are no flank wall habitable rooms windows on the flank wall although there are non-habitable room windows on the flank wall of Sheil Court. The distances between this building and the flank wall of the proposed building are over 10m. The proposed flank wall projects out in front of the main front wall of Sheil Court, which is set back 14m from the main front wall of the proposed building. There are habitable room windows in the main front wall of Sheil Court. 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.
39. To the north are the residential apartments at Rutland Park Mansions. The four storey rear wall of the proposed building is situated approximately 18m from the nearest habitable room windows of this property and the six and seven storey elements are over 27m from the rear elevation of this apartment block. There are no directly facing habitable room windows and as such there will be no detrimental impact in terms of privacy. Screen planting along the perimeter of the communal roof terrace will also ensure that there is no direct over looking. The daylight and sunlight study notes that there will be no detrimental impact on daylight and sunlight to these flats.
40. There are also residential properties on the first and second floor of the properties on the opposite side of Willesden Lane. These have facing habitable room windows which are situated over 25m from the proposed building line. As such their outlook will not be detrimentally affected.
41. It is considered that the proposed development will have an acceptable impact on the amenity of neighbouring residents in terms of daylight, sunlight, outlook and privacy.

Transportation

42. 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. The applicants have agreed to a clause to remove the rights of residents to parking permits for the local CPZ
43. The Council require the provision of a full off-street servicing bay for the proposed retail unit to ensure that there is no detrimental impact on local highway conditions on Willesden Lane, which is a local distributor road with a number of prominent bus routes. The proposal should also provide an opportunity to deal with the issue of the absence of servicing for the neighbouring site at Queens Parade should this also come forward for development at a later stage. As a result a servicing yard is shown between the east flank wall and the boundary with Sheil Court which provides servicing space for the proposed commercial and space linked to a rear corridor which could link with the neighbouring site in the event that the site was redeveloped in the future. An appropriately worded clause will need to be included within the section 106 to ensure that this rear servicing link is retained through to the neighbouring site. A sufficiently robust servicing management plan will also be required to ensure that the servicing arrangements are appropriately managed to provide access to both units and the waste servicing while also minimising disturbance for neighbouring residents.

Environmental Considerations

Air Quality

44. 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. However they note that during construction the proposed development has the potential to cause impacts on air quality. To address this it is recommended that good practice is followed in relation to ensure that dust control measures are implemented.
45. The Air Quality Assessment also highlights that there will be no significant impact on prospective residents in terms of air quality and that as such no mitigation measures are required. Safer Streets have requested further information regarding the model input and possible boiler impacts. They have also recommended that conditions are attached regarding the mitigation measures to be implemented during construction.

Noise

46. The applicant has submitted a noise assessment which examines the potential impact on noise from Willesden Lane on the proposed homes. It highlights the potential impacts of noise on the Willesden Lane and Walm Lane facades of the proposed development. It is recommended that a condition is attached requiring a minimum sound reduction of 40dB for the Willesden Lane facade and that sound reduction of approximately 31dB is required at the Walm Lane Facade for the building to meet the good internal design criteria of 30dB.

Response To Objections

| Objection | Officer Comment |
|---|--|
| Loss of a locally significant building which contribute to the character and appearance of the Willesden Green Conservation Area. | The existing building has already been altered in unsympathetic ways and is not considered to make a significant contribution towards the character of Willesden Green Conservation Area. This is referred to in more detail in paragraphs 2-7 above. |
| The proposed building is of a size, scale and design which is out of keeping with the character and appearance of the surrounding street scene and conservation area. | The proposed building is a larger building than the existing and surrounding development. The location within a town centre with very good public transport accessibility means it is appropriate for higher density development. The site is of a size and situation (adjacent to a main road with wide pavements) which can accommodate a building larger than neighbouring sites. The proposed development is of a modern design and is considered to have design characteristics which will contribute to the character of the area. Further comment on scale and design can be found in paragraphs 15-30 above. |

| | |
|---|--|
| Loss of light and overshadowing as a result of the height of the 7 storey building on neighbouring residences | The impact of the proposed building on the most sensitive habitable room windows of neighbouring properties was assessed in the daylight and sunlight report submitted with the application. This found that there would be no harm to daylight and sunlight levels for neighbouring residents. It should be noted that the highest part of the development is located on the part of the site which is furthest from the most sensitive residential windows. |
| The proposed development will add to existing noise and congestion in the local area | It is noted that there will be some noise and disturbance 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. |
| Lack of parking will result in pressure on existing on-street parking provision. | The application if it is to be approved will 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. |
| The balconies will not be used and will become and eyesore. | While it is recognised that balconies which are used solely for storage can be an eyesore there is a requirement to provide private amenity space for all new residential units. The proposed balconies are of a generous size and are considered to provide space which can be used for amenity purposes and therefore less likely to be used solely for storage purposes. The lack of private amenity space for new residential properties is of more concern than the risk that such space could be used for storage purposes.. |
| The proposed development is being built for private gain at the expense of the local considerations. | The proposed residential accommodation is fully affordable and will be owned and managed by Network Housing Association. Lack of affordable housing is significant local issue within Brent and the proposed development will make a significant contribution to the level of affordable housing provision in the local area. |

Conclusion

47. The proposed development is considered to be in compliance with the relevant planning policies and guidance and the requirements of the Site Specific Allocation which forms part of the Council's Local Development Framework. While it is recognised that the proposed loss of the existing building has generated significant local concern the proposed replacement mixed use development is considered to be of a high quality of design which increases the vitality of the shopping centre while also providing a valuable increase in the number of affordable homes in the local area. Accordingly the application is recommended for approval subject to the conditions set out below.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

London Plan 2011
Brent's Site Specific Allocations 2011

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

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

Employment: in terms of maintaining and sustaining a range of employment opportunities

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

P01
P02
P03
P04
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P06
P07
P08
P09
P10
P11RevB
P12RevA
P13RevA
P14RevA
P15RevA
P16RevA
P17RevA
P18RevA
P19RevB
P20RevB
P21RevB
P22RevB
P23RevA
P24RevA
P25RevA
P26
P27
P28
P29

Supporting Documents:

Planning Statement by Jones Lang Lasalle dated May 2013

Design and Access Statement by Steven Marshall Architects May 2013

Ecological Assessment by Middlemarch Environmental Ltd dated February 2013
Affordable Housing Statement by Network Stadium
Air Quality Assessment by Hyder Consulting dated February 2013
Ambient Noise Assessment by Hyder Consulting dated May 2013
Daylight and Sunlight Report by Calford Seaden dated May 2013
Energy Strategy by Calford Seaden dated May 2013
Flood Risk Assessment by Ellis and Moore dated May 2013
Heritage Appraisal by KMHeritage dated February 2013
Arboriculture Report by Simon Pryce Arboriculture dated February 2013
Transport Statement by Hyder Consulting dated May 2013

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

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

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

- (4) All existing crossovers rendered redundant by this proposal shall be reinstated to footway at the applicant's own expense and to the satisfaction of the Council's Director of Transportation prior to first occupation of the new development.

Reason: In the interests of traffic and pedestrian safety.

- (5) 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 commercial floorspace hereby permitted shall only be for purposes falling within Use Class A1 providing that any extraction equipment required for those uses are submitted to and approved in writing by the Local Planning Authority in advance of occupation of the unit being served by the required extraction equipment.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons so that the use does not prejudice the amenity of the area.

- (6) Notwithstanding the details of materials indicated in plans prior to the commencement of development full details of materials for all external work, i.e. bricks, fenestration and roofing

materials, including samples, shall be submitted to and approved by the Local Planning Authority with the works carried out in accordance with the approved details

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

- (7) 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 Conditions | Living rooms | 30 – 40 dB (day: T =16 hours 07:00 – 23:00) |
| Reasonable sleeping Conditions | Bedrooms | 30 – 35 dB (night: T = 8 hours 23:00 – 07:00); LAmax 45 dB (night 23:00 – 07:00) should not normally be exceeded |

Prior to the occupation of the dwellings 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.

- (8) Details of the provision of a minimum of 25 secure cycle parking spaces for prospective residents and five publicly accessible spaces along the site frontage for the commercial unit, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (9) Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be carried out in full accordance with the details approved in the Construction Method Statement.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

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

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

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

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

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

- (a) proposed walls and fences indicating materials and heights;
- (b) screen planting along the boundaries of the first floor roof terrace;
- (c) details of drainage, irrigation and water points.
- (d) areas of hard landscape works and proposed materials;
- (e) details of the tree pits on the frontage
- (f) drought resistant plant species
- (g) details of the installation and maintenance of the green roofs
- (h) details of the proposed arrangements for the maintenance of the landscape works.

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

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

(13) Prior to first occupation of the development, confirmation that all dwellings have been built to the Lifetime Homes standard and 3 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

(14) 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

(15) Notwithstanding the plans hereby approved a revised air quality management assessment shall be submitted to and approved in writing prior to the demolition of any structures on site. Any mitigation measures required shall be implemented in accordance with the recommendations.

Reason: To safeguard the amenity of prospective residents and neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

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

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

- (17) No development shall commence until a Delivery and Servicing Plan for the site is submitted to and approved in writing by the Local Planning Authority. This shall ensure that deliveries to the commercial units at Electric House (as well as residential deliveries) and those to any commercial units that form part of a future development at Queens Parade are properly pre-planned and co-ordinated, to minimise the risk of that a large number of delivery vehicles will require access to the service yard at the same time. All deliveries/ collections shall only take place within the designated servicing bay and at no time shall any servicing be provided from Willesden Lane.

Thereafter the approved management plan shall be implemented for the lifetime of the development, and updated whenever necessary

Reason: In order to safeguard highway safety, and prevent obstructions that will overspill onto the carriageway

- (18) Notwithstanding the plans hereby approved details of an acoustic and visual screen (including planting) to be situated between the proposed servicing yard and the boundary with Sheil Court shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity of adjoining occupants..

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

- (i) the construction vehicle access;
- (ii) timing of deliveries (to avoid peak hours and to comply with local road restrictions) and the control of traffic entering the site;
- (iii) the parking of vehicles of site operatives and visitors;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development, to avoid the root protection zones of retained trees either on or off the site;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities to be installed prior to commencement of any works;
- (viii) measures to control the emission and mitigate the against the impacts of dust and fine particles during construction; and
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works

The demolition/site clearance/building works hereby approved shall not commence until

the vehicle wheel washing facilities have been provided on site in accordance with the approved details and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of adjoining occupants and the interests of the free flow of traffic and highway and pedestrian safety, to ensure the footway and carriageway is not blocked during the works and in the interests of local Air Quality Management Area objectives.

- (20) Detailed drawings showing all existing trees which are not directly affected by the building(s) and works hereby approved shall be submitted to the Local Planning Authority prior to demolition and construction works. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted or their soil levels within the tree canopy altered at any time without prior approval in writing of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced in the next planting season with a tree of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

Reasons: To ensure that the existing trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant is advised of the need to obtain an oversailing licence from Brent Council's Transportation Unit under S177 of the Highways Act 1980 for the proposed balconies, which will in turn require further details of the construction of the balconies and design of their parapetsDelete this and enter unique informative here
- (3) The developer is advised to contact the Council's Head of Highways & Transport Delivery in order to progress the S38/S278 highway works.

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

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Planning Committee Map

Site address: Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ

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This map is indicative only.

RECEIVED: 4 June, 2013

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ

PROPOSAL: Conservation area consent for demolition of Electric House to facilitate redevelopment of the site.

APPLICANT: Network Stadium Housing Association

CONTACT: Jones Lang LaSalle

PLAN NO'S:
See Condition 2.

RECOMMENDATION

Grant Consent.

EXISTING

The existing property is a three-storey office building on the north side of Willesden Lane. It is a locally listed building and is within the Willesden Green Conservation Area.

PROPOSAL

See description above.

HISTORY

13/1428. 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 elsewhere on this report.

96/1312. Full planning permission sought for internal alterations and use of former retail showroom on ground floor as extension to housing association offices on upper floor. Granted 10/09/1996

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. It 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

BE24 Locally Listed Buildings. The special character of buildings on the local list will be protected and

enhanced.

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. This policy is expanded on in the "Remarks" section below.

CONSULTATION

This application has been subject to widespread consultation. Over 400 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 the demolition within a Conservation Area. Consultation letters were also sent to local ward councillors, Urban Design and Policy.

Only one objection has been registered in relation to this application reference number however 20 objections were submitted in relation to the full planning application also under consideration elsewhere on this agenda. A number of these objected to the loss of an existing local landmark building which contributes to the character of the Willesden Green Conservation Area.

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

REMARKS

Introduction

1. This application seeks consent for the demolition of Electric House to facilitate the redevelopment of the site to provide a mixed use building containing a ground floor retail use and 25 affordable flats above. Members will be aware that Policy BE27 of the adopted Brent UDP states that consent will not normally be given for the demolition of a building in a Conservation Area, unless that building positively detracts from the character or appearance of the area. It goes on to say that where demolition is considered to be acceptable, replacement buildings should be seen as a stimulus to imaginative high quality design and an opportunity to enhance the area.

Demolition of locally listed building within Conservation Area

2. The NPPF makes it clear that when determining applications Local Authorities need to understand the significance of any heritage asset that may be affected by the development. Furthermore, Local Authorities should account for the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability. New development should make a positive contribution to local character and distinctiveness. In respect of this, a report into the redevelopment of the site appears elsewhere on this Agenda and sets out that the proposed replacement building is of a high quality design.
3. 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.
4. The existing building is occupied by a part two- part three-storey building constructed in 1930s. The building was used as a showroom for electronic goods until 1985 when it was converted into offices. The office use ceased in 2007 and the site has remained vacant since then except for the temporary art gallery use which has been present in the building in recent months.
5. The site forms part of a Site Specific Allocation (SSA), which was adopted in 2011, which identified the site as suitable for redevelopment for mixed use with commercial on the ground floor and residential above. The justification for the redevelopment is that it would allow for a more intensive development which in turn could allow for a diversification of the retail use and an increase in residential units in the area. As such the demolition of the Electric House would need to occur for the aspirations of the SSA to be fully realised.

6. A Heritage Appraisal has been submitted as part of the report. This has been produced by a Conservation Consultant for the Applicants to set out the history and significance of the site. The building was originally commissioned by the Willesden Urban District Council and designed by the Borough Engineer and Surveyor. The existing building is distinct within the Willesden Green Conservation Area by reason of its construction in the 1930s contrast to the Victorian era of the majority of the Conservation Area and its size scale as a stand alone building in contrast to the established rhythm and uniform pallet of the other buildings. The building was not designed by an architect of any great significance and while it has some connection to the overall character of in that a semi-commercial activity operated there, the building is considered to make a slight positive contribution to the character of the Conservation Area.
7. The Heritage report notes that the existing buildings architectural and aesthetic significance has already been diminished by inappropriate alteration and adaptation. The heritage appraisal notes that none of the original interior fixtures and fittings survive, the windows of the building have been largely replaced and some have been blocked and the facing treatment of the main elevation had been changed. Given the diminished architectural significance and the buildings distinctive differences from the predominant character of the conservation area it is not considered to make a positive contribution to the character of the Conservation Area.
8. Council officers are of the opinion that the building does make a contribution towards the local streetscape although its design and appearance make it distinct from the surrounding built environment. The Council's Urban Design Officer states: *The building was Locally listed principally for its stylistic contribution to local street scape character; in terms of plan form the building has difficult proportions with a very large open ground floor and relatively small floor plates higher up. This makes the reuse of the building very difficult and it is difficult to see what alternative contemporary use could be found that would be able to use the difficult spaces with and success or viability. It is always regrettable to lose a building in a conservation area but as Electric House would be very difficult to viably convert to other uses the Council needs to balance the Community benefits that a new multi-unit residential development may bring. Unfortunately buildings that are difficult to convert lie unused for many years and subsequently suffer from lack of maintenance.*
9. The applicants have considered the retention and conversion of the existing building and have concluded that a conversion scheme including a commercial use with off-street servicing would only allow for the provision of 7 flats. These units would have limited outlook with some being single aspect with limited space for amenity and long internal corridors. They conclude that the conversion of the existing building would not be viable in design terms or be code compliant.
10. Thus while it is regrettable that the existing building will be demolished the proposed replacement offers the potential for further community benefits in the form of affordable housing and employment opportunities. The local listing of the existing building ensures that the proposed replacement building will have to be of the highest quality of design to ensure that it makes a positive contribution to the character of the conservation area. As a result, there is no objection in principle to its demolition. As explained in the report elsewhere on the Agenda looking at the redevelopment of the site it is considered that a redevelopment of the site allows for the provision of a high quality, although clearly modern, replacement building. However, the demolition of the buildings should not be allowed in the absence of an acceptable replacement scheme and this should be made a condition of any approval.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

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):

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P11RevA
P12RevA
P13RevA
P14RevA
P15RevA
P16RevA
P17RevA
P18RevA
P19RevA
P20RevA
P21RevA
P22RevA
P23RevA
P24RevA
P25RevA
P26
P27

Supporting Documents:

Planning Statement by Jones Lang Lasalle dated May 2013
Design and Access Statement by Steven Marshall Architects May 2013
Heritage Appraisal by KMHeritage dated February 2013

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

- (3) The demolition works hereby approved shall not be allowed in the absence of an acceptable replacement scheme.


Reason: In the interest of the visual amenity and character of the Conservation Area, in general, and this building, in particular.

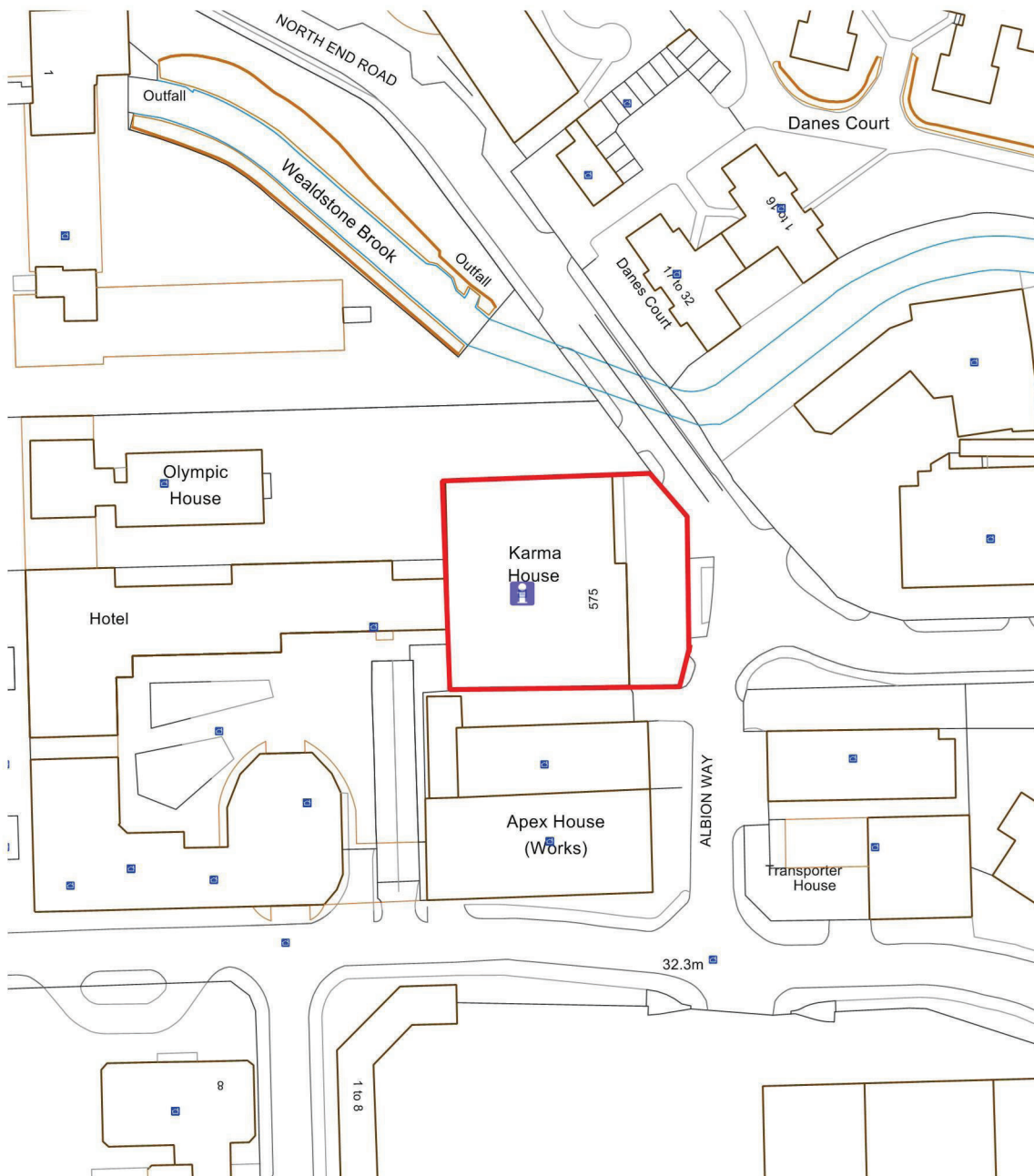
INFORMATIVES:

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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 **Planning Committee Map**
Site address: 575 North End Road, Wembley, HA9 0UU
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This map is indicative only.

RECEIVED: 7 June, 2013

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 575 North End Road, Wembley, HA9 0UU

PROPOSAL: Proposed demolition of existing building and construction of part 9- , part 14-, part 17 and part 19-storey building comprising 450 rooms of student accommodation and associated ancillary facilities and landscaping works.

APPLICANT: HTA Design LLP

CONTACT: HTA Architects Ltd

PLAN NO'S:
Please see condition No. 2.

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
- A 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. This shall demonstrate:
 - How the development will achieve a minimum of BREEAM "Excellent" (submission of a design stage assessment by a BRE approved inspector);
 - How the indicated Brent Sustainability Checklist measures will be implemented within the scheme (or other such measures approved by the Council which meet a level of at least 50%).
 - How the scheme will achieve a minimum CO2 reduction of 25 % from 2010 TER (regulated) including a minimum of reduction of 20 % through on-site renewables (after "be lean" and "be clean" measures have been applied) or other such revised measures as approved by the Council which achieve the same levels of CO2 reduction;
 - That the scheme can be easily connected to a district wide heat network, should one come forward in the future.
- 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.
- On completion, independent evidence (through a BRE Post-Construction Review and completion certificates) shall be submitted on the scheme as built, to verify the achievement of at least BREEAM "Excellent".
- 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:
 - the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - 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.

- The submission and approval in writing of a revised Travel Plan and to implement this 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.
- Training and employment
 - To prepare and gain approval of a Employment and Training Plan prior to commencement and to implement the Plan
 - To offer an interview to any job applicant who is a resident in Brent and meets the minimum criteria for the job
 - To use reasonable endeavours to: achieve 1 in 10 of the projected construction jobs to be held by Brent residents and for every 1 in 100 construction jobs to provide paid training for a previously unemployed Brent resident or Brent school leaver for at least 6 months
 - From material start, to provide monthly verification of the number of Brent Residents employed or provided training during construction and if the above targets are not being met, to implement measures to achieve them
 - Prior to occupation, verify to the Council the number of Brent Residents employed during construction and unemployed/school leavers who received training.

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 London Plan 2011, Local Development Framework Core Strategy 2011, Unitary Development Plan 2004 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 £334,480.09is £1,911,314.80.

EXISTING

This site is located on the south-western corner of the junction of North End Road and Albion Way. It has an area of approximately 0.16 hectares. The local area has a mixed use character with office and commercial buildings along the southern side of North End Road and Deans Court, an inter-war residential estate, to the north. The 17 storey Victoria Hall student accommodation development that is currently being built is located on the opposite side of North End Road a short distance away. To the rear is the Shubette House site which fronts Olympic Way and where a 20 storey mixed hotel/residential development has recently been completed.

Wealdstone Brook runs to the north of the site under North End Road. Wembley Park Underground Station is approximately 200 metres from the site. The site is also with the Wembley Growth Area.

The site is currently occupied by a three storey office building with a large single storey warehouse at the rear. The existing buildings are of brick construction and relatively utilitarian in appearance. They do not have any particular architectural merit being common in style to many post-war office buildings. There are no trees or other vegetation within the site boundary and the site is of little positive interest or benefit to the streetscape of North End Road.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

| Number | Primary Use | Sub Use |
|---------------|------------------------|----------------|
| 1 | businesses and offices | |
| 2 | sui generis | |

FLOORSPACE in sqm

| Number | Existing | Retained | Lost | New | Net gain |
|---------------|-----------------|-----------------|-------------|------------|-----------------|
| 1 | 3474 | | 3474 | 0 | -3474 |
| 2 | 0 | | 0 | 12821 | 12821 |

TOTALS in sqm

| Totals | Existing | Retained | Lost | New | Net gain |
|--------|----------|----------|------|-------|----------|
| | 3474 | | 3474 | 12821 | 9347 |

PROPOSAL

As above.

HISTORY

On the 28th July 2005 Brent's planning committee resolved to grant outline planning permission for the demolition of the existing building and the erection of a building ranging in height for 8 to 17 storeys comprising a 120-bedroom hotel on the 1st - 5th floors, 108 timeshare or apartment hotel lets on 6th - 15th floors (84 studios, 24 one-bedroom), a public viewing gallery and restaurant on the 16th floor, one basement level of 40 parking spaces and associated facilities. The s106 agreement was signed and outline permission formally granted on the 17th April 2008. The application reference was 05/0626.

The Reserved Matter (Landscaping only) pursuant to the outline planning consent was granted on 7 July 2011 (application reference 11/0870).

An application to extend the timeframes for the implementation of this consent was submitted on 5 June 2013 and it was originally intended that it would be considered at the same planning committee meeting. However, further information is required and this application is likely to be reported to the Planning Committee in September.

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:

- 3.9 Mixed and Balanced Communities
- 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

The Mayor's Transport Strategy
Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)

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
- 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
 - 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
 - TRN14
 - TRN22 Parking Standards – Non-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

- 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 Statement which demonstrates how that the proposal will be in accordance with local and London Plan policies.

A BREEAM pre-assessment has been submitted which confirms that the proposal will meet the minimum standard of “Excellent” as set out within the LDF Core Strategy.

The Energy Assessment specifies that the scheme will accord with the Mayor of London’s energy hierarchy and targets for CO₂ reduction, which currently require developments to achieve CO₂ levels that are at least 25 % lower than 2010 Building Regulations Target Emission Rates (2010 TER). London Plan policy also sets a target for CO₂ reduction through on-site renewables of 20 %. Specific measures are proposed to meet these targets.

The submitted statement proposes a variety of fabric (“be lean”) measures, the incorporation of Combined Heat and Power (CHP) to provide for the hot water base heating load, and the use of a biomass boiler to achieve the target for on-site renewables. The use of biomass boiler in conjunction with a gas fired CHP engine is unusual this has been questioned by the GLA. The applicant has accordingly indicated that they will

re-evaluate the energy strategy. This will include “be lean” measures and the incorporation of CHP. However, the provision of on-site renewables may be altered. Most developments of this nature propose the use of gas fired CHP and PV (solar) panels. Further information regarding the energy strategy will be included within the Supplementary Report.

The Sustainability Statement confirms that the building will be connected to a district wide heat network should one be delivered in the future.

The applicants have also submitted a TP6 Sustainability checklist which your officers have scored at 48.5 %. While this is marginally lower than the target of 50 %, your officers consider this to be acceptable.

CONSULTATION

- Letters sent: 11 June 2013 (first consultation)
- 17 July 2013 (re-consultation regarding revised drawings)
- Site Notices: 18 June 2013
- Press Notice: 20 June 2013

Letters were sent to 433 adjoining and nearby owners and occupiers.

Responses were received from two properties within the Danes Court complex noting the following issues:

| Comment | See Paragraph |
|--|---------------|
| Security: When this building is erected, we would like to be assured that there will be a 24 hour security / Concierge / cctv cameras etc | 35 |
| Parking: Reassurance was given that no car parking facilities were required for the Victoria Hall scheme other than disabled bays outside but those bays are now continuously occupied by vehicles that do not hold disabled badges and street parking in North End Road is continuously being used by students of the VH facility. Residents are concerned about where students of the proposed building and students, teachers and visitors to the new ‘Atlas House’ school will park | 17-18 |
| The planners would suggest a CPZ, but it is not fair that existing residents have to pay for parking for themselves and their visitors due to schemes that are no benefit to them | 17-18 |
| The site is situated on a blind corner and appears that no drop-off point is provided on Albion Way for the students. This will result in accidents | 20, 21, 36 |
| Residents would like to see graphical representations and photographs of the proposed building | 43 |
| The Victoria Hall accommodation together with 461 additional student rooms in this proposal will completely alter the current demographic of the road from a quiet family oriented road to a student village | 37 |
| The proposals do not contribute towards the amenity and facilities of the existing residents on the road i.e. Danes and Empire Court, yet heavily increases the residential density and hence use/impact on the surrounding area | 38-40 |
| The Victoria Hall scheme is isolated from its surroundings and has not had a positive impact on the quality of life for existing residents, yet they suffer with an open space being replaced with a towering, incompatible, obtrusive and oppressive building which heavily overlooks the communal areas and many windows of Danes and Empire Courts. It’s a shame that Brent has allowed such a loss of amenity without securing improvements or contributions to offset the loss. If it has been secured, the residents have not seen any actual improvements as a result of this | 38-40 |
| Any further proposed development via increased density should positively impact the lives of existing residents and empower them. The previous scheme (hotel, restaurant, viewing gallery) would invite and attract residents and the public and would be useful to them while another exclusive student development would not | 38-40 |
| These student developments only serve to make money for their developers at a complete loss of amenity to existing residents | 38-40 |
| Brent Council should be encouraging developments which improve, regenerate and uplift the area and contribute facilities and amenity for the actual residents of Brent and are of public benefit | 38-40 |
| Some of the existing students use the open space in Danes and Empire Courts | 41 |
| Victoria Hall, which was shortlisted as one of the ugliest new buildings in the country provides evidence of the appalling quality of submissions accepted by Brent | 42 |

Internal consultees:**Safer Streets / Environmental Health:**

No objections subject to conditions regarding contaminated land, remediation, air quality and sound insulation.

Highways:

The comments from Highways have been summarised in the Remarks section of this report.

External consultees:**The Greater London Authority**

The scheme is due to be presented to the Mayor of London on 14 August. The Mayor's formal Stage 1 response will accordingly be discussed in the Supplementary Report. However, your officers have discussed the report that will be presented to the Mayor with GLA officers.

They have highlighted that they intend to raise the following issues:

Demand for student accommodation: A demand assessment should be submitted for consideration.

Highways: A blue badge parking space should be provided for the development and additional cycle parking should be proposed.

Energy: GLA officers have concerns regarding the technical feasibility of the proposed biomass boilers and have requested further clarification regarding the calculations of energy and CO2.

With regard to these issues, the demand assessment will be discussed within the Supplementary Report. Highways have commented that the provision of a blue badge parking space is acceptable on the highway opposite the site and TfL have confirmed that this is likely to be acceptable. Cycle parking is now proposed at a ratio of 1 space per 2 students and it now meets the Council's standards. TfL have requested that two public spaces (Sheffield stands) are provided and this has been required by condition. The applicant is reconsidering the energy strategy and may look at alternative options for the delivery of on-site renewables. Further information on these matters will be included within the Supplementary Report.

The Environment Agency (The EA)

No objection subject to a recommended condition.

Thames Water

Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the LPA look to approve the application, Thames Water request that a Grampian condition is imposed which specifies that development shall not commence unless a drainage strategy detailing any on-off site drainage works is submitted to and approved by the LPA in consultation with the sewerage undertaker.

Informatives are recommended regarding the installation of a non-return valve, surface water drainage, petrol/oil interceptors for any car parks, and fat trap on all catering establishments.

Wembley National Stadium Limited

| | |
|--|----------------------|
| Comment | See paragraph 28, 34 |
| The application does not include a noise assessment or other evaluation of noise levels on event days. This information should be provided prior to determination and conditions that are similar to those attached to planning permission 03/3200 (the Quintain Stage 1 outline consent) should be attached | |
| The application does not refer to event day management | 34 |
| The proposal comprises a 19-storey building. While the Design & Access Statement shows the view from Barn Hill, the Planning Statement notes that a key views assessment and three dimensional digital model will be provided. Have these been submitted? | 8, 34 |

REMARKS**General principle of the use**

1. This site has designations within both the adopted Site Specific Allocations and the Wembley Area Action Plan (submission version). The Site Specific Allocation designation (site W4) includes both Shubette House and Apex House, highlights these sites as a major opportunity for a mix of uses including hotel, residential, retail, office, managed affordable workspace and public space. It highlights that tall building

should have careful regard to the setting of the Stadium and the protected view from Barn Hill. The Wembley Area Action Plan designation (site W15) includes Karma and Apex House as Shubette House has now been completed. This highlights the potential for uses such as hotel, residential and commercial uses such as affordable workspace.

2. The Wembley Area Action Plan sets a maximum limit for Student Accommodation within the Wembley Growth Area at 20 % of the projected increase in population. This emerging policy looks to ensure that the provision of student accommodation does not affect the delivery of homes or result in an unbalanced population. The Area Action Plan sets out that approximately 2,636 student rooms have been either constructed or consented and that this comprises less than 10 % of the projected increase in population. As such, this consent would not result in the proportion of student rooms exceeding the 20 % level.

Layout and design

3. With regard to layout, the Area Action Plan designation highlights that a Courtyard type development as detailed within the Wembley Masterplan is favoured for the site. The initial proposals reflected this general layout. However, concerns were raised regarding the potential effect on the light and outlook for the existing homes within Danes Court. As a result the applicants revised the scheme to retain a level of openness (when viewed from Danes Court) to that within the existing (hotel) consent. The south-wing of the building does not project outside of the envelope of the existing (hotel) consent and as such, provides an equal or greater level of openness to the existing scheme, depending on where the scheme is viewed.
4. The proposed building comprises three wings of differing heights, with the lowest wing situated closest to the existing homes at Danes Court. The proposed building is taller than the hotel consent relating to this site, but lower than the taller element of the adjoining Shubette House development (which is 3.5 m higher above datum) and the nearby Victoria Hall student building (which is 6 m higher above datum).
5. Elements of the building are situated close to the footway, with recessed elements of the building at ground and upper ground floor level creating a greater sense of openness within the frontages. The proposal includes windows that are relatively close to the boundary with adjoining sites. Whilst the Council does not have standards for outlook for student accommodation, consideration is given to the privacy of any adjoining homes and the development potential of adjoining sites.
6. The proposal includes changes to the design of the junction of North End Road and Albion Way, the provision of an on-street servicing bay and the adoption of some land within the site as public highway to provide additional footway. Soft landscaping is proposed within the site frontage. Cycle and refuse storage is provided at ground level within the north-eastern side of the site, with the cycle and refuse store covered by a green roof which also provides an amenity space for students.
7. The varied use of materials is proposed to create visual interest, with a combination of solid panels, perforated panels and glass proposed. The perforations are to be designed by an artist and room ventilation will be incorporated into these. Two storey oriel windows are proposed in a number of locations to provide further interest within key facades. It is proposed that the colour palette for each wing will be complementary but will be chosen to differentiate between each wing. Anodised aluminium is suggested for the cladding panels. Your officers consider that the proposed building has the potential to be interesting as shown in the submitted images. This is highly dependent on the success of the materials that are chosen and the detailing of the fixings and junctions between materials. A condition is recommended regarding this.
8. With regard to the protected views to the Stadium, the site is situated close to the viewing cone from Barn Hill (Long/middle distance view 1 from UDP Policy WEM19 and view 1 as identified within policy WEM6 of the emerging Wembley Area Action Plan submission version). The submitted view (within the Design and Access Statement) demonstrates that the proposal does not have a detrimental impact on that view. The proposed development is set sufficiently away from the viewing cones from the other protected views to the Stadium and views from those locations are not considered to be necessary.

Landscaping

9. The proposed building covers the majority of the site. However, tree and shrub planting has been proposed within the street frontage, to the south of the building and on the roof terraces. The landscaping proposals represents a significant improvement over the hotel consent relating to the site which included very little soft landscaping. This proposal maximises the use of the use of roofs and ground level spaces within the site for both amenity purposes (for student) and the provision of soft landscaping and your officers consider that the landscaping proposals are acceptable subject to conditions regarding the further details regarding the proposals.

Mix and quality of accommodation

10. A total of 450 student rooms are proposed, of which 340 are standard “cluster” rooms (ensuite rooms sharing a kitchen/living/dining room), 65 are standard “studio” rooms, 44 (9.8 %) are wheelchair accessible studio rooms and 1 is a “staff suite”. The Studio units are typically 18.5 square metres in size while each ensuite room within a cluster is approximately 13.5 square metres in area. Wheelchair accessible rooms are typically 20 square metres. Whilst the Council does not have adopted standards relating to the quality and mix of student units, the proposed room sizes are typical of other proposals that have been approved within Wembley, as is the ratio of cluster rooms to studio rooms. Whilst the number of wheelchair accessible rooms is marginally below the London Plan standard (9.8% rather than 10 %), this is considered to be acceptable. Communal rooms and facilities are provided on the ground floor, with outside space situated at ground level and on roof terraces.

Daylight and Sunlight report

11. Daylight and sunlight analysis was used by the applicant to inform the orientation and massing of the scheme in order to limit the potential impacts of the propose relating to daylight and sunlight of nearby existing homes. A daylight and sunlight has been submitted which evaluates the potential impacts of the proposed development on the surrounding properties and in particular, the nearby homes at Danes Court. The development has been tested using the BRE guidance, “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice” 2nd Edition, 2011 and B 8206 – 2: 2008 “Lighting for Buildings – Part 2: Code of Practice for Daylighting”
12. The report highlights that the proposal will accord with the guidance levels in relation to daylight for the majority of the windows within nearby properties with one exception. This window is under an existing balcony and next to a return wall, which already restrict the levels of daylight. The report notes that the associated room is also served by another window which continues to meet the guidance levels for daylight. The report looks at the difference between the consented (hotel) scheme and the current proposal, and specifies that the levels of daylight between the two schemes are similar, with average reductions associated with the current proposal being 1 % at Victoria Hall and 5.3 % at Danes Court when compared with the hotel consent.
13. With regard to sunlight, the proposal accords with the guidance and standards. When compared to the consented (hotel) scheme, levels of sunlight are improved for some windows, remain the same for others and are reduces slightly for others, with all remaining within guidance levels. The report sets out that there are no gardens that will be affected by the proposal in terms of overshadowing.
14. Your officers consider that submission confirms that he proposal materially complies with the relevant guidance and standards for daylight and sunlight in terms of the impact on existing homes in the vicinity.

Highways

15. This site is located on the south-eastern corner of the priority junction of Albion Way and North End Road (two local access roads). At present, they terminate in a cul-de-sac to the northwest, but there are detailed design proposals included in the Wembley Area Action Plan to construct a new road connection between the end of North End Road and Bridge Road, to provide a new through route into the area from the west. On-street parking outside the site is prohibited all times, due to its location adjoining a road junction. There is unrestricted parking available nearby along the northern side of North End Road, though this is restricted to permit holders only between 10am and midnight on Wembley Stadium event days. These spaces are generally very well used during the day, although overnight parking is light. Public transport access to the site is very good (PTAL 5), with Wembley Park Underground station (Jubilee and Metropolitan lines) and seven bus routes within 640 metres.
16. A secure cycle store to accommodate 225 bicycles is proposed together with works to the junction and highway to provide a new on-street loading bay. No off-street car parking is proposed.
17. The Council's car parking standards would allow a maximum of 28 spaces as a part of the proposal. The omission of any car parking spaces accords with these standards and given the nature of the use and the level of public transport accessibility, the omission of parking spaces is considered to be acceptable. Highways have recommended that the scheme is “parking permit restricted” where occupants are not eligible for on-street permits in the event that a Controlled Parking Zone is implemented. Levels of cycle storage are in accordance with the Council's standards.
18. Objectors have noted the high levels of parking in the area and one objector has commented that the introduction of CPZs is unfair on existing residents who must thereafter pay for parking permits. Your

officers sympathise with this resident and acknowledge that the residents who do not have access to off-street parking and wish to park on street may need to pay for a parking permit (currently between £0 and £214 depending on vehicle emissions). However, such measures are often required to ensure that those residents can still park where new development is built. The nature of the area around Wembley Stadium is changing and a significant number of new homes and jobs are to be sought within this area to meet government targets for homes and employment but also to improve the area for existing and future residents and occupiers. Planning consent has been already been granted for numerous new shops, cafes, restaurants and bars, other businesses and community facilities. These developments will help to change the nature of this part of Wembley which was previously occupied by a number of large warehousing and light industrial buildings in varying states of repair and occupation. While most people who live within or visit the new developments will travel by public transport, the provision of Controlled Parking Zones in the surrounding areas is often a necessity if we are to minimise the potential impacts of over-spill parking on existing residents.

19. Highways have noted that the refuse storage area is in excess of 10 m from the proposed loading bay and therefore is greater than the distance specified within the Council's Waste guidance. However, the agents have confirmed that refuse collection will be undertaken by private contractors. As such, the distance to the refuse store is considered to be acceptable.
20. Loading and unloading of students' possessions at the start and end of the academic year can result in vehicles blocking the highway and as such, highways have recommended that a management plan relating to the use of the loading bay and staff assistance for students is secured through condition or section 106.
21. Changes within the public highway were initially proposed, including the provision of a new layby on the public highway and the adoption of land within the site as new public highway to allow the provision of the footway. Highways objected to the revised layout that was submitted due to the inadequate width of the footway that was proposed. In response to recommendations from Highways, the applicant has submitted a subsequent revision which includes the provision of a 2.4 m wide footway, a loading bay and a revised junction layout which prioritises the route from the northern end of North End Road to Albion Way, which is a strategic objective of the Council. This proposal includes the dedication of land along the majority of the frontage of the site as new public highway and significant improvements to footway width and highway alignment. Highways have commented that the revised layout is acceptable in principle, subject to the outcome of a safety audit.
22. The applicant has submitted a Transport Statement and draft Travel Plan which examines the projected number of trips associated with the development and the likely modal split. Highways note that the proposal is unlikely to have any significant impact on traffic flows in the area whilst the high number of bus, rail and tube services in the area mean that the development is not likely to have a significant impact on public transport services.
23. The draft Travel Plan has been assessed using TfL's ATTrBuTE software and is not of sufficient quality to score a pass mark. It is accordingly recommended that a revised travel plan is secured through condition or Section 106. Highways have also requested that Section 106 contributions are sought towards highways and sustainable transport infrastructure in the locality. However, this is now secured through the Community Infrastructure Levy.

Archaeology

24. This application is supported by a desk based archaeological assessment which concludes that the potential for archaeological features has been significantly impacted by the previous development of the site, including the construction and demolition of the 1920s restaurant and the existing 1970s building. The report specifies that the combined impacts of known previous activity indicated that the potential for archaeology from all periods to remain in situ within the site is considered to be low, and no further archaeological intervention is proposed. Your officers concur with the findings of this report.

Flood Risk Assessment

25. The applicant has submitted a Flood Risk Assessment (FRA) as parts of the site fall within Flood Risk Zone 2 (moderate risk). The FRA confirms that whilst the north-eastern corner of the site is at risk for a 1:100 year flood (zone 2), the development itself is not at a medium or high (level 2 or 3) risk of flooding. It confirms that greenfield runoff rates will be achieved and proposes the use of permeable paving and green roofs. The Environment Agency have considered the proposal and have commented that the proposal is in compliance with the National Planning Policy Framework providing the measures identified in the Flood Risk Assessment are secured by condition.

Television reception

26. An assessment of the potential impact of the proposal on television reception was submitted with this application, modelling both digital terrestrial television (Freeview) and satellite. The assessment reported that no adverse impacts have been identified by the modelling and that no mitigation measures are required.

Air Quality

27. An Air Quality Assessment has been submitted for this application as the site is within an Air Quality Management Area. Safer streets have recommended that conditions are attached to ensure that the proposal does not impact on air quality with the area.

Noise

28. The proposed student accommodation is close to a very busy area which also experiences noise associated with Wembley Stadium events. Your officers therefore recommend that a condition to ensure that acceptable internal noise levels are achieved within the accommodation.

Contamination

29. A Phase I Contaminated Land Desk Study has been submitted. This concludes that a site investigation is required given the history of the site. Conditions regarding the approval of a Site Investigation, Remediation Report, Validation report and associated certificates are recommended by Safer Streets.

Wind environment

30. An assessment of wind environment has been submitted which confirms that the proposed development is not expected to have any significant impact on pedestrian level wind conditions within the area and that conditions in and around the site will be safe for all users.

Thames Water Comments

31. Thames Water has recommended that a Grampian condition is attached requiring details of on off site drainage works. Such a condition is recommended. However, this has been tied to the piling of foundations due to the tight timeframes for the delivery of this development that have been set out by the developer.

32. Informatives have been recommended. These have been incorporated, save for the ones regarding the petrol / oil interceptor (due to the lack of any car parking/washing/repair facilities) and fat traps (as there are no catering establishments).

Response to comments and objections

33. Some of the comments have been discussed previously within this report. This section of the report will consider and discuss those comments that haven't been addressed already.

34. Wembley National Stadium limited has commented that the proposal does not refer to event day management. Vehicle access to the site is for servicing/delivery vehicles only and students will generally travel to and from the site using public transport. As such, event day travel arrangements can be covered through the Travel Plan. The management plan for the loading bay can also look to discourage students dropping off goods during key times on Stadium Event days. The site is not situated on one of the main routes to the Stadium and therefore is unlikely to experience high volumes of people on the adjoining footpath. As such, the proposed layouts and suggested conditions are considered sufficient to address event day conditions in Wembley. The points raised by the Stadium regarding noise and the protected views to the Stadium have been discussed previously.

35. Security / concierge / cctv: It is considered likely that staff will be on site at all times given the nature of the building and the staff facilities and the communal facilities for the student have been sited in locations which will allow good levels of natural surveillance of the adjoining street. However, your officers do not consider it appropriate to attach a condition requiring 24 hour security or a concierge. Whilst CCTV can help to reduce crime in some instances, good levels of natural surveillance are considered to be far more effective in achieving this.

36. Drop-off point: The proposal does include a drop-off / loading bay as discussed previously within this report. Highways consider that the location of this to be acceptable in principle, but have requested a safety audit to be undertaken.

37. Demographic in the area, skewed towards student housing rather than permanent homes: This matter is

covered by the emerging Area Action Plan policy which looks to ensure that no more than 20 % of the new residents are students. In the short term it is possible that the proportion of students who reside within this area are above this level if the student housing schemes come forward before the development of the other sites in the locality. However, this policy looks to ensure that an appropriate balance is achieved in the medium to long term.

38. Developments should improve the access to amenities for existing residents: This scheme includes improvements to the road layout and an increase in the width of the footway adjacent to the site. In addition to this, significant contributions will be payable under the Community Infrastructure Levy towards social and physical infrastructure, a proportion of which must be spent locally. As such, whilst the developers will naturally hope to make a profit from the development, it will contribute significantly to the amenities for existing and future residents and occupiers.
39. The Victoria Hall scheme included financial contributions under Section 106 of approximately £76,000 toward sports facilities, £52,000 towards local transport infrastructure (within the Wembley Regeneration Area) and £141,000 towards open space. The transport infrastructure contribution has been spent on a highways project to improve the environment for residents and occupiers within Wembley but not on North End Road. The sports and open space contributions have been received but have not been spent yet.
40. The need to provide facilities for existing and future residents is a key thread of the 2009 Wembley Masterplan, the LDF Core Strategy 2010 and the Wembley Area Action Plan (proposed submission version). Rather than providing facilities on all sites, these plans project out the likely requirements for social and physical infrastructure and locations where these may be suitable.
41. Students from the Victoria Hall scheme use the gardens of Danes and Empire Court: The current proposal includes reasonable levels of external amenity space within the site at ground level and within terraces. As such, this should help to ensure that students do not try to use other privately owned spaces in the area.
42. The design and appearance of the Victoria Hall scheme, designed by the internationally renowned architect Piers Gough of CZWG, has attracted discussion since it was first proposed. It was approved on appeal by the Planning Inspectorate in 2008. It was nominated for the "Carbuncle Cup" in 2012, a competition run by architectural newspaper BD which comprises development that are nominated by the public. It did not make the shortlist, which included developments such as "The Orbit" tower designed by Anish Kapoor and Cecil Balmond for the 2012 Olympics and the Shard End Library in Birmingham, designed by IDP Partnership. The cup was "won" by Grimshaw Architects Cutty Sark Visitor facilities in Greenwich. Opinion is often divided regarding the design of buildings that differ from the standard forms and materials. However, the design merits of the Victoria Hall scheme are not relevant to this application which must be considered on its own merits.
43. Images of this proposal have been incorporated into the Design and Access Statement.

Summary

44. The proposed provision of 450 rooms of student accommodation is considered to maintain an appropriately balanced community in the medium to long term as it does not exceed the minimum set out within the emerging Wembley Area Action Plan. The layout and design of the building has been informed by the views from the nearby Danes Court homes, looking to ensure that on balance, a similar level of openness are achieved when viewed from those properties. Whilst the proposed building is taller than that the consented scheme on this site, it is lower than the nearby Shubette House and Victoria Hall buildings and does not have an adverse impact on any protected views to the Stadium. The scheme has been designed to ensure that the proposed building meets the BRE guidance relating to daylight and sunlight with regard to its impact on the windows of the nearby Danes Court building. Only one window falls below BRE Guidance levels for daylight and that room is served by another window that achieves the BRE levels. In terms of design and appearance, the proposed building has the potential to look interesting provided a high quality of materials and detailing is secured through condition.
45. The scheme is considered acceptable in highways terms with no significant impact projected on the public highway or public transport infrastructure. It is recommended that a variety of Transportation measures are secured through condition and the Section 106 agreement, including a revised Travel Plan, a parking permit restriction, a management plan for the loading bay and works to the highway under a Section 38/278 agreement. Those works include the realignment of the adjoining junction, the provision of an on-street loading bay and the provision of additional land within the site as adopted highway. These

works will be beneficial to the wider community as well as being necessary for the scheme.

46. Conditions are also recommended regarding flood risk, contamination, noise, air quality and waste water infrastructure.

Your officers accordingly recommend that the Council resolve to grant planning permission subject to conditions and a Section 106 legal agreement, and subject to referral to the Mayor of London.

REASONS FOR CONDITIONS

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
LDF 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):

AL-001
AL-002
AL-003
AL-004
AL-020
AL-021
AL-022
AL-023
AL-024
AL-025
AL-026
AL-028
AL-045
AL-050
AL-051
AL-060
AL-061
AL-062
AL-063
AL-064
AL-065
AL-066
AL-067
AL-068

"Design and Access Statement" dated 2 August 2013

"Transport Statement" dated 7 August 2013 reference CS/066094/D_001A

"Wind Environment" dated 7 August 2013

"Daylight and Sunlight Report" dated 5 July 2013 reference 34128/IM/kem

"Phase 1 Contaminated Land Desk Study" dated 24 June 2013 reference CS/066094/Phase 1

“Sustainability Statement” dated 2 August 13 reference PP-02687330
“Flood Risk Assessment” dated 26 July 2013
“Air Quality Assessment” dated 7 June 2013 reference 01
“Television Reception Impact Assessment” dated 6 June 2013
“Archaeological Desk Based Assessment” dated 6 June 2013
“Planning Statement” dated June 2013

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

- (3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 26 July 2013 produced by Capita Symonds and the following mitigation measures detailed within the FRA:
1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 2. Finished floor levels are set no lower than 31.71 m above Ordnance Datum (AOD).
- The mitigation measures detailed within the “Flood Risk Assessment” by Capita Symonds date 26/07/2013, hereby approved, shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing, by the local planning authority.

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

- (4) The student accommodation hereby approved shall be occupied by Students for a period of not less than 39 weeks in any year unless otherwise agreed in writing by the Local Planning Authority. For the purpose of this condition, Students are defined as any person enrolled on a full time UK accredited and based further education course at a recognised higher education institution for not less than 80 % of the course time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the accommodation meets an identified need and contributes towards a balanced community.

- (5) All existing crossovers rendered redundant by this proposal shall be reinstated to footway at the applicant's own expense and to the satisfaction of the Council's Director of Transportation prior to first occupation of the new development.

Reason: In the interests of traffic and pedestrian safety.

- (6) The development hereby approved shall not be occupied until such time as Certificates of Substantial Completion have been issued for the alterations to the existing adopted highway under an Agreement pursuant to Sections 278 of the Highways Act 1980 and the construction of the new areas to be constructed as new footway to an adoptable standard, and those elements of new footway within the site have been offered to the Local Authority for adoption as public highway pursuant to Section 38 of the Highways Act 1980, unless otherwise agreed in writing by the Local Planning Authority. The works and land to be offered for adoption shall be in accordance with drawing AL-050 (or other such plan as is approved in writing by the Local Planning Authority pursuant to this condition), including the works to the junction and footway, including the realignment of the junction, provision of the loading bay and new footway. The works shall be at the developers own expense and the land shall be offered for adoption at no cost to the Council.

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

- (7) Details of materials for all external surfaces of the building and all other external works (including samples where necessary) and the detailing of the key fixings and junctions between different materials shall be submitted to and approved by the Local Planning Authority prior to works commencing on the superstructure 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.

- (8) 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 in prior to the piling of foundations on the site 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 / green roof substrate profiles where applicable), details of the extent and type of native planting, any new habitats created on site and the treatment of site boundaries and buffers around water bodies;
- 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.

- (9) Detailed drawings which show the layout and cycle stands for the cycle storage areas together with the provision of two publicly accessible Sheffield stands within the site frontage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the superstructure and the development shall be carried out in full accordance with the approved details 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.

- (10) Unless otherwise agreed in writing by the Local Planning Authority, the piling of foundations for this development shall not commence unless a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed unless otherwise agreed in writing by the Local Planning Authority.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- (11) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior the commencement of works on the superstructure 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. The approved details shall be implemented in full prior to first occupation of the development.

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

- (12) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the superstructure, that

includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users.

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

- (13) Any remediation measures required by the Local Planning Authority pursuant to condition No. 12 shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- (14) The Combined Heat and Power and Biomass units installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Assessment. Prior to the commencement of the use, details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met shall be submitted to and approved in writing by the Local Planning Authority. This shall include proposed mitigation measures if the submission demonstrates that the emissions standards have not been met and the approved measures shall thereafter be implemented in full. The units shall be maintained thereafter in such a way as to ensure that these standards continue to be met.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- (15) 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, taking into account likely noise levels from Wembley Stadium events:

| Time | Area | Maximum noise level |
|---------------------------------|--------------|--------------------------------|
| Daytime noise 07:00-23:00 | Living rooms | 35 dB LAeq (16hr) |
| Night time noise 23:00-07:00 | Bedrooms | 30 dB LAeq (8hr) 45 dB LMax |

Details demonstrating that the above noise levels will be met shall be submitted to and approved in writing prior to the construction of works on the superstructure and the approved details shall be implemented in full. A test shall be carried out prior to the discharge of this condition to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To ensure a satisfactory standard of accommodation for future residents.

- (16) Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority detailing measures that will be taken to control dust, noise and other environmental impacts of the development and the approved details shall thereafter be implemented.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (17) Details of any air-conditioning, ventilation and flue extraction systems including particulars of noise levels and any associated noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such systems. The approved details shall thereafter be fully implemented.

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

- (18) A Student Management Plan detailing measures to manage the use of the on-street servicing bay hereby approved during key periods including the periods when students will load and unload possessions at the start and end of the college year, the pre-booking of arrival times and staff resourcing to assist this and having regard to Stadium Event day conditions, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use and the approved details shall be implemented in full.

Reason: In the interest of highway and pedestrian safety and flow, and parking saturation in the locality.

- (19) Details demonstrating that the developer of constructor has joined the Considerate Constructors Scheme shall be submitted to the Local Planning Authority prior to commencement of works and the developer or constructor shall thereafter adhere to the requirements of the Scheme for the period of construction.

Reason: In the interest of the amenities of the adjoining and nearby owners and occupiers.

- (20) A Construction Logistics Plan, setting out how deliveries to the land during the construction of the Development will be managed so as to optimise traffic operations and minimise disruption as also minimise the environmental impact of freight activity, shall be submitted to and approved in writing prior to the commencement of the development and the approved plan shall thereafter be implemented.

Reason: In the interest of highway flow and safety.

- (21) Prior to first occupation of the development confirmation that a minimum of 44 Wheelchair Accessible rooms of student accommodation have been delivered within the development shall be submitted in writing to the Local Planning Authority.


Reason: To ensure a development that is sufficiently accessible.

INFORMATIVES:

- (1) 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.
- (2) 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.
- (3) The Environment Agency advise that developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers.
- (4) The Environment Agency advise that if piling is proposed, a Piling Risk Assessment will be required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers. A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.
- (5) The Environment Agency recommend that developers follow the risk management framework provided in their guidance for 'Piling into Contaminated Sites' and also refer to the document: 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention.

REFERENCE DOCUMENTS:

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

| | |
|---|---|
|  <p>Brent</p> | <p>Planning Committee 21 August 2013</p> <p>Report from the Strategic Director of Regeneration & Growth</p> |
| For Information | Wards affected: ALL |
| Appeals Decision Monitoring: April – June 2013 (Q1) | |

1.0 Summary

- 1.1 This report follows previous monitoring information presented to the Members on 13 February 2013 and 17 June 2013, providing recent information and analysis of appeal decisions for the period of April - June 2013 (First Quarter: 2013/2014).
- 1.2 The purpose of the analysis is to provide the following outcomes:
- To help evaluate how saved Unitary Development Plan (UDP) policies and Council's supplementary guidance (SPGs and SPDs) are currently being used in determining planning applications and help to ensure that the Council's new development plan documents (DPDs) being developed through the Local Development Framework (LDF) process are usable, effective in terms of development management and can be successfully defended at Appeal;
 - To identify areas where Appeal Statements and/or Officer Reports can be strengthened to further justify reasons for refusal;
 - To consider whether a revised approach should be taken when assessing applications if it is identified that the Planning Inspectorate consistently allows appeals on a particular ground.

2.0 Recommendations

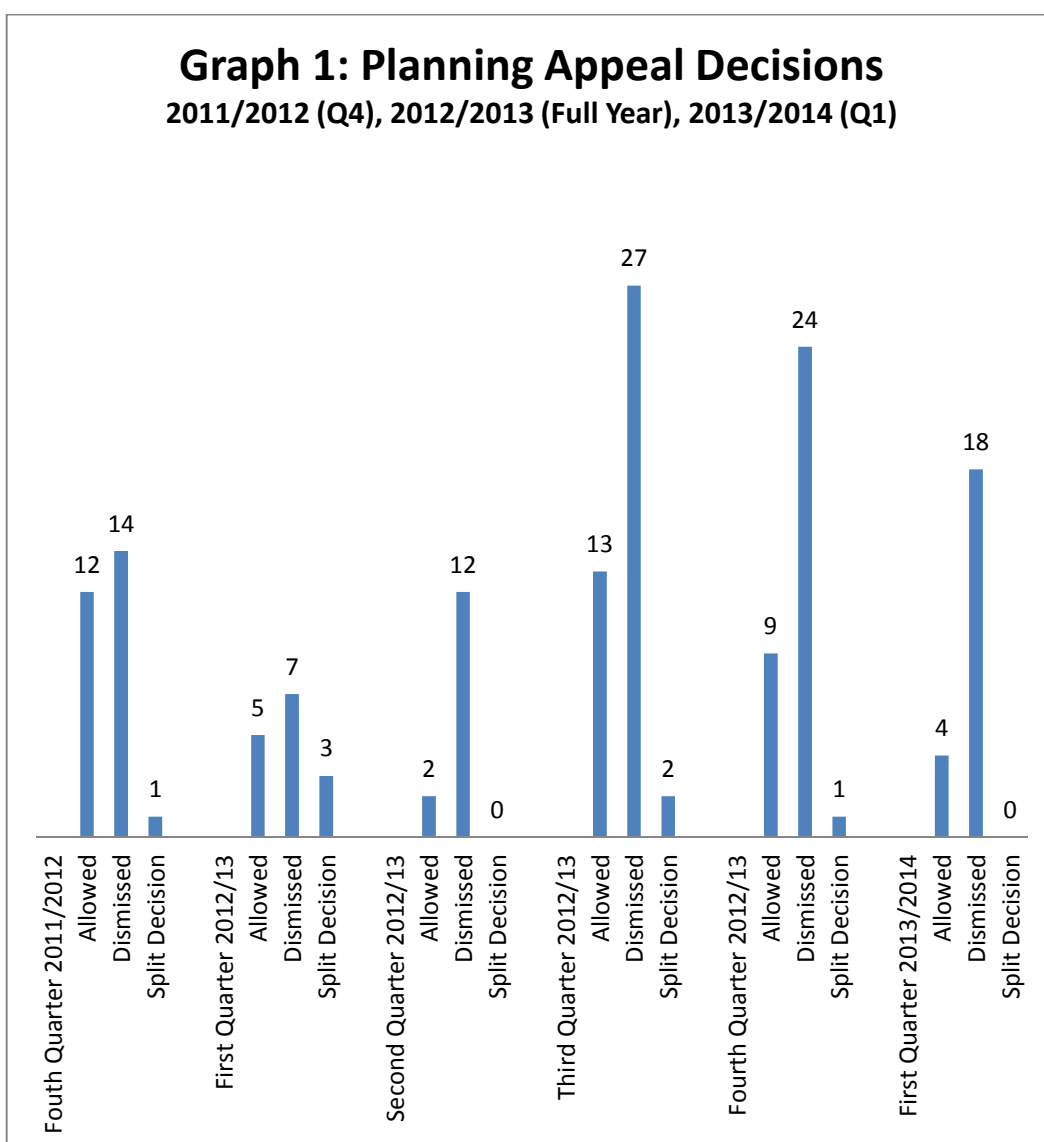
- 2.1 This report is a summary of appeal monitoring and is for information only.

3.0 Background Information

Planning Appeal Decisions

- 3.1 Between 1 April 2013 and 30 June 2013 (2013/2014 – Q1), the Council determined a total of 810 planning applications; of these applications 83% were granted and 17% were refused.

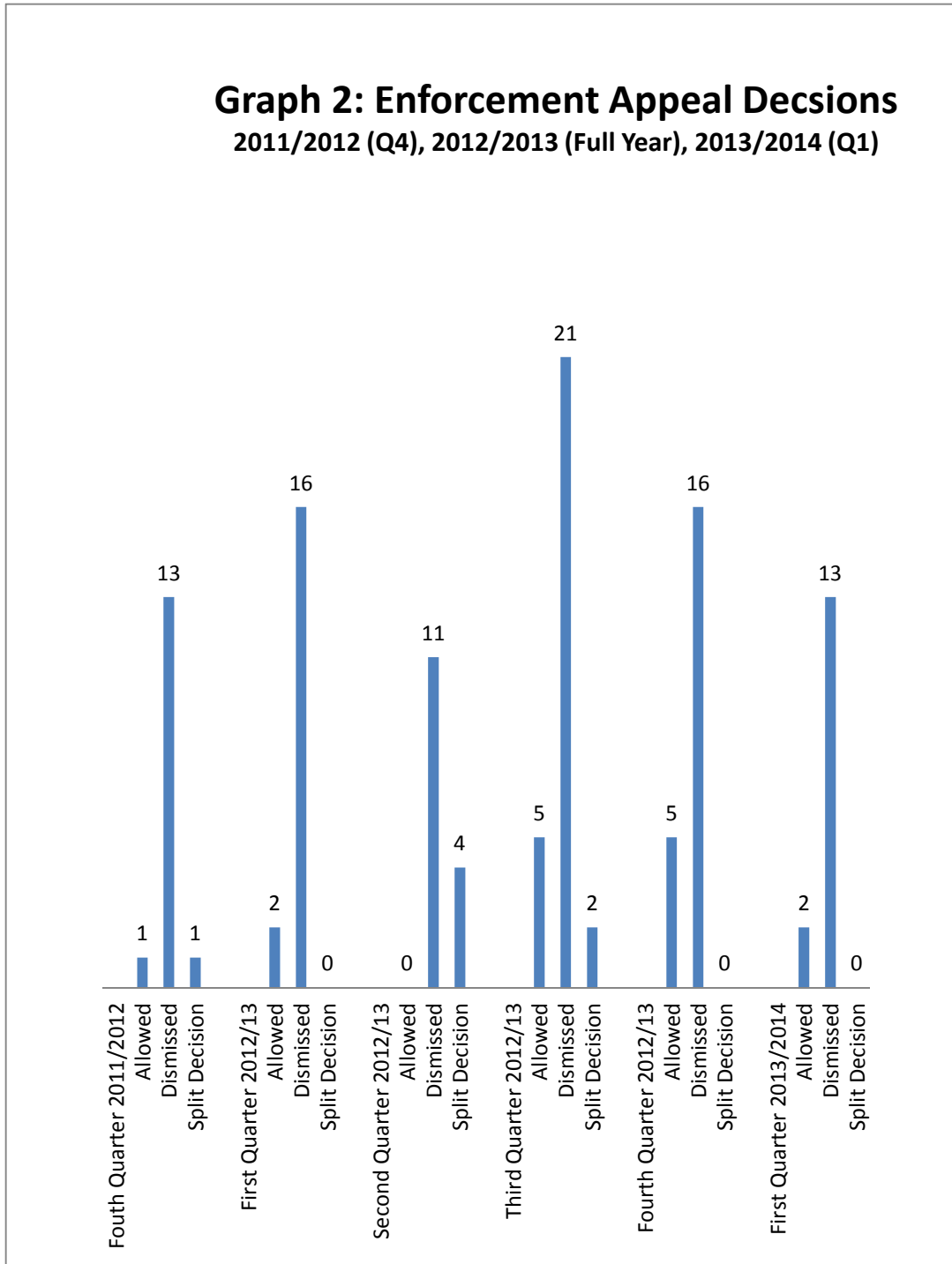
- 3.2 During this period, 22 appeal decisions were issued by the Planning Inspectorate. *Graph 1: Planning Appeal Decisions* shows the proportion of planning appeals which were 'Allowed', 'Dismissed' or where a 'Split Decision' has been issued, comparing the periods 2011/2012 (Q4), 2012/2013 (Full Year) and 2013/2014 (Q1).
- 3.3 For information, whilst the Planning Inspectorate has the authority to issue a 'Split Decision' (where part of the proposal is part allowed and part is dismissed) the Council is not able to issue this type of decision. In these cases, whilst the Council may have found part of the scheme acceptable, the entire proposal is refused.



- 3.4 The graph shows that the Council was successful in defending the majority of appeals across the period of analysis. In addition, performance has improved in the most recent quarter with 82% of appeals dismissed in the first quarter of 2013/2014.

Enforcement Appeal Decisions

3.5 Between 1 April 2013 and 30 June 2013 (2013/2014 – Q1), the Council issued 50 enforcement notices.



3.6 *Graph 2: Enforcement Appeal Decisions* shows that the Council continues to be successful in defending the majority of enforcement appeals across the period of analysis.

4.0 Further Analysis of Appeal Decisions

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

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

'Not Upheld' the Planning Inspectorate agreed with the Council's decision

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

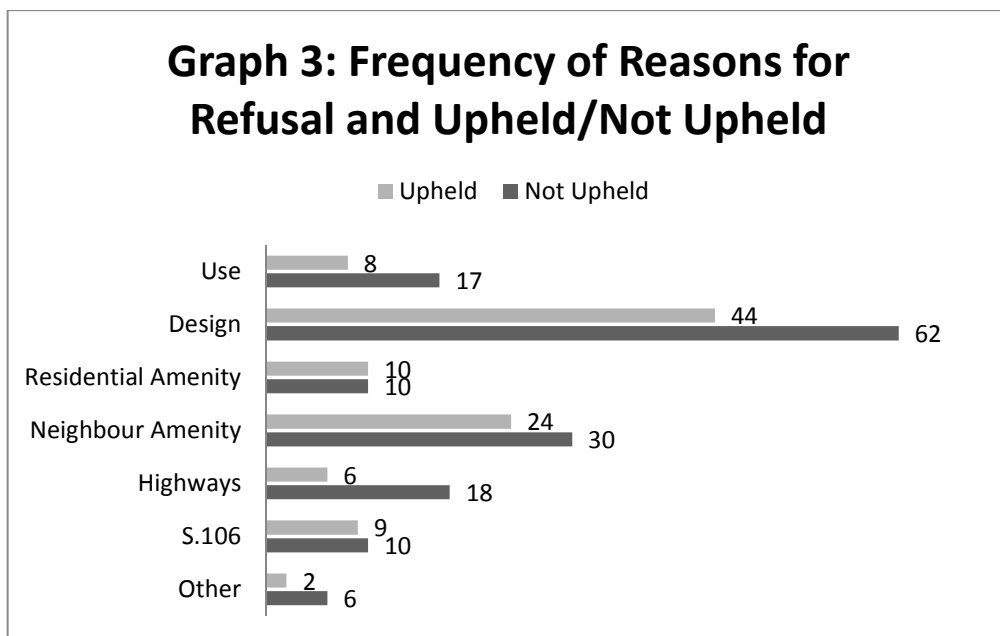
Table 1: Categorising Reasons for Refusal

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

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

4.3 Collating the recent appeal data with previous analysis will assist in identifying clear patterns. *Graph 3: Frequency of Reasons for Refusal and Upheld/Not Upheld* strengthens previous conclusions drawn that:

- A 'Design' reason for refusal can be quite difficult to defend at appeal. The data shows that in 44 cases over the review period, the Planning Inspectorate did not agree with the Council's determination that the design of a proposal was unacceptable (in 42% of cases where design reason cited). It is recommended that further analysis is carried out to help inform the development of new guidance and when producing DPDs. It is anticipated that guidance documents recently adopted for the Barn Hill Conservation Area and Queens Park Conservation Area, which provide greater clarity on acceptable forms of development, will assist the Council when defending 'design' reasons at appeal. This work is being extending to include other conservation areas.
- The data indicates that when refusing an application on the grounds of the impact on 'Neighbouring Amenity', the Council was successful in defending this reason in 55% of cases. A similar result was highlighted in the previous report where it was identified that in some cases, in particular for side infill extensions to terraced properties, different views have been taken by the Planning Inspectorate. Updated guidance will provide greater clarity on these points. Guidance on side infill extensions has been included in the adopted Queens Park Design Guide where this type of extension is often proposed.



Notable Issues

4.3 There have been a number of decisions within this quarter which have already been quoted in the Officer reports when determining similar types of applications. Of particular relevance is a decision relating to whether an outbuilding could be considered incidental where it contained a shower and toilet.

4.4 The Planning Inspectorate agreed with the Council's decision to refuse a certificate of lawfulness for single storey outbuilding which contained shower

facilities; the building was not considered to be incidental to the enjoyment of the dwellinghouse (LPA Ref:12/2547). In his decision, the Planning Inspectorate states that "...the Appellant has failed to discharge the onus of proof to show that the proposed building would be permitted development because it incorporates primary living accommodation in the form of a shower room and a toilet, which is not an incidental purpose." (Appeal Decision APP/T5150/X/13/2193479)

5.0 Conclusions

5.1 Including more recent appeal data helps to clearly identify trends. This will ensure that further work, in particular when updating guidance documents, can focus on these specific issues.

5.2 On 30 May 2013, the permitted development allowance changed and a new 'Prior Approval' procedure was introduced relating to single storey rear extensions (between 3 metres and 6 metres for an attached house and between 4 metres and 8 metres for detached houses). The Council has received a total of 146 household prior approval applications and determined 43.

5.3 To date only one valid appeal has been made to the Planning Inspectorate where prior approval was refused due to the amenity impacts of the proposed extension on neighboring properties. It will be important to monitor the outcome of appeals decisions for prior approval applications to assist in the assessment of future applications.

6.0 Legal Implications

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

7.0 Diversity Implications

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

8.0 Staffing/Accommodation Implications

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

9.0 Environmental Implications

9.1 The aim of these documents is to ensure development is in compliance with the Council's adopted policy

10.0 Background

10.1 Sourced from Brent's IT system - Acolaid

Contact Officers

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Andy Donald, Strategic Director of Regeneration & Growth