



Planning Committee

Wednesday 18 September 2013 at 7.00 pm

Conference Hall - Brent 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:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Boardrooms 7 and 8

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 held on 17 July 2013		1 - 8
Extract of Planning Code of Practice		
NORTHERN AREA		
3. Brent Town Hall, 54 Forty Lane, Wembley, HA9 9HU (Ref. 13/1996)	Barnhill	13 - 34
4. Brent Town Hall, 54 Forty Lane, Wembley, HA9 9HU (Ref. 13/1995)	Barnhill	35 - 68
SOUTHERN AREA		
5. 227B, 229B, 231B and 233B, All Souls Avenue, London, NW10 3AE (Ref.13/1640)	Brondesbury Park	69 - 76
6. Former Kensal Rise Branch Library Building, Bathurst Gardens, London, NW10 5JA (Ref. 13/2058)	Kensal Green	77 - 88
7. 1A-C, 3 & 5A-D INC, Deerhurst Road & Shree Swaminarayan Temple, 220-222 Willesden Lane, London, NW2 (Ref.13/0891)	Brondesbury Park	89 - 104
WESTERN AREA		
8. Olympic Office Centre, Fulton Road, Wembley, HA9 (Ref.13/1512)	Tokington	105 - 114
9. Scout Hut next to 60, Berkhamsted Avenue, Wembley, HA9 6DT (Ref.13/1526)	Tokington	115 - 122
10. CROWN HOUSE, Wembley Hill Road, Wembley, HA9 8AU (Ref.13/1218)	Tokington	123 - 134
11. Olympic Office Centre, Fulton Road, Wembley, HA9 (Ref.13/1522)	Tokington	135 - 154
12. SKL House, 18 Beresford Avenue, Wembley, HA0 1YP (Ref.12/3089)	Alperton	155 - 164
SPECIAL ITEMS		
13. Basement Development in Brent - Response to Consultation on Draft Guidance	All Wards	165 - 176

In response to concerns which have been raised regarding basement development in Brent, a new approach has been proposed and has recently been consulted on. The consultation process invited resident associations and industry representatives to respond to a short survey regarding basement development in Brent, as well as to review the draft guidance on the proposed changes.

PLANNING APPEALS

14. Planning Appeals July - August 2013	All Wards	177 - 248
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15. Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

Site Visits

SITE VISITS – SATURDAY 14 SEPTEMBER 2013

Members are reminded that the coach leaves the Civic Centre at 9.30am

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/2058	Former Kensal Rise Branch Library Building, Bathurst Gardens, London, NW10 5JA	6	Kensal Green	9:50	77 - 88
13/1995	Brent Town Hall, 54 Forty Lane, Wembley, HA9 9HU	3	Barnhill	10:45	13 - 34

Date of the next meeting: Wednesday 16 October 2013

The site visits for that meeting will take place the preceding Saturday 12 October 2013 at 9.30am when the coach leaves the Civic Centre.



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

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 21 August 2013 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), John (Vice-Chair), Cummins, Harrison (alternate for Powney), Hashmi and Kataria

Apologies for absence were received from Aden, Baker, Kabir, CJ Patel, Powney and Singh

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

Marada House, Brondesbury Park, Kilburn, London (Ref. 13/1065)

Councillor John declared that she had been contacted by the applicant.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 July 2013 be approved as an accurate record of the meeting subject to the following clarifying amendment to the declaration made by Councillor Kataria;
the email he received from the applicant was in early June 2013 and that the applicant was not his constituent.

3. **Land of former Scout Hut, John Billam Playing Fields, Woodcock Hill, Harrow (Ref. 13/0687)**

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 ASPECT facility) with adjustments to the boundary with the John Billam playing fields.

RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell, Area Planning Manager, informed members that Gujarati Arya Association London (GAAL) had expressed concerns that the existing use was not following the agreed arrangements set out in the management plan for the car park. They stated that minibuses for the John Billam Resource Centre had been using the incorrect route and had not followed the agreed protocol for parking during sporting events. In reference to the tabled supplementary report, she set out the measures that GAAL had requested to be put in place if planning permission were to be granted.

Members heard from the Area Planning Manager that an existing management plan was in place for the shared use of the car park between GAAL and Brent Council. The management plan set out the times that authorised park users can use the car park and also required Brent Parks Service to provide a list of scheduled events for the year in liaison with GAAL. It also included a provision for annual monitoring of use of the site and a stipulation that GAAL events would take precedence.

Rachel McConnell continued that as the site had been operating for only eight months, the annual monitoring had not taken place to date but that officers would remind both Brent Park Service and GAAL of the agreed protocol as set out in the management plan. In addition, officers had also instructed Brent Transport Service to adhere to the agreed entrance and exit route from the site in response to the concerns raised by GAAL about minibuses for the John Billam Resource Centre driving through the car park rather than along the access road. In reiterating the recommendation for approval, the Area Planning Manager drew Members' attention to amendments as set out in the supplementary report

Mr B Chauhan, objecting on behalf of GAAL, stated that by not adhering to the car park sharing agreement, the Resource Centre were causing traffic congestion in breach of the Transport Management Plan and to the detriment of GAAL. In response to Members' questions, Mr Chauhan stated that the car parking problems were significant on GAAL event days when their visitors required the full use of the car park.

In responding to Members' questions, Rachel McConnell confirmed that as there was no additional space, John Billam Resource Centre had no plans to extend parking capacity. She added that adherence to the Transport Management Strategy would be controlled via conditions. Stephen Weeks, Head of Area Planning clarified that in view of the distance between the site and the nearest residential properties, there would be no resulting detrimental impact on residential amenities. In addition to reviewing the Transport Management Strategy he recommended additional measures including staggering minibus arrival times as set out in the report. Councillor Cummins proposed an amendment for a one year temporary permission with the use restricted to the Neasden Gateway Club which was put to the vote and agreed.

DECISION: Temporary planning permission granted for one year and restricted to use by the Neasden Gateway Club only.

4. 557 Kenton Road, Harrow, HA3 9RS (Ref. 13/0947)

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 – 13:00 & 17:00-2130 Monday to Friday, 0800 - 2130 Saturday to Sunday and 10:00 – 19:00 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 Aparcar Smith Planning Design & Access Statement ref. CA/2349A and Three Counties Flood Risk Assessment dated 19/08/2009)

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

In response to concerns raised by a local resident regarding parking in Kinross Close, Rachel McConnell stated that the applicant had not submitted a Green Travel Plan to the Authority for approval as previously required. She therefore reiterated the recommendation for a one year temporary permission subject to conditions to include a requirement for a Green Travel Plan, with measures to encourage public transport and details of the management of large scale events, to be submitted and approved within 3 months of the date of the decision.

DECISION: Temporary planning permission granted as recommended.

5. 17 & 19 Bermans Way, London, NW10 (Ref. 13/1403)

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

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Members asked that a typographical error in the report on the Community Infrastructure Levy (CIL) be corrected. The contributions would be as follows; Mayor's CIL would be £3,265.50 (93.3sqm x £35); Brent CIL = £18,660 (93.3 sqm x £200).

DECISION: Planning permission granted as recommended.

6. Marada House, Brondesbury Park, Kilburn, London (Ref. 13/1065)

PROPOSAL:

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

RECOMMENDATION: Refuse planning permission with amended reason 2.

Stephen Weeks, Head of Area Planning, referred to the applicant's submitted statement which claimed that the development was in accordance with the National Planning Policy Framework 2012 (NPPF) and local planning policies. In response, he submitted that the planning application failed to comply with the NPPF and the Council's local planning policies. He explained that the statement focussed on the Council's decision to issue an enforcement notice against the unauthorised building whilst failing to address any of the concerns raised in the

Council's reasons for refusal. He reported on the comments and objections made by the Council's Highways Engineer to the application following receipt of the applicant's transport statement. The Head of Area Planning clarified the requirements of the Council's Waste Planning Guidance including the walking distance to the refuse storage area. He submitted that the proposed retention of the existing unit for residential use was considered unacceptable as it would additionally fail to provide acceptable waste storage for the residential unit. He then drew Members' attention to an amendment to reason for refusal 2 as set out in the tabled supplementary report.

Mr Richard Moulds, the applicant's legal representative, submitted that the application which was a creative exercise to provide a satisfactory accommodation complied with the relevant paragraphs of NPPF. He informed Members that the application was a consequence of incorrect advice given by the Council's former planning enforcement officer. The representative continued that a number of the flats could be made car free. He continued that the access through a secure car park could not be considered unsafe and that concerns about privacy could be addressed via imposition of further conditions. In response to Members' queries, Mr Moulds stated that the distance to the refuse storage area was a matter of judgement and would be addressed through internal management policies. He clarified that privacy issues had been addressed through partitioning and re-configuration and added that the development would provide outdoor amenity space as well as a car free development for four of the proposed flats.

In the discussion that followed, Councillor Cummins expressed a view that the walking distance to the refuse storage area was not a significant factor and that as a third of the windows would overlook a blank wall, it would not give rise to privacy issues. In his view, there was a considerable merit in granting planning permission for the development.

Stephen Weeks, Head of Area Planning, advised Members that the recommendation for refusal was based on a range of issues including refuse storage, outlook and quality of accommodation, all of which fell well below required standards. He also responded that a retrospective planning application was not an admission that what had been built would be considered satisfactory in planning terms.

The legal representative advised that the role of the Planning Committee was to make a decision on the application based on its planning merits rather than the supposed advice by an officer to the applicant. He added that as the development had been carried out without the benefit of planning permission, the Council was within its rights to take enforcement action to address what it considered a material breach of planning control.

DECISION: Permission refused as recommended with amended reason.

7. 111 Leighton Gardens, London, NW10 3PS (Ref. 13/1140)

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)

RECOMMENDATION:

Grant planning permission subject to conditions and informatives.

Stephen Weeks, Head of Area Planning, in reference to the tabled supplementary report clarified that as the windows to the first floor were to non-habitable rooms, they could all be obscure glazed and high opening only and restricted by condition. Members heard that the planning merits of the proposal were set out fully in the main report which also explained how the building would comply with existing policy. The Head of Area Planning updated Members that the outbuilding was currently being investigated under reference E/13/0629. He confirmed that all Members who had called in the application to Planning Committee had been advised accordingly and fully understood the revision made to the scheme during the course of the application.

Councillor Hashmi declared that he had not been approached by the applicant about the application. He continued that the property was the only one with a first floor extension in the area and disclosed that his own property backed on to the rear garden of the application site.

The legal representative advised that given Councillor Hashmi's disclosure of the proximity of his home to the application site (pecuniary interest) he should not take part in further discussions and voting on the application. The legal representative also reminded the Planning Committee that where Members were unsure about disclosing such interests they should seek advice in the first instance from the Director of Legal and Procurement in order that the full circumstances could be looked so as to ensure that proper advice is given.

DECISION: Planning permission granted as recommended.

Note: Councillor Hashmi did not take further part in the discussion and voting on this application.

8. Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ (Ref. 13/1428)

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 floor space on the ground floor with associated cycle parking, first floor rear communal roof terrace and associated landscaping.

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, the Head of Area Planning discussed the temporary leases to a community group for the period ending July 2013 which allowed for a short term use of the building for community benefit. He informed Members about the applicant's concern that future use of the building as temporary offices could prejudice otherwise acceptable uses. In response to further comments from an objector on the scale of the building, Members heard that whilst it would be taller than the surrounding development, its scale was considered to be appropriate to its location within a town centre. He continued that a legal agreement would restrict access by prospective residents to parking permits as the development was in an area with good public transport accessibility. In respect of the quality of materials he stated that officers had sought amended plans to improve the views of the building from Walm Lane and had advised the applicants that high quality materials would be required to ensure that the development made a positive contribution to the Conservation Area, a requirement that would be achieved via condition 26. Finally, he clarified that the Community Infrastructure Levy (CIL) for the proposed development as follows; Brent's CIL would be £348,563.95, although the developers would be able to apply for affordable housing relief. The Mayoral CIL would be £11,129.06.

Ms Sally Buchanan, an objector, stated that whilst she was grateful to Network Housing for allowing community uses of the building, she wondered whether the Mayor of London had been consulted on the proposed demolition of the building. She also wondered whether Network Housing had explored alternative uses of the building and also whether twenty-five flats would adequately compensate for the loss of a building of such considerable merit.

Mr Mark Connell, the applicant's agent, stated that the proposed development of the redundant building would deliver a wider public realm development with 100% affordable housing. He added that the development complied with density, amenity space and lifestyle home requirements. In response to a Member's question whether Network Housing would consider community uses if the spaces were not taken up in full, Mr Connell stated that considerable retail interest in the building had already been expressed and that to allow temporary community uses would raise viability issues.

The Head of area Planning, Stephen Weeks, confirmed that the scheme would be permit free and that there was no statutory requirement to refer the application to the Mayor of London.

DECISION: Planning permission granted as recommended subject to inclusion of requirement to prevent occupants from applying for a car parking permit.

9. Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ (Ref. 13/1429)

PROPOSAL:

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

RECOMMENDATION: Grant conservation area consent subject to conditions.

DECISION: Conservation area consent granted as recommended.

10. 575 North End Road, Wembley, HA9 0UU (Ref. 13/1494)

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.

RECOMMENDATION:

Grant planning permission subject to conditions and a referral to the Mayor of London and 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.

Stephen Weeks, Head of Area Planning drew Members' attention to the comments received from the Mayor of London and measures taken by officers to address them, as set out in the tabled supplementary report. He added however that the submitted Travel Plan was not acceptable and thus a revised plan was required which would be secured through a condition including: the provision of the accessible rooms, blue badge parking, cycle parking, Construction Logistics Plan, Delivery and Servicing Plan and a Student Management Plan. He also drew Members' attention to a number of conditions as set out in the supplementary report and corrected the figures for the Community Infrastructure Levy as follows; "This application is liable for Community Infrastructure Levy (CIL). The Mayor's contribution would be £334,480.09 and the Council's charge would be £1,869,400.00."

Members emphasised the need for high quality design and materials for the proposal, adding that the development would lead to the regeneration of the Borough in particular, within the Wembley area.

DECISION: Planning permission granted as recommended.

11. Appeals Monitoring April to June 2013, Q1

The Committee received a follow up monitoring report which provided information and analysis of appeal decisions for the period of April - June 2013 (First Quarter: 2013/2014). Members noted that the purpose of the report was to help evaluate how saved Unitary Development Plan (UDP) policies and Council's supplementary guidance (SPGs and SPDs) were currently being used in determining planning applications. This would help to ensure that the Council's new development plan documents (DPDs) being developed through the Local Development Framework (LDF) process were usable, effective in terms of development management and can be successfully defended at appeal. The report also identified areas where appeal statements and/or officer reports could be strengthened to further justify reasons for refusal.

RESOLVED:

that the progress report on appeals monitoring for Quarter 1 be noted.

12. Date of next meeting

It was noted that the next meeting would take place on Wednesday, 4 September 2013.

13. Any Other Urgent Business

None raised at this meeting.

The meeting closed at 8.45 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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Committee Report Planning Committee on 18 September, 2013

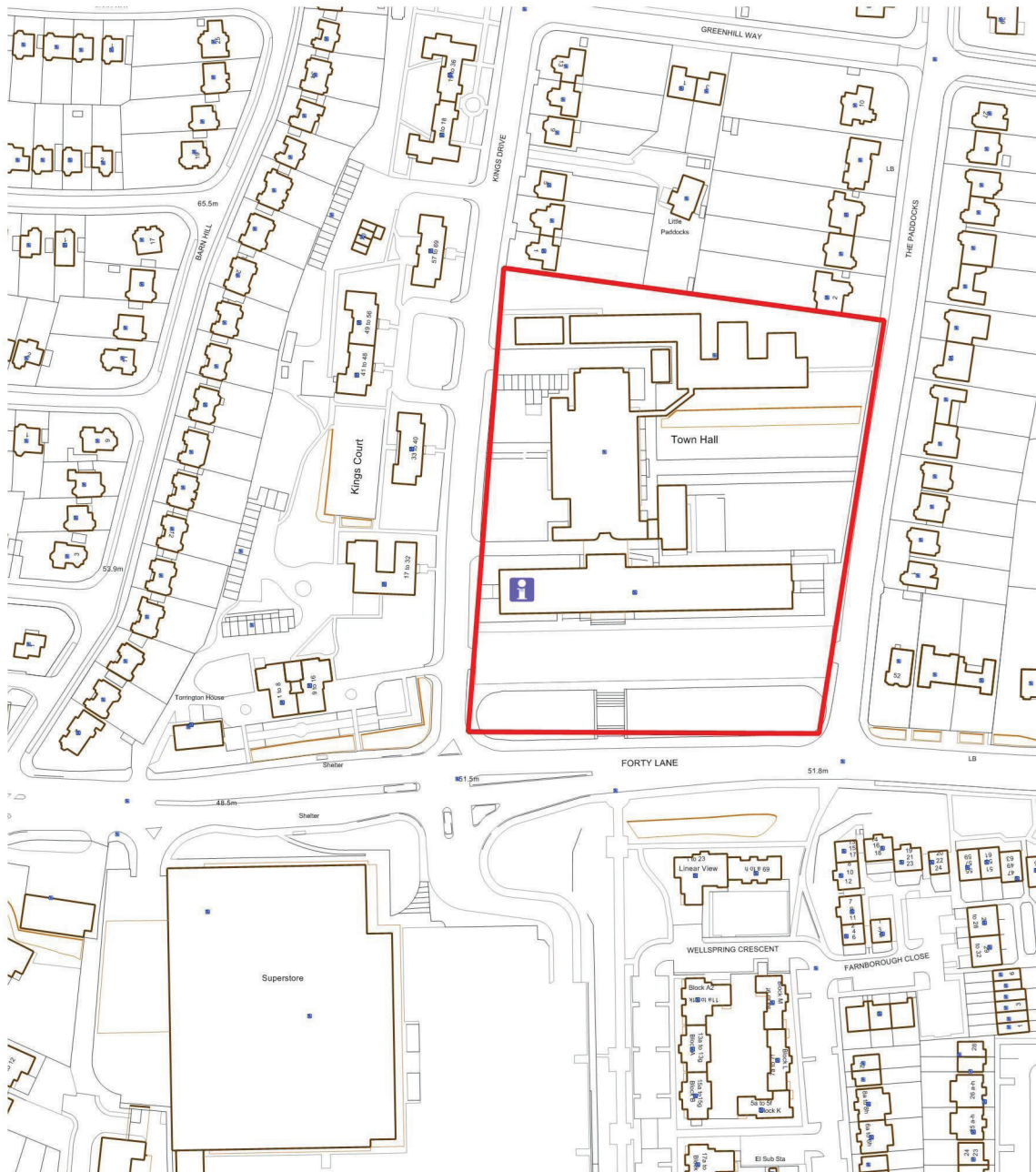
Item No. 03
Case No. 13/1996



Planning Committee Map

Site address: Brent Town Hall, 54 Forty Lane, Wembley, HA9 9HU

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This map is indicative only.

RECEIVED: 17 July, 2013

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Brent Town Hall, 54 Forty Lane, Wembley, HA9 9HU

PROPOSAL: Listed building consent for the change of use and refurbishment of the existing Town Hall (Sui Generis) into a new primary and secondary French International School (Use class D1) involving the demolition of a number of ancillary buildings (single storey pre fabricated building and freestanding garages to the rear, and the existing print room attached to the main Town Hall building) and the erection of a part 2/part 3 storey extension along with associated works.

APPLICANT: French Education Property Trust (FEPT)

CONTACT: Nathaniel Lichfield & Partners

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant Listed Building Consent subject to referral to Secretary of State

EXISTING

The application site comprises Brent Town Hall located on Forty Lane. It is a Grade II listed building and formally accommodated the main civic offices of the former Borough of Wembley and subsequently Brent since 1940. The Town Hall was statutorily listed on 24 September 1990 at Grade II. The main civic offices of Brent are now located within the new Brent Civic Centre on Engineers Way.

This application relates to listed building consent and will focus on the Town Hall as a heritage asset and the impact of the proposal upon this heritage asset and wider area including the Barn Hill Conservation Area. The wider planning considerations of the proposal are discussed within the full planning application ref: 13/1995.

The Town Hall occupies a site of approximately 2.1 hectares and fronts onto Forty Lane. There have been a number of extensions and temporary buildings provided on the site. The main entrance to the building is accessed via Forty Lane with an access road and car parking running across the length of the building fronting Forty Lane at a higher level than the pavement on Forty Lane. There are significant level changes across the site with the land rising by around 9.4m from the pavement on Forty Lane to the base of the boundary wall to the north of the site. There is a significant amount of soft landscaping within the site including a large number of trees, mostly to the north east towards The Paddocks, and formal gardens to the north and south of the Town Hall.

The eastern boundary of the Town Hall abuts The Paddocks and its western boundary abuts Kings Drive. Both The Paddocks and Kings Drive are predominantly residential in character. Its northern boundary abuts the rear gardens of properties on Kings Drive and The Paddocks. To the south on Forty Lane is Asda Superstore, a Kwik Fit car garage and public house, with the Chalkhill Estate behind these buildings. Opposite the site on Bridge Road is the Ark Academy Primary and Secondary School and to the west beyond Kings Drive is the Barn Hill Conservation Area.

PROPOSAL

This application seeks listed building consent for the change of use and refurbishment of the existing Town Hall (Sui Generis) into a new primary and secondary French International School (Use class D1). The proposal comprises the following elements:

- Conversion of the Grade II listed Town Hall to provide teaching, staff and administrative accommodation.
- Demolition of single storey prefabricated office blocks to the north and freestanding garages to the west and the existing printing room.
- New two to three storey annex to provide additional school accommodation including a dining hall.
- Associated landscaping works and improvements to existing access arrangements, including alterations to the existing forecourt and the provision of play and sport facilities.

The proposed works to the listed Town Hall involve both external and internal works and include:

- Repair (and replacement as necessary) of the building's exterior fabric, including the windows, brickwork and domed roof lights.
- Repair of interior finishes and details (e.g. the timber panelling and concealed ventilation systems) and the removal of modern insertions (e.g. partition walls and suspended ceilings).
- Conversion of the Mayor's Parlour as a head teacher's office.
- Conversion of existing office accommodation for use as classrooms.
- Adaption of the existing public library to provide a school library.
- Reconfiguring seating in the Council Chamber for use as a lecture theatre.
- Adaption of the Paul Daisley Hall for use as a gymnasium.
- Enclosure of the existing raised stage in the Paul Daisley Hall to create a performance space.

HISTORY

The following site history relates to all listed building consents and the full site history since the Town Hall was listed in September 1990. Previous planning history is set out in the full planning application ref: 13/1995.

05/0011: Full Planning Permission sought for erection of single storey detached building facing Kings Drive - **Granted, 20/05/2005.**

03/2301: Full Planning Permission sought for erection of portakabin and link to Town Hall Annexe - **Granted, 12/12/2003.**

07/2255: Listed Building Consent sought for removal of existing retaining wall and replacement with landscaping to garden adjoining Kings Drive - **Granted, 29/10/2007.**

02/0963: Listed Building Consent sought for provision of new disabled WCs and reconfiguration of existing male and female WCs and cloakrooms - **Granted, 15/05/2003.**

00/1938: Listed Building Consent sought for conversion of ground floor and second floor toilets into offices - **Granted, 12/06/2001.**

00/2536: Full Planning Permission sought for installation of a disabled lift and lift housing - **Granted, 12/06/2001.**

98/0914: Listed Building Consent sought for replacement laminate hardwood strip flooring within the Town Hall Assembly Rooms - **Granted, 19/08/1998.**

98/0597: Listed Building Consent sought for erection of flag pole on roof above main entrance - **Granted, 18/05/1998.**

96/0672: Listed Building Consent sought for internal alterations to remove existing disabled persons stair loft and provision of a disabled access ramp to the side of the mezzanine bar foyer - **Granted, 24/06/1996.**

95/1747: Advertisement Consent sought for installation and display of lettering around existing crest to the front of Brent Town Hall - **Granted, 30/04/1996.**

95/1745: Listed Building Consent sought for installation of signage (individual letters) to frontage of building - **Granted, 09/01/1996.**

95/1637: Listed Building Consent sought for alteration to front entrance including replacement of existing steps, provision of handrails and replacement of pavement and dropped kerbs - **Granted, 09/01/1996.**

92/1844: Listed Building Consent sought for alterations to side elevation of main building to install window openings - **Granted, 01/02/1993.**

92/1845: Full Planning Permission sought for alteration to side elevation of main building to install window opening - **Granted, 01/02/1993.**

901796: Listed Building Consent sought for alterations and refurbishment - **Granted, 17/05/1991.**

POLICY CONSIDERATIONS

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

The above legislation provides specific protection for buildings and areas of special architectural or historic interest. Section 66(1) of the Act states that in the consideration of proposals for planning permission which affect a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving i) that setting, or ii) any features of special; architectural or historic interest it possesses.

National level policy and guidance

The National Planning Policy Framework (NPPF) was published in March 2012. It discusses the need to conserve and enhance the historic environment. Paragraph 126 of the NPPF outlines that the conservation of heritage assets can bring wider social, cultural, economic and environmental benefits. In accordance with paragraph 128, applicants are required to describe the significance of the heritage asset affected by a proposal, including any contribution made by their setting. Paragraphs 133 and 134 provides guidance with regards to the impact of a proposal on the significance of the heritage asset, and states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Regional level policy and guidance

London Plan 2011

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

Key policies include:

- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

Local level policy and guidance

Brent Unitary Development Plan 2004

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

Strategic

- STR11 The quality and character of the Borough's built and natural environment will be protected and enhanced.
- STR14 New development should make a positive contribution to improving the quality of the urban environment.
- STR15 Major development should enhance the public realm.
- STR16 The particular characteristics of the Borough's Listed Buildings will be conserved or enhanced.

Built Environment

BE6	Public Realm: Landscape Design
BE7	Public Realm: Streetscape
BE9	Architectural Quality
BE22	Protection of Statutory Listed Buildings
BE23	Setting of Listed Buildings
BE30	Enabling Development & Heritage Asset Conservation
BE31	Sites of Archaeological Interest

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 7 Wembley Growth Area
Sets out the vision for Wembley to be a high quality, urban, connected and sustainable city quarter reflecting its designation as a Strategic Cultural Area for London.
- CP17 Protecting and Enhancing the Suburban Character of Brent
Requires the distinctive suburban character of Brent to be protected from inappropriate development.

Brent Supplementary Planning Guidance/Document

Brent Town Hall Planning Brief - Adopted March 2012

The Planning Brief sets out the key planning considerations for the redevelopment of Brent Town Hall. Key considerations covered within the Planning Brief including development potential and principles, appropriate uses, design parameters in the context of the listed building, landscape design, highway matters and planning conditions and obligations.

Brent Site Specific Allocations (SSA) - adopted 2011

The Town Hall site is located within the Wembley Growth Area. It is identified within Brent's Site Specific Allocation (SSA) as site W3. Brent Town Hall. The SSA supports a mixed use development including offices, retail (for local needs only), residential, hotel and community facilities ensuring the retention of the listed building. Any change of use is required to enhance and not detract from the character and importance of the Town Hall, and have regard for existing traffic problems to surrounding residential areas and seek to improve these conditions. The policy states that there is scope to extend to the rear but the height should not exceed the height of the Town Hall. It also states that a Flood Risk Assessment is required as the site is over 1 hectare.

Draft Wembley Area Action Plan (WAAP) dated March 2013.

The WAAP was submitted to the Secretary of State for examination on 1 July 2013 under Regulation 22 of the Town and Country Planning (Local Plan) (England) Regulations 2013.

The Town Hall site is located within the boundary of the draft WAAP and forms part of the Wembley Park/Empire Way Corridor. It forms part of the Wembley Growth Area and is allocated as site W24 within the WAAP. Reference to the type of uses/development that could be supported is set out above within the Site Specific Allocations.

SUSTAINABILITY ASSESSMENT

Due to the requirement to have a sensitive conversion of the listed Town Hall building, insufficient work is being proposed to allow a BREEAM assessment to be undertaken. Improvements to windows and lighting are however proposed to improve the thermal and energy efficiency of the existing listed building. These are discussed in further detail below:

Mechanical Engineering Systems

The existing boiler plant, flues and gas supply will be retained together with the existing pumps and distribution pipe work within the boiler room. However, the existing heating and domestic hot and cold water

pipe work throughout the existing building is to be replaced. It is recommended that full details of the replacement heating and domestic hot and cold water pipe work throughout the existing building is conditioned as part of any forthcoming consent.

Ventilation for the existing building will comprise a mixture of natural and mechanical ventilation. The Library, Paul Daisley Hall, and Council Chamber have existing air handling units (AHU) located at roof level. These are out of date and are proposed to be replaced. On the library roof it is proposed to be replaced in-situ. The existing plant serving the Paul Daisley Hall and Council Chamber is built into the building at the back of the Hall and is difficult to access, service and replace. The application therefore proposes to install the replacement plant onto the roof of the Council Chamber.

There are also a number of classroom and study/exam areas that face onto Forty Lane and require mechanical ventilation for acoustic reasons. This includes the Committee Rooms which are proposed to be converted into exam/study space and classrooms in the east office window facing Forty Lane. The AHU for the former Committee Rooms is proposed to be placed on the roof above the Committee Rooms and accessed from the existing plant area. The extract and supply ventilation ducts for the new classrooms within the east office wing will be taken along the corridor ceiling void and up the smaller of the two lift shafts (the lift being removed), and connected to an AHU at roof level. The classrooms in the west wing underneath the Library also require mechanical ventilation for acoustic reasons. As there are only 3 classrooms to ventilate along the front, duct and grille sizes are smaller and the AHU can be accommodated within the corridor ceiling void. Extract and supply ductwork connects to a grill above the existing ground floor window/door on the west elevation under the Library. A small AHU is also required for the new pupil changing facilities, at the back of the Paul Daisley Hall, and one for the stage area which will become a drama space.

Localised toilet extract is proposed to be located within the ceiling void and discharged through external grills above windows.

Full details of the mechanical ventilation system including the location of AHUs within the building and on top of the roof, design and screening of the AHUs together with details of external grills and extract and supply ductwork are recommended to be conditioned as part of any forthcoming listed building consent.

As this application relates to listed building consent, it has only considered the impact of the mechanical ventilation system on the impact of the listed Town Hall Building and its setting. The impact of noise from the external plant equipment to neighbouring properties is discussed within the report to accompany the full planning application ref: 13/1995.

Electrical Engineering Systems

The overall scope of the Electrical Engineering Systems works will include the full re-wiring of the building including new energy efficiency lighting and small power installation. Upgrading to the existing external lighting, specialist systems including fire alarms/security systems and ICT and data systems complete with lighting controls. It is recommended that details of the design and location of replacement external lighting and specialist systems are conditioned as part of any forthcoming consent. Details of light spillage in relation to neighbouring properties is discussed within the report that accompanies the full planning application ref: 13/1995.

The new annex is proposed with a BREEAM 'Excellent'. Further details of the sustainability and renewable energy commitments in relation to the annex is discussed within the report that accompanies the full planning application ref: 13/1995.

CONSULTATION

Consultation Period: 30/07/2013 - 20/08/2013

Site Notices Displayed on Kings Drive, The Paddocks and on Forty Lane: 30/07/2013 - 20/08/2013

Press Notice: 01/08/2013 - 22/08/2013

Statutory Consultation

English Heritage - English Heritage have advised that they minded to direct to the granting of listed building consent. They have requested that two conditions are added to any approval, in relation to further details of hard surface materials as they have some reservations about the potential appearance of the running track directly in front of the listed building, and in relation to further details of boundary treatments to ensure that the setting if the listed building retains an open character whilst still meeting the security requirements of the school.

The Twentieth Century Society - Have advised that the new use as a school is appropriate for the building, requiring minimal intervention in the listed building to achieve beneficial re-use. They have however raised a few concerns that can be overcome to not cause harm to the heritage asset. This includes windows on the front elevation fronting Forty Lane, the loss of the fittings within the Council Chamber and the proposed materials for the extension/annex building.

The Environment Agency - see comments for full planning application ref: 13/1995.

External Consultation

Transport for London - see comments for full planning application ref: 13/1995.

Sport England - see comments for full planning application ref: 13/1995.

Internal Consultation

Design, Regeneration and Conservation Team - Has advised that the change of use to a school is the most appropriate way to preserve the listed building to ensure its continued use. No objections are raised to the principles for the internal interventions and alterations to the existing building, which will have a positive influence on the future character of the building. Whilst the location, scale and massing of the annex extension is acceptable in relation to the listed building, the architectural detailing including use of render and window detailing is poor and is considered to fail to preserve the character and setting of the listed Building.

Landscape and Design Team - Generally supports the Landscape Strategy & Proposals but has requested that one significant tree, T96 London Plane should be retained.

Transportation - see comments for full planning application ref: 13/1995.

Environmental Health - see comments for full planning application ref: 13/1995.

Public Consultation

310 residents consulted including properties on Barn Hill, Farnborough Close, Forty Lane, Greenhill Way, Kings Drive, The Mount, The Paddocks and Wellspring Crescent.

A number of objections have been received from local residents. These objections are not specifically in relation to the works to the listed building. Instead they predominantly relate to traffic congestion and parking problems, construction noise and nuisance and noise nuisance in relation to the school. Full details of the concerns raised by local residents and responses to these concerns are discussed within the full planning application ref: 13/1995.

REMARKS

1. Introduction

1.1 Brent Town Hall is a Grade II listed building and has accommodated the main civic offices of the former Borough of Wembley and subsequent Brent since 1940. The building was designed by the architect Clifford Strange in a Scandinavian influenced Art Deco moderne style.

1.2 Brent Town Hall was statutorily listed on 24 September 1990 at Grade II, and as such, enjoys legal protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. Any alterations to the building including the interior and any buildings within the curtilage before July 1948 will require listed building consent.

1.3 The listing description reads:

Municipal offices, library and assembly hall, Built 1935-40 as Wembley Town Hall by Clifford Strange, Brick - clad steel frame; flat roof. Multi-function and sloping site expressed in T-shaped plan set around central entrance hall with Council chamber above and assembly hall to rear, and library to left. Severe Scandinavian style 3-storey front, Tall central staircase tower, slightly recessed behind flanking windows, has tall window set above entrance with flat canopy and steps; 15-bay wing to right has upper windows set in tall recessed bays above continuous ground-floor windows with glazed tile piers to drip mould. Bay of some height to left of tower, with similar ground-floor fenestration and large first-floor window; lower 2-storey, 4-bay range to left

has similar ground-floor fenestration and tall first-floor windows. Other elevations are similar, with stepped blocks making use of sloping site: entrance with canopy to library on left; assembly hall to rear has continuous strip of low-level fenestration.

Interior: marble walls and floors to entrance hall and foyer with Art Deco railings to staircase. Council Suite has 3 committee rooms separated by sliding partitions. Panelled dado to assembly hall, Circular light walls to library.

Recommended as a town hall in the Scandinavian style which is an example of simple but effective 1930s municipal, planning, and interiors making much use of borrowed light and interior glazing. Pevsner called Wembley "the best of the modern town halls around London, neither fanciful nor drab".

2. Key aspects of the design of the completed Brent Town Hall

External Design

2.1 When completed in 1940 the Town Hall occupied a prominent position, set back from and raised above Forty Lane. The building was built on an asymmetrical T-shaped plan, with a bi-axial arrangement. The plan form, as well as the structure and external fabric of the building, remains largely unaltered.

2.2 Brent Town Hall was designed as a steel framed building, clad with Lincolnshire bricks. The main elevation fronting Forty Lane is 107m in length, with a 15 bay wing to the right of the tall central entrance tower (with an additional glazed roof at roof level), and a four bay wing to the left. The following external architectural elements are of particular note:

- The asymmetrical plan form, with a bi-axial arrangement;
- The horizontal emphasis of the Forty Lane frontage;
- The recessed glazed tile piers between the ground floor windows;
- The cantilevered flower boxes either side of the front entrance and the east entrance to the Paul Daisley Hall;
- The stepped blocks that make use of the sloped site; and
- The curved form of the roof top office (formerly the staff canteen)

Interior Design

2.3 When first built, the ground floor accommodated offices in the east wing, the library in the west wing and the Assembly Hall and refreshment room to the rear. The first floor accommodated offices in the east wing and committee rooms and the Committee Chamber to the west and rear of the main staircase. The second floor, which has a significantly smaller floorspace, accommodated the public gallery, the staff canteen and a caretaker's flat. This internal layout at first and second floor levels has remain virtually unchanged, with the exception of the second floor caretaker's flat and glazed rooftop room, which were later converted into office accommodation. At ground floor level, the floor plan of the east wing has been significantly altered to provide an open plan public drop in area. The following internal details are of particular note:

- The entrance stairs and assembly hall lobby, with marble flooring and walls, curved hand rails for the stairs and large glazed partition.
- The Paul Daisley Hall with English ash veneer at lower levels and acoustic boards above. Other details include the dome roof lights, proscenium arch demarcating the expansive stage, figured ash doors with long vertical handles and circular window detailing, and the veneered 'trough' with concealed lighting and ventilation outlets.
- The self-contained library, with access from Kings Drive.
- The Council Committee rooms, with parquet flooring, sliding partition walls and air extract holes adjacent to the door architraves.
- The Council Chamber with tiered fixed seating and wooden desks, curved glazed partition, oversailing public gallery, wooden panelling of English figured ash and dome roof lights.

4. Setting of Brent Town Hall

4.1 The landscaped setting of the Town Hall was an important part of the architect's original design. To the front is an area for car parking, which separates the building from Forty Lane. To the west on Kings Drive, the boundary treatment includes a low brick wall and simple landscaping (grassed area with some mature trees and shrubs), allowing clear view of the Town Hall from Kings Drive. To the east on The Paddocks, the boundary treatment includes taller brick walls with stepped railings. This part of the site is more densely

landscaped, with limited views of the Town Hall from The Paddocks. A more formal framed view is provided by the axial footpath from The Paddocks, which runs east-west through the site.

5. Relevant Planning History

5.1 Since its completion in 1940, the Town Hall has been subject to a number of alterations both internal and external. However, the plan form, principal spaces and detailing have largely remained unaltered. Full details of the planning history and listed building consents are described within the planning history section of this report. A summary of the main planning applications/l and other internal alterations to the building prior to it being listed are set out below:

5.2 The most substantial alteration to the Town Hall is the single storey mortuary block built to the south east of the Paul Daisley Hall. This was built in the late 1950s and is also of Lincolnshire brick with glazed tile detailing (LPA Ref: 169 B280). The mortuary block was later converted into a printing unit in the 1980s (LPA Ref: 84/0641). A number of single storey office buildings, known as the Town Hall Annexe, were built in 1980s/1990s to the north of the Town Hall building, and accessed off The Paddocks (LPA Refs: 821849L and 88/0226).

5.3 Many of the internal alterations take took place before the building was listed in 1990, did not require planning permission or listed building consent. The alterations include:

- The addition of a bar on the left hand side of the main foyer in front of the Paul Daisley Hall.;
- The erection of notice boards on the marble walls inside the main entrance;
- New fluorescent tube lighting;
- Improvements to access arrangements, including ramps;l
- Suspended ceilings in many of the office spaces; and
- The replacement of original fittings, including the bookshelves in the library, the flooring in the library and Council Chamber, and the chairs throughout the building.

6. Significance of the Town Hall (heritage asset)

6.1 The National Planning Policy Framework requires applicants to describe the significance of the heritage asset, including any contribution made by their setting, and use this understanding to inform development proposals. The significance may be archaeological, architectural, artistic or historic interest. Each of these interests in discussed below:

Archaeological

6.2 In line with the Town Hall Planning Brief an Archaeological Desk-Based Assessment has been submitted. This advises that there is a low potential for archaeological remains to be discovered within the application site. This is because the construction of the Town Hall in the 1930s would have required significant ground removal to facilitate the foundations of the building and the terracing that has taken place on the site, resulting in the possible removal of any buried archeological remains. English Heritage have reviewed the Desk Based Assessment and have advised that no further investigation are required.

Architectural

6.3 Brent Town Hall has a high degree of architectural interest. The Town Hall was an innovative and extraordinarily modern building when it was completed in 1940. Instead of being designed with a courtyard plan with neo-classical proportions and detailing, which was typical for municipal buildings of the time, it took the new architectural approach being developed on mainland Europe and Scandinavia. It was later described by Pevsner as "the best of the pre-war modern Town Halls around in London, neither fanciful nor drab".

6.4 The architectural interest of Brent Town Hall lies in the following:

- The building is a very good example of 20th Century municipal architecture.
- The landscaped setting of the Town Hall contributes to the special interest of the building, softening the straight lines and large expanses of brick work. The landscaping deliberately masks and frames views of the Town Hall. The framed view of the Paul Daisley Hall from The Paddocks, along the axial east-west footpath is of particular importance.
- The principal elevation of the Town Hall fronting Forty Lane, including the uninterrupted 15 bay east wing with recessed glazed tile piers at ground floor level, the cantilevered flower beds at either side of the main entrance, and the curved glazed room at roof level which counterbalances the straight lines of the

remainder of the building.

- The asymmetrical T-shaped plans of the building, with a bi-axial arrangement.
- The original critical windows, with varying horizontal or vertical emphasis.
- The principal internal spaces including the entrance foyer, Paul Daisley Hall, library, committee rooms and Council Chamber.
- The internal detailing of the Town Hall, including the marble entrance and foyer, curved stair rails, circular roof lights, original Council Chamber desks, curved glazed partition to the Council Chamber, integrated air extract pipes and wood veneers.

6.5 As described in section 5 above, the building has undergone a number of alterations, which has compromised the architectural significance of the building. Unsympathetic internal alterations include the addition of suspended ceilings, visual clutter created by signage inside and outside the building, installation of fluorescent lighting throughout the building, the creation of a bar area in the foyer of the Paul Daisley Hall, and alterations at ground level to the layout of the building including an open plan public services area. Externally, the unsympathetic alterations include the single storey pre fabricated office block (Town Hall Annexe) and the garages to the west of the Paul Daisley Hall.

Historic

6.6 Brent Town Hall has a high degree of local historic interest, with close associations with the former Wembley District Council, and more recent Brent Council. The building was purpose built to accommodate the Council's municipal functions prior to them being relocated to the new Civic Centre in June 2013. There are a number of memorial trees within the lower terrace facing Forty Lane which will be retained.

6.7 The building's association with architect Clifford Strange is also of some historic interest. However, he is not a prolific architect and Brent Town Hall is the best known of his buildings.

Artistic

6.8 The internal and external detailing of Brent Town Hall has some artistic value. Externally, this includes the cantilevered flower beds and the glazed tiles piers at ground floor level. Internally, features of artistic interest include the decorative circular roof lights, curved silver bronze handrails and wood veneers.

7. Proposed development

7.1 The development proposal includes the following works:

- Conversion of the listed Town Hall to provide teaching, staff and administrative accommodation.
- Demolition of the single storey pre fabricated office blocks (Town Hall Annexe) to the north, the garages to the west and the printing unit (formally the mortuary).
- Erection of a new two to three storey annex to the north east of the Paul Daisley Hall, providing additional school accommodation including a dining hall.
- Associated landscape works and improvements to existing access arrangements, including alterations to the existing forecourt and the provision of play and sport facilities.

7.2 The NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use" (paragraph 134 of the NPPF, 2012). As this application is for listed building consent, the impact of the proposed internal and external works on the significance of the Town Hall (see section 6 above) will be considered. Other planning considerations including the impact upon neighbouring amenity, transport considerations etc are discussed within the report that accompanies the full planning application ref: 13/1995.

Conversion of the listed Town Hall to provide teaching, staff and administrative accommodation.

7.3 The main element of the scheme involves the repair and conversion of the Town Hall to accommodate the French School. The main elements are discussed below:

- Repair Strategy - external elevations and windows to main Town Hall Building

7.4 The external elevations of the Town Hall will be repaired including the local repair of the existing canopies, repointing as necessary and the repair of the tiled piers. Full details of the repair work including materials are recommended to be conditioned to any forthcoming consent.

7.5 The original metal framed windows are an important architectural feature and largely remain throughout the building. These windows, however, perform poorly both thermally and acoustically and many are in a bad state of repair. It is proposed to repair the windows on the rear wing and the north elevation of the principal building fronting Forty Lane. The majority of the windows on the south elevation of the principal building fronting Forty Lane and on the side returns (with the exception of the large window within the central tower) are proposed to be replaced with double glazed metal frame windows replicating the profile of the existing windows. Whilst it is acknowledged that replacement the windows on the front with double glazed will have some degree of harm to the significance of the listed building (this concern has been raised by the Twentieth Century Society), it is considered necessary for the wider benefit of the site to replace these windows for thermal and acoustic reasons that meet the requirements of the building as a school. Full details including sections and elevations of the replacement windows are recommended to be secured by condition

- Conversion of the east wing

7.6 The east wing will accommodate the primary school at lower ground level and the secondary school classrooms at ground and first floor levels. Internal alterations to the layout of these rooms is proposed, which seek to reinstate the original design by the removal of modern partitions and suspended ceilings.

7.7 The existing Mayor's parlour at first floor level will accommodate the headmaster's office, respecting the original hierarchy of rooms.

7.8 The glazed rooftop room will be retained and repaired, and used as a boardroom. The modern partition, that currently separates the office space from a meeting room, will be removed to open up the space as originally designed. The small kitchen area, which was also a later addition, will be removed. Unsympathetic modern additions in the Central Tower will be removed to allow the original plan form and building detailing to be understood, and original features repaired including the roof lights.

7.9 The secondary staircase at the eastern end of this wing will be retained, although a more substantial guardrail is proposed for health and safety reasons.

7.10 The above internal alterations are considered to have minimal impact on the significance of the listed building, and indeed will help to secure the longer term use of the building.

- Conversion of the west wing

7.11 The west wing of the Town Hall will accommodate secondary school classrooms at lower ground level. The modern partitions will be removed as seen within the east wing.

7.12 At ground level, the library will be retained and converted to use as the school library. The central administration and help desk will be reinstated to replicate the original layout of the library. Two teaching spaces are proposed within the library resulting in a degree of subdivision. These spaces are located close to the central tower and reflect the original subdivision within this part of the library. The independent access from Kings Drive will be retained. A new ramp is however proposed.

7.13 At first floor level, the Committee rooms will be used as a sturdy and exam space. Original interior details will be retained and repaired, including the existing retractable walls, the parquet flooring and air extract holes.

7.14 Once again the above internal alterations are considered to have minimal impact on the significance of the listed building, and indeed will help to secure the longer term use of the building.

- Conversion of the central tower and rear wing

7.15 The existing entrance and foyer will be retained without subdivision with the later modern additions removed. This includes the large bar area within the foyer to the Paul Daisley Hall that will be replaced with an entrance office. A fire curtain is required between the main doors to the Paul Daisley Hall and the reception area, but will not result in any permanent subdivision of this principal space.

7.16 The Paul Daisley Hall will be converted into a gymnasium, and where possible, architectural features will be retained and repaired. This includes the fibreboard wall linings, acoustic baffles, ash veneer at lower levels, dome roof lights, figured ash doors with long vertical handles, and the veneered 'trough' with concealed lighting and ventilation outlets. In order to protect these features, taut ball guard nets are

proposed. They will be fixed to the walls with minimal intervention to the historic fabric. The existing stage area will provide a drama studio. The existing stairs and stage apron will be retained, together with the proscenium arch. A retractable acoustic screen is proposed to enable the gymnasium and drama studio to be used independently of one another. This screen will be behind the proscenium arch in response to concerns raised by English Heritage. Retractable seating will also be provided but this seating will not be fixed to the internal fabric. A new platform lift to the rear of the proscenium arch is proposed, accessed from the cafeteria. Whilst it results in the loss of a small amount of the historic fabric, it will not be visible from the Paul Daisley Hall, and will ensure equal access to the drama space.

7.17 To the west of the Paul Daisley Hall the existing refreshment room will be a new cafeteria, with very limited intervention to the historic fabric. To the east of the Paul Daisley Hall the existing corridor will be retained and extended to the north following the removal of the link to the Town Hall Annexe. The proposed brick and mortar will match the existing elevations and new metal framed windows will match the existing window profiles.

7.18 At second floor level the Council Chamber will be converted into a multi-use space/lecture theatre, with new seating in rows at the lower level and beach seating at gallery level. The new seating arrangement is required to meet the new use as a lecture theatre/multi-use space. This new use will retain the Council Chamber without subdivision and maintain its visual relationship with the adjacent lobby. Whilst the proposal will result in the loss of the original desks, the conversion of the Council Chamber will ensure the beneficial reuse of this space to meet the needs of the school and the wider community as it will be used for film screenings.

7.19 A new stair case and guardrail's to access the Council Chamber gallery is proposed in accordance with health and safety requirements. To avoid unnecessary intervention to the historic fabric, and to ensure that the handrails and original detailing can still be visible, structural glass is proposed fixed to the existing marble finish.

Demolition of the single storey pre fabricated office blocks (Town Hall Annexe) to the north, the garages to the west and the printing unit (formally the mortuary).

7.20 Both the Town Hall Annexe and garages to the west of the Paul Daisley Hall are later additions built around 1980s to 1990s. They are not considered to be of architectural or historic interest and indeed are considered to detract from the architectural significance of the Town Hall. They have been identified within the Town Hall Planning Brief as areas that can be considered for demolition. Their removal is therefore supported.

7.21 The application also proposes to demolish the Council's printing unit (formally the mortuary). As the printing unit is attached to the main Town Hall building it forms part of the listing, resulting in the demolition of part of the heritage asset. The printing unit is identified as having some architectural and historical interest, as it takes on board the design principles of the main Town Hall building through the use of buff coloured Lincolnshire brick with glazed tile detailing, and was formally used as a municipal mortuary. The architectural and historic interest, has however, since been compromised by more recent alterations, as a result of its change of use to a printing unit. The plant on the roof of the printing unit, and poorly maintained area of hardstanding immediately to the south, also detracts from the setting of the Town Hall.

7.22 In light of its limited architectural and historic interest, it is considered that the demolition of the printing unit will have a beneficial impact. It will enable the original asymmetrical T-shaped plan of the Town Hall and the north elevation of the principal wing to be more easily read. It will also allow the development of the new annex for the school, which will bring wider public benefits. The printing unit has not been identified within the Town Hall Planning Brief as a core element of the listed structure to be retained, and its demolition is supported by English Heritage and Twentieth Century Society. The demolition of the printing unit can therefore be supported.

New Annex

7.23 The new annex is proposed with an L-shaped footprint located to the east of the Paul Daisley Hall, and will be linked to the Paul Daisley Hall by a light weight glazed canopy. It is located within the areas that can be considered for development as set out in the Town Hall Planning Design Brief. The annex will accommodate the school dining room at ground floor level and additional classrooms within the science wing on the upper levels. It is proposed at three storeys high, stepping down to two storeys to the south. Whilst the annex will screen views of the Paul Daisley Hall from The Paddocks, it is noted that such views are presently limited to the axial view of the entrance doors in the centre of the Hall's eastern elevation. The bulk and scale of the

annex is acceptable, and is considered to be subservient to the Paul Daisley Hall which is a large imposing mass. When viewed from the Paddocks, the roofline of the Paul Daisley Hall will be visible, helping to reinforce the hierarchy of 'blocks' across the site.

7.24 The annex has been designed to reinforce the east-west axis across the site along the alignment of the existing pathway from The Paddocks. The main entrance to the annex, aligns with the existing double doors providing access to the rear wing of the Town Hall, as well as the doors on the eastern and western sides of the hall itself. The linking of the annex to the Paul Daisley Hall through the use of the glazed canopy, will also reinforce the bi-axial arrangement.

7.25 English Heritage have advised that given that the annex is located next to the secondary elevation of the Paul Daisley Hall, they have balanced the harm caused to the setting of the hall by the proposed extension against the fact that the principal (west elevation facing Kings Drive) of the hall is to be kept clear of new development, and its setting from the west will be improved by this proposal. The Twentieth Century Society have also advised that the location of the annex to the east of the Paul Daisley Hall is the most appropriate location, with minimal impact on the integrity or the key views of the listed building.

7.26 The architectural treatment of the annex is light coloured brick facings at ground level to provide a degree of consistency with the Town Hall, with a contrasting material at upper levels. The plans originally proposed the use of a dark render. However, both the Twentieth Century Society and the Council's Design & Conservation Officer raised concerns with the use of black render. The upper floors of the annex are now proposed in a dark facing brick, which is considered to complement the listed building and its setting. Aluminium windows are proposed, which have not been raised as a concern by either English Heritage or the Twentieth Century Society. Full details of the palette of external materials are recommended to be conditioned to any forthcoming consent.

7.27 There is a number of plant equipment together with safety handrails and photovoltaic solar panels proposed on the roof of the annex. The photovoltaic solar panels will be hidden behind the parapet of the roof. However, the screening for the plant equipment and safety railings will be visible above the roof, and it is therefore recommended that full details on the design of the safety railings, plant equipment and screening of the plant equipment are conditioned as part of any forthcoming consent to ensure that they have not harmful to the listed building or the setting of the listed building.

Landscaping and boundary treatment

7.28 The landscape setting of the Town Hall is open and green in character, defined by many substantial and established trees. The landscape setting significantly contributes to its significance. A landscape strategy has been submitted that seeks to preserve and enhance the setting, whilst ensuring the grounds of the school can be actively used for its new use. The existing structures on the site will be retained, including the formal flower beds on Forty Lane which will be planted with a perennial and wildflower meadow, a reduction in the amount of car parking within the front forecourt is proposed, together with planting of new trees to screen the annex and sports pitches. Officers in landscape have advised that the landscape strategy is acceptable. The details of the landscape strategy is discussed in more detail within the report for the full planning application ref: 13/1995. English Heritage are generally support of the landscape strategy, but have requested that further details of hard surface materials are conditioned as they have some reservations about the potential appearance of the running track directly in front of the listed building. The landscape strategy is also supported by the Twentieth Century Society.

7.29 The existing boundary wall along Kings Drive is to be repaired and replaced in part so that when viewed from inside the school site it is a minimum of 1.8m high including railings on top of the boundary wall. This is required to ensure that the scheme is designed in accordance with 'Secured by Design - Schools Guidelines 2010'. Three vehicular gates and one pedestrian gate are proposed along the Kings Drive frontage. Along The Paddocks a large section of the boundary wall is to be replaced with railings on top. One again this is required for security reasons. The entrance of the secondary school is also proposed from The Paddocks. Full details of access arrangements, security and safety are discussed within the report to accompany the full planning application ref: 13/1995. English Heritage have requested details of the boundary treatment to be conditioned to any forthcoming planning consent. This is to ensure that the setting of the listed building retains its open character whilst still meeting the security requirements of the school. In addition, it is recommended that full details of the repair and replacement of the boundary walls are conditioned.

7.30 New fencing and part replacement of the concrete retaining wall to the residential properties on Kings Drive and The Paddocks is proposed along the northern boundary. It is recommended that full details are conditioned as part of any forthcoming consent. The method of construction in relation to trees within the site

is discussed within the report that accompanies the full planning application ref: 13/1995.

8. Conclusions

8.1 In conclusion, it is considered that the proposed alterations to the listed building including the conversion of the existing accommodation into the French School with associated internal and external works, demolition of the later additions to the Town Hall, the new annex, and landscape and boundary treatment proposals, will have limited degree of impact upon the significance of the Town Hall and its setting. It will secure the future use of this local landmark, bringing both heritage and wider public benefits.

RECOMMENDATION: Refer to Secretary of State

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

National Planning Policy Framework 2012
The London Plan 2011
Brent Unitary Development Plan 2004
Brent Core Strategy 2010
Brent Town Hall Planning and Development Brief - Adopted March 2012
Brent Site Specific Allocations (SSA) - adopted 2011
Draft Wembley Area Action Plan (WAAP) dated March 2013.
S106 Planning Obligations SPD - Adopted 1 July 2013
SPG17 "Design Guide for New Development" Adopted October 2001
SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

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
Employment: in terms of maintaining and sustaining a range of employment opportunities
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services
Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

- (1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Plan Numbers

WFS.SSA.A31.ALL-GA.GND.000001.A: Site Location
WFS.SSA.A31.ALL-GA.GND.000002.A: As Existing Site Plan
WFS.SSA.A31.ALL-GA.UND.000010.A: As Existing Undercroft
WFS.SSA.A31.ALL-GA.GND.000012.A: As Existing Ground Level
WFS.SSA.A31.ALL-GA-01.000013.A: As Existing Level 1

WFS.SSA.A31.ALL-GA-RF.000015.A: As Existing Roof Level
WFS.SSA.A31.LEG-GA-01.000023.A: As Existing Level 1
WFS.SSA.A31.LEG-GA-02.000024.A: As Existing Level 2
WFS.SSA.A31.LEG-GA-GND.000022.A: As Existing Ground Level
WFS.SSA.A31.LEG-GA-LG.000021.A: As Existing Lower Ground Level
WFS.SSA.A31.LEG-GA-RF.000025.A: As Existing Roof Level
WFS.SSA.A31.LEG-GA-UND.000020.A: As Existing Undercroft

WFS.SSA.A31.ALL-GA.GND.000102.A: As Proposed Site Plan
WFS.SSA.A31.ALL-GA.GND.000112.A: As Proposed Ground Level

WFS.SSA.A31.ALL-GA-LG.000111.A: As Proposed Lower Ground

WFS.SSA.A31.ALL-GA-RF.000115.A: As Proposed Roof Level

WFS.SSA.A31.ALL-GA-UND.000110.A: As Proposed Undercroft

WFS.SSA.A31.ALL-GA-02.000114.A: As Proposed Level 2

WFS.SSA.A31.ANN.ELV-SL.000132.A: As Proposed Annex Elevations 1
WFS.SSA.A31.ANN.ELV-SL.000133.A: As Proposed Annex Elevations 2
WFS.SSA.A31.ANN.ELV-SL.000134.A: As Proposed Annex Elevations 3
WFS.SSA.A31.ANN.ELV-SL.000135.A: As Proposed Annex Elevations 4

WFS.SSA.ANN.ENV-SL.000140.A: Typical Detail Elevations and Sections

WFS.SSA.A31.ANN.SEC-SL.000136.A: As Proposed, Daylight Study Sheet

WFS.SAA.A31.LEG.DET-SL.000160.A: Heritage Details - Paul Daisley Hall 1
WFS.SAA.A31.LEG.DET-SL.000161.A: Heritage Details - Paul Daisley Hall 2
WFS.SAA.A31.LEG.DET-SL.000162.A: Heritage Details - Paul Daisley Hall 3
WFS.SAA.A31.LEG.DET-SL.000163.A: Heritage Details - Paul Daisley Hall 4
WFS.SAA.A31.LEG.DET-SL.000164.A: Heritage Details - Paul Daisley Hall 5
WFS.SAA.A31.LEG.DET-SL.000170.A: Heritage Details - Council Chamber 1
WFS.SAA.A31.LEG.DET-SL.000171.A: Heritage Details - Council Chamber 2
WFS.SAA.A31.LEG.DET-SL.000150.A: Heritage Details - Windows
WFS.SAA.A31.LEG.DET-SL.000155.A: Heritage Details - Main Stair
WFS.SAA.A31.LEG.DET-SL.000156.A: Heritage Details - Secondary Stairs

WFS.SSA.A31.LEG.ELV-SL.000030.A: As Existing Legacy Building Elevations 1
WFS.SSA.A31.LEG.ELV-SL.000031.A: As Existing Legacy Building Elevations 2
WFS.SSA.A31.LEG.ELV-SL.000032.A: As Existing Annex Building Elevations
WFS.SSA.A31.LEG.ELV-SL.000130.A: As Proposed Legacy Building Elevations 1
WFS.SSA.A31.LEG.ELV-SL.000131.A: As Proposed Legacy Building Elevations 2

WFS.HTA.A35.EXT.GA.SL.009100.A: Landscape Masterplan
WFS.HTA.A35.EXT.GA.SL.009101.A: Illustrative Landscape Masterplan
WFS.HTA.A35.EXT.SEC.SL.009301.A: Northern Site Boundary Elevation
WFS.HTA.A35.EXT.SEC.SL.009302.A: Site Boundary Elevations and Details
WFS.HTA.A35.EXT.SEC.SL.009303.A: Site Sections A-A

Supporting Documents

Arboricultural Implications Assessment dated June 2013 (Ref: WFS.CBT.A35.EXT.REP.SL.000002A) prepared by CBA Trees
Archaeological Desk-Based Assessment dated June 2013 (Ref: T17401.01) prepared by Wessex Archaeology
Design and Access Statement dated July 2013 (Ref: WFS.ALL.REP-SL.000001.A prepared by Southstudio
Design and Access Statement Appendix - Landscape Strategy and Proposals dated July 2013 (Ref: WFS-HTA-A35-EXT-REP-SL-009800-A) prepared by hta

Design and Access Acoustic Statement v2 dated 16 July 2013 prepared by AECOM
 Fire Strategy Report dated 21 June 2013 prepared by Hilson Moran
 Energy Strategy for New Build Annex dated 17 July 2013 (Ref: WFS-CBG-A19-ANN-REP-SL-200001-D) prepared by CBG Consultants
 Extended Phase 1 Habitat Survey dated June 2013 (Ref: RT-MME-114255-01) prepared by Middlemarch Environmental Ltd
 External Noise Assessment dated 19 June 2013 (Ref: WFS-AEC-A45-ALL-REP-SL-000001) prepared by AECOM Limited
 Flood Risk Assessment dated June 2013 (Ref: WFS.ENV.RI.EXT.REP.SL.000001) prepared by ENVIRON
 Foul Sewage and Utilities Statement dated 15 July 2013 (Ref: WFS.BYG.A0.ALL.REP.SL.D00001.A) prepared by Bouygues UK Limited
 Heritage Impact Assessment dated July 2013 (Ref: WFS-NLP-A34-LEG-REP-SL-000002) prepared by Nathaniel Lichfield & Partners
 Lighting Assessment dated 19 July 2013 (Ref: WFS.HOL.V4.ALL.REP.SL.D00001.B) prepared by Bouygues UK Limited
 Mechanical and Electrical Design Scope prepared by CBG Consultants
 Planning Statement dated July 2013 (Ref: WFS-NLP-A44-ALL-REP-SL-000001) prepared by Nathaniel Lichfield & Partners
 Site Waste Management Plan dated 1 July 2013 (Ref: WFS.BYG.A0.ALL.REP.SL.D00003.A) prepared by Bouygues UK Limited
 Statement of Community Involvement dated July 2013 (Ref: WFS-NLP-A44-ALL-REP-SL-000003) prepared by Nathaniel Lichfield & Partners
 Structural Engineering Strategy prepared by Bouygues UK Limited
 Sustainability Checklist dated 15 July 2013 (Ref: WFS.BYG.A0.ALL.REP.SL.D00002.A) prepared by Bouygues UK Limited
 Transport Assessment dated July 2013 (Ref: WFS.TPP.A43.ALL.REP.SL.000001) prepared by ttp consulting
 Tree Survey Report dated May 2013 (Ref: WFS.CBT.A35.EXT.REP.SL.000001) prepared by CBA Trees
 Ventilation Statement dated 15 July 2013 (Ref: WFS.BYG.A0.ALL.REP.SL.D00004.A) prepared by Bouygues UK Limited

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

- (3) Notwithstanding the details of the proposed replacement windows to the existing elevations of the listed Town Hall Building as detailed in Plan No: WFS.SAA.A31.LEG.DET-SL.000150, further details of the replacement windows within the listed Town Hall Building shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and thereafter carried out in full accordance with such approved details. The following details shall be submitted:

- (a) Existing and proposed elevations showing the location of each window that is to be replaced within the building.
- (b) Full elevation plans of each window type as existing and proposed.
- (c) Detailed sections through each window type as existing and proposed including section through the head, cill, transom, jamb and mullion.

Reason: In the interests of preserving the character of the listed building through careful design of architectural detailing.

- (4) Notwithstanding the details of the proposed external works to the listed Town Hall Building as detailed in Plan Nos: WFS.SAA.A31.LEG.ELV-SL.000130A and WFS.SAA.A31.LEG.ELV-SL.000131A, further details of all refurbishment and repairs to the external elevations of the listed Town Hall Building shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and thereafter carried out in full accordance with such approved details. The following details shall be submitted:

- (a) Full details of the repair of the entrance canopies to the main entrance of the building fronting Forty Lane and the entrance to the library and cafeteria fronting Kings Drive including a statement of the repair works, full detail of materials together with samples to be

prearranged to be viewed on site if appropriate.

(b) Full details of the repair or replacement of the coping at roof level including a statement of the repair/replacement works, elevational plans of any replacement coping, and full details of materials together with samples to be prearranged to be viewed on site if appropriate.

(c) Full details of the repair of the tiled piers including a statement of the repair works and full details of materials together with samples to be prearranged to be viewed on site if appropriate.

(d) Full details of the repair of the brick work on the external elevations of the listed Town Hall building including a method statement of the proposed works and details of materials used for the mortar together with samples to be prearranged to be viewed on site if appropriate.

(e) Full details for the removal of the London Borough of Brent Crest together with details of making the elevation good post removal.

(f) Full details of external grilles to windows including elevation plans, details of materials and method statement.

(g) Full details of the proposed works for the removal of the two doors on the rear elevation of the Paul Daisley Hall and the existing shutter door on the eastern elevation of the Paul Daisley Hall and the replacement brickwork. This should include samples of the new bricks and mortar details to be prearranged to be viewed on site.

(h) Full details of the extended corridor on the eastern elevation of the Paul Daisley Hall including full details of elevations and floor plan showing the connection to the existing listed building together with full details of external materials including samples of facing bricks and mortar details to be prearranged to be viewed on site.

(i) Full details of the new doors within the existing opening to match the exterior metal doors on the east elevation of the listed Town Hall building including full elevation plans and sections through the door as existing and proposed.

(j) Full details of the repair of the fascia profile on the east elevation of the listed Town Hall building including a statement of the repair works and full details of materials together with samples to be prearranged to be viewed on site if appropriate.

(k) Full details of the repair and refurbishment of the existing doors and clerestory windows on the east elevation of the listed Town Hall building including a statement of the repair works.

(l) Full details of the repair and refurbishment of the existing windows within the other elevations of the listed Town Hall building that are to be retained including a statement of the repair works.

(m) Full details of the proposed bin store including elevation and floor plans together with full details of external materials including samples of facing bricks and mortar details to be prearranged to be viewed on site.

(n) Any other external works to the listed building not listed above or within the other conditions.

Reason: In the interests of preserving the character of the listed building through careful design of architectural detailing.

- (5) Notwithstanding the details of the proposed works to the main staircase and secondary staircase within the main building as detailed in Plan Nos: WFS.SAA.A31.LEG.DET-SL.000155A and WFS.SAA.A31.LEG.DET-SL.000156A, further details of the proposed works including a methodology statement of the proposed works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and thereafter carried out in full accordance with such approved details. The following details shall be submitted:

(a) Full details of the method of fitting to glazed screen to the staircase with full elevation plans and details of materials for the fixtures and fitting.

(b) Full details of the new guard rail on the top landing of the secondary staircase including elevation plans, details of materials and finishes, and details of method of fixing to the existing staircase and walls/stairs.

Reason: In the interests of preserving the character of the listed building through careful design of architectural detailing.

- (6) Notwithstanding the details of the proposed internal works to the Paul Daisley Hall as detailed in Plan Nos: WFS.SAA.A31.LEG.DET-SL.000160A, WFS.SAA.A31.LEG.DET-SL.000161A, WFS.SAA.A31.LEG.DET-SL.000162A, WFS.SAA.A31.LEG.DET-SL.000163A, and

WFS.SAA.A31.LEG.DET-SL.000164A, full details of the proposed internal works within the Paul Daisley Hall including a methodology statement of the proposed works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and thereafter carried out in full accordance with such approved details. The following details shall be submitted:

- (a) Full details of the relocation of the acoustic baffles including the proposed method and material for the fixture of the acoustic baffles to the existing building together with details of the making good and finishing of the walls that the acoustic baffles were previously attached to.
- (b) Full details of the resistant sealant to the existing fibreboard lining.
- (c) Full details of the new taut ball guard nets including elevation plans and method and materials of the fixture to the existing building.
- (d) Full details of the refurbishment of the existing semi-sprung timber flooring, timber retained wall lining and decorative coved lighting trough, and timber door frames.
- (e) Full details of the removal of the existing curtains and the installation of the new retractable sliding folding high acoustic screen together with elevation details of distance of the new screen behind the proscenium arch, method of fixing to existing building and materials for fixtures.
- (f) Full details of the platform lift located to the rear of the proscenium arch including elevation plans, full details of materials and method of fixing to the existing building.

Reason: In the interests of preserving the character of the listed building through careful design of architectural detailing.

- (7) Notwithstanding the details of the proposed internal works to the Council Chamber as detailed in Plan Nos: WFS.SAA.A31.LEG.DET-SL.000170A and WFS.SAA.A31.LEG.DET-SL.000171A, full details of the proposed internal works within the Council Chamber including a methodology statement of the proposed works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and thereafter carried out in full accordance with such approved details. The following details shall be submitted:

- (a) Full details of the removal of the crest and the proposed making good and finishing of the wall that it was attached to.
- (b) Full details of the removal of the Council memorial notice board and the installation of the upgraded glazed screen and ditto doors including full elevation plans, method and materials for the fixture to the existing building.
- (c) Full details of the refurbishment of the flat floor together with the new ramped section of floor including elevation and floor plans, proposed materials and method of fixing to the existing floor of the building.
- (d) Full details of the refurbishment of the existing timber veneer wall panelling.
- (e) Full details of the refurbishment of the existing fold up bench seating.
- (f) Full details of the new staircase and guardrail including elevation and floor plans, proposed materials and method of fixing to the existing floor of the building.

Reason: In the interests of preserving the character of the listed building through careful design of architectural detailing.

- (8) Notwithstanding the details of all other proposed internal works within the listed Town Hall building, full details of the all other proposed internal works including a methodology statement of the proposed works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and thereafter carried out in full accordance with such approved details. The following details shall be submitted:

- (a) Full details of the removal of internal partitions and kitchen space within the glazed roof top room together with full details of the repair and refurbishment of the roof top room. This should include full elevation plans of the proposed works, details of fixtures and fitting and areas of making good.
- (b) Full details of the removal of modern additions in the Central Tower and repair of the roof lights. This should include full elevation plans of the proposed works, details of fixtures and fitting and areas of making good.
- (c) Full details of the removal of modern partitions and suspended ceilings within the east and west wings. This should include full elevation plans of the proposed works, details of fixtures

and fitting and areas of making good.

(d) Full details of the floor plan of the library as existing and proposed together with full elevations of the proposed works, details of fixtures and fitting and areas of making good once the features have been removed.

(e) Full details of the repair and refurbishment of the interior details within the committee rooms including the existing retractable walls, the parquet flooring and air extract holes.

(f) Full details of the removal of later modern additions within the main building such as the bar area within the foyer to the Paul Daisley Hall including details of making good once the features have been removed. modern partitions and suspended ceilings within the east and west wings. This should include full elevation plans of the proposed works, details of fixtures and fitting and areas of making good.

(g) Full details of the fire curtain between the main doors to the Paul Daisley Hall and the reception area, including elevation plans and details of fixtures to the existing building.

(h) Full details of the conversion of the existing refreshment room to the west of the Paul Daisley Hall into the new cafeteria including all works to the fabric of the listed building.

(i) Full details of the replacement heating and domestic hot and cold water pipe work throughout the existing building including details of materials and method of fixing to existing building.

(j) Any other internal works to the listed building not listed above or within the other conditions.

Reason: In the interests of preserving the character of the listed building through careful design of architectural detailing.

- (9) Full details of all plant equipment and photovoltaic panels on the roof of both the listed building and the new annex shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved plant equipment, screening and railings shall be provided prior to first occupation of the new International French School and the photovoltaic panels shall be installed within twelve months of first occupation of the new International French School and shall be retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

The following information shall be provided:

(a) roof plan showing the location of all plant equipment

(b) full details of the photovoltaic panels including the size, location and orientation of the photovoltaic panels in accordance with the sustainability measures secured as part of the full planning application ref: 13/1995,

(b) elevation plan showing the design of the equipment together with any proposed screening in the form of louvers and/or acoustic screen. This shall include full details of the materials and finishes of the screening.

(c) sections through the roof showing the relationship of the equipment and associated screening and photovoltaic panels with the roof and parapet detailing

(d) full details of any safety railings together with proposed materials/finishes and method of fixing to the existing building and proposed annex.

Reason: In the interests of preserving the character of the listed building through careful design of architectural detailing.

- (10) The facing bricks for the external surface on the eastern elevation of the proposed annex hereby approved shall be a 50:50 mix of Wienerberger Terca Forum Smoked Blanco/Forum Smoked Prata at lower levels and Baggeridge K223 Classic Blue Multi at upper levels as shown in Drawing No: WFS.SSA.31.ANN.ELV-SL.000132.A: Annex Elevation 1 (dated 28 August 2013) unless otherwise agreed in writing by the Local Planning Authority.

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

- (11) Prior to commencement of development, further details of external materials for the new annex, including samples to be prearranged to view on site and/or manufacturer's literature shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

(a) details of materials and colour/finishes for windows and areas between windows within the

eastern elevation

(b) mock sample board to be viewed on site at scale 1:1 of the bricks for the eastern elevation as detailed in condition 10 together with the proposed mortar.

(c) details of external materials for all external surfaces of the northern, western and southern elevations of the proposed annex (including walls, windows and areas between windows)

(d) mock sample board to be viewed on site at scale 1:1 of bricks or brick slips on the northern, southern and western elevations together with the proposed mortar.

The works shall be carried out in accordance with the approved details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

- (12) Prior to the commencement of works to the proposed annex, further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show:

(a) the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;

(b) the junctions around any wall mounted external vents, if applicable;

(c) details of the glazed canopy that links the annex to the listed building together with full details of method of fixture to the listed building.

The development shall be completed in accordance with the details so approved before the new International French School is occupied.

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

- (13) Notwithstanding the submitted plans otherwise approved further details of all hard landscape works and boundary treatments within the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage. Such details shall include:

(a) Full details of all hardsurfaced materials within the site

(b) Details of any outdoor furniture such as benches

(c) Full details of the repair and replacement of the boundary walls along The Paddocks and Kings Drive including samples of bricks, mortar and coping stones of replacement areas of walls

(d) Full details of railings above the boundary walls and vehicular/pedestrian access gates along The Paddocks and Kings Drive including type, height, colour and means of fixing on top of, or behind existing perimeter wall

(e) Full details of the timber fence and/or acoustic fence along the northern boundary if identified within the Noise Assessment to be submitted as part of full planning application ref: 13/1995.

Reason: In the interests of the visual amenity of the locality, setting of the listed building and security.

- (14) Full details of all internal ramped access proposed within the listed building, external ramped accesses both to the listed Town Hall Building and proposed annex together with any alterations to existing ramped accesses both internally and externally including details of the design and material of the railings, length and surface treatment of the ramp, gradient, and means of fixture to the listed building shall be submitted to and approved in writing by the Local Planning Authority within three months of the commencement of works on site. The scheme shall be carried out in full accordance with the approved details and installed prior to first occupation of the new International French School.

Reason: In the interest of providing inclusive access and in the interests of the character and setting of the listed building.

- (15) Further details of internal and external security measures for the new school, in accordance with the guidance set out in Secured by Design for Schools 2010 shall be submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with such approved details. Such details shall include:

- (a) details of CCTV cameras including location, means of fixtures either on poles or on the external and internal features within the building;
- (b) details of access controls within the school both externally and internally together with details of any such measures will be fixed to the existing building.
- (c) details of all external lighting including location, method of fixing to existing and proposed buildings, light spillage diagrams in relation to both the site and any overspill light spillage outside of the boundaries of the site with lux levels specified, and means of timing controls.

Reason: In the interest of security and ensuring that the setting of the listed building is not comprised.

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

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Committee Report Planning Committee on 18 September, 2013

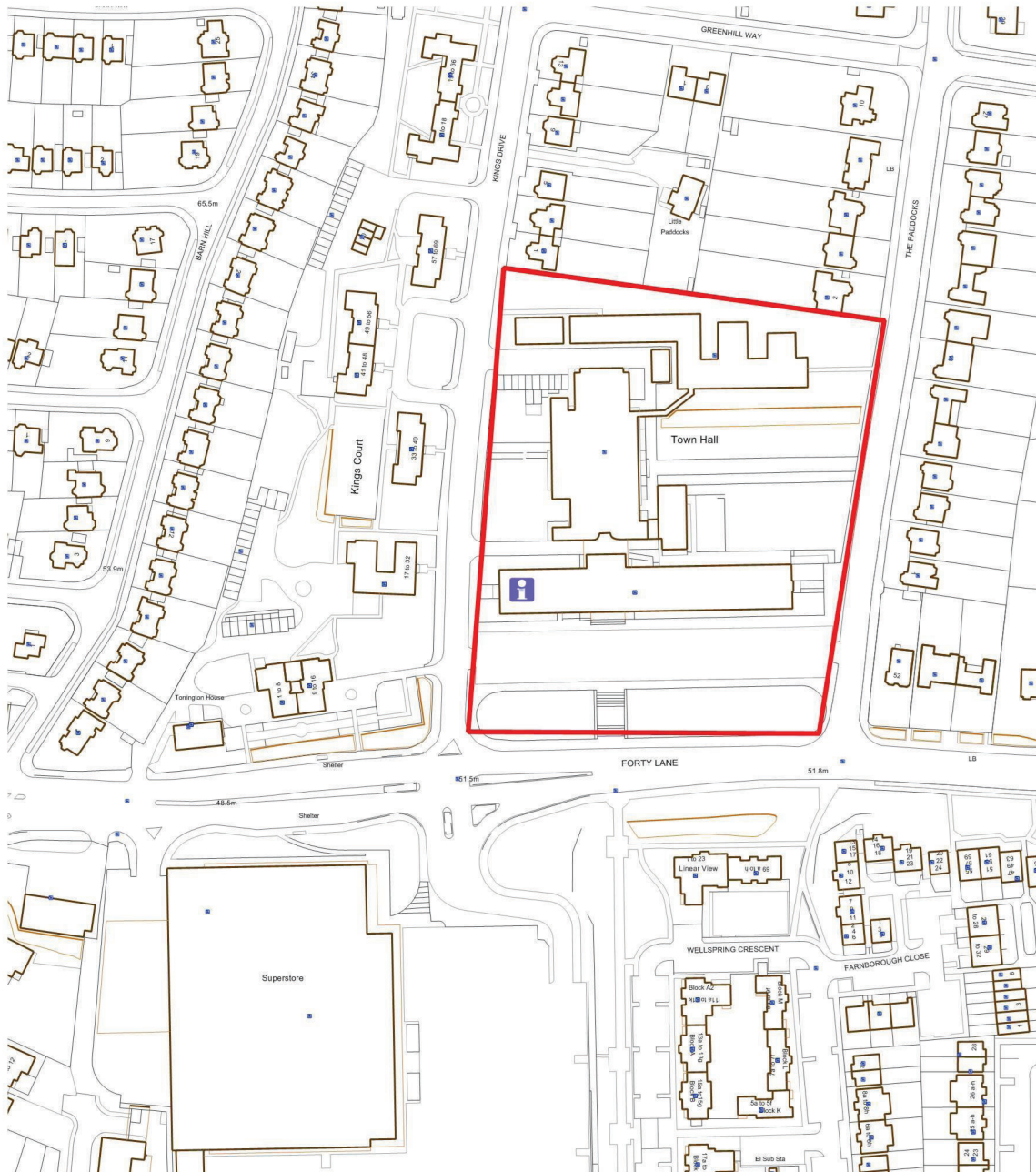
Item No. 04
Case No. 13/1995



Planning Committee Map

Site address: Brent Town Hall, 54 Forty Lane, Wembley, HA9 9HU

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This map is indicative only.

RECEIVED: 17 July, 2013

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Brent Town Hall, 54 Forty Lane, Wembley, HA9 9HU

PROPOSAL: Change of use and refurbishment of the existing Town Hall (Sui Generis) into a new primary and secondary French International School (Use class D1) involving the demolition of a number of ancillary buildings (single storey pre fabricated building and freestanding garages to the rear, and the existing print room attached to the main Town Hall building) and the erection of a part 2/part 3 storey extension along with associated works.

APPLICANT: French Education Property Trust (FEPT)

CONTACT: Nathaniel Lichfield & Partners

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

1. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement; and (ii) monitoring and enforcing its performance
2. Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 38.8% score is achieved, together with a minimum carbon reduction of 32.22% improvement on 2010 regulations and to achieve BREEAM rating 'Excellent' for the new annex (with compensation should it not be delivered);
3. Notify Brent 2 Work of forthcoming job and training opportunities associated with the development;
4. Join and adhere to the Considerate Contractors scheme;
5. Provision of a Travel Plan for the site;
6. Enter into a Community Access Plan;
8. Provision of Art work in the vicinity of the site.

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

EXISTING

The application site comprises Brent Town Hall located on Forty Lane. It is a Grade II listed building and formally accommodated the main civic offices of the former Borough of Wembley and subsequently Brent since 1940. The Town Hall was statutorily listed on 24 September 1990 at Grade II. The main civic offices of Brent are now located within the new Brent Civic Centre on Engineers Way.

The Town Hall site is located within the boundary of the draft Wembley Area Action Plan and forms part of the Wembley Park/Empire Way Corridor.

The Town Hall occupies a site of approximately 2.1 hectares and fronts onto Forty Lane. There have been a number of extensions and temporary buildings provided on the site. The main entrance to the building is accessed via Forty Lane with an access road and car parking running across the length of the building fronting Forty Lane at a higher level than the pavement on Forty Lane. There are significant level changes across the site with the land rising by around 9.4m from the pavement on Forty Lane to the base of the boundary wall to the north of the site. There is a significant amount of soft landscaping within the site including a large number of trees, mostly to the north east towards The Paddocks, and formal gardens to the north and south of the Town Hall.

The eastern boundary of the Town Hall abuts The Paddocks and its western boundary abuts Kings Drive. Both The Paddocks and Kings Drive are predominantly residential in character. Its northern boundary abuts the rear gardens of properties on Kings Drive and The Paddocks. To the south on Forty Lane is Asda Superstore, a Kwik Fit car garage and public house, with the Chalkhill Estate behind these buildings. Opposite the site on Bridge Road is the Ark Academy Primary and Secondary School and to the west beyond Kings Drive is the Barn Hill Conservation Area.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	shops	
2	financial and professional services	
3	restaurants and cafes	
4	drinking establishments (2004)	
5	hot food take away (2004)	
6	businesses and offices	
7	businesses / research and development	
8	businesses and light industry	
9	general industrial	
10	storage and distribution	
11	hotels	
12	residential institutions	
13	non-residential institutions	
14	assembly and leisure	
15	Sui Generis	Sui Generis, 79, 57.

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0		0	0	
2	0		0	0	
3	0		0	0	
4	0		0	0	
5	0		0	0	
6	0		0	0	
7	0		0	0	
8	0		0	0	
9	0		0	0	
10	0		0	0	
11	0		0	0	
12	0		0	0	
13	0	8095	0	4485	12580
14	0		0	0	
15	10063	0	1968		0

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	10063	8095	1968	4485	12580

PROPOSAL

This application seeks full planning permission for the change of use and refurbishment of the existing Town Hall (Sui Generis) into a new primary and secondary French International School (Use class D1) involving the demolition of a number of ancillary buildings (single storey pre fabricated building and freestanding garages to the rear, and the existing print room attached to the main Town Hall building) and the erection of a part 2/part 3 storey extension along with associated works.

A separate application for listed building consent (LPA Ref: 13/1996) has also been submitted in relation to the works to the listed building and setting of the listed building.

HISTORY

The following site history relates only to full planning permissions and advertisement consents since the Town Hall was listed in 1990 and also includes all of the site history before the Town Hall was listed. Details of listed building consents are set out in application ref: 13/1996.

Applications after the Town Hall being listed in September 1990

05/0011: Full Planning Permission sought for erection of single storey detached building facing Kings Drive - **Granted, 20/05/2005.**

03/2301: Full Planning Permission sought for erection of portakabin and link to Town Hall Annexe - **Granted, 12/12/2003.**

00/2536: Full Planning Permission sought for installation of a disabled lift and lift housing - **Granted, 12/06/2001.**

95/1745: Listed Building Consent sought for installation of signage (individual letters) to frontage of building - **Granted, 09/01/1996.**

92/1845: Full Planning Permission sought for alteration to side elevation of main building to install window opening - **Granted, 01/02/1993.**

Applications prior to the Town Hall being listed in September 1990

88/0226: Renewal of temporary consent for erection of five temporary office buildings and toilet block at rear of Town Hall - **Granted, 19/10/1988.**

86/2305: Full Planning Permission sought for erection of single storey disabled toilet extension to Town Hall Annexe - **Granted, 21/01/1987.**

84/1452: Full Planning Permission sought for installation of two large and two small air cooled condensers/compressors, replacement of one window with uPVC windows, paint black one window and installation of metal grill for air intake - **Granted, 01/10/1984.**

84/0641: Full Planning Permission sought for change of use of mortuary to printing unit for Brent Town Hall - **Granted, 06/06/1984.**

821849L: Full Planning Permission sought for erection of five single storey temporary office buildings and toilet block on land at rear - **Granted, 18/01/1983.**

LE46847009: Full Planning Permission sought for erection of extension to provide lift shaft - **Granted, 21/12/1973.**

LP3134C4230: Full Planning Permission sought for erection of extension for computer room - **Granted, 17/10/1967.**

LP3134B3563: Full Planning Permission sought for erection of extension for first aid room - **Granted, 16/05/1967.**

LP3134A3428: Advertisement consent sought for installation of illuminated display case - **Granted, 03/04/1967.**

P3134 2489: Advertisement consent sought for display of illuminated crest of the Borough of Brent - **Granted, 27/09/1966.**

169 B280: Full Planning Permission sought for mortuary at rear - **Granted, 14/10/1957.**

E9030 B217: Full Planning Permission sought for new chair store - **Granted, 12/09/1955.**

POLICY CONSIDERATIONS

Local

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

Brent Unitary Development Plan 2004

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

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR4 Major Opportunity Sites will be promoted for comprehensive development with a mix of land-uses and improvements to public transport, where appropriate. Regard should be had to any development framework or planning brief prepared for these sites.
- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls.
- STR11 The quality and character of the Borough's built and natural environment will be protected and enhanced.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development should make a positive contribution to improving the quality of the urban environment.
- STR15 Major development should enhance the public realm.
- STR16 The particular characteristics of the Borough's Listed Buildings will be conserved or enhanced.

Built Environment

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE8 Lighting & Light Pollution
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
- BE20 Advertisements on Buildings
- BE22 Protection of Statutory Listed Buildings
- BE23 Setting of Listed Buildings
- BE30 Enabling Development & Heritage Asset Conservation
- BE31 Sites of Archaeological Interest

Environmental Protection

- EP1 Environmental Impact Assessment

EP2	Noise & Vibration
EP3	Local Air Quality Management
EP13	Water Run Off
EP14	Renewable Energy

Transport

TRN1	Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
TRN3	Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
TRN4	Measures to make transport impact acceptable
TRN10	Walkable environments
TRN11	The London cycle network, schemes should comply with PS16
TRN12	Road safety and traffic management
TRN14	New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
TRN22	Parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
TRN30	Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
TRN34	Servicing in New Development
TRN35	On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
PS12	Car parking standards – Class D1
PS15	Parking standards for disabled people
PS16	Cycle parking standards

Community Facilities

CF5	Community Facilities in Large Scale Developments
CF7	New Schools

Wembley Regeneration Area

WEM1	Regeneration of Wembley
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Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

CP 1	Spatial development strategy This sets out the spatial strategy, outlining where growth is to be focused.
CP 5	Place making Sets out requirements for place making when major development schemes are considered
CP 7	Wembley Growth Area Sets out the vision for Wembley to be a high quality, urban, connected and sustainable city quarter reflecting its designation as a Strategic Cultural Area for London.
CP 15	Infrastructure to support development Requires that the infrastructure requirements of new development are met
CP17	Protecting and Enhancing the Suburban Character of Brent Requires the distinctive suburban character of Brent to be protected from inappropriate development.
CP18	Protection and enhancement of Open Space, Sports & Biodiversity Protects all open space from inappropriate development.
CP 19	Brent strategic climate mitigation and adaptation measures Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
CP 23	Protection of existing and provision of new community and cultural facilities Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Supplementary Planning Guidance/Document

Brent Town Hall Planning and Development Brief - Adopted March 2012

The Planning and Development Brief sets out the key planning considerations for the redevelopment of Brent Town Hall. Key considerations covered within the Planning Brief including development potential and principles, appropriate uses, design parameters in the context of the listed building, landscape design, highway matters and planning conditions and obligations.

Brent Site Specific Allocations (SSA) - adopted 2011

The Town Hall site is located within the Wembley Growth Area. It is identified within Brent's Site Specific Allocation (SSA) as site W3. Brent Town Hall. The SSA supports a mixed use development including offices, retail (for local needs only), residential, hotel and community facilities ensuring the retention of the listed building. Any change of use is required to enhance and not detract from the character and importance of the Town Hall, and have regard for existing traffic problems to surrounding residential areas and seek to improve these conditions. The policy states that there is scope to extend to the rear but the height should not exceed the height of the Town Hall. It also states that a Flood Risk Assessment is required as the site is over 1 hectare.

Draft Wembley Area Action Plan (WAAP) dated March 2013.

The WAAP was submitted to the Secretary of State for examination on 1 July 2013 under Regulation 22 of the Town and Country Planning (Local Plan) (England) Regulations 2013.

The Town Hall site is located within the boundary of the draft WAAP and forms part of the Wembley Park/Empire Way Corridor. It forms part of the Wembley Growth Area and is allocated as site W24 within the WAAP. Reference to the type of uses/development that could be supported is set out above within the Site Specific Allocations.

S106 Planning Obligations SPD - Adopted 1 July 2013

This SPD sets out the Council's approach to the use of s106 Planning Obligations following the introduction of the Community Infrastructure Levy within Brent which came into effect from 1 July 2013. It sets out standards Heads of Terms that are most likely to be included within a s106 to make development acceptable in planning terms. The main areas include transportation, sustainability, public realm & open space and community & cultural.

SPG17 "Design Guide for New Development" Adopted October 2001

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

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

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

Regional

London Plan 2011

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

Key policies include:

London's Places

2.1 London in its Global, European and United Kingdom Context

London's People

3.18 Education Facilities

London's Response to Climate Change

- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies

London's Transport

- 6.1 Strategic Approach
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Waling

London's Living Places and Spaces

- 7.1 Building London's Neighbourhoods and Communities
- 7.2 All Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands

National

National Planning Policy Framework 2012

This sets out 12 core planning principles, of which the following are relevant. Planning should:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

In addition to the above there are two main areas of consideration within the NPPF that are relevant to this

application. The first relates to conserving and enhancing the historic environment (paragraphs 126 to 141), which is discussed in further detail within the Listed Building Consent application (LPA Ref: 13/1995). The second relates to the provision of new schools which is discussed within paragraph 72 of the NPPF. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and requires Local Planning Authorities to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

CONSULTATION

Consultation Period: 30/07/2013 - 20/08/2013

Site Notices Displayed on Kings Drive, The Paddocks and on Forty Lane: 30/07/2013 - 20/08/2013

Press Notice: 01/08/2013 - 22/08/2013

Statutory Consultation

English Heritage - see comments for listed building consent ref: 13/1996.

The Twentieth Century Society - see comments for listed building consent ref: 13/1996.

The Environment Agency - No objections raised subject to a detailed surface water drainage scheme being secured via a condition.

External Consultation

Transport for London - Supports the reduction in the car parking provision in principle. TfL generally supports the cycle parking provision. They have however requested further information on the Transport Assessment so that the impact of the development can be fully considered and any mitigation measures identified. The Travel Plan will also need to meet the ATTrBuTE assessment tool kit.

Further considerations of the Transport Assessment and Travel Plan are discussed within the remarks section of this report.

Internal Consultation

Design, Regeneration and Conservation Team - Has advised that the change of use to a school is the most appropriate way to preserve the listed building to ensure its continued use. No objections are raised to the principles for the internal interventions and alterations to the existing building, which will have a positive influence on the future character of the building. Whilst the location, scale and massing of the annex extension is acceptable in relation to the listed building, the architectural detailing including use of render and window detailing is poor and is considered to fail to preserve the character and setting of the listed Building.

Landscape and Design Team - Generally supports the Landscape Strategy & Proposals but has requested that one significant tree, T96 London Plane should be retained.

Transportation - Have requested further details of the Transport Assessment relating to trip generation and modal share, and junction modelling.

Environmental Health - No objections raised but have requested that further details of noise in relation to the MUGAs and plant equipment are conditioned together with a Construction Environmental Management Plan.

Children & Families - Has advised that the school will have a neutral effect on the supply of school places within the Borough. The collaboration with other schools in the borough to support the teaching of French together with the community French language classes would be an educational benefit to the borough

Public Consultation

310 residents consulted including properties on Barn Hill, Farnborough Close, Forty Lane, Greenhill Way, Kings Drive, The Mount, The Paddocks and Wellspring Crescent.

31 objections have been received from local residents. These objections are set out below:

1. Concerned that a prime residential area will be blighted by the presence of a big school.
2. Loss of value to nearby residential properties.
3. Noise and dust from proposed building works.
4. Noise generated by large school with a large number of pupils.
5. Children will loiter around the area waiting to be picked up, resulting in damage and littering on the greens of surrounding residential blocks of flats including Kings Court.
6. Three storey extension facing The Paddocks is out of keeping with the area which is predominantly two storey detached houses.
7. New access from The Paddocks will be detrimental to highway and pedestrian safety.
8. Traffic congestion on Forty Lane, The Paddocks, Bridge Road and surrounding roads.
9. Lack of parking for staff, visitors and parents, resulting overspill parking onto surrounding streets that are already heavily parked.
10. New large development in an area that already has large developments (ASDA superstore) will have adverse effects on well-being of residents by resulting environmental pollution and noise from more cars and traffic.
11. Bus journeys will take even longer as a result of children setting down and being picked up from outside the Town Hall.
12. Concerned with a French Quarter emerging within the school's vicinity which may adversely affect other communities in Brent.
13. Council has a biased interest in the application as the Council is the vendor. The views of residents will not be heard fairly.
14. Restrictions on the use of the building should be considered to ensure that it does not compromise residential amenity.
15. School buses should not park on surrounding residential roads and should turn their engines off when waiting.
16. No new bus stops on The Paddocks.
17. Construction period should be restricted to weekdays only between 8am and 4pm.

REMARKS

1. Introduction

1.1 This planning application has been submitted on behalf of French Education Property Trust (FEPT). The FEPT has been selected by Brent Council as the preferred bidder for the purchase of Brent Town Hall. The conversion of the Town Hall together with the construction of an annex is proposed to provide a French International School for 1070 pupils when at full capacity. It will be a through school with 9 forms of entry at secondary level for pupils aged 11 to 18 (total number of 900 pupils), and a single form entry primary school for pupils aged 5 to 11 (total number of 170 pupils). The school is due to open in September 2015.

2. Principal of Development

2.1 The Brent Town Hall Planning and Development Brief Supplementary Planning Document was adopted by the Council in March 2012. It provides guidance on the future of the Town Hall including development potential and principles. One of the possible uses that has been identified as a suitable use of the Town Hall is as an academic institution. This is because the scale and character of the internal spaces of the Town Hall would enable the accommodation to be converted into an education use whilst having minimal impact on the internal arrangement of the listed building. The Planning and Development Brief goes on to say that the architectural expression and quality of the Town Hall would particularly underpin the role of a specialist faculty or college.

2.2 The proposed use of the Town Hall as an International Primary and Secondary French School falls within the identified possible uses that are considered acceptable for the Town Hall, and therefore is considered acceptable in principle. More specific planning considerations including how the school will fit into the wider education needs of the Borough, transportation considerations, impact on neighbouring residential properties etc is discussed in detail within this report. The impact of the change of use of the Town Hall into the French International School in terms of the internal and external alterations and the impact of the conversion upon the listed building is discussed within the listed building consent application ref: 13/1995.

3. Education Need

Education Need

3.1 In recent years, London has seen a large increase in parents who are interested in providing their children with an internationally focused education, where a multi-lingual education is at the heart of teaching and learning. As a result, the existing French bilingual primary schools in London have seen a strong growth in pupil number with increasing demand for this provision. Existing primary schools are located in Kentish Town, South Kensington and Fulham areas.

3.2 The French Embassy has calculated pupil number projections within the school network in London. Based on current provision, the analysis shows that access to the bilingual education system in London will need to be suspended to most new comers by 2013/2014. In addition, due to a lack of capacity by 2015, many pupils within the French school system will be forced out, particularly at secondary school level, unless a new school is provided. The anticipated figures are 260 pupils by 2015, 400 pupils by 2016, and over pupils 1000 by 2020. The proposed French International School in Wembley will help meet this growing demand, meeting the objectives of the NPPF whereby the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It requires Local Planning Authorities to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Your officers in Children & Families have advised that the new school will have a neutral impact on the supply of school places within the Borough.

The French Education Property Trust (FEPT)

3.3 The FEPT was created in October 2009 in order to finance and acquire school sites for the French community. This was in response to the previous Ambassador of the French Embassy, Maurice Gourdault-Montagne's desire to set up an independent entity which would be able to purchase and own a number of school buildings in London.

3.4 Each new school is approved by members of the *Plan Ecole*, which is a vast exchange forum coordinated by the French Embassy in London that aims to plan for changes in the French school network. Proposals are determined by the *Comite de Pilotage*, which is chaired by the Ambassador. The French Embassy has the final approval on any new project.

The need for a new French International School in Brent

3.5 Brent has been identified by the FEPT as the preferred location for a new French International School as it has a growing French population, and is within easy access of other French primary schools and areas with large French populations. The French Consulate identifies Camden as being the most populated area in London with a French speaking population, and Brent being identified as the 5th largest area.

3.6 It is anticipated that the new school, particularly one that provides primary level education, will attract the French Community to live in this part of the Borough.

3.7 Wembley French International School will be a private independent school. School fees will be determined by the future board of trustees of the school. It is intended that the board of trustees will sign a contract with *Agence pour l'Enseignement Francais a l'Etranger* (AEFE). The AEFE is a French government organisation that oversees a network of over 400 schools worldwide. Being a school that will belong to the AEFE, Wembley French International School will be required to follow the French Education Nationale Curriculum. Pupils will be taught in both French and English, and the secondary school will offer Baccalaureate as well as international diplomas

4. School entry system, pupil and staff numbers and opening hours

School entry system and pupil and staff numbers

4.1 As described above, the new school will follow the French Curriculum and will be taught in both French and English. At primary level, one form of entry is proposed. The age range for the primary school is 5 to 11. The total number of pupils within the primary school when at full capacity is 170 pupils.

4.2 At secondary level, the school will provide both the 'College' (lower secondary level for pupils aged 11 to 15) and 'Lycee' stages of the French education system for pupils aged 15 to 18. The secondary school will also offer the International Baccalaureate or French Baccalaureate. The lower secondary level education will have a 3 form entry with a total of 360 pupils and the upper secondary school level education will have 6 forms of entry with a total of 540 pupils.

4.3 The secondary school will be supported by a number of feeder primary schools currently located within Kentish Town, South Kensington and Fulham areas - see table on page 5 of the Design and Access Statement which sets out the location, whether the school accommodates primary and/or secondary level education and pupil numbers of other French Schools in London. The new school will also be a feeder school for at upper secondary level education for pupils of the College Francais Bilingue de Londres (CFBL) in Kentish Town, which currently provides lower secondary level education but not upper secondary level education. This is the reason why the highest proportion of pupils are at upper secondary level education.

4.4 The school is aiming to opening in September 2015 with an initial intake across the primary and secondary school levels of 500 pupils, with the pupil numbers rising to 600 by 2016, 750 by 2017, 950 by 2018 and reaching its full capacity of 1070 pupils by 2019.

4.5 The total teaching and support staff across both the primary and secondary schools will be 96 staff when at full capacity.

Proposed opening hours

4.6 The proposed opening hours of the primary school is 8.30am to 4pm with a breakfast club starting at 7.30am and after school club running to 6pm. The secondary school will be opening from 8am to 6.30pm.

5. Community Use

5.1 The school will provide a range of new community facilities. This is a requirement set out in the Planning and Development Brief and is also a requirement of Policy CP23 of Brent's Core Strategy 2010 and policy CF7 of Brent's UDP 2004.

The proposed community uses include:

- French Language Teaching - The school is proposing to form links with nearby community schools to offer support in French language teaching, including access to facilities such as the library. It is proposed that visits from other schools will be on a managed basis during regular school hours. The school is also considering offering adult education classes during evenings and/or weekends. This facility is considered to be of educational benefit of the Borough.
- French Cinema - This facility is proposed within the Council Chamber, showing screenings of French Films to members of the public.
- Paul Daisley Hall - proposed use of the Paul Daisley Hall for indoor sport facilities and use of the drama studio. The use of the external sport facilities is not proposed to be used by the wider community. This is due to the restriction on floodlighting and hours of use due to the close proximity of the external sporting facilities to residential properties. Community access is already provided to outdoor pitches at Ark Academy.
- Dining Hall - to possibly be hired out by the community during weekends and evenings.

5.2 It is recommended that the submission and agreement to a Community Access Plan is secured as part of the Section 106 Agreement. The Community Access Plan should establish the range of facilities which will be made available, at which times and hours, establishing the means by which the facilities can be booked including a contact within the Academies and ensuring rates of hire comparable to similar local authority facilities.

6. Design of the new school

Primary School Accommodation

6.1 The primary school will occupy the eastern half the main wing of the existing Town Hall Building fronting Forty Lane on the lower ground floor. The accommodation will include 8 classrooms, IT room, library, head teacher's office, teacher's room and WC facilities. The primary school will also have access to shared facilities including the outdoor sport pitches and the dining hall which will be contained within the annex.

6.2 As the primary school accommodation will be accommodated within the existing listed building, the main works to convert the building into its new use include internal alterations and the replacement of the windows

on the front elevation of the Town Hall facing Forty Lane. Both the internal alterations and replacement windows require listed building consent. The proposed alterations are considered to not be harmful to the listed building and are discussed in more detail within the report to accompanying the listed building consent application ref: 13/1996.

Secondary School Accommodation

6.3 The secondary school will occupy the remainder of the existing Town Hall building, with a new annex providing additional teaching accommodation and the dining hall. The accommodation within both the existing town hall and annex for the secondary school will include 33 standard classrooms, 3 music & arts rooms, 8 small classrooms, 14 specialist science classrooms, 3 technology rooms, gymnasium, drama studio, multi use space and dining hall. The secondary school will also have its own library and exam/study room. Outdoor sport pitches are also proposed. A number of support and administration facilities will also be provided.

6.4 A number of internal alterations are proposed within the main Town Hall Building to accommodate the secondary school. The key aspects include the conversion of the existing public library accessed off Kings Drive into the secondary school library, conversion of the Paul Daisley Hall into a gymnasium and drama studio, conversion of the Council Chamber into a lecture theatre/multi use space, conversion of the Committee Rooms into exam/study room and the conversion of the Mayor's parlour into the head teacher's office. Full details of the internal works to the listed building are set out within the report that accompanies the listed building consent application ref: 13/1996.

Floorspace of the existing Town Hall Building and proposed annex

6.5 The Planning and Development Brief for Brent Town Hall sets out in section 6.1 that the site has significant development potential of provisionally between 5000sqm and 7500sqm of accommodation dependent upon the use class. The gross internal floor area of the new annex is 4,485sqm is below the suggested range provided within the Planning and Development Brief. The gross internal floor area of the refurbished and retained Town Hall Building is 8,095sqm. The total gross internal floor area of the existing and proposed accommodation is 12,580sqm.

6.6 The application is proposing to demolish the freestanding garages to the rear of the Town Hall Building, the single storey office accommodation formally known as the Town Hall Annexe, and the existing print room. The demolition of these structures is considered acceptable as they are not considered to have a harmful impact upon the listed building or its setting. This is discussed in further detail within the listed building consent application reference 13/1996. The gross internal floor area of the buildings that are to be demolished is approximately 1968sqm.

Design and layout of the new annex

6.7 The Planning and Development Brief for the Town Hall provides guidance on the locations within the site that can accommodate new development. The identified locations include the north east of the site behind the main building next to The Paddocks and along the Kings Drive frontage behind the main building. It also states in section 7.6 that a minimum distance of 20m must be maintained between any development and the northern boundary with the residential properties on Kings Drive and The Paddocks.

6.8 The new annex sits within the area identified for potential development as it is located behind the main building on the north east part of the site facing The Paddocks. It will not extend into the 20m separation zone with the northern boundary. The new annex is proposed with an L-shaped footprint located to the east of the Paul Daisley Hall, and will be linked to the Paul Daisley Hall by a light weight glazed canopy. As described above, the annex will accommodate the school dining room at ground floor level and additional classrooms including arts and specialist science classrooms on the upper levels.

6.9 In terms of the scale and massing, the Planning and Development Brief supports in principle new development at three to four storeys high. The new annex is proposed at three storeys high, stepping down to two storeys to the south, taking into account the level changes across the site. The bulk and scale of the annex is acceptable, and is considered to be subservient to the Paul Daisley Hall which is a large imposing mass. When viewed from the Paddocks, the roofline of the Paul Daisley Hall will be visible, helping to reinforce the hierarchy of 'blocks' across the site.

6.10 The architectural treatment of the annex is light coloured brick facings at ground level to provide a degree of consistency with the Town Hall, with a contrasting material at upper levels. The plans originally proposed the use of a dark render. However, both the Twentieth Century Society and the Council's Design &

Conservation Officer raised concerns with the use of dark render. Following discussions with the agent, the eastern elevation of the annex facing The Paddocks has been amended to include dark brick on the upper levels. Both the light and darker bricks are considered acceptable by the Council's Design & Conservation Officer. The elevational treatment of the other elevations are still being considered, but officers have recommended the use of brick slips, so that palette of materials is simple reflecting the simple architecture and materials of the Town Hall. It is therefore recommended that full details of external materials will be conditioned as part of any forthcoming planning consent.

6.11 The Council's Design & Conservation Officer has also raised concerns with the detailing of the windows within the proposed annex, in terms of design and proportions. The window detailing has been amended, and is now considered acceptable by your officers. Revised elevation plans will be available for Planning Committee together with revised details of the guard rail around the roof of the annex. Full details of the design of the windows, guard rails and external appearance of the plant equipment on the roof of the annex are recommended to be conditioned as part of any forthcoming planning consent.

6.12 The annex is not considered to be detrimental to the main Town Hall building or the setting of the listed building. This has been discussed in further detail within the listed building consent application ref: 13/1996.

6.13 The proposed annex has been designed to ensure that it will provide sufficient sunlight and daylight within both the annex and the existing Town Hall Building.

Multi Use Games Areas

6.14 Two multi use games areas (MUGAs) are proposed close to the northern boundary of the site. The larger of the MUGAs, known as pitch A, measures 22m wide and 42m long (these dimensions include run off). This pitch will be used for handball, five a side football and basketball. The smaller MUGA, known as pitch B, measures 18.1m wide by 30.1m long (these dimensions include run off). The pitch will be used for volley ball. Both MUGAs will be enclosed by 3m high weldmesh fencing. There are no objections in principle to the location of the MUGAs. The impact of the MUGAs upon the setting of the listed Town Hall Building is discussed within the listed building consent application ref: 13/1996, and upon the adjoining residential occupiers is discussed in further detail below (section 7.5 to 7.7).

6.15 A 4 x lane 100m running track is also proposed at the front of the Town Hall building. The location of the running track to the front of the building is considered in principle. To ensure that it does not have a detrimental impact upon the setting of the Town Hall further details of the hard surface materials are recommended to be conditioned. This condition has been requested by English Heritage.

6.16 Due to the constraints of the site, not all of the facilities will meet the minimum standards set by Sport England. Sport England has been consulted on the application and has confirmed that they do not wish to make comments.

7. Impact on neighbouring residential occupiers

7.1 The application site abuts the rear gardens of No. 1 Kings Drive, 2 The Paddocks and Little Paddocks which is accessed off Kings Drive. There are level changes between the application site and the rear gardens of these residential gardens. The residential gardens are approx. 0.6m to 1.4m higher than the application site.

The proposed annex

7.2 The new annex is located within the north east end of the site. The nearest residential property to the annex is No. 2 The Paddocks. To ensure that any new building does not have an overbearing appearance in relation to neighbouring properties, SPG17 requires the building envelope to be set below a line of 30 degrees from the nearest rear habitable room window, measured at a height of 2m above floor level. In this case, No. 2 The Paddocks is perpendicular to the application site with a flank elevation facing the Town Hall. There is a bedroom at first floor level with sole outlook from the flank wall. The extension will sit well within a line drawn at 30 degrees from this bedroom window, and as such the annex is not considered to be overbearing or result in undue loss of daylight or sunlight from habitable rooms within No. 2 The Paddocks.

7.3 The impact of the extension upon the adjoining private amenity area is also a consideration. SPG17 requires the height of the development to sit below a line of 45 degree at the garden edge, measured at a height of 2m. In this case, the annex when measured from the rear garden of No. 2 The Paddocks and part of the garden of Little Paddocks will sit well within a line drawn at 45 degrees from the edge of the gardens.

As such the proposed annex is not considered to be overbearing or result in undue loss of sunlight from the rear garden of the adjoining residential properties.

7.4 To ensure that acceptable levels of privacy are maintained to neighbouring properties, SPG17 requires a distance of 10m to be maintained from rear windows to the site boundary and a distance of 20m between directly facing rear habitable room windows. In this case a distance of 20m is provided from the windows within the school extension and the neighbouring dwellinghouse, meeting the requirements of SPG17 had the accommodation been residential. Given that the development would comply with the policy guidance for privacy levels for residential accommodation when the hours of occupancy are likely to be greater, it is considered that the proposed annex will not result in an unacceptable loss of privacy to the adjoining residential properties.

MUGAs

7.5 The proposed MUGAs are located close to the boundary with the properties on Kings Drive and The Paddocks. The surface of the larger of the MUGAs (pitch A closest to Kings Drive) is 1.3m below the ground level of the neighbouring property. The MUGA will be screened from the neighbouring property by a 1.8m timber fence above the existing retaining wall. This provides a total height of 3.1m from within the application site together with screen planting along the boundary. As the height of the fencing around the MUGA is proposed at 3m high, the MUGA will not be clearly visible from the neighbouring property on Kings Drive. The smaller of the MUGAs (pitch B closest to The Paddocks) is separated from the nearest residential property by 1.6m high wall with a 0.7m high fence on top. This will provide an overall height of 2.3m from within the application site. Whilst the top 0.7m of the fencing around the MUGA will be visible from the garden of the property on The Paddocks, it is not considered to result in an undue loss of outlook or be overbearing, as it is no higher than a boundary wall. In addition screen planting is proposed.

7.6 The MUGAs will only be used by the school during normal school hours. No floodlighting is proposed which will naturally restrict hours of use during the winter months and the MUGAs will not be used by the community outside of these hours or during weekend. Despite the restriction in the proposed hours of use and no floodlighting, officers in Environmental Health have advised that there is potential for noise nuisance from bouncing balls and playing children. It is unclear whether the proposed landscaping screen and timber fences are sufficient to limit noise from the MUGAs. In response to this concern, your officer's recommend that a condition is secured for a noise assessment to be submitted which includes recommendations for mitigating noise from the MUGAs. This noise assessment may find that a specific acoustic barrier is more effective than a timber fence.

7.7 Due to the close proximity to neighbouring properties, it is recommended that a condition is secured for the MUGAs to only be used between the hours of 08.00 – 18.00 Mondays to Fridays with the pitches vacated within 15 minutes of these time during normal school hours.

External lighting

7.8 As discussed above no floodlighting is proposed for the MUGAs. Outdoor lighting is however proposed for safety reasons during operational school hours especially in winter months. This includes lighting to the internal courtyard and outdoor space to the north east of the secondary school in the form of surface mounted lighting on the external walls of the building and lower level lighting in the form of bollards. Full details of external lighting including location, timer controls and light spillage diagrams are recommended to be condition as part of any forthcoming planning consent to ensure that the lighting does not have a detrimental impact upon the amenity of residential occupiers.

Plant equipment

7.9 The full extent of external plant equipment is yet to be fully detailed. However, mechanical ventilation is proposed to be provided in a number of teaching spaces by in dependant air handling units (AHUs) located on the roof of the main Town Hall building and on the roof of the annex. The use of AHUs is required to meet Section 1 of Building Bulletin 93 (BB93) in relation to acoustic standards in refurbished schools. Supply and extract fans are also proposed to serve the kitchen areas and will be located on the roof of the annex. Officers in Environmental Health have advised that any installed plant equipment should not contribute towards increasing background noise or lead to noise complaints from residential residents. It is therefore recommended that a condition is secured requiring further details of the location of the plant equipment and noise levels.

Proposed hours of use

7.10 The proposed normal opening hours for the school from 7.30am to 6.30pm is not significantly different to the previous use of the Town Hall as the municipal offices for the Council. As a Town Hall the site experienced a relatively high level of activity through the week. The proposed use as a school is not considered to result in significant increase in noise or disturbance compared with the previous use as the Town Hall for Brent Council.

7.11 The Town Hall accommodated various community events including weddings, tea dances and functions during weekends. A community use will still be provided by the French School including adult classes in French Language Teaching during evenings and weekends, screening of French films within the Council Chamber, use of the Paul Daisley Hall for indoor sport facilities and as a drama studio, and possible hiring out of the dining hall for functions during evening and weekends. It is recommended that a condition is secured restricting the hours of use for the overall use of the site between 06.30am to 11pm with the premises cleared within 30 minutes of these hours. The proposed recommended hours are considered acceptable due to the location of the Town Hall building located away from residential properties and the main entrance points and car park located on the Forty Lane frontage.

8. Other environmental considerations

Air Quality

8.1 The site is located within an Air Quality, Management Area and construction has the potential to contribute towards background air pollution levels. Officers in Environmental Health have recommended that a condition is secured for a Construction Environmental Management Plan to be submitted outlining measures that will be taken to control dust, noise and other environmental impacts.

Substation

8.2 There is an electric substation on site located at lower ground level within the main Town Hall building. Officers have advised that all necessary measures to ensure that the exposure level from the substation is within the 'International Commission on Non-ionizing Radiation Protection (ICNIRP)' guideline values for electromagnetic fields. It is recommended that this is drawn to the applicant's attention through an informative to any forthcoming planning consent.

Environmental Impact Assessment (EIA)

8.3 The Council issued an EIA screening opinion for the proposal on 23 July 2013 after the applicant requested an opinion under the provision of Regulation 5 of the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. Officers considered the application and are of the opinion that the development does not fall within Schedule 1 of the Regulations but does fall within Schedule 2, being an Infrastructure Project exceeding 0.5ha (Section 10(b) Urban Development). Having regard to the characteristics of the development, its location and potential impact, your officers do not consider that the proposal requires an Environmental Impact Assessment. Further detail on this opinion is given in the Council's letter to the applicant dated 23 July 2013.

9. Inclusive Design

9.1 The new build annex is designed to be fully compliant with Part M of the Building Regulations 2013. This complies with policy 7.2 of the London Plan 2011. Inclusive access will be improved wherever possible within the main Town Hall Building. However there are constraints with the degree of improvements that can be accommodated due to the existing building form and listing status. The inclusive design for the existing building will include a lift access providing access to the showers and changing rooms within the basement, ramp access to the entrance of the Town Hall Building and ramps in corridors reconfigured to suit the new internal arrangements, with a gradient of 1:20, disabled WCs, platform lift to provide access to the drama studio in the Paul Daisley Hall and to the changing rooms, ramp to provide access to wheelchair spaces within the multi-use room/lecture theatre and a ramp on the roof to provide access to the escape stair.

9.2 It is recommended that full details of the inclusive access design and arrangements within the existing building are conditioned as part of any forthcoming planning consent. This will include full details of the design and location of ramps both externally and within the building.

10. Views

10.1 Three specific views are identified within the Planning and Development Brief that requires particular attention when developing proposals for the future of the Town Hall. These include views from Chalkhill Park, west along Forty Lane and east along Forty Lane. The proposal is not considered to have a detrimental impact from these identified views. The new build annex is located behind the Town Hall and will not be visible from these views.

10.2 Refurbishment of the listed building and improvements to the landscape setting are considered to enhance the main frontage. This includes repair and replacement of windows on a like for like basis on the principal elevation facing Forty Lane of the Town Hall, reduction in the amount of car parking on the forecourt, planting of semi mature trees on the forecourt, and planting of formal garden at lower ground level with a perennial and wildflower meadow. Full details are discussed within the transportation and landscape sections below.

11. Ecology

11.1 The application is supported an *Extended Phase 1 Habitat Survey*, which concludes that the site is considered to be of low ecological value but with potential for some protected and notable species and notably the scattered mature trees on the site and yew hedgerow.

11.2 The recommendations within the Habitable Survey suggest that a biodiversity enhancement scheme could be incorporated into the landscape scheme to maximise the ecological value of the site. The loss of the yew hedgerow can be supported as it is poisonous and located in the Primary School external play area, subject to a new habitat being recreated afterwards with suitable species. The retention of trees on site as identified within the Arboricultural Implication Assessment should be protected throughout construction.

11.3 In relation to protected/notable species, it is recommended that a bat survey is submitted and that bat boxes are provided on site. Provision should be made for excavations to be covered overnight or ramped access provided for terrestrial mammals. It is also recommended that vegetation clearance is undertaken outside of nesting bird season. Nest boxes are also recommended. Such details will be conditioned as part of any forthcoming planning consent.

12. Landscaping

12.1 The landscape proposals for the site have been derived by the vision of creating a 'campus' setting that complements the Grade II listed building. The landscape proposal involves three character areas including Secondary School Woodland Gardens and Primary School Play Gardens within the north eastern end of the site fronting The Paddocks, Lawns and Sports Compound within the western end of the site fronting Kings Drive, and Upper and Lower Terraces to the front facing Forty Lane.

Tree Retention and Tree Removal

12.2 There are a large number of mature and high quality trees within the site that contribute towards the setting of the listed building. An Arboricultural Implications Assessment has been submitted which has identified trees to be retained and removed together with measures to protect existing trees during the duration of the construction of the annex and MUGAs. The tree survey identified a small number of trees within Category A which are trees of high quality and value together with a number of trees within category B which are trees of moderate quality and value.

12.3 A total of 56 trees are to be retained together with two further groups of trees. 35 individual trees, three groups and five trees from within Groups 3 and 4 are proposed to be removed to facilitate the proposed development and allow for construction access. A number of other trees are also recommended to be removed for sound arboricultural management regardless of any development proposal. None of the category A trees are to be removed and the majority of Grade B trees will also be retained. All memorial trees within the lower terrace will be retained. Officers in landscape are generally supported of the proposed works but have requested that a London Plane (T96) which is a category B tree is retained and that construction access to the site will need to be reconsidered. This tree is located within the Primary School Play Area. It is therefore recommended that a revised Arboricultural Implications Assessment is submitted that retains T96.

12.4 Details of Root Protection Areas have also been included within the Arboricultural Implications Assessment, recommending a number of measures to protect RPAs during construction including hand only dig areas and protective fencing. It is recommended that a detailed Arboricultural Development Statement is conditioned that sets out the method statements for the protection of retained trees, mitigation construction

works and the recommended supervision.

Proposed Soft landscape works

12.5 The proposed soft landscaping has been designed to protect and enhance the existing biodiversity and to support Brent's Biodiversity Action Plan. Approximately 25 new trees will be planted. The majority of the new trees will be along the northern boundary to provide a green screen from the MUGAs to the adjoining residential properties and within the upper terrace to soften the frontage and provide some shade during the summer months. A few individual trees are proposed along the Kings Drive and The Paddocks frontages to enhance the landscaping along these boundaries.

12.6 In addition to new trees, native buffer planting including a native hedge is proposed together with ornamental hedges, shade tolerant ground cover mix, wildflower and grasses mix and formal lawns. Your officers in Landscape are generally supported of the landscaping proposals but have recommended that full details of soft landscaping are conditioned as part of any forthcoming planning consent.

Proposed Hard landscape works

12.7 The hard landscape materials that are proposed include a variety of textures and colours. Full details of hard surface materials are recommended to be conditioned as part of any forthcoming planning consent in consultation with English Heritage.

13. Flood risk

13.1 As the site is over 1 hectare a Flood Risk Assessment (FRA) is required to be submitted. The Environment Agency initial raised objections for the reasons that the FRA had fail to demonstrate storage for the climate change corrected 100 year runoff, the use of SUDS and reduction of 50% in peak runoff. A response has been provided by the applicant to the Environment Agency. The Environment Agency have since submitted further comments advising that they are able to withdraw their previous objections subject to a condition being secured for a detailed water drainage scheme for the site to be provided. It is recommended that such condition is secured as part of any forthcoming planning consent.

14. Archaeology

14.1 A desk based report has been submitted and reviewed by English Heritage. Having considered the proposals and the accompanying archaeological assessment it is concluded that there is no archaeological interest due to the and absence of recorded archaeological sites in the immediate vicinity, likely extensive disturbance during construction of the town hall and relatively modest scale of the new build. No further archaeological work is therefore considered necessary.

15. Security

15.1 The scheme has been designed with reference to the 'Secured by Design - Schools Guidelines 2010'. The school has been designed so that the majority of external spaces together with the car park are overlooked by teaching rooms. Additional security measures are proposed which include:

Boundary treatment

15.2 The existing boundary wall along Kings Drive is to be repaired and replaced in part so that when viewed from inside the school site it is a minimum of 1.8m high including railings on top of the boundary wall. This is required to ensure that the scheme is designed in accordance with 'Secured by Design - Schools Guidelines 2010'. Three vehicular gates and one pedestrian gate are proposed along the Kings Drive frontage. Along The Paddocks a large section of the boundary wall is to be replaced with railings on top. One again this is required for security reasons. The entrance of the secondary school is also proposed from The Paddocks. Further consideration of the design of the boundary treatment in terms of the impact upon the setting of the listed building is discussed within the listed building consent application ref: 13/1996. It is recommended that a condition is secured to any forthcoming planning consent requiring full details of the boundary treatments.

Access Control and Building Entrance

15.3 The school will be secured by a conventional key based system with all doors using European Standard locks. Access control readers and doors with maglocks and break glass will be provided within the main entrances, car park, access door between the primary and secondary school, and doors between community

and school areas.

15.4 The existing main entrance to the Town Hall will remain the main entrance for visitors during school hours. Security doors will be provided at the reception area to restrict visitors having access to the rest of the building.

Lighting

15.5 External lighting is proposed to ensure that the strategic locations such as the perimeter gates and building entrances are lit.

CCTV

15.6 CCTV is proposed across the site to be used externally to safe guard the site and buildings, and internally to support pupil safety and behaviour. The CCTV cameras will cover every entrance/exit point on the site and will be co-ordinated with the entrance intercom system. CCTV is also proposed to be installed outside of all pupil WCs to reduce vandalism.

15.7 Full details of the security measures both internally and externally are recommended to be conditioned as part of any forthcoming planning consent. The measures proposed internally will also need listed building consent and will be conditioned as part of the listed building consent application ref: 13/1995.

16. Sustainability

16.1 Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures* and the GLA's London Plan 2011 policies within Chapter Five *London's Response to Climate Change*.

Compliance with Brent policies

16.2 In support of the proposal's objective of satisfying Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures*, a BREEAM Preliminary Assessment has been submitted predicting the development would achieve 72.17% which exceeds the minimum requirement for Excellent rating (70%), providing flexibility within the design should credits be lost through the detailed design and construction process. The BREEAM Assessment has only be carried out for the new annex as the refurbishment works being carried out to the listed building and minor and do not fulfil the BRE criteria. This is to be secured as part of the section 106 agreement.

16.3 Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control* 2003 require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of 38.8% can be achieved. Given that the refurbishment works to the listed building are limited, it is recommended that a minimum score of 38.8% is achieved for the sustainability checklist. This is to be secured as part of the section 106 agreement.

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

Compliance with London Plan 2011

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

16.6 The application is supported by an Energy Strategy for the New Build Annex. In summary, the proposal meets and exceeds the criteria of London Plan policy 5.2(b) for 25% improvement on 2010 Building Regulations. The proposed energy strategy achieves 32.22% improvement on 2010 regulations.

- Lean measures

16.7 The passive measures include improved u-values for the walls, floors, roof and glazing, solar control glazing and the use of a concrete frame for the new build to provide a reasonable level of air tightness.

16.8 Energy demand will also be reduced through the use of the electrical power factor correction and sub-metering and monitoring, low energy lighting and lighting controls, high efficiency boilers, variable speed pumping for heating/chilled water systems, low specific fan power for mechanical ventilation systems, heat recovery for mechanical ventilation systems, metering and monitoring of systems and low flow water taps and low flush WCs. The ICT equipment will also be coordinated to meet low energy requirements.

16.9 The lean measures will provide a carbon dioxide saving of 8.89%.

- Clean measures

16.10 There are no nearby proposals for district heat and power networks, however the heating system will be designed so it can be connected to any district network should one come forward in the future. This approach is supported by the borough Sustainability officer. The feasibility of combined heat and power (CHP) has been assessed and the applicant has advised that due to the size of the site and the restriction of distribution from this site due its location it is not possible to support a CHP system.

- Green measures

16.11 Different renewable energy sources have been evaluated and discounted with the exception of Photovoltaic Panels. The Photovoltaic Panels will be located on the roof of the new annex and are estimated to save 25.61% of the site's energy demand. The provision of Photovoltaic Panels is supported and they will also provide an education benefit as pupils will be allowed supervised access to the roof to view the panels. They are indeed located above the science classrooms.

16.12 It is recommended that the Energy Strategy and the requirement to achieve a minimum of 32.22% improvement on 2010 regulations is secured as part of the Section 106 Agreement.

Improvements to the existing Town Hall Building

16.13 A number of improvements are proposed to the Town Hall Building including repairing and replacing windows and upgrading lighting to improve the thermal and energy efficiency of the existing listed building. These are discussed in further detail within the listed building consent application ref: 13/1995.

17. Transportation

17.1 This site is located on the northern side of Forty Lane (a four-lane London Distributor road), between its signalised junctions with The Paddocks and Asda/Kings Drive.

17.2 On-street parking along the Forty Lane frontage is prohibited at all times, with a bus stop and associated clearway located in front of the main building entrance. Parking along the Kings Drive and The Paddocks frontages to the site is generally unrestricted, other than on Wembley Stadium event days when permits are required to park between 10am and midnight.

17.3 Neither Kings Drive nor The Paddocks are heavily parked at night, but both tended to experience high levels of daytime parking when the Town Hall was occupied. However, on visiting the site (10.15am, Friday 23rd August), The Paddocks was very lightly parked and although the southern end of Kings Drive was heavily parked (along the site frontage), few cars were parked further north. The Greenway was also very lightly parked.

17.4 Public transport access to the site is very good (PTAL 4-5), with Wembley Park station (Jubilee and Metropolitan lines) and six bus services (83, 182, 206, 223, 245 & 297) within 640 metres (8 minutes' walk).

Car Parking and access arrangements

17.5 A total of 105 car parking spaces (incl. five disabled) are currently marked along the front of the site, with access only via a 6m wide crossover with barriers from Kings Drive and egress only via a 9.5m wide crossover with barriers onto The Paddocks (which is subject to a left-turn only restriction on weekdays between 7am and 7pm). Two further crossovers of 4.8m and 7.3m width on Kings Drive access delivery areas and lock-up garages in the basement and at the rear of the site. The main pedestrian entrance is via a flight of steps from Forty Lane, with further pedestrian entrances from The Paddocks and Kings Drive into the front and rear.

17.6 This application will reduce the number of car parking spaces to 46 marked spaces (incl three disabled),

together with a separate 62m long setting down zone for parents and coaches. Access and egress arrangements to the front of the site are to be retained, but with the crossovers narrowed down to 4.8m with 4m kerb radii (1m radius on the southern side of the Kings Drive access). The two other crossovers from Kings Drive to the rear of the site are also shown retained at a width of 4.8m with kerb radii of between 2m and 4m for use by service vehicles.

17.7 Car parking allowances for the existing and proposed uses of this site are set out in standards PS6 and PS12 of the adopted Unitary Development Plan 2004. As the site is not located in a town or district centre, a relaxed allowance of one space per 150m² would apply to the existing office use, although extra allowances could be made for the library, community hall and function rooms. Even so, the existing provision of over 100 spaces exceeds standards. The proposed school would be permitted up to one space per five staff, plus 20% for visitors, giving a total allowance of 23 spaces. The proposed provision of 43 standard width spaces therefore exceeds the maximum allowance by 20 spaces, but represents a significant decrease on the existing provision. On this basis, given that the proposal is also for the change of use of the building rather than comprehensive redevelopment of the site, a relaxation to the parking standard is considered acceptable.

17.8 Nine of the proposed spaces are to be provided with electric vehicle charging points at the outset, with a further five supplied with passive provision, which is welcomed. Full details are recommended to be conditioned as part of any forthcoming planning consent.

17.9 The provision of three wide spaces for disabled drivers (6.5% of the total) is sufficient to satisfy standard PS15.

17.10 Standard PS12 also requires that careful consideration be given to the setting down and picking up of children at the start and finish of the school day. In this respect, a parallel setting down area capable of accommodating eleven cars or three coaches (or a combination thereof) is proposed to be retained along the northern side of the car park, in front of the main building, helping to ensure that parents do not park on surrounding streets.

17.11 The school is also intended to be made available for out-of-hours community activities and the car parking to the front of the site can be used for visitors at evenings and weekends.

Cycle parking

17.12 Ten staff bicycle parking spaces have been indicated at undercroft level, with 68 spaces for pupils (and an identified area to extend this to 90 spaces) indicated alongside the entrance to the upper school from The Paddocks.

17.13 Cycle parking standards require one space per ten staff and one space per ten secondary school students, giving a total requirement for 100 spaces. Space has been shown for this level of provision in secure locations within the site, although 22 of the student spaces are shown only as potential future spaces at this time. It is considered preferable for these to be provided from the outset, and such details are recommended to be conditioned as part of any forthcoming planning consent. Changing, showering and locker facilities are also to be provided for staff, in line with standards.

Servicing arrangements

17.14 Servicing needs to be undertaken to the kitchens and for refuse vehicles. Provision is to be retained to the rear of the site for such vehicles as at present. However, no turning space has been retained within the site for delivery vehicles, leaving them needing to reverse a long distance into or out of the site from Kings Drive. An amendment to the design at the rear to incorporate turning for delivery and refuse vehicles is therefore sought by officers in Transportation and such details are recommended to be secured as part of any forthcoming planning consent.

17.15 Access arrangements otherwise remain largely unaltered, although the applicant will need to meet the cost of the proposed alterations to the widths of the crossovers. In this respect, the kerb radii on both main vehicular accesses need to be at least 4m, not 1m as shown at Kings Drive. Further details of which are recommended to be conditioned as part of the s.278 works.

Transport Assessment

17.16 A Transport Assessment has been produced by TTP Consulting on the applicant's behalf. This has produced estimates of trip generation for the proposed school by different modes. This has used survey

results from two other French Schools in London (École Marie d'Orliac and École de South Kensington) as well as some information from Crest Academy School to determine likely modal split. However, professional judgement has then been exercised to arrive at predicted modal share by car of 15% for primary school children, 5% for secondary school children and 28% by staff. These figures are lower than other schools within Brent and your transportation officers have therefore requested more justification for these figures and a sensitivity test to be undertaken using higher modal share figures.

17.17 The Transport Assessment goes on to compare estimated trips for the school with surveyed trips for the Town Hall previously undertaken when the Town Hall was still in full operation. This showed a reduction in vehicular movements to and from the site from 636 to 521 vehicle movements per day. However, this needs to be reviewed in light of the above reservations on the modal share split, and also needs to be broken down across the course of the day to identify the impact at morning and evening peak periods. The transport consultant will be providing further information in due course and this will be reported in a supplementary report. This may show an increase in traffic movements at peak times, and if so then the transport consultant will be required to carry out a further assessment of the impact upon the junctions of Forty Lane with Kings Drive and The Paddocks. They will also need to include an assessment of future operation allowing for traffic growth associated with the Wembley redevelopment area. The results will be reported within the supplementary.

17.18 Nevertheless, the consultants have modelled these two junctions in their existing state and both have been found to operate within both peak periods with a high level of reserve capacity. Therefore, it is not anticipated that the revised modelling will identify any capacity problems.

17.19 The transport consultants have also modelled the junction with The Paddocks with the inclusion of pedestrian crossing phases operating when all traffic is held at red. This has also shown that the junction would continue to operate with plenty of spare reserve capacity. Your transport officers therefore support the introduction of pedestrian crossing phases at this junction in principle, subject to the outcome of further modelling as mentioned above. Such works would be secured as part of the s.278 works.

Highway improvement measures

17.20 The Transport Assessment has provided information on accidents in the area over the three year period ending February 2013, and has also provided a PERS audit into the pedestrian environment around the site. There were key concerns over the relatively high number of pedestrian accidents on Forty Lane. The narrow width of footways along Forty Lane to the front of Asda and the lack of pedestrian crossing facilities at the junction with The Paddocks. To help mitigate this, improvements have been identified to ensure that safety of pupils and staff arriving and departing by foot is maintained. The following works are therefore recommended for inclusion in a s.278 agreement:

- Improvements to pedestrian crossing facilities along the Forty Lane frontage of the site to include improvements to the existing crossing facilities at Forty Lane/Kings Drive/Asda junction, new pedestrian crossing facilities at the Forty Lane/The Paddocks junction, and crossing facilities along the length of Forty Lane between the Kings Drive and The Paddocks junctions.
- Siting of a speed camera along this stretch of Forty Lane
- Additional signing for the school including advance warning signs on Forty Lane and The Paddocks
- SCHOOL KEEP CLEAR zig-zag markings and a review of other waiting restrictions along the site frontages together with a review of guardrailling around the site.
- Works to adjust the vehicular accesses.

17.21 The works proposed as part of the s.278 agreement will be conditioned to any forthcoming planning consent, and completed prior to first occupation of the new International French School.

17.22 TfL has raised potential concerns over bus capacity subject to further consideration on the catchment area of the pupils which would allow further identification of bus routes that would be particularly affected. In the meantime, they have suggested that they would require a sum of money to address overcrowding and to provide additional services. Given the redevelopment of the wider area and the funding opportunities that this would present, the cumulative impacts of this particular proposal is not considered sufficient to justify a contribution.

Travel Plan

17.23 A Travel Plan has been appended to the Transport Assessment setting out a range of measures to reduce car use to and from the site by pupils and staff. This has been assessed using TfL's ATTrBuTE

system but has failed principally due to the shortcomings in the monitoring programme. However, in actual fact, the survey method of using hand up surveys for children is in line with standard practice for schools in London and therefore the only major shortcome with the Travel Plan is that the monitoring timeframe is for three years rather than five years.

17.24 It is therefore recommended that the implementation of the submitted Travel Plan with a minor amendment to the study monitoring period to five years with targets adjusted accordingly be secured as part of the section 106 agreement.

18. Community Infrastructure Levy (CIL)

18.1 Brent's CIL came into force on 1 July 2013. A charging schedule has been produced that sets out the differential rates of CIL to be determined by the land use of a proposed development. This application relates to an education use (use class D1) and has zero charge (£0).

18.2 The Mayor's CIL came into force on 1 April 2012. It also has a charging schedule of £35 per sqm for applicable floorspace in Brent. Once again as the application relates to an education use (use class D1) it has a zero charge (£0).

19. Consultation

Community involvement

19.1 The application is supported by a Statement of Community Involvement. The SCI provides a summary of the means by which the applicant and project team have communicated with and involved the following stakeholders:

- Brent Council Planning Service via the Major Cases Forum
- The local community – public exhibition held on 12 June 2013 and letters distributed to approximately 2000 residents in the area.
- Statutory organisations including Brent Council internal departments (Planning Policy, Transportation, Design and Conservation, and Trees and Landscape); Twentieth Century Society, Crime Prevention Design Officer and English Heritage.

19.2 The SCI also summarises the concerns and objections expressed during that process. Your officers are satisfied that the pre-application public consultation—which is not a statutory duty—was carried out properly and without discrimination.

Response to objections raised during the course of the planning application

19.3 A total of 310 residents were consulted on the planning application for the new French International School. This included properties on Barn Hill, Farnborough Close, Forty Lane, Greenhill Way, Kings Drive, The Mount, The Paddocks and Wellspring Crescent. A total of 31 objections have been received from local residents. A table summarising these objections together officer response is provided below:

Point of objection	Response
New access from The Paddocks will be detrimental to highway and pedestrian safety.	No new vehicular access is proposed from The Paddocks. Waiting restrictions and school keep clear zig zags will be provided where suitable in front of the school pedestrian entrances.
Traffic congestion on Forty Lane, The Paddocks, Bridge Road and surrounding roads.	The Transport Assessment shows that there will be no detrimental impact on the junctions of The Paddocks or Asda. A separate study has been undertaken by Brent Council on the Bridge Road junction with funding having been secured from the Wembley redevelopment area for junction improvements.
Lack of parking for staff, visitors and parents, resulting overspill parking onto	The proposed parking for the school exceeds the Council's parking standards,

surrounding streets that are already heavily parked.	<p>reducing the likelihood of overspill parking.</p> <p>The Town Hall used to generate overspill parking on Kings Drive and The Paddocks, but with Brent Council vacating the building there is now plenty of spare on street capacity.</p>
School buses should not park on surrounding residential roads and should turn their engines off when waiting.	There is a dedicated provision for school bus drop off and pick up within the school grounds.
No new bus stops on The Paddocks.	No new bus stops are proposed on The Paddocks.
Concerned that a prime residential area will be blighted by the presence of a big school, and a French Quarter emerging within the school's vicinity which may adversely affect other communities in Brent.	The new school will provide wider benefits for the local community through a range of community facilities such as adult French Language classes and a french film screening.
School should not compromise residential amenity	<p>The opening hours of the school including community access are recommended to be conditioned until 11pm. This time is considered acceptable given the previous use of the building as a Town Hall, and the separation of the building from surrounding residential properties.</p> <p>No floodlighting is proposed for the MUGAs.</p> <p>A noise assessment is recommended to be conditioned in relation to MUGAs and external plant equipment.</p>
Construction noise and dust	<p>The section 106 agreement will require the applicant to enter into the considerate contractors scheme.</p> <p>An Environmental in relation to air quality is recommended to be conditioned.</p> <p>Environmental Health legislation restricts the hours that noisy works can take place: 8am to 6pm on Mondays to Fridays, 8am to 1pm on Saturdays and at no times on Sundays and Bank Holidays.</p>
Three storey extension facing The Paddocks is out of keeping with the area which is predominantly two storey detached houses.	The size, location and height of the extension (annex) complies with the range of development supported within the Planning and Development Brief.
Council has a biased interest in the application as the Council is the vendor. The views of residents will not be heard fairly.	<p>The council undertook a wide consultation on both the planning and listed building consent applications, together with the application being advertised in the press and site notices.</p> <p>Residents are able to attend the Planning Committee meeting, and do have the opportunity to address the Planning Committee subject to following the required procedures for this.</p>

	The applications will be decided by the Secretary of State rather than the Council. Members will only make a recommendation.
Loss of value to nearby residential properties.	This is not a planning consideration.

20. Conclusions

20.1 In conclusion, it is considered that the change of use of the Town Hall into the International French School together with the associated internal and external alterations, new annex, hard and soft landscape improvement, and highway improvement will have limited degree of impact upon the significance of the Town Hall and its setting, and the surrounding area. It will secure the future use of this local landmark, bringing both heritage and wider public benefits.

RECOMMENDATION: Grant subject to S106 & refer to SoS

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

National Planning Policy Framework 2012
The London Plan 2011
Brent Unitary Development Plan 2004
Brent Core Strategy 2010
Brent Town Hall Planning and Development Brief - Adopted March 2012
Brent Site Specific Allocations (SSA) - adopted 2011
Draft Wembley Area Action Plan (WAAP) dated March 2013.
S106 Planning Obligations SPD - Adopted 1 July 2013
SPG17 "Design Guide for New Development" Adopted October 2001
SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

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
Employment: in terms of maintaining and sustaining a range of employment opportunities
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services
Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

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

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

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

Plan Numbers

WFS.SSA.A31.ALL-GA.GND.000001.A: Site Location
 WFS.SSA.A31.ALL-GA.GND.000002.A: As Existing Site Plan
 WFS.SSA.A31.ALL-GA.UND.000010.A: As Existing Undercroft
 WFS.SSA.A31.ALL-GA.GND.000012.A: As Existing Ground Level
 WFS.SSA.A31.ALL-GA-01.000013.A: As Existing Level 1
 WFS.SSA.A31.ALL-GA-RF.000015.A: As Existing Roof Level
 WFS.SSA.A31.LEG-GA-01.000023.A: As Existing Level 1
 WFS.SSA.A31.LEG-GA-02.000024.A: As Existing Level 2
 WFS.SSA.A31.LEG-GA-GND.000022.A: As Existing Ground Level
 WFS.SSA.A31.LEG-GA-LG.000021.A: As Existing Lower Ground Level
 WFS.SSA.A31.LEG-GA-RF.000025.A: As Existing Roof Level
 WFS.SSA.A31.LEG-GA-UND.000020.A: As Existing Undercroft

 WFS.SSA.A31.ALL-GA.GND.000102.A: As Proposed Site Plan
 WFS.SSA.A31.ALL-GA.GND.000112.A: As Proposed Ground Level

 WFS.SSA.A31.ALL-GA-LG.000111.A: As Proposed Lower Ground

 WFS.SSA.A31.ALL-GA-RF.000115.A: As Proposed Roof Level

 WFS.SSA.A31.ALL-GA.UND.000110.A: As Proposed Undercroft

 WFS.SSA.A31.ALL-GA-02.000114.A: As Proposed Level 2

 WFS.SSA.A31.ANN.ELV-SL.000132.A: As Proposed Annex Elevations 1
 WFS.SSA.A31.ANN.ELV-SL.000133.A: As Proposed Annex Elevations 2
 WFS.SSA.A31.ANN.ELV-SL.000134.A: As Proposed Annex Elevations 3
 WFS.SSA.A31.ANN.ELV-SL.000135.A: As Proposed Annex Elevations 4

 WFS.SSA.ANN.ENV-SL.000140.A: Typical Detail Elevations and Sections

 WFS.SSA.A31.ANN.SEC-SL.000136.A: As Proposed, Daylight Study Sheet

 WFS.SAA.A31.LEG.DET-SL.000160.A: Heritage Details - Paul Daisley Hall 1
 WFS.SAA.A31.LEG.DET-SL.000161.A: Heritage Details - Paul Daisley Hall 2
 WFS.SAA.A31.LEG.DET-SL.000162.A: Heritage Details - Paul Daisley Hall 3
 WFS.SAA.A31.LEG.DET-SL.000163.A: Heritage Details - Paul Daisley Hall 4
 WFS.SAA.A31.LEG.DET-SL.000164.A: Heritage Details - Paul Daisley Hall 5
 WFS.SAA.A31.LEG.DET-SL.000170.A: Heritage Details - Council Chamber 1
 WFS.SAA.A31.LEG.DET-SL.000171.A: Heritage Details - Council Chamber 2
 WFS.SAA.A31.LEG.DET-SL.000150.A: Heritage Details - Windows
 WFS.SAA.A31.LEG.DET-SL.000155.A: Heritage Details - Main Stair
 WFS.SAA.A31.LEG.DET-SL.000156.A: Heritage Details - Secondary Stairs

 WFS.SSA.A31.LEG.ELV-SL.000030.A: As Existing Legacy Building Elevations 1
 WFS.SSA.A31.LEG.ELV-SL.000031.A: As Existing Legacy Building Elevations 2
 WFS.SSA.A31.LEG.ELV-SL.000032.A: As Existing Annex Building Elevations
 WFS.SSA.A31.LEG.ELV-SL.000130.A: As Proposed Legacy Building Elevations 1
 WFS.SSA.A31.LEG.ELV-SL.000131.A: As Proposed Legacy Building Elevations 2

 WFS.HTA.A35.EXT.GA.SL.009100.A: Landscape Masterplan
 WFS.HTA.A35.EXT.GA.SL.009101.A: Illustrative Landscape Masterplan
 WFS.HTA.A35.EXT.SEC.SL.009301.A: Northern Site Boundary Elevation
 WFS.HTA.A35.EXT.SEC.SL.009302.A: Site Boundary Elevations and Details
 WFS.HTA.A35.EXT.SEC.SL.009303.A: Site Sections A-A

Supporting Documents

Arboricultural Implications Assessment dated June 2013 (Ref: WFS.CBT.A35.EXT.REP.SL.000002A) prepared by CBA Trees
Archaeological Desk-Based Assessment dated June 2013 (Ref: T17401.01) prepared by Wessex Archaeology
Design and Access Statement dated July 2013 (Ref: WFS.ALL.REP.SL.000001.A prepared by Southstudio
Design and Access Statement Appendix - Landscape Strategy and Proposals dated July 2013 (Ref: WFS-HTA-A35-EXT-REP.SL-009800-A) prepared by hta
Design and Access Acoustic Statement v2 dated 16 July 2013 prepared by AECOM
Fire Strategy Report dated 21 June 2013 prepared by Hilson Moran
Energy Strategy for New Build Annex dated 17 July 2013 (Ref: WFS-CBG-A19-ANN-REP.SL-200001-D) prepared by CBG Consultants
Extended Phase 1 Habitat Survey dated June 2013 (Ref: RT-MME-114255-01) prepared by Middlemarch Environmental Ltd
External Noise Assessment dated 19 June 2013 (Ref: WFS-AEC-A45-ALL-REP.SL-000001) prepared by AECOM Limited
Flood Risk Assessment dated June 2013 (Ref: WFS.ENV.RI.EXT.REP.SL.000001) prepared by ENVIRON
Foul Sewage and Utilities Statement dated 15 July 2013 (Ref: WFS.BYG.A0.ALL.REP.SL.D00001.A) prepared by Bouygues UK Limited
Heritage Impact Assessment dated July 2013 (Ref: WFS-NLP-A34-LEG-REP.SL-000002) prepared by Nathaniel Lichfield & Partners
Lighting Assessment dated 19 July 2013 (Ref: WFS.HOL.V4.ALL.REP.SL.D00001.B) prepared by Bouygues UK Limited
Mechanical and Electrical Design Scope prepared by CBG Consultants
Planning Statement dated July 2013 (Ref: WFS-NLP-A44-ALL-REP.SL-000001) prepared by Nathaniel Lichfield & Partners
Site Waste Management Plan dated 1 July 2013 (Ref: WFS.BYG.A0.ALL.REP.SL.D00003.A) prepared by Bouygues UK Limited
Statement of Community Involvement dated July 2013 (Ref: WFS-NLP-A44-ALL-REP.SL-000003) prepared by Nathaniel Lichfield & Partners
Structural Engineering Strategy prepared by Bouygues UK Limited
Sustainability Checklist dated 15 July 2013 (Ref: WFS.BYG.A0.ALL.REP.SL.D00002.A) prepared by Bouygues UK Limited
Transport Assessment dated July 2013 (Ref: WFS.TPP.A43.ALL.REP.SL.000001) prepared by ttp consulting
Tree Survey Report dated May 2013 (Ref: WFS.CBT.A35.EXT.REP.SL.000001) prepared by CBA Trees
Ventilation Statement dated 15 July 2013 (Ref: WFS.BYG.A0.ALL.REP.SL.D00004.A) prepared by Bouygues UK Limited

Reason:

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

- (3) The two Multi Use Games Areras (MUGAs) hereby approved shall only be permitted to be used between 08.00-18.00 Mondays to Fridays with the MUGAs vacated within 15 minutes of these times. The development shall operate within these parameters unless otherwise agreed in writing with the local planning authority beforehand.

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

- (4) No floodlights or other form of lighting for the Multi Use Games Areas hereby approved shall be installed on site without the prior submission to and approval in writing by the Local Planning Authority. This shall include the specification, manufacturer, lux level, model, direction and the siting of each lamp. Thereafter the lights shall be installed and operated in accordance with the details so approved prior to installation.

Reason: In order to prevent harm to local amenities from light spillage.

- (5) No music, public address system or any other amplified sound system shall be installed or used externally on the site without the prior written approval of the Local Planning Authority. Any proposed system(s) shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter only installed and operated in accordance with the details so approved.

Reason: To safeguard the amenities of the adjoining occupiers.

- (6) The facing bricks for the external surface on the eastern elevation of the proposed annex hereby approved shall be a 50:50 mix of Wienerberger Terca Forum Smoked Blanco/Forum Smoked Prata at lower levels and Baggeridge K223 Classic Blue Multi at upper levels as shown in Drawing No: WFS.SSA.31.ANN.ELV-SL.000132.A: Annex Elevation 1 (dated 28 August 2013) unless otherwise agreed in writing by the Local Planning Authority.

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

- (7) No works shall commence on site prior to a Tree Protection Plan being submitted to and approved in writing by the Local Planning Authority. These shall include method statements and plans which:

- (i) adhere to the principles embodied in BS5837:2011
- (ii) indicate exactly how and when the retained trees (including T96 - London Plane), hedges and shrubs on-site or off-site near the site boundaries will be protected during the construction phases; and
- (iii) show root-protection zones

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

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

- (8) No works shall commence on site until an Arboricultural Development Statement has been submitted to and approved in writing by the local planning authority. Such details shall include:

- (i) A schedule of all works to trees on-site to facilitate the development or ensure the health of the tree(s)
- (ii) For those areas to be treated by means of any hard landscape works including access roads or MUGAs, provide:
 - detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
 - details of a no-dig solution for areas within root-protection zones using a cellular confinement system to include a method statement for such works (nb. contractor should demonstrate that they have experience in installing such a system successfully);
 - attendance of a qualified and experienced arboricultural consultant during sensitive operations;
 - works to trees should be carried out by an Arboricultural Association Approved Contractor in accordance with the latest industry guidance (British Standard 3998:2010); and
 - a schedule of materials and samples if appropriate.

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

Reason: To ensure the ongoing health and vitality of the existing trees throughout the duration of the development, in the interests of the occupants and general public and to enable the

Local Authority to monitor such measures

- (9) Notwithstanding the plans hereby approved, within three months of commencing works on site, further details of all soft landscape works within the site shall be submitted to and approved in writing by the Local Planning Authority and all areas shown on the approved plan(s) shall be suitably landscaped in accordance the approved details within 12 months of first occupation of the new International French School.

Details shall include:

- (a) all planting including location, species, size, density and number incorporating a biodiversity enhancement scheme as suggested within section 6.2 of the *Extended Phase 1 Habitat Survey* together with a minimum of 25 new trees within the site;
- (b) Replacement of yew hedge with a suitable replacement hedge species;
- (c) Details of bat boxes (suitable for pipistrelle species) and bird boxes (suitable for house sparrow) and
- (d) Details of ramped access for terrestrial mammals if excavations are left open overnight during the construction stages.

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

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

- (10) A Landscape Management Plan for maintenance of all hard and soft landscape areas shall be submitted to and approved in writing by the Local Planning Authority within three months of the commencement of works on site is to be submitted to and approved in writing by the local planning authority and shall be implemented within a timescale to be agreed.

This should comprise a maintenance schedule and any specific management duties and such details may include:

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

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

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

- (11) Notwithstanding the submitted plans otherwise approved further details of all hard landscape works within the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage. Such details shall include:
- (a) full details of all hardsurfaced materials within the site
 - (b) details of any outdoor furniture such as benches
 - (c) full details of the repair and replacement of the boundary walls along The Paddocks and Kings Drive including samples of bricks, mortar and coping stones of replacement areas of walls
 - (d) full details of railings above the boundary walls and vehicular/pedestrian access gates along The Paddocks and Kings Drive including type, height, colour and means of fixing on top of, or behind existing perimeter wall
 - (e) full details of the timber fence and/or acoustic fence along the northern boundary if identified within the Noise Assessment to be submitted as part of Condition x

Reason: In the interests of the visual amenity of the locality, setting of the listed building and security.

- (12) Prior to the commencement of works to the proposed annex, further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show:
- (a) the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;
 - (b) the junctions around any wall mounted external vents, if applicable;
 - (c) the location of the external plant equipment and extract and supply ducts to the kitchen together with details of the design and material of any screening to the external plant equipment and extract and supply ducts;
 - (d) the hand rail at roof level including its position on the roof, design and finish

The development shall be completed in accordance with the details so approved before the new International French School is occupied.

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

- (13) Further details of internal and external security measures for the new school, in accordance with the guidance set out in Secured by Design for Schools 2010 shall be submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with such approved details. Such details shall include:
- (a) details of CCTV cameras including location, means of fixtures either on poles or on the external and internal features within the building;
 - (b) details of access controls within the school both externally and internally together with details of any such measures will be fixed to the existing building.
 - (c) details of all external lighting including location, method of fixing to existing and proposed buildings, light spillage diagrams in relation to both the site and any overspill light spillage outside of the boundaries of the site with lux levels specified, and means of timing controls.

Reason: In the interest of security and ensuring that the setting of the listed building is not comprised.

- (14) No development shall commence on site until a detailed surface water drainage scheme for the site (including a restriction in run-off and surface water storage on site), based on the agreed Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority and thereafter fully implemented in accordance with the approved details prior to first occupation of the new International French School. Such details shall include
- (a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan shall show any pipe 'node numbers' that

have been referred to in network calculations and it shall also show invert and covered levels of manholes.

(b) Confirmation of the critical storm duration.

(c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

(d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.

(e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this shall be shown on the plan with the rate of discharge stated.

(f) Calculations shall demonstrate how the system operates during a 1 in 100 chance in any year critical storm event, including an allowance for climate change in line with NPPF Technical Guidance. If overland flooding occurs in this event, a plan shall be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- (15) Activities within the International French School for use by the school and community users hereby approved shall only take between the hours of 0630 and 2300 Mondays to Sundays, with the premises cleared within 30 minutes of this time, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of surrounding residential properties.

- (16) Vegetation clearance shall be undertaken outside of the nesting bird season (generally extends between March and September inclusive). If this is not possible then any vegetation that is to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them is required to be delayed until the young have fledged and the nest has been abandoned naturally.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

- (17) No works involving demolition or site clearance shall commence until further details of the wheel wash facilities have been submitted to and approved in writing by the local planning authority and the facilities have been installed. Thereafter the facilities shall remain in place and operational until construction works have concluded.

Reason: In the interests of highway and pedestrian safety.

- (18) Prior to commencement of development, further details of external materials for the new annex, including samples to be prearranged to view on site and/or manufacturer's literature shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

(a) details of materials and colour/finishes for windows and areas between windows within the eastern elevation

(b) mock sample board to be viewed on site at scale 1:1 of the bricks for the eastern elevation as detailed in condition x together with the proposed mortar.

(c) details of external materials for all external surfaces of the northern, western and southern elevations of the proposed annex (including walls, windows and areas between windows)

(d) mock sample board to be viewed on site at scale 1:1 of bricks or brick slips on the northern, southern and western elevations together with the proposed mortar.

The works shall be carried out in accordance with the approved details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

- (19) Prior to any works commencing on site, a bat survey shall be carried out and submitted to and approved in writing by the Local Planning Authority. All recommendations within this report shall be followed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and species protection.

- (20) Details of the roof plan showing the areas of the proposed photovoltaic panels (including the size, location and orientation of the photovoltaic panels) in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and shall be installed within twelve months of first occupation of the new International French School and shall be retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- (21) Within three months of the commencement of works on site, an assessment of the impact of the noise from the Multi Use Games Areas on nearby residential properties shall be undertaken and submitted to the Local Planning Authority for approval. The assessment shall include recommendations to ensure that the nearby residents are afforded adequate noise protection. The approved recommendations shall be fully implemented prior to first use of the Multi Use Games Areas hereby approved.

Reason: To protect the amenity of nearby residents.

- (22) Within three months of the commencement of works on site, an assessment of the noise level from any installed plant (such as air handling units, generators, ventilation/extraction systems) together with any associated ducting, achieving 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises, shall be undertaken and submitted to the Local Planning Authority for approval. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. If the predicted noise levels of the plant exceed those specified within this condition, then a scheme of insulation works to mitigate the noise shall be included. The recommendations provided within the noise assessment together with any required mitigation measures shall be carried out in full accordance with the approved details prior to first use of the plant equipment hereby approved.

Reason: To protect that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- (23) Prior to commencement of any works on site, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be undertaken to control dust, noise and other environmental impacts of the development. The identified measures shall be fully adhered to throughout all stages of construction.

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

- (24) Full details of all external ramped access both to the listed Town Hall Building and proposed annex together with any alterations to existing ramped accesses including details of the design and material of the railings, length and surface treatment of the ramp, gradient, and means of fixture to the listed building shall be submitted to and approved in writing by the Local Planning Authority within three months of the commencement of works on site. The scheme shall be carried out in full accordance with the approved details and installed prior to first occupation of the new International French School.

Reason: In the interest of providing inclusive access and in the interests of the character and setting of the listed building.

- (25) Full details of the replacement windows within the listed Town Hall Building shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- Details of all window elevations to be replaced, at scale of 1:10 or with all dimensions clearly annotated.
 - Show a cross section at scale 1:5 or with all dimensions clearly annotated through the transom, showing the relationship of opening and fixed lights and details of reveals.

Reason: In the interests of preserving the setting of the listed Town Hall Building.

- (26) Details of the colours and finishes for the means of enclosure and the rest of the associated MUGA structure together with details of the external surface of the MUGAs shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on site and thereafter the MUGAs shall be constructed in accordance with the approved details.

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

- (27) Prior to commencement of development, appropriate arrangements showing details of the scope of the highway works and associated junction modelling around the site including a plan shall be made in writing with the Local Planning Authority. The works shall include:

- Improvements to pedestrian crossing facilities along the Forty Lane frontage of the site to include improvements to the existing crossing facilities at Forty Lane/Kings Drive/Asda junction, new pedestrian crossing facilities at the Forty Lane/The Paddocks junction, and crossing facilities along the length of Forty Lane between the Kings Drive and The Paddocks junctions.
- Siting of a speed camera along this stretch of Forty Lane
- Additional signing for the school including advance warning signs on Forty Lane and The Paddocks
- SCHOOL KEEP CLEAR zig-zag markings and a review of other waiting restrictions along the site frontages together with a review of guardrailing around the site.
- Works to adjust the vehicular accesses.

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

Reason: In the interest of highway and pedestrian safety.

- (28) Within six months of commencement of works on site, further details of the design of the rear service yard is submitted to and approved in writing by the Local Planning Authority to incorporate turning for delivery and refuse vehicles. The approved layout shall be implemented prior to first occupation of the new International French School, and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety.

- (29) Prior to occupation of the new school, further details of electric vehicle charging facilities shall be submitted to and approved in writing by the Local Planing Authority, and thereafter fully implemented in accordance with the approved details and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure sustainable modes of transport.

- (30) Prior to occupation of the new school, further details of 100 bicycle parking spaces to be provided at the outset shall be submitted to and approved in writing by the Local Planing Authority, and thereafter fully implemented in accordance with the approved details and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure sustainable modes of transport.

INFORMATIVES:

- (1) The applicant is advised that there is an electric substation on site. All necessary measures should be undertaken to ensure that the exposure level is within the 'International Commission on Non-ionizing Radiation Protection (ICNIRP)' guideline values for electromagnetic fields. For further advice the applicant should contact Chris Taylor in Environmental Health on 020 8937 5252 or at christopher.taylor@brent.gov.uk.

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

Committee Report Planning Committee on 18 September, 2013

Item No.
Case No.

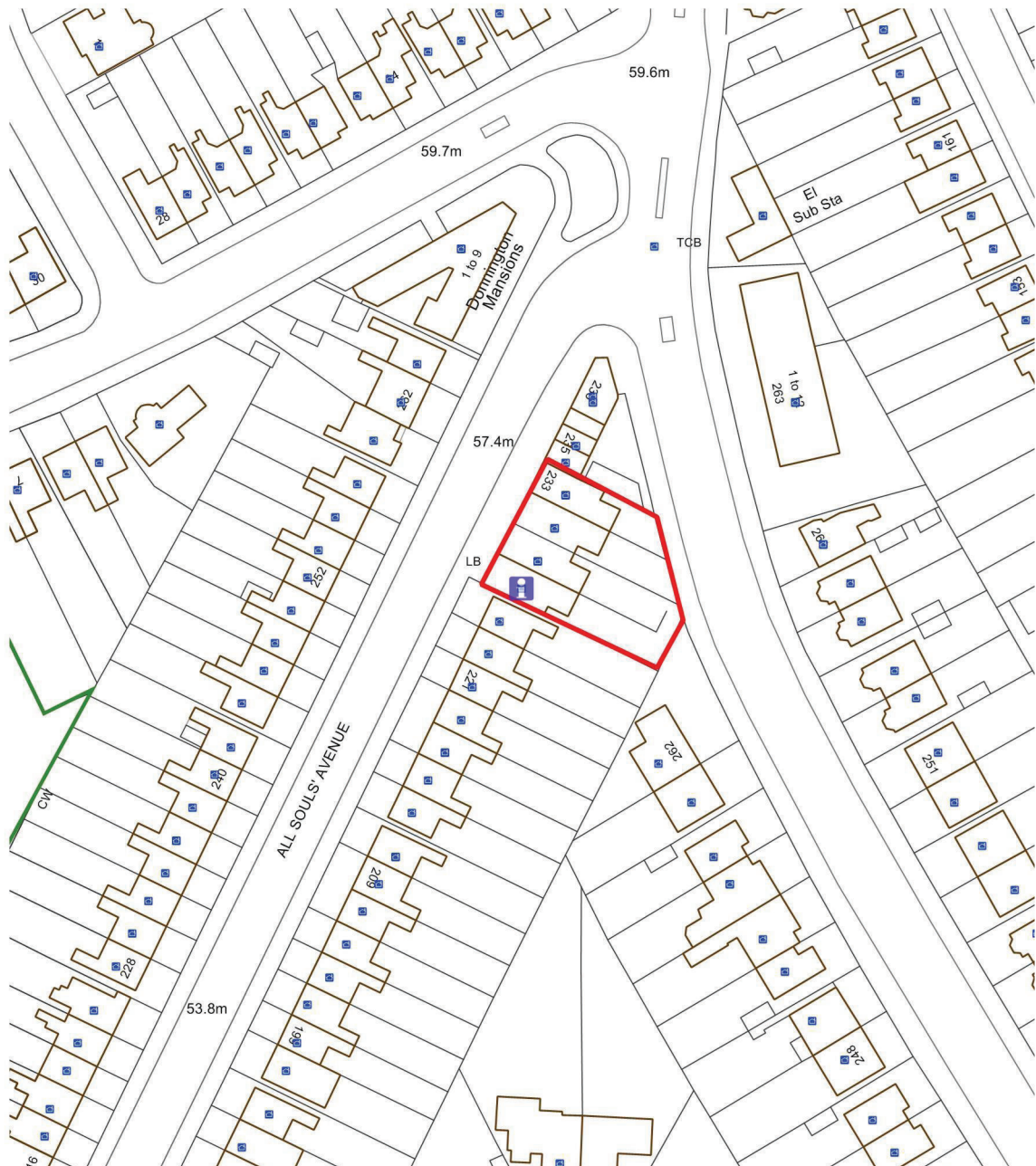
05
13/1640



Planning Committee Map

Site address: 227B, 229B, 231B & 233B, All Souls Avenue, London, NW10 3AE

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This map is indicative only.

RECEIVED: 19 June, 2013

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 227B, 229B, 231B & 233B, All Souls Avenue, London, NW10 3AE

PROPOSAL: Erection of mansard roof extension to accommodate 2 x two-bedroom flats with associated landscaping and car parking.

APPLICANT: Mr J Feldman

CONTACT: Jones Town Planning

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £30,000.00£5,367.71.

EXISTING

The subject site is occupied by a terrace of four 3-storey buildings, fronting on to the eastern side off All Souls Avenue and with rear access onto Chamberlayne Road (part of the London Bus Priority Network). Each building currently comprises of a commercial use on the ground floor with four residential units above. There are no site specific planning policy designations on the site.

PROPOSAL

See above

HISTORY

In 2003 planning permission (01/2618) was approved for the 'Replacement of existing flat roof with mansard roof to provide 4 new one-bedroom self-contained flats, new bin enclosure and 6 car-parking spaces'. This permission was never implemented and has now expired.

More recently, in May 2012, a planning application (12/1519) was refused for the 'Erection of mansard roof extension and creation of 4 one bed flats, 4 parking spaces and associated landscaping'. The application was refused for the following reasons:-

1. The proposal would fail to provide an acceptable quality of accommodation, in terms of internal floor areas significantly below those set out in the London Plan 2011 further emphasised by the ceiling heights proposed as well as the quantity and quality of amenity space to be shared by all flats particularly given the introduction of a telecom structure, contrary to SPG17: Design Guide for New Development.

2. The scale and design of the mansard roof combined with the existing prominence of the building, particularly on Chamberlayne Road, would result in a bulky and overbearing development contrary to policies BE2 and BE9 of Brent's UDP 2004 and SPG17: Design Guide for New Development.

3. The proposed parking layout would compromise pedestrian safety within the site by reason of the conflict of the spaces and the pedestrian gate and pathway contrary to BE3 and TRN5 of Brent's UDP 2004.

4. The omission of the re-provision of space for unloading for commercial units would result in increased demand for on-street servicing detrimental to highway safety and the omission of waste and recycling storage for commercial units as well as an insufficient quantity of waste and recycling storage for residential units would have detrimental environmental implications harming residential amenity, contrary to policies H22, TRN3, TRN34 and PS17 of Brent's UDP 2004 as well as Waste and Recycling Storage and Collection Guidance for Residential Properties.

The decision to refuse permission was upheld on appeal on 9th March 2013.

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of particular relevance to the determination of the current application

The National Planning Policy Framework (NPPF)

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.

The London Plan, 2011

The London Borough of Brent LDF Core Strategy 2010

CP2 Population and Housing Growth
CP21 A Balanced Housing Stock

The London Borough of Brent Unitary Development 2004 ('saved' policies)

BE2 Townscape: Local Context & Character
BE7 Public Realm: Streetscape
BE9 Architectural Quality
H12 Residential Quality – Layout Considerations
TRN23 Parking Standards – Residential Development
PS14 Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development

SUSTAINABILITY ASSESSMENT

The scale of the development does not trigger a requirement to submit a 'Sustainability Checklist'.

CONSULTATION

External

Consultation letters, dated 18th July 2013, were sent to Ward Councillors and 50 neighbouring owner/occupiers. In responses objection were received from four representees. In summary, the issues raised by the objectors includes:-

- The proposed roof extension will be bulky, unsightly and overbearing.
- There is insufficient parking for the proposed flats which will result in unsafe and congested parking conditions within the locality of the site.
- Landowner permission will not be given to construct the proposed parking area.
- If the existing phone mast is placed on top of the proposed roof extension this will be even more unsightly.
- The site is already overcrowded and suffers from problems with refuse and sewerage.

- The existing building is not capable of supporting the additional roof structure.

These issues are addressed directly in the 'Remarks' section of this report.

Internal

Transportation

The Council's Transportation Unit do not raise any objection to the proposal subject to conditions requiring the reinstatement of redundant crossovers

Environmental Health

Raised no objection to the proposal

Urban Design

Raised no objection to the proposal

REMARKS

Recent Planning Appeal (12/1319)

1. As discussed in the 'History' section of the report, the site has been subject to a recent appeal against the decision of the Council to refuse planning permission for proposals to erect a mansard roof extension to the properties in order to form four 1-bedroom flats with associated car-parking and landscaping. Whilst the appeal was dismissed, in reaching that decision the Inspector made a number of observations about the merits of the proposals and these are considered relevant to the determination of the current application which seeks permission for a similar form of development. Given the Council's reasons for refusal the Inspector considered the appeal on three main issues, the impact of the development on the character and appearance of the building and surrounding area, the residential quality of the proposed accommodation and the adequacy of the rear garden area to provide sufficient amenity and parking facilities for future occupiers of the properties. Whilst the Inspector supported the Council in their concerns regarding the quality of the residential accommodation and the rear garden area it is important to note that the Inspector did not agree with the Council that the proposed mansard roof extension would cause harm to the character and appearance of the building and surrounding area.

Character and Appearance

2. The proposed development would involve the erection of a mansard roof extension across all four properties, effectively creating an additional storey of accommodation. The scale, siting and general appearance of the proposed extension would be similar to that proposed under the previous planning application, other than alterations to the treatment of the rear elevation to provide external balcony access. Despite these alterations the proposed extension is likely to have a similar appearance to the previous extension, particularly in terms of its scale and massing, when viewed from the surrounding area. As discussed above, although concerns were previously raised by the Council regarding the impact on a mansard roof extension on the character and appearance of the locality, these concerns were not shared by the appeal Inspector who remarked *"I consider that the change arising from the proposed mansard roof would not be visually unacceptable or harmful"*. Therefore it is not considered expedient to raise similar concerns in relation to the current proposal.
3. Under the previous application the Council did not raise any particular concerns regarding the impact of the proposed extension on the amenity of neighbouring occupiers. In accordance with SPG17, the current application has also been assessed for its impact on the light, outlook and privacy of adjoining occupiers and the view remains that the proposed extension would not result in any unreasonably adverse impact on neighbouring occupiers.

Quality of Residential Accommodation and Amenity

4. Although the extent of the proposed roof extension is similar to the previous application, this would now accommodate only two 2-bedroom flats. This is a significant change from the previous proposal which sought permission for four 1-bedroom flats.
5. The proposed units are designed to be 2-bedroom 3-person apartments. The Mayors Housing SPD design guide sets out that 2-bedroom 3 person units should have a minimum internal floor area of

61sqm. The proposed units have a gross internal floor area (GIA) of 68sqm, which using the definition given by the Royal Institute of Chartered Surveyors (RICS) includes all of the floor area with a headroom of at least 1.5m. Of this floor area approximately 61sqm has internal headroom of at least 2m. On balance, it is considered that whilst in some areas the units would experience limited headroom that overall, the proposals satisfy the Housing SPD standards in respect of the floorspace provided

6. Both units would be dual aspect, with bedrooms facing out on to All Souls Avenue and the living/dining room facing Chamberlayne Road, providing an east-west outlook to the unit that would be likely to provide a satisfactory levels of daylight for future occupiers.
7. The applicant has provided only limited information regarding the layout of the existing units located on the second floor. As such, it is possible that extra sound insulation may be required in order to avoid any issues of unreasonable noise transmission between units. If the application is approved further details should be required by condition.
8. In terms of external amenity space each unit would be provided with a private balcony with an area of approximately 6m². A landscaped communal garden with an area of approximately 69sqm would be formed to the rear of the property although this would be likely to be shared with the existing flats. If the existing flats are to be considered then the new flats would be provided with approximately 13sqm of external amenity space (6sqm private and 7 sqm communal). The private spaces could be increased to make up this shortfall but that could give rise to unreasonable overlooking of neighbouring properties. Whilst the SPG17 standard of 20sqm of amenity space per flat would not be fully met, it should be noted that in determining the recent appeal the Inspector remarked that "*that it is not uncommon for flats within urban areas such as this to have limited or no amenity space*". On balance, it is considered that the overall provision would provide a satisfactory standard of amenity within the context of the site and that the development would be likely to benefit the existing residents who do not currently have any amenity provision.

Parking and Servicing

9. At present the rear of the site is currently in a poor condition being used informally for parking and servicing of the existing building. The area appeared rather unsightly at the time of the officers site visit. The proposal would involve the formation of a new parking and servicing area to the rear of the site, including the provision of new facilities for the storage of refuse/recycling and bicycles. The proposed parking layout would include 4 residential parking spaces and an area that can be used for servicing vehicles to park whilst unloading.
10. The proposed development would increase the parking standard for the site by 2.4 spaces. As such, it is considered that overall the development should provide 2 additional spaces for residential use. Four spaces in total are proposed and the Council's Transportation Unit are satisfied that this would provide sufficient parking provision for both the new units and any demand that is currently met through the informal arrangements to the rear of the property.
11. The proposed development provides space for one transit sized vehicle to service the site and the Council's Transportation Unit have confirmed that this would provide sufficient servicing facilities, to plan standards, for the existing commercial uses within the properties.
12. As part of the proposal the existing refuse/recycling store would be demolished and replaced by a new storage area that would accommodate new 1100l communal bins (at present refuse/recycling is stored in numerous wheelie bins). The new refuse storage area would meet Council standards and the arrangements for collection would remain unchanged, with refuse collected from Chamberlayne Road at the rear of the property.
13. Cycle storage for the proposed and existing flats is also indicated within the rear yard.
14. Whilst these improved facilities are welcomed, referring to paragraph 8, it should be noted that these would be provided at the expense of the provision of increased amenity areas for residents. However, on the basis that the more limited amenity areas would be landscaped to a good standard it is considered that the proposed layout for the rear yard would strike an appropriate balance between the provision of amenity space and the provision of other parking and servicing facilities that would benefit the occupiers of the development.
15. At present, the rear of the site is served by an existing crossover which will be narrowed as part of the

proposal. There is also a stretch of redundant crossover to the rear of the site and it is considered that this should be restored to kerb and channel as part of the development.

Consideration of Objections

16. The following table sets out to address the concerns raised by objectors to the application.

Objection	Officer Comment
The proposed roof extension will be bulky, unsightly and overbearing.	The design of the proposed roof extension is discussed above in paras' 2 & 3
There is insufficient parking for the proposed flats which will result in unsafe and congested parking conditions within the locality of the site.	This issue is discussed in paras 8-10 of the above report
Landowner permission will not be given to construct the proposed parking area.	Issues of land ownership are a civil matter that would be dealt with outside of the planning process.
If the existing phone mast is placed on top of the proposed roof extension this will be even more unsightly.	The applicant has not indicated the re-siting of the telecom masts as part of the proposals. Should the applicant wish to install a telecommunications mast on the building after the development is completed this would be subject to the relevant planning legislation. It is not considered that there are sufficient grounds for the Council to impose a condition that would interfere with the application of this legislation.
The site is already overcrowded and suffers from problems with refuse and sewerage.	The proposal would involve the formation of a new refuse store to Council standards. The development would need to adhere to current Building Regulations which would require satisfactory arrangements for drainage and sewerage.
The existing building is not capable of supporting the additional roof structure.	Again, this would be a matter for the Building Regulations but there is no suggest that this is the case.

S106/CIL

17. Following the adoption of the Council's Community Infrastructure Levy, the Council are no longer able to seek tariff based general infrastructure contributions through s106, with CIL now being the appropriate mechanism to secure such contributions. The proposed development is likely to attract a borough CIL liability of £30,000.

18. The development is also likely to attract a Mayoral CIL liability of £5367.71.

19. As sufficient parking for the proposed units would be secured to the rear of the property there would be no need to impose a 'permit-free' agreement on these units.

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
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:

- Location Plan
- PL100 Rev A
- PL102
- PL103 Rev B
- PL104
- PL105
- PL106
- PL107
- PL108

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

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

Reason: To ensure a satisfactory standard of appearance and setting for the development.

- (4) Prior to the occupation of the residential units hereby approved, the following works shall be carried out and completed in all respects.

a) The parking spaces shown on the approved plans shall be constructed and marked out and shall be permanently retained as such for the lifetime of the development. Two spaces shall be marked out and used solely in connection with the dwellings hereby approved.

b) The redundant lengths of vehicular crossover onto Chamberlayne Road shall be restored to footway with full height kerbs at the developer's expense.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (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. 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) Notwithstanding the approved plans, further details of the refuse/recycling storage area and

cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the occupation of the dwellings hereby approved.

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

- (7) Prior to the commencement of works further details of the layout of the units on the second floor of the existing property and details of works to ensure sufficient sound insulation between the residential units, hereby approved, and those existing units on the second floor shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that sufficient sound insulation is provided to prevent unreasonable noise transmission between units.

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 reminded that the provisions of Part 24, Schedule 2 of the The Town and Country Planning (General Permitted Development) Order 1995, as amended, will apply to any re-siting of telecoms equipment on the existing or proposed building.

REFERENCE DOCUMENTS:

2 letters of objection (one counter-signed by 3 addresses)
Appeal Decision 12/1319

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231

Agenda Item 6

Committee Report Planning Committee on 18 September, 2013

Item No. 06
Case No. 13/2058



Planning Committee Map

Site address: Former Kensal Rise Branch Library Building, Bathurst Gardens, London, NW10 5JA

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This map is indicative only.

Document Imaged

DocRepF
Ref: 13/2058 Page 1 of 11

RECEIVED: 30 July, 2013

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Former Kensal Rise Branch Library Building, Bathurst Gardens, London, NW10 5JA

PROPOSAL: Conversion of the existing vacant building to provide 7 residential units (3 x one-bed flats, 3 x two-bed flat & one x two-bed house) on the ground and upper floors and 175m2 multi-functional community space (Use Class D1) on ground floor and basement. Alteration to roof pitch over and increase in height of rear wall of central section of main building, proposed new roof with flank wall windows to existing west wing. Provision of new entrance doors on College Road and replacement rear and flank wall windows with associated waste storage, cycle parking and solar panels.

APPLICANT: Kensal Properties Limited

CONTACT: Nicholas Taylor and Associates

PLAN NO'S:
3137-020
3137-021
3137-030
3137-039E
3137-040H
3137-041C
3137-042D
3137-043C
3137-050
3137-051B
3137-052B
3137-053A
3137-054
3137-055D
3137-060D
3137-070E
3137-074H
3137-075F
3137-076G

RECOMMENDATION
Refuse Consent

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £28,556.24.

EXISTING

The subject site, located on the north-western corner of the junction between College Road and Bathurst Gardens, is occupied by a part single, two and three storey detached building. The building has been vacant since 2011 before which time it was most recently used as a public library. The building is not Statutorily Listed nor does it appear on the list of locally listed buildings published within Brent's Unitary Development Plan 2004. However, in December 2012 the building was listed, under the provisions of the Localism Bill 2011, as an Asset of Community Value.

PROPOSAL

See description above.

HISTORY

There are no previous planning applications registered on the site.

POLICY CONSIDERATIONS

The following planning policies and guidance are considered to be of particular relevance to the determination of the current application.

National Planning Policy Framework 2012

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.

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.

London Plan 2011

- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.16 Protection and enhancement of Social Infrastructure
- 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
- 8.2 Planning Obligations

Core Strategy 2010

- CP2 Housing Growth
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP21 A Balanced Housing Stock
- CP23 Protection of existing and provision of new Community and Cultural Facilities

UDP 2004

- BE2 Townscape: Local Context and Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- H12 Residential Quality – Layout Considerations
- H18 Quality of Flat Conversions
- TRN3 Environmental Impact of Traffic
- TRN11 The London Cycle Network
- TRN22 Parking Standards – Non-residential Developments
- TRN23 Parking Standards – Residential Developments
- TRN34 Servicing in New Development

SPG17: 'Design Guide for New Development'

CONSULTATION Public Consultation

The application has been subject to widespread public consultation. Consultation letters were sent out to 967 addresses in the local area on 2nd August 2013, 8 site notices were installed on the streets neighbouring the subject property on the 6th August 2013 and the application was advertised in the local press on 8th August 2013. Local politicians and local community groups were also consulted on the planning application.

There has been a significant response to the consultation. So far, in total, 247 letters of objection, 125 letters of support and 5 general comments have been received from members of the public.

A petition of objection containing 1458 signatures from individuals and 54 endorsements from local businesses was received from The Friends of Kensal Rise Library.

Letters of objection have been received from the Kensal Triangle Residents Association and Kensal Rise Residents Association.

Representations have also been received from a number of local Councillors as follows:-

- Cllr Shaw (Brondesbury Park) - Objection
- Cllr Cheese (Brondesbury Park) - Objection
- Cllr Thomas (Kensal Green) - Objection
- Cllr Hector (Kensal Green) - Objection
- Cllr Denselow (Queen's Park) - Comment
- Cllr Lorber (Sudbury) - Objection

In summary the concerns of the objectors relate to the following issues:-

Community Use/Hub

1. The proposed use of the building would harm the status of the building as an Asset of Community Value.
2. There will be a loss of community space and civic amenity in an area where these facilities are already lacking.
3. The loss of community facility is not offset by the provision of new homes
4. The proposed community hub is insufficient, unsuitable and impractical for meeting community needs.
5. The development would harm local employment as a facility which could be used for social enterprise or to developed skills would be lost.
6. Arrangements for the future ownership of the community hub is unclear.
7. The applicant has failed to consult the local community in developing the proposals for the community hub
8. The basement area of the community hub would not be suitable for some users and would provide a substandard space for community use.

Residential Accommodation

9. There is no affordable housing proposed
10. The quantum of residential development with no outside space is an overdevelopment of the site
11. The development will increase parking and traffic problems within the locality of the site.
12. The development does not provide adequate facilities for the storage of refuse/recycling and bicycles.

Building Alterations

13. The development would harm the character and appearance of the building
14. The development will harm both the external and internal character of a locally listed building

Other

15. There has been inadequate consultation on the planning application.

Internal Consultation

Document Imaged

*DocRepF
Ref: 13/2058 Page 4 of 11*

Transportation Unit - No objections subject to a Section 106 Legal Agreement confirming that the residential dwellings shall all be entirely car-free, removing the rights of future occupiers to obtain residents parking permits, in order to comply with Policy TRN23 of the UDP-2004. A condition requiring the provision of secure, covered cycle parking spaces at ground floor level is also requested, to comply with PS16 standards.

Urban Design - Concerns raised regarding the proposed alteration to the main roofslope.

REMARKS

Main Considerations

1. The proposed development would involve the conversion of the vacant building, most recently used as a library(Use Class D1), into a community hub (Use Class D1), six self-contained flats and one self-contained dwellinghouse. It is considered that the main planning consideration in relation to the determination of the application are:-
 - Whether sufficient mitigation is provided for any loss of community or cultural facilities
 - Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers.
 - Whether any proposed alterations to the existing building are in keeping with the character and appearance of the existing building and surrounding streetscene and whether they would have an acceptable impact on the amenity of adjoining residents
 - Whether the proposed development would have an acceptable impact on local highways and parking conditions
 - Whether the proposed development has an acceptable impact on local infrastructure.
2. The above is a summary of the main planning considerations affecting the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations as set out in this report.

Replacement of Community Facilities

3. The existing building has been vacant since the former use of the building as a public library ceased in 2011. The cessation of the former use was as a result of the Council's Library Transformation Project. The applicant argues in their submission that through this process, adequate mitigation has already been provided, in the form of new and improved library facilities, to justify the loss of the existing building. The Library Transformation Project does provide a comprehensive and efficient library service in the borough. However, the development does not adequately address local demands for wider forms of community facilities. Whilst the Council's library use has ceased, the building remains capable of being used to meet other wider community needs and therefore sufficient mitigation would need to be provided if the loss of the community use is to be supported.
4. In terms of local demand for community facilities it is important to note that in December 2012 the building was listed, at the request of the Friends of Kensal Rise Library, as an Asset of Community Value under provisions contained in the Localism Act 2011. This listing is designed to support the community right to bid by requiring the owner of the asset to provide sufficient time to community groups to prepare and submit a bid, if they wish, should the owner of the asset decide to dispose of the asset. Whilst ultimately this listing cannot prevent the owner selling the asset to whom ever they want, at whatever price they want, it does offer an opportunity for community groups to make a bid for the asset in advance of any agreement to sell to a third party. In the circumstances of this case the arrangements between the owner, All Souls College, Oxford, and the developer to place before the listing of the asset and accordingly the requirement to provide the window for a community bid did not arise.
5. The Department for Communities and Local Government has produced non-statutory guidance on the Community Right to Bid. Paragraph 2.20 sets out that "the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case." Whilst regard must be had to the development plan in the determination of the application it is considered that in this case the fact that the building is listed as a Asset of Community value is also a material planning consideration as it reasonably demonstrates that there is a local demand for community facilities within the locality and in particular a demand that those facilities should be provided on the subject site.
6. The listing as an Asset of Community Value is also relevant in this particular case as a partial change of use to residential is proposed. Residential uses are normally exempt from being listed as Assets of Community Value and therefore, if permission were to be granted, this would have an impact on the

extent of the current listing.

7. The existing building has a gross internal floor area (GIA) of 612m² (543sqm NIA) arranged over 3 floors. Under its previous use the ground floor acted as the main reading room and reception area, with ancillary staff areas and storage space on the first floor and storage on the second floor. The ground floor of the property has a floor area of approximately 276sqm (GIA).
8. The proposal would involve the formation of a community hub occupying part of the ground floor of the building and part of the proposed basement floorspace, yet to be excavated. The proposed community hub facility would have an internal floor area of 176sqm (GIA), 100sqm (GIA) less than the former ground floor library reading room and reception and 436sqm (GIA) less than the former library as a whole. This is a sizeable shortfall in terms of the quantity of floorspace to be reprovided and these concerns are compounded by the fact that the limited floor space would be provided over two levels with 107sqm (GIA) of this space provided at the ground floor level and 69 sqm (GIA) provided at the basement level.
9. Notwithstanding concerns regarding the quantity of community use floor space to be provided, consideration also needs to be given to the quality of the space and its functionality in terms of meeting the demands of the local community. The open plan layout of the spaces does not appear to lend itself particularly well to concurrent use of the space by multiple user groups which is suggested in the applicants 'Community Hub Supplementary Report' (CHSR). For example, if one group wished to use the basement area, whilst another the ground floor, conflicts would be likely to occur in terms of accessing the main entrance, which is provided directly off the ground floor space, and access to the toilet facilities which are accessed directly off the basement space. There are also general concerns regarding the quality of the space at basement level, as this would suffer from a lack of natural light and ventilation with the space served only by two glazed areas to the ground floor space above. The applicant proposed to overcome any conflicts through the use of sliding partitions, but this would further subdivide the already limited space and would not lend itself to a number of the proposed uses contained in the CHSR.
10. In the submission the applicant proposes a number of flexible uses within the facility which have been identified through public consultation. Information on the form and extent of the public consultation undertaken to identify the local demand for community facilities is extremely limited within the submission and it is not clear to what extent the proposed uses would meet the wider demands of the local community. The applicant sets out in the planning statement that the space will "be offered to a community use provider on a rent free or heavily subsidised basis in perpetuity" and this provider will be identified through a tender process. However, again details are limited and it is difficult for officers to be certain that there is a reasonable chance that through this process the community hub will be deliverable and sustainable.
11. Overall, there are significant concerns regarding the quantity, quality and sustainability of the proposed community hub, and whether sufficient community engagement has been undertaken to ensure that the proposals respond to the local need for community facilities. As such, it is the view of officers that the proposal would fail to provide sufficient mitigation to justify the loss of the existing community facility, which has been listed as an Asset of Community Value.

Quality of Residential Accommodation

12. The proposed residential accommodation will be provided in the form of six self-contained flats (3 x 1-bedroom and 3 x 2-bedroom) and one self-contained 2-bedroom dwellinghouse. The flats would be arranged over the three floors. On the ground floor one two-bedroom flat is proposed along with the ground floor of the dwellinghouse and the community hub. The main access to the flats will be from Bathurst Gardens.
13. On the first floor level there are three self-contained flats (2 x 1-bed and 1 x 2-bed) accessed from a central core and the upper floor of the proposed two-bed dwellinghouse. The two -1-bed flats will be directly over the community hub. On the second floor there are two self contained flats (1 x 1-bed, 1 x 2-bed).
14. In terms of the internal space standards set out in the Mayor's Housing SPD, the minimum standards are generally met as set out in the table below.

Flat No.	Unit Type	Unit Size (Sqm)	London Plan Minimum Standard	Amenity Space (sqm)
1	2bed 4person	77	70	8
2	2bed 3person	69	61	None
3	1bed 2person	50	50	None

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4	1bed 2person	50	50	None
5	1bed 2person	50	50	7.5
6	2bed 4person	74	70	None
7 (house)	2bed 3person	82	83 (standard for 2b4p house, no standard for 2b3p house)	11

15. In terms of external amenity space none of the proposed units comply with the guidance contained in SPG17 that recommends a minimum of 20sqm be provided per flat and 50sqm per family dwellinghouse, with 4 of the 7 units failing to provide any external space at all for future occupiers. Furthermore, the limited spaces to the ground floor units would be located to the north of the building which would be likely to overshadow these areas for much of the day. The guidance contained in SPG17 sets out measures that could be implemented to address a shortfall in amenity provision. In this case, it is considered the most appropriate form of mitigation would be to provide increased unit sizes. However, a number of the proposed units that fail to meet the guidance on amenity standards only just meet the minimum internal floorspace standards.
16. A number of the habitable rooms within the scheme fail to provide sufficient outlook for potential occupiers. In particular, the living dining space to the ground floor 2-bedroom unit would have a 2.7m outlook across the small courtyard to the joint garden boundary and beyond that towards the 2-storey flank wall of 2 Bathurst Gardens, at a distance of 6m. This present a particularly poor form of outlook and is also unlikely to provide sufficient daylighting to the main living dining space for this unit. The Daylight report submitted by the applicant acknowledges that the amount of daylight received by this window would be insufficient to naturally light the entire length of the living/dining area and that occupants would need to rely upon artificial lighting. This is considered to present unsatisfactory living conditions for future occupiers and does not support the principles of sustainable development.
17. Similarly, the ground floor living space to the proposed house would have a 3m outlook towards the boundary with 87 College Road. On the first floor, towards the northern side of the building, there is a 1-bedroom flat where the outlook is enclosed by an obscured screen towards a flank wall at a distance of 4m which again would fail to provide an appropriate outlook for future occupiers.
18. Overall, it is considered that there are a number of issues with the quality of the residential units proposed that cumulatively result in a scheme that would fail to provide a sufficient standard of residential accommodation and amenity for future occupiers.

Transport, Parking and Servicing

19. The subject site is located in an area where the surrounding streets have been identified as being heavily parked and, as such, no further demand for on-street parking can be accommodated without giving rise to conditions that could prejudice highway and pedestrian safety. No on site parking is proposed and it does not appear that it would be practical to do so. The proposed development would significantly increase the parking standard for the site, by 4.9 spaces, and therefore, without mitigation, this would be unacceptable in this location. However, the site does benefit from very good access to public transport facilities (PTAL4) and the site is located within a controlled parking zone and therefore a 'permit-free' agreement would be appropriate in this case. This would prevent future occupiers of the development from obtaining residents parking permits thus negating any impact on parking congestion within the locality of the site. If the application were to be approved this 'permit-free' arrangement would need to be secured through a s106 agreement to ensure that it could be effectively monitored and enforced.
20. The proposed community hub would have similar parking and servicing standards to the former use of the building and therefore the transport impact of this facility would be likely to be comparable to the previous use when it was in operation.
21. Cycle storage for the residential units is proposed within a basement store. This is not considered to be particularly convenient as residents would be required to carry their cycles up and down the stairs to the store. The Council's Transportation Unit have raised this as an area for concern and if the application were to be approved details of more satisfactory arrangements for the storage of cycles would be required by condition.
22. Refuse storage areas have been indicated outside of the building, close to the main entrance. Whilst the locations of these store are acceptable from a collection perspective further details of the appearance would be required to ensure that they do not detract from the setting of the building and the streetscene.

Character and Appearance

23. The existing building was built in 1900 in a late Victorian Elizabethan Revival Style. The frontage on Bathurst Gardens has three front gables constructed in red brick. The main entrance is situated on the Bathurst Garden frontage and is defined by a pediment supported by a pair of Ionic columns. There are also prominent timber framed leaded glass casement windows on both the Bathurst Gardens and College Road elevations. The roof is hipped with strong gable features on Bathurst Garden. The roof is constructed of slate. The building is a distinctive building within the local streetscene given its size and location on the corner of a prominent junction, adjacent to the smaller two-storey terraced properties on Bathurst Gardens and College Road. Whilst the building is clearly of architectural merit, there is no record of the building being Listed, either statutorily or locally.
24. In terms of proposed external alterations, the most significant would be alterations to the roof of the building. The proposed roof alterations include replacing the hipped roof, between the prominent gable features fronting Bathurst Gardens, with a mansard roof type feature and increasing the height of the gable roof on the existing two-storey annexe. An inset roof terrace would also be formed.
25. In order to form the mansard roof a steeper roof pitch would be required which would have the effect of projecting forward the front roof slope between the existing front gables. These gables are important features that help to define the proportions and rhythm of the existing front elevation to Bathurst Gardens. The shallower pitch of the existing hipped roof helps to articulate these gables, by sitting subserviently within the space between them. However, the proposed mansard roof would be a more prominent feature on the front elevation which would detract from the positive character that the gables currently contribute to the appearance of the building and the streetscene
26. The proposed alterations to the roof of the existing two-storey annexe and the formation of an inset roof terrace would have a less severe impact on the character and appearance of the existing building and is generally considered acceptable in streetscene terms, subject to further detailing and the use of suitable materials.
27. Other alterations would include the replacement of existing windows to the College Road elevations with doors to provide access to the community hub as well as the wholesale replacement of windows across the building. Again, subject to detailing the principle of these alteration is considered generally acceptable.
28. The development would rely on the formation of a new basement level. No light-well to this basement is proposed and therefore, on completion, this alteration would not be visible externally.

Impact on Adjoining Occupiers

29. The subject site adjoins the residential properties at 2 Bathurst Gardens, a dwellinghouse, and 87 College Road, a dwellinghouse converted to flats.
30. The flank wall of 2 Bathurst Gardens would face the subject site but this elevation does not appear to contain any habitable room windows that would directly face the site. As such, it is not considered that there would be any unreasonably adverse impact on the amenity of occupiers of 2 Bathurst Gardens as a result of the development.
31. In terms of 87 College Road, it appears that there would be sole habitable room windows facing the subject site at ground and first floor levels at a distance of 1.5m to the joint boundary. At present the first floor of the subject building is set back from the joint boundary at first floor level by approximately 3m, 4.5m from the neighbouring windows. The formation of the mansard roof would move the first floor of the building closer towards the joint boundary reducing the gap from the neighbouring windows to the rear wall of the building to approximately 3m. . The applicants daylight report concludes that in terms of daylighting, given the current arrangement, the proposed extension of the building at first floor level would not have a noticeable effect on the daylight to these windows. However, officers considered that the further enclosure of this already constrained relationship would intensify the sense of overbearing in terms of views from these habitable room windows, particularly on the ground floor, and that the outlook of neighbouring occupiers would be adversely affected.

Consultation Responses

CONSULTATION ISSUE	OFFICERS RESPONSE
Community Use/Hub	

The proposed use of the building would harm the status of the building as an Asset of Community Value.	Paragraph 6
There will be a loss of community space and civic amenity in an area where these facilities are already lacking.	Paragraphs 3-5
The loss of community facility is not offset by the provision of new homes	Officers recognise that there is a demand for new homes within the borough, as set out in the Core Strategy. However, the need for new homes needs to be balanced against the need to protect and provide community facilities that meet a local demand.
The proposed community hub is insufficient, unsuitable and impractical for meeting community needs.	Paragraphs 7-10
The development would harm local employment as a facility which could be used for social enterprise or to develop skills would be lost	Whilst community facilities could be used to support employment and training initiatives this is just one of a wider range of facilities that could be provided. Further assessment of local need is required.
Arrangements for the future ownership of the community hub is unclear.	Paragraph 10
The applicant has failed to consult the local community in developing the proposals for the community hub	Paragraph 10
The basement area of the community hub would not be suitable for some users and would provide a substandard space for community use.	Paragraph 9
Residential Accommodation	
There is no affordable housing proposed	Relevant planning policy normally only required contributions towards affordable housing in developments proposing 10 or more units
The quantum of residential development with no outside space is an overdevelopment of the site	Paragraphs 12-18
The development will increase parking and traffic problems within the locality of the site.	Paragraph 19
The development does not provide adequate facilities for the storage of refuse/recycling and bicycles.	Paragraphs 21-22
Building Alterations	
The development would harm the character and appearance of the building	Paragraphs 23-28
The development will harm both the external and internal character of a locally listed building	The building is not locally listed
Other	
There has been inadequate consultation on the planning application.	There has been extensive public consultation on the planning application as set out in the 'Consultation' section of this report

CIL

32. The following table provides a summary of the development schedule for the proposed scheme.

Use	Existing Floorspace (sqm GIA)	Proposed Floor Space (sqm GIA)	Net Difference (sqm GIA)
Community (D1) Use	612	176	-436
Residential (C3) Use	0	622	+622
TOTAL	612	798	+186

33. If approved, the application would attract a liability for both Brent and Mayoral CIL as the building has not been in use for 6 months of the previous 12.

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34. In terms of Brent CIL this would only be applicable on the residential element of the scheme as community uses are charged at a zero rate. Based on the above floor areas the Brent CIL liability is estimated as £124,400.
35. In terms of Mayoral Cil this would be chargeable on the whole development. Based on the above floor the Mayoral CIL liability is estimated as £28,556.24

Summary

36. Overall, for the reasons set out above it is considered that the proposal would fail to provide sufficient mitigation for the loss of the existing Asset of Community Value, would fail to provide a sufficient standard of residential quality and amenity for future and neighbouring occupiers and would harm the character and appearance of the existing building. As such, officers recommend that the application be refused.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The applicant has failed to demonstrate that the proposed community hub would be of a size, layout and quality that sufficiently and suitably meets the local need for community facilities, to a degree that it would adequately compensate for the loss of the existing community facility on site, which has been listed as an Asset of Community Value. As such, the proposal would be harmful to the future provision of community and cultural facilities for local residents contrary to policy CP23 of the London Borough of Brent LDF Core Strategy 2010.
- (2) The proposed development would fail to provide sufficient amenity space, or compensate for this deficiency through the provision of larger internal space standards, and would include habitable rooms on the ground floor that would suffer from substandard levels of outlook and/or daylight. As such the development would provide a substandard quality of accommodation and amenity for future occupiers contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17:- Design Guidance for New Development
- (3) The proposed extension of the building at first floor and roof level would have an overbearing impact on the adjacent residential property at 87 College Road harming the outlook from habitable room windows for neighbouring occupiers contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 17:- Design Guide For New Development.
- (4) The proposed mansard roof extension, by reason of its bulk and prominent siting in relation to existing gable end features, would harm the character and appearance of the building, in particular, and the locality, in general, contrary to policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004.
- (5) In the absence of the legal agreement to control the matter, the proposed development would result in an increased demand for car-parking that cannot be accommodated on site or within the surrounding streets, which have been identified as being heavily parked, giving rise to conditions that would be prejudicial to highway and pedestrian safety contrary to policies TRN3 and TRN24 of the London Borough of Brent Unitary Development Plan 2004

INFORMATIVES:

- (1) The applicant is advised that in the event of any resubmission details of secure cycle storage, at ground floor level and further details of the facilities for the storage of refuse and recycling,

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including appearance, to meet Council standards would be required.

REFERENCE DOCUMENTS:

Community Right to Bid: Non-statutory advice note for local authorities, October 2012 (DCLG)
National Planning Policy Framework
London Borough of Brent LDF Core Strategy 2010
London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17:- Design Guide for New Development
Mayors Housing SPD

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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Committee Report Planning Committee on 18 September, 2013

Item No.
Case No.

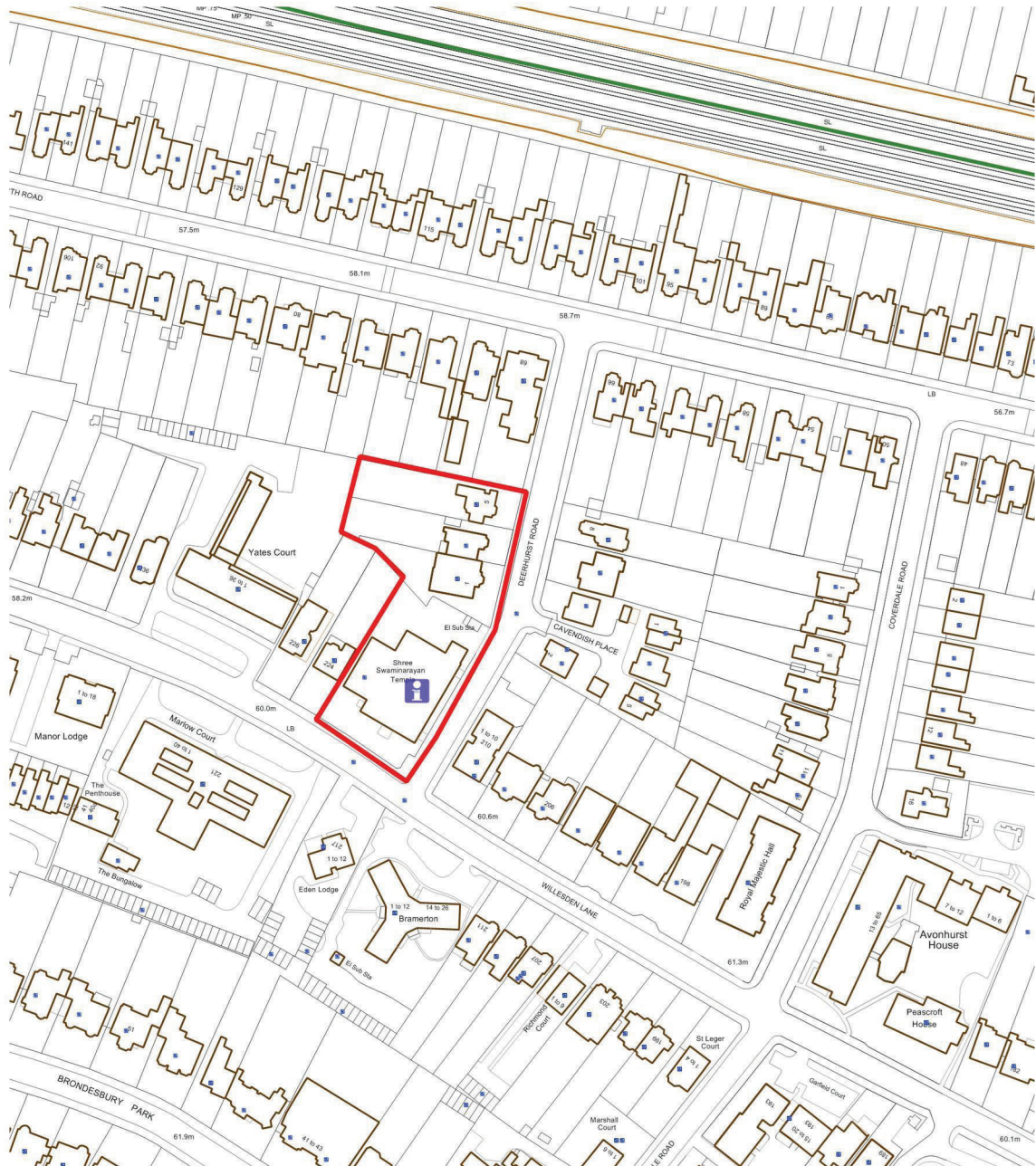
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Planning Committee Map

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

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This map is indicative only.

RECEIVED: 8 April, 2013

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

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

PROPOSAL: The erection of a rear extension to the temple, the demolition of 1, 3, 5 Deerhurst Road and the erection of

- Block A - 13 bedrooms care units, 2 staff units and 1 visitor unit
- Block B - Lounge and 3 x One Bed
- Block C - 12 flats
- Two storey basement parking area with associated landscaping to the site

APPLICANT: Shree Swaminarayan Temple, Willesden

CONTACT: Studio V architects

PLAN NO'S:
 PL01 - PL20 Rev E
 PL23 - PL24
 Ecology Report
 Acoustic Report
 Daylight Sunlight Report
 Energy Statement
 Planning Statement
 Travel Plan
 Travel Assessment
 Statement of Affordable Accommodation to Ethnic Community

The application was deferred from the Planning Committee of 19 June 2013 in order to give the applicant the opportunity to re-submit a scheme with:

- Reduced car parking and further details of allocation
- Reduction in bulk and massing of the flats
- To provide clarity on the tenure of the accommodation and financial appraisal.

The main changes are summarised, and discussed, in the "Remarks" Section below.

RECOMMENDATION
 Refuse.

EXISTING

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

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

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

PROPOSAL

As above

HISTORY

Temple

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

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

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

A planning application (Ref No: 99/14/53) for the erection of roof extension to Hindu temple comprising 6 classrooms was granted permission on 24 February 2000

1 Deerhurst Road, London, NW2

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

3 Deerhurst Road, London, NW2

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

5 Deerhurst Road, London, NW2

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

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

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

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

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

- Planning should be genuinely plan led empowering people to shape their surroundings. Plans should be kept up-to-date and provide a practical framework within which decisions on planning applications can be made.
- Creation of the opportunity to be creative in finding ways to enhance and improve places in which people live their lives.
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, and thriving local places that the country needs. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area taking account of the needs of the residential and business communities.
- Secure a high standard of design and levels of amenity.
- Promote the vitality of the main urban areas whilst protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.
- Aim for a low carbon future in a changing climate and encourage the use of renewable resources.
- Conserve and enhance the natural environment and reduce pollution. Allocations of land for development should prefer land of lesser environmental value.
- Encourage the use of brownfield land provided it is not of high environmental value.

- Promote mixed use developments.
- Conserve heritage assets in a manner appropriate to their significance.
- Manage patterns of growth to make the fullest use of public transport, walking and cycling focussing significant development on locations which are or can be made sustainable.
- Support strategies which encourage health, social and cultural well being for all and deliver community and cultural facilities and services to meet local needs.

Mayors London Plan 2011

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

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

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

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

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

The following spatial policies are considered relevant to this application:

- CP 5 Place making. Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping. Sets out the requirements for appropriate design and density levels for development
- CP17 Protecting and Enhancing Suburban Character in Brent.
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity. Protects open space from inappropriate development.
- CP 19 Brent strategic climate mitigation and adaptation measures. Highlights the need for new development to embody, or contribute to, climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities. Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Unitary Development Plan 2004

Strategic

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

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

Built Form

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

Environmental Protection

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

Housing

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

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16

- TRN12 Road safety and traffic management
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN27 Loss of existing off-street parking
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards
- PS19 Servicing standards

Tourism, Entertainment & the Arts

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

Community Facilities

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

Brent Council Supplementary Planning Guidance and Documents

SPG 17 "Design Guide for New Development"

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

SPG19 "Sustainable Design, Construction & Pollution Control"

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

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

CONSULTATION

ORIGINAL SUBMISSION

External

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

The objections are outlined as:

- The proposed 4-storey block will have a detrimental impact on character of the streetscene, by reason of its scale, mass, design and siting.
- No justification for the loss of much needed family size homes
- The proposed 4-storey block will create an over-bearing impact on the street.
- The proposal will result in a loss of light
- The proposal will result in a loss of privacy

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

Support outlined as:

- The temple has provided accommodation for the homeless and the elderly
- The proposal will result in a new character in the street
- The proposal will not result in a loss of wildlife
- The proposed developments are not large
- The proposed gardens will be of a high modern specification
- The proposal will reduce congestion on the street

REVISED SCHEME

All those who commented on the original scheme were re-consulted on 27 August 2013. The Council has received one letter of support and 5 objections have been received. Cllr Shaw has also expressed an objection to the scheme. These are detailed as:

Support:

- The expansion will provide much needed facilities

Objections:

- Inadequate re-consultation process.
- The applicant has been given the opportunity to address Members concerns but has failed to do so. Issues relating to car parking and further details of allocation, bulk and massing of the flats, clarity on the tenure of the accommodation and financial appraisal continue to persist.
- The temple do not own properties 1, 3 and 5 Deerhurst Road and therefore can not apply for planning permission on their behalf.

Any additional comments received will be reported to Members at the meeting.

Internal

Housing Officer:

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

Design Officer

The proposal is still considered to be an over-development on the site, which will have a significant impact on the character of the area. It would be unlike any form of development nearby and would fail to respond to its setting. The new residential building competes visually with the Temple building.

Highway Engineer:

Transportation originally could not support the proposal in its current form, on the grounds that too many issues remained unsatisfactory. Consideration of these points is discussed below.

REMARKS

INTRODUCTION-DEFERRAL AT COMMITTEE

1. The application was deferred, following much discussion, from the Planning Committee of 19 June 2013. The deferral was agreed in order to give the applicant the opportunity to re-visit the scheme and see if they could address some, or all, of the issues that had been raised. At the Committee, Members made specific reference to the following issues for consideration:

- Reduced car parking and further details of allocation
- Reduction in bulk and massing of the flats
- To provide clarity on the tenure of the accommodation and financial appraisal.

2. The applicants have now submitted a revised submission and the main changes are noted to be:

The extension to the temple has been reduced in width by 2m. This reduction results in an increased gap between the temple and the new residential scheme (Block A) of 13m.

4.. Block A – The mix of units has been altered:

Initial Scheme - 14 bedroom care units and 2 staff units

Amended Scheme - 13 bedrooms care units, 2 staff units and 1 visitor unit

5. Block B – The footprint of the building as a whole has been altered at the back so the new block B now occupies land previously allocated for a court-yard.

Existing Situation - 35m of the existing garden remained

Initial Scheme - 3.3m of the existing garden remained

Amended Scheme - 14.59m of the existing garden remained

Initial Scheme - Lounge on ground floor and 6 x Two Bed units (6 Units)

Amended Scheme - Lounge and 3 x One Bed

6. Block C: Partial reduction (13m) in width from 36m - 23m of top floor, resulting in a loss of 2 units (12 Units now proposed). The upper floor is now set further away from the rear gardens on Chatsworth Road.

7. The street facing blocks have been set back so that the new blocks are not any further forward than that of the existing bay features. However a large span of the new building will be located in line with the original bay features, resulting in a far more pronounced building on Deerhurst Road than that of the existing property.

8. Car parking

Initial Scheme – 136 un-allocated parking bays

Amended Scheme - 111 parking spaces (18 - Residential scheme and 93 - Temple).

PRINCIPLE OF DEVELOPMENT

9. Temple

The erection of a rear extension to the temple, the demolition of 1, 3, 5 Deerpark Road and the erection of:

- Block A - 13 bedrooms care units, 2 staff units and 1 visitor unit
- Block B - Lounge and 3 x One Bed
- Block C - 12 flats
- Two storey basement parking area with associated landscaping to the site

10. Housing and Viability

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

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

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

13. Following discussions at the original Planning Committee meeting Members will be aware that the proposal seeks permission for the erection of three blocks of residential accommodation in the form of:

A - Care Home

B – Elderly and visitor accommodation

C – Residential Block

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

15. There continues to be further concern with the provision of sheltered accommodation proposed in the forms of 'Elderly and visitor accommodation and a 'Care Home'. Specifically, the basis on which a care home in the form of self contained single bedroom units with additional study areas, in conjunction with self contained single bedroom self units and 'bedrooms' with en-suites are being proposed. This approach would differ to that which is normally taken with proposals of this kind and despite making a number of requests to understand the basis of the submission, the applicants have failed to provide clarity, in planning terms, on the matter. At the original Committee meeting Officers made it clear that this is not the sort of accommodation that is currently needed by the Local Authority in order to meet a recognised local need.

16. The London Plan is clear in requiring major developments (Minimum 10 unit) to provide the maximum reasonable level of affordable housing, with 50% of all units falling into this category the well-established starting point for the consideration of the point. As detailed in CP2, Brent also seeks to deliver 50% affordable housing across the Borough. It became very clear at the previous Planning Committee that the interpretation on the part of the applicants as to what constitutes "affordable housing" differs from the conventional, and widely adopted Planning definition of the concept that Members will have become very familiar with over the years. The applicants have confirmed that they do not wish to have any restriction imposed on the accommodation that they say is "affordable" but wish to rely on the fact that the people that would be likely to live in these particular units would be likely to come from the particular parts of society that the applicants feel are in need of some kind. These sentiments are understood by the Planning Service but they do unfortunately fall somewhat short of providing the certainty over housing tenure that is required by adopted planning policy.

17. There was some discussion at the last Planning Committee about the financial aspects of the scheme with the applicants representative confirming that the scheme could not be reduced in size because it would make it unviable. This remains their stance today and although the applicant has submitted a financial

appraisal to seek to demonstrate the scheme cannot feasibly deliver affordable housing, Officers consider that the submission continues to provide insufficient evidence to support the applicants argument. In the absence of a robust toolkit that confirms viability, and the continued reluctance to agree to an element of affordable housing within the proposed accommodation, the proposal unfortunately cannot be supported.

CHARACTER OF THE AREA

18. There has been much discussion as to what the impact of this development would be on the character of the area. Although Willesden Lane is a busy road, once off Willesden Lane, the character of the area changes and Deerhurst Road itself is characterised by traditional semi-detached houses. This character continues into Chatsworth Road and, with the exception of the flatted block at the junction of Deerhurst and Chatsworth Roads, the locality off Willesden Lane is an attractive area made up of relatively large two-storey dwellings. As mentioned at the previous Committee the character of this area is, however, not only defined by the buildings themselves but also by the spaces around them. As seen by the Members who visited the site, the site is currently occupied by three, two-storey buildings. Whilst they are not protected in anyway they do in themselves contribute to the character of the locality.

19. It has been a long-held view by the Planning Service that their replacement by two blocks of this size, height and siting along the street frontage is unacceptable and would have a significantly detrimental impact on the established streetscene. The building would now be no closer to the back of the footpath than the Bay features of the existing buildings. Whilst the applicants attempt to try to respect the established building line is noted, officers remain of the view that the building is still not appropriately positioned, taking account of its overall size and scale. The existing houses do have spaces between them with single storey garages, as well as roofs hipping away which creates a sense of space at present. It may well be that the highest point of the proposed development is not significantly higher than the highest point of the existing buildings, but it is considered that this comparison is not useful in understanding the overall difference between the two.

20. Further, whilst the height of the building has been reduced from that of the applicants original submission, it is still noted that the building is far higher than that of the existing situation. This continuous frontage (with secondary break), along with the overall width of the building and the lack of space around it, fails to provide the necessary quality of development that the Council would be seeking in schemes of this nature. For clarity, it is not considered that the buildings should be retained regardless, but rather that if they were to be redeveloped then whatever replaces them should be of a high quality of design and reflect the visual amenity concerns that are set out above.

21. As detailed above Block B at the rear of the site has been reduced significantly in terms of its overall projection into the site and this is a welcomed improvement to the development. The original submission (the building had a footprint of an inverted "T") was considered to be unacceptable to Officers as a result of this significant rear projection and was considered to constitute a form of development unlike anything nearby. For clarity, there was discussion at the June Committee about the concept of "garden grabbing" and it was confirmed that the important issue related equally to areas outside Conservation Areas, as those within. Whereas Officers felt that the original submission did take up a significant, and unacceptable, amount of rear garden space, it is considered that this revised submission is, on balance, acceptable as far as this specific point is concerned.

The new frontage building, however, continues to be unacceptable. It still competes visually with the Temple building, taking the buildings on Willesden Lane as its point of reference. As explained above. This is considered to be the wrong approach and, instead, any proposal should look towards the flatted development to the north on the corner of Chatsworth Road and Deerhurst Road instead. This is not to say that it is considered that the building should be replicated because it does not have the architectural quality that the Council should be seeking in current schemes. Rather, it should provide a steer about the form that any new build should take. Once again, this view has been articulated by Officers for quite some time. As has the fact that any building here should appear subsidiary in the streetscene and would need to sit within its own landscaped setting.

22. The dominance of the new residential blocks are further amplified by the narrow separation (7.6m – at its closest point) from the proposed temple extension. The gap between temple extension and frontage block is also considered to be far too small to retain a sense of space along Deerhurst Road (particularly when considered alongside the forward projection of the frontage block) and the setting of any building would need to be, as explained, far better than currently proposed.

23. During the original Members visit to the site mention was made that in dismissing an appeal for a new

house at the rear of No.66 Chatsworth Road (house at junction with Deerhurst Road), the Secretary of State placed significant value on the character of the area. For clarity, the Inspector stated that:

"The appeal site lies within a well-established residential area that is characterised by substantial detached and semi-detached dwellings with generous mature gardens giving the area an attractive appearance and character. Corner plots with trees contribute to the quality of the area".

Although every case is, of course, determined on its own particular merits, the views of the Inspector do tend to continue to support the Officer assessment in this current application.

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

25. The temple extension is considered to be acceptable in principle and if it were submitted on its own without the residential it would have been viewed favourably however it does form a part of a wider submission that, the proposal fails to comply with requirements of scale, bulk, mass and size set out in SPG17. The temple extension on its own would result in a difficult relationship with No. 1 Deerhurst Road by reason of its proximity to that building.

QUALITY OF ACCOMMODATION

26. Whilst it is accepted, future occupiers at the care home will be affiliated with the temple, it still remains the responsibility of the Local Authority to ensure the quality of accommodation provided is of an appropriate standard. To this end, the current proposal seeks permission for sole habitable room windows to be obscure glazed in an attempt to protect neighbouring amenity. Whilst the intent is admirable, the arrangement unfortunately results in a poor form of accommodation for future occupiers and amplifies the Councils case that proposed scheme seeks to over-develop the site. Further, SPG17 requires habitable rooms of neighbouring units to be stacked directly above or below each other, so to limit noise transmission. There appear to be a number of instances, most notable within Block A where units are not stacked appropriately. The proposal therefore results in the habitable space being inappropriately stacked causing noise transmission between units.

27. Whilst SPG17 encourages higher density development, it is important that the relationships created between buildings, and between buildings and private amenity spaces, do not become detrimental by being over-dominant or overbearing. SPG17 employs a 30 and 45 degree guide which seeks to assist these relationships. Officers assessment reveals the proposed temple extension fails to comply with requirements set out in SPG17 and is considered to have an overbearing impact on the communal gardens to the rear of the residential property.

28. The proposed flats are considered to be large enough to comply with London Plan standards, which is a welcomed approach. With regards to Blocks C and A, Two ground floor flats (Block C) will benefit from private gardens of a limited size, whilst all other flats or care home units will benefit from private balconies and a communal garden. The application also speaks of a communal garden for the care home (219m²) and a separate communal garden for the residential scheme (240m). It is noted that the applicant also seeks to utilize gardens to the front of the property for amenity, however the Councils Unitary Development Plan 2004 is clear in stating the first 6m of the garden is not considered amenity space. Your officers have noted the applicants area calculations appear to differ from that of the Councils, however your officers have cross checked their calculations with Ordnance Survey Plans and therefore consider the figures stated above to be true. The residential flats will require 240m² of external amenity space. In the case of the remaining care facilities and elderly home, the Council will apply a more flexible approach to external amenity space, seeking less than the prescribed 20m² measure, but the overall provision is still less than is considered acceptable.

HIGHWAYS

29. Members will note that from many of the comments made by objectors, it is clear that residents are already concerned about the highway impact that the existing use has at certain times and days. Part of this concern could arise from the CPZ which operates 10:00 – 15:00 Monday to Friday, but has moderate accessibility with a PTAL rating of level 3. These concerns were raised by many, once again, when the Temple recently enjoyed a full anniversary programme of events over a number of days which did not only

demonstrate the popularity and importance of the building to many, but also the practical management difficulties of trying to deal with such a traffic/pedestrian generating use in this location.

30. Parking is currently available for 48 vehicles in a gated part-surface part-basement car park on the temple, which is accessed from Deerhurst Road. In addition, 3 Deerhurst Road is a detached family dwellinghouse which benefits from a detached single garage and driveway (providing up to three car spaces total). 1a-c and 5a-d Deerhurst Road were also detached dwellings which have been converted to form seven flats. 5 Deerhurst Road also has off-street car parking for one vehicle. The proposed extended car park will have been reduced from 136 to 111 car spaces. A revised Transport Assessment and Full Travel Plan have been submitted in support of this application.

The Temple: Impact

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

32. Based on these figures, on a typical Sunday up to 290 car spaces could be permitted, and during Diwali up to 400 spaces could be permitted. However, on most weekdays no more than 32 car spaces would be needed to fulfil maximum standards. At present, the Temple car park provides 48 car spaces, and so can provide sufficient on-site car parking for general Monday-to-Friday use. However clearly this is not enough to accommodate the level of parking demand which may be expected at weekends and major festivals.

33. Furthermore, since the Transport Assessment states that frequently at least 200 people are on-site even during the working week, this figure would produce a standard of up to 80 car spaces. The Transport Assessment includes the result of surveys undertaken in December 2012, on a day when 400 women and 311 men attended the site. This is comparable in visitor numbers to the busiest "normal" days at the Temple. These surveys found that overall 86% of visitors travel to the site by car, leading to 353 vehicles requiring parking in the local area, or requiring a pick up/drop off. The survey also found that 118 vehicles parked in the on-site car park, which is 2.5 times the car park capacity. It must be presumed that there is a high turnover at services, otherwise these levels of attendance would simply not be possible.

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

35. The size of the extension proposed at the site is significant, as the TA states that the overall floor area will increase from 2557m² to 3481m². This is a reduction by 220m² from the original scheme. The transport assessment states that the extended facilities within the Temple are not intended to lead to an increase in visitors to the site. Increasing the floor area used for educational facilities will potentially increase the number of students/pupils. The Transport Assessment claims that the pupils will be children accompanied by adults who are already visiting the Temple, and that on this basis there will not be an increase in trips. This is not a claim that can be easily substantiated, and more importantly it cannot be managed through the Planning process, as such your officers take issue with the potential of increase trips.

The Temple: Mitigation

36. The Temple intends to provide additional off-street car parking, by extending the existing part-basement car park in order to provide a two-level underground car park which will lie beneath virtually the entire application site, including the new residential and sheltered accommodation discussed later in this report. The new car park is intended to accommodate 111 car spaces, which is an increase of 52 car spaces (for the temple) over the existing provision.

37. The maximum permissible amount of car parking assessed above is 290 car spaces, with the exception of Diwali celebrations. Your Officers accept that there needs to be a balance between provision of additional car parking to relieve the burden on the highway network and discouraging drivers from accessing the site. However the survey company findings, submitted as a part of this application conflicts with site observations from the Transportation Officer. It would appear therefore that parking levels are being under-stated, or that

the hourly parking beat somehow missed the peak parking periods.

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

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

40. The submitted revised "Travel Plan" has been assessed using the ATTrBuTe methodology and has passed. However as the Travel Plan has been assessed on false information (given the flawed survey) and has not considered the increase in trips caused by the increase in educational facilities, as such the Travel Plan is not considered to be sound

41. For the Temple use, cycle parking at a rate of 1 space per 8 staff or visitors should be provided. This would mean that for the largest services, a provision of 75 cycle spaces would be required. However, based on the average attendance, for 200 visitors 33 cycle spaces would be needed. The extended basement provides up to 50 secure cycle spaces which are welcomed, as this should cover the general demand levels. If it is well used, additional facilities could be fitted.

The Residential Development:

42. Each studio and 1-bed flat can be permitted 1.0 car space and each 2-bed flat can be permitted 1.2 car spaces. This gives an overall residential parking standard of up to 13.2 no. PS14 includes standards for elderly persons' accommodation, dependent on category. Given that the category of sheltered housing is not set out, your officers will err on the side of caution and apply the Category 1 (highest) standard. As such, the 6 flats for the elderly can be permitted 3 car spaces for residents. The 14-bedroomed care home meanwhile can be permitted under PS13 up to two car spaces.

43. The revised basement car park plans show that 15 no. car spaces plus 3 no. disabled bays are to be allocated to the proposed dwellings, sheltered flats and care home. The submission gives no indication of demarcation to ensure use by the appropriate users. Further the basement parking do not appear to contain lifts to assist disabled users. As such issue is raised with the management and usability of the car park.

44. The submitted transport assessment estimates the number of car trips generated per day by the proposed housing as 16 trips per day, which would not have a significant impact on the highway network.

Basement Car Park Geometry:

45. Tracking diagrams have been provided in the annexes to the Transport Assessment, which show cars successfully accessing, manoeuvring and parking within the proposed basement car parks. These are acceptable. The latest revised drawings show ceiling heights of 3.1m at upper basement and 2.6m at lower basement levels. These are now acceptable and will allow full access for disabled drivers. The drawing ref. is P1016 (Figure 13 in the TA). In addition, all of the section drawings and plans now show convincing gradients (and lengths) of ramps, with the majority being 1:10 at upper basement level, and the ones between upper and lower basement levels 1:7, but with 1:10 transition areas. These are acceptable to Transportation.

Other Issues:

50. 50 no. cycle parking spaces are shown within the basement car park. However no allocation of the facilities have been provided. The Councils standards require each proposed residential dwelling to be provided with a single secure and covered space unit, and this should also be applied to the proposed staff accommodation listed in the development schedule. These should be guaranteed independently from cycle parking which may be used by Temple visitors.

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

TREES

52. Three trees located at 224 and 226 Lincoln Court, Willesden Lane, NW2 benefit from Tree Preservation

Orders (TPO). The tree preservation order protects a sycamore and two large mature black poplar trees, the root systems of all these trees will encroach some way into the application site and could be seriously damaged by construction activities, specifically the construction of the basement.

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

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

SUSTAINABILITY

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

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

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

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

59. The Sustainability requirements include:

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

FINANCIAL CONTRIBUTIONS

S106

60. If your Members were minded to approve the submission, the proposal would have been required to contribute in line with the Council's now adopted Community Infrastructure Levy.

61. As an affordable housing scheme the development would be exempt from the Mayor's CIL however Brent's standard charge would apply.

OTHER

Ownership

62. An objector has queried the matter of ownership suggesting that the application is not valid. As a result, officers have sought legal advice on the question. The planning application has been made in the name of "Shree Swaminarayan Temple Willesden". Officers understand that the legal status of the Temple is one of a Trust and is also a registered Charity pursuant to the provisions of the Charities Act 2011.

63. Viewing the title information in respect of numbers 1, 3 and 5 Deerpark Road, your officers note that 1 Deerpark Road has 4 owners who are recorded as "Trustees" in the Proprietorship Register. However, the registered owners (9 in total) for 3 and 5 Deerpark Road have not been recorded as "Trustees" in the register but are still to be regarded as Trustees because the restriction appearing in the register places a positive obligation on the trustees to meet certain procedural requirements of the Charities Act 1993 when disposing of the property. Whilst it is good practice to have the words "Trustees" appearing in the register of the title this is not always done. The Council has also had the added comfort of the Agent confirming by way of email that the registered owners are all trustees so the Council can rely upon this representation as being correct.

64. In relation to the agent completing Certificate A the Council has to accept the declaration as it is unless information comes to its knowledge which may suggest that the correct notices have not been served, the Local Authority have to accept this requirement has been met by the applicant. Your Officers have been given no indication that this is not the case. Officers have considered whether any of the trustees will have been adversely affected or prejudiced by an error (failure to serve notice) which would trigger possible consultation issues. The Legal advice received is this is not considered to be the case based on the facts.

CONCLUSION

66. Officers have commented on the development of this site at pre-application stage on a number of occasions over the last year and have provided comprehensive comments on those occasions. The application proposal that was considered at the earlier Planning Committee was virtually the same as the pre-application submission that was considered at the end of 2012 and it was, therefore, evident that comments had unfortunately not been addressed.

67. At that Planning Committee Members decided to give the applicants the opportunity to re-think certain aspects of the scheme and to see if they could perhaps amend it to take account of the areas of concern that had been highlighted. It was on this basis that the item was deferred.

68. Whilst changes have been made to certain elements of the scheme and it is therefore true to say that it is better than the proposal that was considered previously, Officers are of the view that the changes have not gone far enough and, for this reason, the application is now to be reported back to the Planning Committee still with a recommendation for refusal. The applicants have indicated that they feel that they have gone as far as they can go, in terms of making changes to the scheme

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development would, by reason of its height, size and siting, be detrimental to the amenities of adjoining occupiers, in particular residents of Chatsworth Road, by reason of loss of outlook from, and the creation of an overbearing impact on, the existing gardens. The proposal would be contrary to policies BE9 and H16 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development."
- (2) The level of provision of parking within the site would result in overspill parking on Deerpark Road, Willesden Lane and Chatsworth Road, this unrestricted increase in demand for parking cannot be accommodated and would be detrimental to the free flow of traffic and pedestrians and highway safety, in a location where a 'car-free' agreement cannot be implemented as access to public transport is insufficient to result in a sustainable 'car-free' scheme. The proposal fails to comply with TRN2, TRN4, TRN23 and TRN24 and PS14 and the National Planning Policy Framework.
- (3) The proposed development would result in the loss of family accommodation for which there is an identified need within the Borough and as such the proposal would be contrary to policy CP21 London Borough of Brent Core Strategy (Proposed Submission June 2009)
- (4) The applicant fails to demonstrate that the proposed 'Care Home' and 'Elderly Persons Shelter with Visitor Accommodation' will serve the local population Brent for which there is an identified need within the Borough or that there is an established need for form of accommodation being proposed and as such the proposal would be contrary to policy CP21 London Borough of Brent Core Strategy 2010
- (5) The proposed development, by reason of the design, overall size, siting, bulk, density, height,

mass, scale, dominance of buildings across the site, proximity to boundaries and its prominence on the street would constitute an unacceptable form of development detracting from the character of the locality and relating poorly to surrounding forms of development. The proposal would thus result in a development that is to the detriment of the visual character and appearance of this area and constitutes an overdevelopment within this constrained plot. As a result, the proposal would be contrary to policies BE2, BE9, H15 and H12 of the adopted Brent Unitary Development Plan 2004.

- (6) In the absence of a legal agreement to control the matter, the proposal fails to comply with the principles of sustainable development and would be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, and is therefore contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004 and the guidance contained within Supplementary Planning Guidance SPG19: "Sustainable Design, Construction and Pollution Control
- (7) In the absence of a legal agreement to control the matter, the development would fail to provide an acceptable mix and quantity of affordable housing, it would result in additional pressure on transport infrastructure, without a contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies STR19, TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP2 of the adopted Core Strategy 2010, the Mayors London Plan and the Councils' Supplementary Planning Document;- s106 Planning Obligations
- (8) The application is not supported by a sufficiently robust and detailed Travel Plan to demonstrate that the proposed development will not lead to increased traffic congestion and unsafe car parking to the detriment of highway and pedestrian safety, contrary to Policies TRN1 and TRN4 of the UDP-2004.

INFORMATIVES:

None Specified

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

Committee Report
Planning Committee on 18 September,
2013

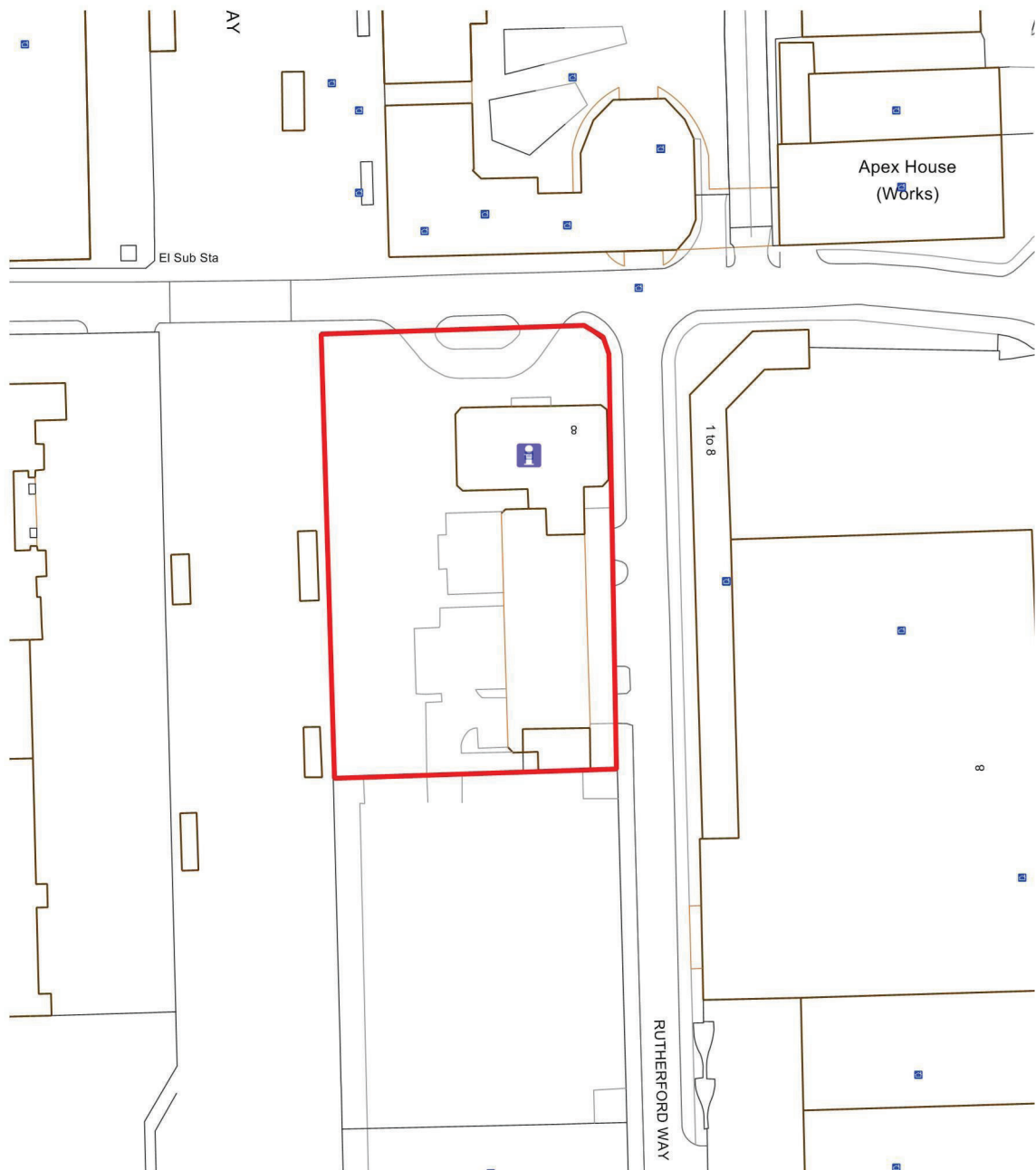
Item No. 08
Case No. 13/1512



Planning Committee Map

Site address: Olympic Office Centre, Fulton Road, Wembley, HA9

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This map is indicative only.

RECEIVED: 5 July, 2013

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Olympic Office Centre, Fulton Road, Wembley, HA9

PROPOSAL: Erection of 2-storey retail units (flexible Use Class A1 / A2 / A3 / A4 / A5 use) and 3-storey car park to accommodate 170 car parking spaces to serve the adjoining building on the site in association with cycle parking, landscaping and other works incidental to the development.

APPLICANT: SREIT Property Ltd c/o Schroders Investment Management

CONTACT: Montagu Evans

PLAN NO'S:
Please see condition 2

RECOMMENDATION

That planning permission is granted.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £34,961.70£39,080.00.

EXISTING

The subject site is the Olympic Office Centre in Wembley. It is situated between Rutherford Way, Olympic Way and Fulton Road. The site is within a designated Opportunity Area (London Plan) and Growth Area (Brent LDF Core Strategy). The site is within Flood Risk Zone 1 (low risk of flooding).

This application adjoins the site of application reference 13/1522 which proposes the redevelopment of the car park that currently serves this office building and is situated directly to the south of the subject site.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	businesses and offices	
2	shops	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	8535	8535	0	0	0
2	0		0	977	977

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	8535	8535	0	977	977

PROPOSAL

See above.

HISTORY

There is directly relevant planning history.

Related Planning History

13/1522: An application for the redevelopment of the existing car parking for the Olympic Office Centre building is currently being considered at this planning committee meeting. The description for that application is as follows:

Outline planning permission for the mixed use redevelopment of the car park element of the site including the construction of new buildings and structures to provide a total of 40,000 sq m to provide a range of uses comprising: residential dwellings (Use Class C3), offices (Use Class B1), student accommodation (sui generis), hotel (Use Class C1), retail (Use Class A1/A2/A3/A4/A5) and/or leisure (Use Class D2) and associated car parking, public realm works and associated works.

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:

- 4.2 Offices
- 4.5 London's Visitor Infrastructure
- 5.1 Climate Change Mitigation
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 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
- 7.15 Reducing Noise

They Mayor's Transport Strategy

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

LOCAL

Brent Local Development Framework Core Strategy 2010

- CP 1 Spatial Development Strategy
- CP3 Commercial Regeneration
- CP5 Placemaking
- CP6 Design and Density in Placemaking
- CP7 Wembley Growth Area
- CP15 Infrastructure to Support Development
- CP16 Town Centres and the Sequential Approach to Development

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
EP2 Noise and Vibration
EP3 Local air quality management
EP6 Contaminated land
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
TRN15 Forming an Access onto a Road
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
SH2 Major Town Centres
SH10 Food and Drink (A3) Uses
SH11 Conditions for A3 Uses
WEM2 Pedestrian Route/Promenade
WEM7 Access to development – the National Stadium Policy Area
WEM16 Urban design quality – Wembley Regeneration Area
WEM17 The public realm – Wembley Regeneration Area
WEM18 Design of Buildings Along Olympic Way
WEM19 Views of the Stadium

Brent Council Supplementary Planning Guidance and Documents

SPG12 Access for disabled people
SPG17 Design Guide for New Development

SUSTAINABILITY ASSESSMENT

While this proposal is technically a major application for the purpose of fees as planning fees are chargeable for new elements of car parking. These areas do not have external walls and as such, the floorspace is not considered when calculating gross internal area (GIA). The floorspace of the proposed development is 977 square metres (GIA) and as such, below the major cases threshold. A sustainability assessment has been submitted which applies to all three plots and thus includes Plots B and C which fall within the site for application 13/1522. However, your officers consider that the sustainability requirements are not applicable to this site as the GIA floorspace is below 1,000 square metres.

CONSULTATION

Letters sent: 10 July 2013
Site Notices: 10 July 2013
Press Notice: 18 July 2013

Letters were sent to 27 adjoining and nearby owners and occupiers.

No letters of objection were received from third parties.

Internal consultees:

Safer Streets / Environmental Health:

No objection. Conditions were recommended regarding car park ventilation and plant

Highways:

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

External consultees:**The Greater London Authority**

While this application does not exceed the criteria set out in the Mayor of London Order 2008, the GLA advised that they would like this application to be referred to the Mayor due to its association with the Outline Planning Application for the adjoining car park site.

The response that was received from the Mayor related to the Outline Planning Application. However, this response included the following comments regarding this application:

- The approach which wraps the car park with active uses is supported. However, the southern and eastern edges of the ground floor are occupied primarily by car parking and plant and therefore do not provide a significant amount of activity and natural surveillance. The GLA recommend that consideration is given to wrapping these elements of the ground floor with office space.
- The reduction in the number of car parking spaces for the office building from 354 to 170 spaces is supported. However, this remains above current parking standards and TfL strongly encourage a lower provision.

Thames Water

Informatives are recommended.

Wembley National Stadium Limited

WNSL did not comment directly on this application. However, their comment relating to the Outline Planning Application (reference 13/1522) included the following comment which relates to this application: Licensing conditions that match those of surrounding outlets should be attached to any licensed properties fronting Olympic Way.

REMARKS

1. The applicant has applied for the redevelopment of the land that is currently used for parking for this predominantly if not fully let office building. This application looks to re-provide some of the car parking that would be lost through that redevelopment. In response to recommendations from your officers, the Wembley Masterplan and the emerging Wembley Area Action Plan, the applicant was happy to include active uses fronting Olympic Way and has proposed 977 square metres (GIA) of floorspace to be used for purposes within Use Class A1 to A5.

Layout, design and appearance

2. The proposed design approach within the eastern frontage is in keeping with that detailed in relation to the outline application for the adjoining site. It comprises a strong retail / food and drink frontage along Olympic which will help to provide interest and activity within this frontage. The approach is in keeping with the Wembley Masterplan 2009 and the emerging Wembley Area Action Plan (submission version).
3. The proposed car parking adjoins those retail units and is situated directly to the east of them. Alterations to the undercroft area beneath the main building area also proposed to provide parking. Parking is to be provided over three levels, including parking on the roof of the structure. The roof level parking incorporates screening over the top of car parking spaces to improve its appearance from above. While three levels of parking are proposed, the height of the parking element of the building is lower than the height of the retail units fronting Olympic Way. The parking structure is effectively open to the north and south. However, a green screens is proposed to the south to ensure that its appearance is acceptable. The success of this depends on the choice of species. This approach has been used successfully (at a much lower scale) around elements of the Civic Centre "Wedding Garden".
4. Louvres and other screens are proposed within the smaller elements of the car park that are visible from the north and east. The success of these depends on the quality of planting in front of them, which can be secured through condition. Within the Eastern frontage, it is proposed that most of the existing car parking spaces are proposed to be replaced by landscaping, cycle parking and some motorcycle parking.
5. The Greater London Authority have commented on the level of activity within the southern and eastern edges of the ground floor and have recommended that the inclusion of office space at ground level is considered. The applicant does not consider that this would be feasible and as such, has highlighted the improvements to the soft landscaping that the proposal will deliver.

6. While your officers agree that additional activity would be beneficial, ensuring that such spaces are feasible would be difficult and as such, it is considered the proposals are acceptable providing the quality of the landscaping (to be secured through condition) is very high.

Transportation

7. Both Highways and TfL consider that the reduction in parking spaces for the office building is beneficial. However, TfL strongly encourage even lower levels of parking whilst Highways have requested surveys of the current travel patterns to evaluate the minimum level of parking that would be acceptable. The applicant subsequently commissioned a parking accumulation survey and has presented the survey and its implications on modal share. This information is currently being considered by Highways.
8. Highways have commented that provision of disabled parking spaces meets the Council's standards and that 20 % of spaces should be provided with electric vehicle charging points. The allocation of parking spaces should also be secured. It is recommended that the ability to apply for parking permits is restricted to mitigate against overspill parking and the applicant has agreed to this in principle.
9. Highways consider that a full size servicing bay is required. However, the applicant has proposed the use of the existing servicing bay which is sufficient for a 10 m vehicle, with a trolley route to the retail unit. This is currently being considered by Highways. Highways also commented on the size of some parking bays, and the width and gradient of the vehicle ramps. Revised drawings have been received amending the drawings and they are currently being considered by Highways.
10. The submitted framework Travel Plan initially failed the assessment. However, a revised Travel Plan has now been received. A Travel Plan condition has not been set out in this report as it is not clear whether this will require the approval of a further Travel Plan or the implementation of the revised Travel Plan that has been submitted. This will be discussed in the Supplementary Report. Highways have requested Section 106 contributions towards highways infrastructure. However, these are now secured through the Community Infrastructure Levy.

Potential impact on nearby units

11. Given the nature and scale of the proposal, it is unlikely to have a significant impact on any nearby sensitive uses. However, conditions are recommended regarding plant equipment.

Comments from Wembley National Stadium Limited

12. Comments were received from WNSL. However, these related to Licensing and as such cannot be considered within this application.

Summary

13. The proposal represents a significant reduction in the number of parking spaces for the existing office building and provides active uses within the Olympic Way frontage. Your officers accordingly recommend that the Council grant planning permission subject to conditions.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (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):

A (02) 100 Rev 01
A (03) 113 Rev 01
A (05) 101 Rev 01
A (05) 102 Rev 01
A (05) 103 Rev 01
A (05) 104 Rev 01
A (03) 110 Rev 02
A (03) 111 Rev 02
A (03) 112 Rev 02
A (04) 102 Rev 02

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

- (3) The noise level from any plant (e.g. refrigeration, air-conditioning, ventilation system, kitchen extraction system) together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises – a positive indication that complaints are unlikely. The method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'. Should the predicted noise levels of the plant exceed those specified in this condition, a scheme to mitigate the noise shall be submitted to and approved by the Local Planning Authority prior to the commencement of use.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- (4) 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 the commencement of works 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.

- (5) 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 commencement of works 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) 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 localit

- (6) The car park hereby approved shall not be used unless a detailed car park management plan for that part of the development has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the means by which the parking spaces will be allocated, secured and enforced between the various users of the site and the approved plan shall be implemented in full for the life of the development. The car park shall be used only for the purposes set out within the approved plan and shall not be used for any other purposes, such as for Wembley Stadium event parking or any other parking for those who do not occupy or patronise the development. The car park hereby approved also shall not be used unless the site for application reference 13/1522 is not used for car parking associated with the use of this application site (reference 13/1512).

Reason: To ensure a satisfactory development that does not result in overspill parking within the surrounding area.

- (7) The use of the development hereby approved shall not commence unless a Delivery and Servicing Plan is submitted to and approved in writing by the Local Planning Authority and the approved plan shall be implemented in full.

Reason: To ensure that the development is sustainable and in the interest of highway flow and safety.

- (8) Details of the provision of electric car charging points for a minimum of 20 % of the car parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the approved details shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and in the interest of highway flow and safety.

INFORMATIVES:

- (1) There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
- (2) Surface Water Drainage - 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) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

- (4) Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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

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Committee Report Planning Committee on 18 September, 2013

Item No.

09

Case No.

13/1526



Planning Committee Map

Site address: Scout Hut next to 60, Berkhamsted Avenue, Wembley, HA9 6DT

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This map is indicative only.

RECEIVED: 11 June, 2013

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Scout Hut next to 60, Berkhamsted Avenue, Wembley, HA9 6DT

PROPOSAL: Variation of Condition 2 of planning permission reference 09/0064 (granted 09/07/2009) for the demolition and replacement of front of existing scout hut with two-storey extension and provision of new pedestrian and vehicular access and off-street car-parking spaces to the front and rear of the site. The proposed variation is to allow a material amendment to the design of the approved roof to allow for the height of the eaves of the elevation facing Elsley Primary School to be raised.

APPLICANT: Mr M. A. Qureshi

CONTACT: Simpson McHugh Architects & Surveyors

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant consent.

EXISTING

The proposal relates to an existing scout hut located at the far end of Berkhamsted Avenue, adjacent to Elsley Primary School. The site is sandwiched between the school and 60 Berkhamsted Avenue, a two storey semi-detached house. The rear of the site backs on to the side boundary of 13 Gaddesden Avenue.

The building is currently undergoing refurbishment and extension following a grant of planning permission in 2009. Prior to the commencement of work the front of the scout hut comprised a single storey brick construction with a timber roof in an extremely poor state of repair. This has now been demolished and is being replaced by a two storey brick building with a pitched tiled roof. The rear section of the Scout Hall is of a concrete frame and panel construction and is in a sounder condition than the front part of the building which is to remain. Officers understand that the scout was in use up to a year prior to the commencement of work.

PROPOSAL

Variation of Condition 2 of planning permission reference 09/0064 (granted 09/07/2009) for the demolition and replacement of front of existing scout hut with two-storey extension and provision of new pedestrian and vehicular access and off-street car-parking spaces to the front and rear of the site. The proposed variation is to allow a material amendment to the design of the approved roof to allow for the height of the eaves of the elevation facing Elsley Primary School to be raised.

HISTORY

10/06/13	Enforcement investigation into the erection of a high concrete high block wall to the rear boundary of the premises (Ref: E/13/0552).
15/03/12	Approval of details pursuant to conditions 5 (Materials), 6 (Boundary details), 7 (Parking), 8 (Refuse & recycling) 9 (Tree Survey) and 10 (Landscaping) of full application reference 09/0064 dated 09 July 2009 (Ref: 11/1957).
09/07/2009	Planning permission granted for the demolition and replacement of front of existing scout hut with two-storey extension and provision of new pedestrian and vehicular access and off-street car-parking spaces to the front and rear of the site (Ref:

POLICY CONSIDERATIONS

Local Development Framework – Core Strategy 2010

CP17 *Protection of the suburban character of Brent.*

CP23 *Protection of existing and provision of new Community and Cultural Facilities.*

Brent Unitary Development Plan 2004 Policies

BE2 *Townscape: Local Context & Character*

BE4 *Access for Disabled People*

H22 *Protection of Residential Amenity*

BE9 *Architectural Quality*

TRN3 *Environmental Impact of Traffic*

TRN22 *Parking Standards – Non – Residential Development*

PS10 *Parking Standards (Use Class D2)*

PS16 *Cycle Parking Standards (Use Class D2)*

SPG17: Design Guide for New Development

SUSTAINABILITY ASSESSMENT

Not Applicable.

CONSULTATION

The following have been consulted on the proposal:

-Nos. 38, 40, 42, 44, 46, 47, 48, 49 50, 51, 51A, 52, 53, 54, 56, 57, 58, 58A, 59, 61, 60, 63, 65A, 65B, 67, 69, 71, 73 & Elsley Primary School and Nursery Berkhamsted Avenue.

-Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 16 Gaddesden Avenue.

-Ward Councillors

In total letters of objections have been received from Elsley Primary School, 60 Berkhamsted Avenue and 10 Gaddesden Avenue. The objections and the officers response are set out below

:

Objection	Officer Comment
The new building is already overshadowing the school. Additional height to the elevation will significantly increase this, blocking out light to classrooms.	The overall height of the roof and eaves is not changing. The lines of the eaves facing the school in the original approval sloped. This proposal is to straighten the line of the eaves by raising the lower part of the eaves by just over a metre to raise it line with the higher end of the eaves. The increase is not considered significant enough to materially alter the new buildings impact on the school.
Suspicious of the reasons behind the need for the increased height.	The proposed change is requested to simplify the roof design and to make for an easier and less expensive build.
Concerned about the impact of potential additional traffic and parking around the school.	The change does not increase the floor area of the approved building or its capacity. The originally approved scheme was considered acceptable in transportation provided it was restricted by condition for use as a scout hut only.

Potential for overlooking of class rooms.	.There are no windows proposed in the flank elevation facing the school.
Impact of raising the eaves of the building on the adjoining house.	The elevation facing the adjoin house is not changing for that originally approved. It is only the elevation facing the school that is changing.

REMARKS

1. Planning permission was granted by committee in 2009 for the demolition of the front part of the existing scout hut and the replacement of this with a 2-storey building. The intention of the applicant was and remains to bring the extended and refurbished building back in to use as a scout hut. The building was last used by the 6th Wembley Scouting group in autumn 2008. The key issues for consideration were whether the increased size of building would have an impact on neighbouring amenity, whether the increased floor area will lead to an intensification of the premises and whether the associated traffic impacts were acceptable. The remarks section from the previous committee report assessing these issues is attached below. In summary the proposed refurbishment and extension of the building was considered acceptable provided it remained in use as a scout hut.
2. The development has commenced and works are well advanced. The applicant now wishes to amend the original approval to allow for a different roof design. The previous roof design included a sloping eaves line to the elevation facing the school. This application proposal a material amendment through the variation of condition 2 to straighten the eaves by raising the lower part by approximately 1.2 metres to match the height of the highest part of the eaves. The overall height of the roof does not change. Only the side elevation facing the school is affected. The side elevation facing the neighbouring house at 60 Berkhamsted Avenue is unchanged.
3. The increase in the eaves height facing the school is not considered significant enough to materially impact on the school. There are no windows in this flank elevation so there is no overlooking of the school. The proposed alteration does require a flat crown roof to be introduced on top of part of the roof, whereas the approved scheme has a single ridge line. While the approved plan is perhaps a more elegant solution it does require the sloping eave line and complicated roof design that would prove difficult and more expensive to build than would be the case should the proposed amendment be agreed. Given that the changes to the roof would not be particularly visible from the front of the building and given the lack of any significant additional impact on the school the proposed amendment can be supported, subject to the conditions and approved details set out at the end of this report, and that were attached to the original approval.

Remarks section from the original scheme approved by the Council's committee on 08/07/2009

Introduction

The current application proposes the demolition of the front part of the existing scout hut and the replacement of this with a 2-storey building. An undercroft vehicular access is provided through to three parking spaces located to the rear of the site.

The scout hall is not currently in use, the building was last used by the 6th Wembley Scouting group in autumn 2008. The agent has confirmed the building is currently in the process of being renovated.

The key issues for consideration here are whether the increased size of building will have an impact on neighbouring amenity, whether the increased floor area will lead to an intensification of the premises and whether the associated traffic impacts are acceptable.

Proposed Use

The increase in floor area to the front of the site will accommodate a small hall, toilets and a kitchen facility on the ground floor of the scout hut. The second floor will provide a further ancillary hall in addition to the existing larger scout hall to the rear of the site which is to remain.

In total the amount of floor area will increase from 265m² to 343m².

The agent has now confirmed that the use of the existing building is to be retained as a scout hall for use by the scout and guiding movement with the first floor of the new extension to be used primarily for the storage of equipment in connection with the existing use. The applicant is having discussions with the District Commissioner of the Greenford & District Scout Council. The Commissioner has confirmed in writing that he would support the re-creation of a Scout Group based in Berkhamsted Avenue. I

The existing building was until recently used as a scout hut and therefore its proposed re-use by the scouts and guides would fall within the established use of the building. The use falls within the D2 Use Class which encompasses a wide range of assembly and leisure activities including gymnasiums, indoor sports bingo halls etc. Given the local parking and traffic constraints these other uses might not be considered appropriate. However given the typical age range of the scouts, the area that the facility would serve and the hours at which they would typically serve; and given that the established use of the existing building is a scout hut, it is considered that the proposed enlargement to the building can be supported provided that a condition is attached restricting the use of the enlarged building to a scout hut only.

It should be noted that in this application, the elements (such as erection of additional class extension at the rear of the site to be used as a day nursery and additional D1 use proposed for the new floor space created in the two-storey building) which gave rise to issues of concerns relating to intensification of uses on the site, residential amenity, highway considerations in the previous planning application (ref: 08/2929) have now been deleted.

Design and Appearance

The proposal is to replace the single storey front part of the existing building with a two storey brick extension with a pitched roof. The design, scale and massing of the buildings considered appropriate to this largely residential street. The new two-storey building will not extend as far back into the site as previously proposed thus preserving the outlook of occupiers of the adjoining house at 60 Berkhamstead Avenue. The new building would be set off the boundary with 60 Berkhamstead Avenue by 0.6m as is the existing building. Although SPG 5 does not apply to non-domestic buildings the 1 to 2 guidelines used to assess the impact of two storey additions on neighbouring amenity are met which is a further indication that the revised building would have an acceptable relationship with 60 Berkhamsted Avenue.

A condition is recommended requiring the submission of a scheme for the landscaping of the sites frontage.

Transportation

The site currently comprises a single-storey hut with a dual width crossover on the frontage offering two off-street car parking spaces.

This application seeks to demolish the existing front building at the above site and to replace it with a 2-storey building. Two extra car parking spaces will be provided at the rear of the site as well as a disabled parking bay, and one frontage space will be removed. A new access route to the rear of the site from the site frontage will be used, this time with a turning head. This is a revised version of the scheme refused under ref. 08/2929 for reasons including increased traffic generation, lack of suitable pedestrian access to the rear and a lack of manoeuvring space for vehicles.

The application site is located on the south-eastern side of Berkhamsted Avenue, a local access road, which is not defined as being heavily parked. The site lies outside any area of current parking control and has fairly low accessibility with a PTAL rating of level 2.

The existing buildings on-site comprise a floorspace of 265sqm. For a D2 use, parking standards are set out in PS10 of the adopted UDP 2004. This standard allows spaces equivalent to 1 in 60 patrons, based on maximum capacity, plus 1 space per 200sqm of non-seating or assembly area. There should also be a maximum employee parking provision of 1 space per 5 employees. It is adjudged that this use will attract a maximum of 3 car spaces then, as the number of employees is unlikely to exceed 5, there is not over 200sqm of non-seating space and the number of patrons is unlikely to exceed 60 on a regular basis.

The proposed development adds 78sqm to the facility, bringing the total floorspace to 343sqm. However, there is no indication that the operation is planned to be expanded. Transportation will seek a condition restricting the use of the site to that of a Scout Hut, to resolve a concern that overspill car parking on-street in the vicinity of the site would have potential additional consequences for school traffic at the adjacent Primary School. This seems reasonable since the majority of users of the scout hut would be children who would be in school during school hours – restricting the use will then ensure that the site is predominantly used outside of school opening times, resolving the Transport issue.

The site access has been significantly improved in this revised scheme. The removal of a car space at the front of the site will benefit access to the rear, and the scheme has been redesigned to maintain a 2.4m width through the covered access route. A new disabled parking bay next to one of the side doors to the hall is acceptable. A turning head towards the back end of the site has been included which appears to be suitable for the purpose. Two further car spaces at the rear are also acceptable.

Refuse and recycling storage is shown at the side of the small hall close to the frontage (within 10m) which is acceptable.

The dedicated cycle facilities which are shown at the rear are in compliance with Policy TRN11 and Parking Standard PS16 of the adopted UDP 2004 at a rate of 1 cycle parking facility per 10 staff plus 1 per 5 staff for visitors.

The revised proposal is now acceptable on transportation grounds subject to condition restricting the use of the facility to that of Scout Hut.

Landscape

Elsley Primary School located on the west side of the application site has number of trees and planting close to the boundary with the application site that could influence the proposed development and are important as part of the local landscape character therefore it is suggested that a full tree survey in accordance with 'BS5837 Tree in Relation to Construction – Recommendations must be submitted. In addition a full Tree Protect Method Statement in accordance with BS5837 must be submitted.

It may also be noted that whilst works were carried out to clear vegetation in the area of proposed development; several trees in the land adjacent suffered very poor works. This has put the trees in the land adjacent in danger of infection and rot and therefore a condition is requiring the following is attached:

Remedial works are carried out on the damaged trees, i.e. the badly broken branches are correctly cut back.

3 No small trees are planted in the proposed car park area; details of to be submitted.

The fence between the land of the proposal and the school adjacent is replaced.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Local Development Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 relating to "Design Guide for 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):

2661/4F

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

- (3) The scheme shall be carried out in accordance with the external materials approved under planning reference 11/1957 unless the Local Planning Authority agree in writing to any variation.

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

- (4) The windows in the flank wall of the building adjoining No. 60 Berkhamsted Avenue (as extended) shall be glazed with obscure glass and the windows shall open at high level only (not less than 1.8m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighborliness.

- (5) The scheme shall be carried out in accordance with the fencing, walls and gateway details approved under planning reference 11/1957 unless the Local Planning Authority agree in writing to any variation. The work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Reason: In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties.

- (6) Prior to the commencement of the use of any part of the approved development all parking spaces; turning areas; access roads and footways shall be constructed and permanently marked out in accordance with the approved plans and details [including details of lighting] approved under planning reference 11/1957 unless the Local Planning Authority agree in writing to any variation. Development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory design and access to service the development and to enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety within the site and / or along the neighbouring highways and in the interests of pedestrian safety.

- (7) The scheme shall be carried out in accordance with the refuse and recycling bin enclosure details approved under planning reference 11/1957 unless the Local Planning Authority agree in writing to any variation. The approved arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

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

- (8) No water tank, air conditioning plant, lift motor room or other roof structure shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the development in the interests of the visual

amenities of the locality.

- (9) The premises shall be used only for the purpose of Scout Hut/Hall and for no other purpose (including any other purpose in Use Class D2 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.

- (10) The development will be carried out in accordance with the tree survey, tree protection method statement, agreed tree remedial works and new tree planting approved under planning reference 11/1957 unless the Local Planning Authority agree in writing to any variation. All such landscaping works shall be completed in accordance with the approved scheme. The planting of trees shall be carried out within the first planting season following the completion of the development hereby approved. If, within 5 years of planting, any trees or shrubs die, are removed or become diseased, they shall be replaced with others of the same species and size in the same positions, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a satisfactory development that respect the local landscape character and appearance and protects adjacent tree roots close to the proposed development in accordance with the Council's policies BE6 & BE7 in the Adopted Unitary Development Plan 2004.

- (11) The development will be carried out in accordance with the landscape proposals for the treatment of the land to the front of the building, including those areas to be treated by means of hard landscape works approved under planning reference 11/1957 unless the Local Planning Authority agree in writing to any variation. The landscape works shall be completed in accordance with the approved details. If, within 5 years of planting, any trees or shrubs die, are removed or become diseased, they shall be replaced with others of the same species and size in the same positions, except with the prior written permission of the Local Planning Authority.

INFORMATIVES:

- (1) The applicant must ensure, 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.

Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243

Committee Report Planning Committee on 18 September, 2013

Item No. 10
Case No. 13/1218



Planning Committee Map

Site address: CROWN HOUSE, Wembley Hill Road, Wembley, HA9 8AU

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This map is indicative only.

RECEIVED: 8 May, 2013

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: CROWN HOUSE, Wembley Hill Road, Wembley, HA9 8AU

PROPOSAL: Change of use of the exiting office space within the building to a hotel and the erection of two additional storeys on top of existing building and the re-cladding of the whole existing building to create a 47 bed hotel. (Including revised daylight/sunlight report)

APPLICANT: Perflag Hotels Ltd

CONTACT: SCP Architects

PLAN NO'S:
See condition 2.

RECOMMENDATION

That planning permission is granted.

SECTION 106 DETAILS

Section 106 contributions have been requested from the Borough's Highway and Transport Delivery. However, such contributions are now secured through the Community Infrastructure Levy. As such a Section 106 agreement is not required for this development.

Community Infrastructure Levy -CIL

The Mayors Community Infrastructure Levy, otherwise known as CIL became effective from 1st April 2012 onwards.

Accordingly the scheme would attract a minimum Mayoral CIL at a rate of £35 per square metre (Indexed) and Brent CIL at a rate of £100 per square metre based on 860sqm of new development.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £30,774.89£86,000.00.

EXISTING

Crown House is located on the southwestern corner of the junction of Wembley Hill Road with Linden Avenue. The kerb lines at this junction have recently been modified in conjunction with the replacement of the gyratory system at Wembley Hill Road / Empire Way with a roundabout.

The building at ground floor level is used for storage and parking (226m²). Above this the building comprises 3 storeys of office space (810m²). There are also nine one bedroom flats along the rear wing of the building, fronting Linden Avenue. It should also be noted that planning permission was granted under reference 12/0387 for the erection of two additional storeys on top of existing building to create 8 self contained flats and the re-cladding of the whole building and subject to a Deed of Agreement dated 26.06.2013 under Section 106 of the Town and Country Planning Act 1990. Consent was granted for the conversion of the ground floor storage rooms and some parking spaces to a retail unit, cafe and restaurant (application reference 11/0473). It should be noted this has not been implemented.

Vehicular access is from Linden Avenue, with a gate at the entrance behind which sits a bin store. Vehicular egress is available onto Mostyn Avenue to the rear of 33-35 Wembley Hill Road.

The is located within the Wembley Growth Area.

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	hotels	
3	restaurants and cafes	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	1132		1132	0	-1132
2	0		0	1696	1696
3	0		0	296	296

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	1132		1132	1992	860

PROPOSAL

The application seeks the erection of two additional storeys on top of the existing building and the change of use of the existing office space within the building to Hotel use in order to provide a total of 47 hotel rooms.

The ground floor will be a bar and restaurant area, the existing first, second and third floor will be converted to hotel rooms with the new build 4th and 5th floors providing an additional 26 hotel rooms. The proposal will have exactly the same height as the residential scheme as approved under 12/0387.

Servicing is proposed at the rear of the building with a covered bin store and a cycle store. It is proposed to retain 13 parking spaces and 1 disabled space.

HISTORY

28/06/2013 Erection of two additional storeys on top of existing building to create 8 self contained flats and the re-cladding of the whole building and subject to a Deed of Agreement dated 26.06.2013 under Section 106 of the Town and Country Planning Act 1990, as amended(REF:12/0387)

18/04/2011 Change of use of lower-ground floor storage and undercroft areas into a retail unit (use class A1) or restaurant/cafe (use class A3), including internal alterations to reduce the floor level to match the street level at the front and insertion of rear flue, as amended (REF:11/0473)

16/03/1998 Change of use of third-floor office to self-contained flat, provision of storage space on ground-floor parking area, amendments to the parking arrangements, external rendering and repositioning front wall to ground floor to incorporate a bus-stop seat (REF:97/2473)

POLICY CONSIDERATIONS

National Planning Policy Framework

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

its publication is of significant weight.

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

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

LDF Brent Core Strategy 2010

CP1 – Spatial Development Strategy

CP3 – Commercial Regeneration

CP12 – Park Royal

CP15 – Infrastructure to Support Development

CP20 – Strategic Industrial Locations

Brent's Unitary Development Plan 2004

BE2- Townscape: Local Context & Character

BE4 – Access for Disabled People

EP2 – Noise & Vibration

EP3 – Local Air Quality Management

EP12 – Flood Prevention

TRN3 – Environmental Impact of Traffic

TRN11 – The London Cycle Network

TRN22 – Parking Standards Non-Residential Development

TRN30 – Coaches & Taxis

TRN34 – Servicing in New Development

TRN35 – Transport Access for Disabled People

PS11 – Hotel parking standards

PS21 – Hotel servicing standards

EMP8 – Protection of Strategic Employment Areas

EMP17 – Reuse of redundant offices

TEA6 – Large scale hotel development

2011 London Plan

Policy 2.17

(a) The Mayor will, and Boroughs and other stakeholders should promote manage and where appropriate protect Strategic Industrial Land.

(b) Development proposals in SIL's should be refused unless;

(a) they fall within the broad industrial type activities outline in paragraph 2.79; or

(b) they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document.

(c) the proposal is for employment workspace to meet identified needs for small and medium sized enterprises, or new emerging industrial sectors; or

(d) the proposal is for small scale 'walk to' services for industrial occupiers such as workplace creches or cafes.

(c) Development proposals within or adjacent to SIL's should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities.

Main Considerations;

Principle of change of use

Impact on Strategic Industrial Land & Borough's economic base

Impact on character & appearance of the area

Impact on highway safety

SUSTAINABILITY ASSESSMENT

The site is classed as a minor application and therefore the requirements of policy CP 19 of the Council's Core Strategy does not apply, as the proposal is for less than 10 flats. So although located within the Wembley Growth Area current policy does not require the scheme to achieve the Code for Sustainable Homes Level

As a minor scheme the requirements of Brent's SPG19 'Sustainable Design & Construction' also do not apply

and the proposal has therefore not been assessed against the Council's Sustainability Check List.

CONSULTATION

111 properties have been notified in writing of this application.

In total 6 letters of objection were received. (Three of which were from the same address) raising the following points

- The proposed development will generate parking and traffic problems.
- The existing high traffic flow at all hours of the day and night will creating disturbance
- The proposal will encourage anti-social behaviour on the quiet streets of Mostyn, Dennis and Linden Avenue.
- The hotel will result in overlooking of neighbouring properties
- There are already too many hotels in the area
- The restaurant will take away trade from existing business's
- There is no information on a google search for the applicants who Perflags Hotels LTD

Highway and Transport Delivery:

This proposal can be generally supported on transportation grounds subject to a financial contribution of £11,548 towards improvements to transportation infrastructure. As stated earlier in the report contributions towards highway improvements are encapsulated in the Brent CIL.

Highways and Transport Delivery has also asked for conditions to be attached to any approval granted requesting that car parking management arrangements be submitted to and approved by the LPA prior to the occupation of the hotel.

REMARKS

Principle of development

1. The site is located within the Wembley Growth Area which is identified in policy CP7 of the Core Strategy as being expected to delivering 10,000 new jobs across a range of sectors, including retail, offices, the new Brent civic centre, conference facilities, hotels, sports, leisure tourism and visitor attractors, creative and cultural industries and education facilities reflecting its designation as a Strategic Cultural Area for London. As such a proposal for a hotel in this location is acceptable.
2. Unitary Development Plan Policy states that large-scale hotels should in a town centre, edge-of-centre, or within the National Stadium policy area. Or it utilises redundant offices in the above locations. The proposal fall within this area and also has a PTAL rating of 4.
3. It is also important to note that the proposed scheme will retain the existing residential units.

Design of the Development

4. The existing building is rather dull with a tired looking facing brick. The proposal is to add two new floors and re-clad the whole extended building. The external changes as proposed as part of the application are similar to that approved for a residential scheme as approved under planning ref:12/0387 These improvements to the existing buildings together with the projecting elements and balconies proposed in the new upper floors help to break up the form of the building and creates visual interest. This approach is considered acceptable and if completed in materials of a sufficient quality and finished to an appropriate standard should give the impression of being an entirely new building.
5. On the other side of Linden Avenue is Cottrell House which at 7 storeys will be a storey higher than the extended Crown House. In terms of its scale therefore the extended building is comparable with other buildings located along the this stretch of Wembley Hill Road. The existing building already has a slightly awkward relationship to the much lower scale housing in Linden Avenue and the smaller adjoining office building on Wembley Hill Road. However the proposed extension and refurbishment of Crown House will improved the standard of built form in this area.

Parking and Servicing

6. The site has good access to public transport services (PTAL 4). Wembley Stadium station (Chiltern Line) close by, as are bus routes 18, 79, 83, 92, 182, 204 , 223, 224 and 297. There is a long bus stop

clearway with a shelter and seat along the Wembley Hill Road frontage of the site.

7. The site is within Controlled Parking Zone "W", which is in operation from Monday to Saturday between 8am to 6:30pm. The site is also within the Wembley Stadium Event Day Protective Parking Zone, on which days restrictions extend from 8am to Midnight. As such, parking in Linden Avenue and Mostyn Avenue (both local access roads) is generally restricted to residents' permit holders only, although there is also pay and display available at their eastern ends.
8. Car parking allowances for the proposed hotel use is a maximum of 1 space per 5 bedrooms, plus one space per 5 employees, employee figures are provided by the applicant. The applicant proposes 13 car parking spaces and 1 disabled car parking space. This arrangement has been met with no objection from our Transport and Highways Officer. A car park management plan to set out the proposed arrangements is therefore conditioned.
9. The car parking area for this building has been observed as being hired out as pirate parking for spectators on Wembley Stadium event days. This undermines the attempts to minimise traffic associated with the stadium after events, when Wembley Hill Road is closed to through traffic, aside from the issue utilising spaces that should be kept available for residents of the hotel.
10. The retail / food and drink unit requires servicing by rigid 8m vehicles and the proposed hotel would require servicing by 8m vehicles and whilst there are no specific 8m bays available within the site, this is a historic predicament and would not be worsened by the proposal. Such vehicles would if necessary be able to be able to stand freely within the central aisle of the car park.
11. The site has frontages onto two streets , so is easily accessed by fire appliances. Refuse for the hotel, restaurant is located in a enclosed area which will be accessible from Linden Avenue.

Flood Risk

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

Impact on Existing Residents

13. The proposal is adjoined by residential properties in Linden and Mostyn Avenue and care has been taken by the applicant to demonstrate that the proposal will not lead to a significant increase in overlooking or overshadowing.
14. A daylight and sunlight report was carried out under the previous application 12/0387 and demonstrated that the proposed development will have a limited impact effect on upon the availability of sunlight and daylight to rooms in the adjacent house at 1 Linden Avenue and to the commercial building called Cottrell House on the North Side of Linden Avenue. A revised daylight and sunlight report has been submitted with this application it is important to state that the proposed extension is exactly the same as the that approved under ref 12/0387 in terms of height and scale. As such there is not considered to be an impact on the neighbouring residential or commercial properties in terms of light loss and overshadowing. It is acknowledged that the residential use is noted in the Stinton Jones Consulting Engineers report dated January 2012, but this is considered acceptable considering that the height of the proposed building is exactly the same as that approved under planning reference 12/0387.
15. Concern has been raised by local residents that hotels operate in slightly different way to places of permanent residence and hold concerns that properties in Linden Avenue and Mostyn Avenue will suffer privacy and noise problems. Having considered this point, the use of the rooms for hotel accommodation is not considered to raise any additional issues regarding overlooking or noise disturbance to that of the existing or the residential use as permitted by planning approval 13/120387.

Accessibility

16. The proposal does not demonstrate that it will comply with the London Plan requirement to deliver at least 10 % of the hotel rooms as Wheelchair Accessible rooms. However, given the nature of the existing building and the fact that two additional storeys are being constructed, this should be achievable through changes to the internal layout. As such, a condition is recommended requiring revised drawings detailing the provision of 5 wheelchair accessible rooms.

Summary of Objections

Objection

There is no information regarding the applicant
The restaurant will be take business away from existing business's
The hotel will result in overlooking of the neighbouring properties

The proposal will encourage anti social behaviour in neighbouring residential streets
The existing high traffic flows at all hours of the day and night will create disturbances

The development will generate parking and traffic problems

Rebuttal

This is not a material planning consideration.
Competition between businesses cannot be considered within a planning application..
The proposed hotel is not considered to result in significantly greater overlooking that already exists.

The proposal for a hotel is not considered likely to result in an increase in anti social behaviour.
The Highways and Transport Team do not consider the proposed use to result in significant traffic generation or parking problems
The Highways and Transport Team do not consider the proposed use to result in significant traffic generation or parking problems.

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
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):

Daylight Sunlight Report February 2012
Planning Application form Revision A
P101 Location Plan
P310 Proposed Ground Floor Plan Rev B
P311 Proposed First Floor Plan Rev B
P312 Proposed Second Third Floor Plan Rev B
P313 Proposed Fourth Floor Plan Rev B
P314 Proposed Fifth Floor Plan Rev B
P400 Proposed Elevations 1 Rev B
P401 Proposed Elevations 2 Rev B

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

- (3) All plant machinery and equipment (including refrigeration and air conditioning systems) to be used by reason of this approval shall be so installed, maintained and operated as to prevent the transmission of noise and vibration into any neighbouring premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (4) Any illumination of signs, buildings, canopies and other features of the premises shall be diffused or baffled to prevent any spread of direct light or glare over the public highway or into neighbouring properties.

Reason: To ensure that such illumination does not prejudice local amenities or safety on the neighbouring highway.

- (5) Details of materials for all external work with samples, (including but not limited to cladding, roof materials, window details, balcony details) shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing and those details, once approved, shall be fully implemented.

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

- (6) Prior to development commencing, further details of

a) the proposed refuse and recycling areas

b) a minimum 18 secure bicycle parking spaces

shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out and completed in all respects in accordance with the details so approved before the proposed flats are occupied.

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

- (7) Prior to the occupation of occupation the applicants shall submit an acoustic report that shall demonstrate that they have undertaken tests of internal noise levels in each of the hotels rooms post-completion of the building works and that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233:1999 "Sound insulation and noise reduction for Buildings."

If "reasonable" noise levels have not been achieved the report will detail what additional measures will be undertaken to ensure that they are achieved and the timescale that these additional measures shall be implemented within and thereafter the works shall be undertaken in accordance with the details so approved.

The report shall be submitted to and approved in writing by the LPA prior to the

occupation of the units.

Reason: To ensure satisfactory noise levels within the proposed development in order to safeguard the amenities of future occupiers

- (8) . Notwithstanding the drawings and documents hereby approved, further details of the measures to mitigate the impact of noise on neighbouring residents , which shall include details and technical specifications of the glazing and ventilation systems, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved details shall be implemented in full and thereafter shall be maintained in accordance with the manufacturers' specifications.

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

- (9) Prior to occupation of the development, further details of car park management arrangements shall be submitted to and approved by the LPA, setting out the means by which car parking spaces shall be allocated to specific users at various times of the week and the means by which this will be enforced. The approved management plan shall be implemented for the duration of the development (or as amended by agreement in writing with the Council).

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

- (10) Details of obscure and restricted opening glazing to be fitted to the western elevation of the proposed hotel rooms shall be submitted to and in writing by the Council prior to the commencement of work. The approved glazing shall be installed and maintained at all times unless the Council agree otherwise in writing.

Reason: To protect the amenities of existing residents

- (11) Provision is to be made for the parking of [\$] cars on the forecourt of the property, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, before the development hereby approved is commenced. The approved works shall be constructed prior to occupation of the premises and shall be permanently retained thereafter and the area shall not be used for any purpose other than the parking of cars and shall not be altered except with the prior written permission of the Local Planning Authority.

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

- (12) Notwithstanding the drawings hereby approved, further drawings detailing the provision of 5 Wheelchair Accessible Hotel Rooms shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the approved details shall be implemented in full. The use hereby approved shall not commence unless written confirmation that the Wheelchair Accessible Rooms have been completed has been submitted to the Local Planning Authority and the rooms shall thereafter be retained.

Reason: To ensure a sufficiently accessible development.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Matt Brown, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 3771

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Committee Report Planning Committee on 18 September, 2013

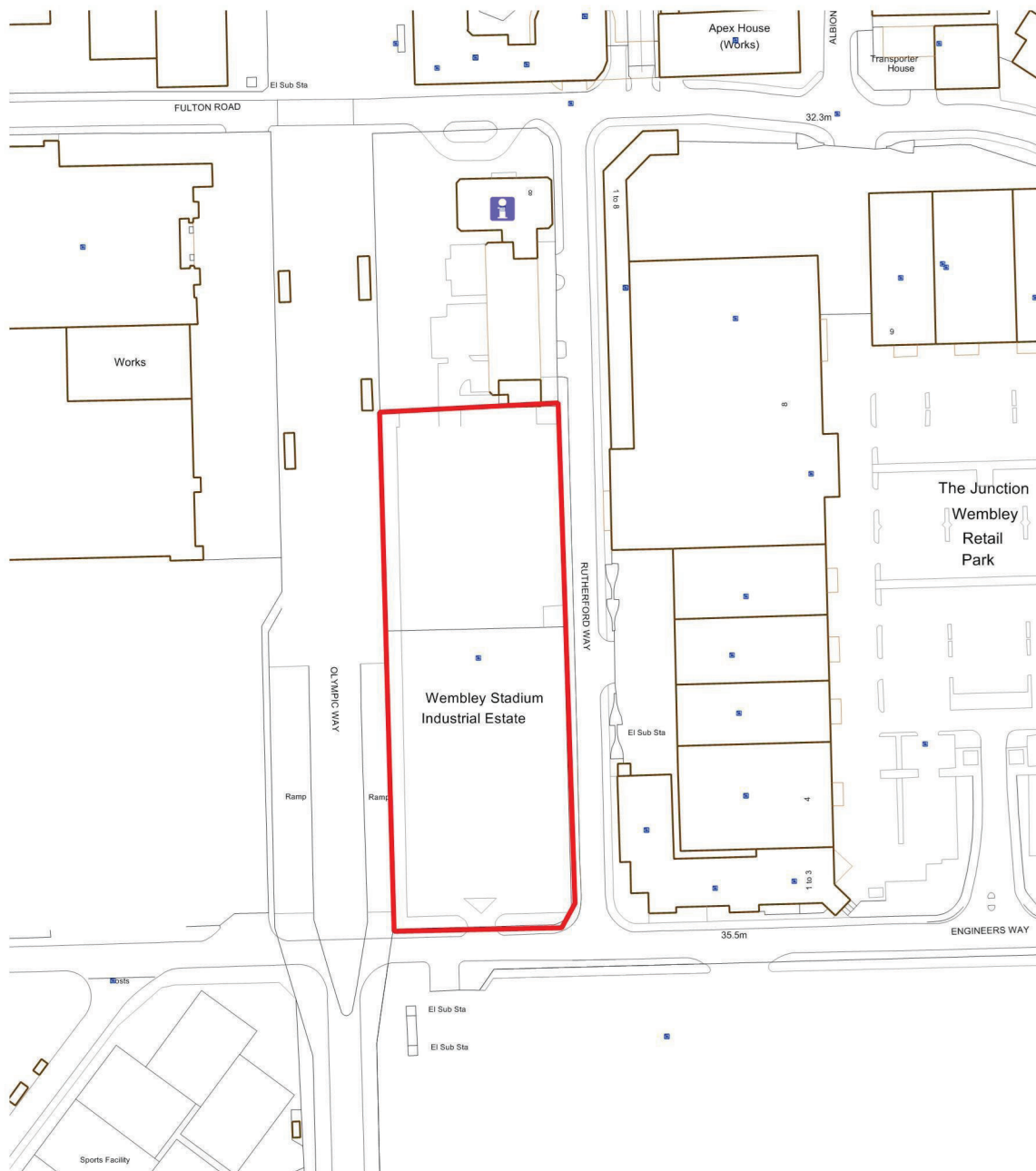
Item No. 11
Case No. 13/1522



Planning Committee Map

Site address: Olympic Office Centre, Fulton Road, Wembley, HA9

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This map is indicative only.

RECEIVED: 24 June, 2013

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Olympic Office Centre, Fulton Road, Wembley, HA9

PROPOSAL: Outline planning permission for the mixed use redevelopment of the car park element of the site including the construction of new buildings and structures to provide a total of 40,000 sq m to provide a range of uses comprising: residential dwellings (Use Class C3), offices (Use Class B1), student accommodation (sui generis), hotel (Use Class C1), retail (Use Class A1/A2/A3/A4/A5) and/or leisure (Use Class D2) and associated car parking, public realm works and associated works.

APPLICANT: SREIT Property Ltd and SREIT (Portergate) Ltd

CONTACT: Montagu Evans

PLAN NO'S:
Please see condition 2.

RECOMMENDATION

To resolve to grant outline 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:-

1. Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
2. That [X]* % of the residential units (Use Class C3) calculated by habitable room shall be delivered as Affordable homes of which 70 % shall be Affordable or Social Rented accommodation and 30 % as Intermediate Shared Ownership (or other Intermediate housing product as is agreed in writing by the Local Planning Authority). The proportion of Affordable Housing is subject to review that shall be submitted and determined concurrently with the reserved matters application(s) in relation to the relevant part of the development providing that part of the development includes residential homes (Use Class C3). The Council's reasonable costs associated with the assessment of the review shall be paid by the developer.
3. A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to the piling of foundations for the development hereby approved. This shall demonstrate:
 - a. How the development will achieve:
 - b. a minimum of BREEAM "Excellent" (submission of a design stage assessment by a BRE approved inspector) or other rating as is approved in writing by the Council and is the maximum feasible; or
 - c. Code for Sustainable Homes Level 4 in relation to residential homes (Use Class C3);
 - d. 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%).
 - e. 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;

- f. That the scheme can be easily connected to a district wide heat network, should one come forward in the future.
4. The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
5. On completion, independent evidence (through a BRE Post-Construction Review and completion certificates) shall be submitted on the scheme as built, to verify the achievement of at least BREEAM "Excellent".
6. If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required:
 - g. the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - h. the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough.
7. The submission and approval in writing of a revised Framework Travel Plan prior to the commencement of development and of a plot specific Travel Plan prior to the commencement of work on the relevant part of the development, and to implement the plans, the purpose of the plans being to manage the transport needs of the Development so as to minimise car usage and promote alternative modes of transport.
8. That the scheme is "parking permit restricted" whereby the future owners and occupiers of the development are not eligible for on-street parking permits.
9. Training and employment
 - i. To prepare and gain approval of a Employment and Training Plan prior to commencement and to implement the Plan
 - j. To offer an interview to any job applicant who is a resident in Brent and meets the minimum criteria for the job
 - k. 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
 - l. 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
 - m. 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.

* A viability assessment has been submitted by the applicant which specifies that 10 % Affordable Housing is the maximum that would be viable for the site. This assessment is currently being considered.

Community Infrastructure Levy

A CIL Liability Notice will be issued when the Reserved Matters application are received. The CIL figures that have been entered into the database for this application represent the maximum that may be chargeable for CIL for the proposed uses and may not reflect the development that is proposed within the Reserved Matters applications.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £1,431,390.14£7,920,000.00.

EXISTING

The subject site is the car park of the Olympic Office Centre in Wembley. It is situated between Rutherford Way, Olympic Way and Engineers Way and is directly to the south of the office building. The site is within a designated Opportunity Area (London Plan) and Growth Area (Brent LDF Core Strategy). The site is within Flood Risk Zone 1 (low risk of flooding).

The car park on this site serves the office building. An application for the re-provision of the car parking is also being considered by the Council (reference 13/1512).

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	shops	
2	dwelling houses	
3	sui generis	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0		0	500	500
2	0		0	20000	20000
3				19500	19500

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	40000	40000

PROPOSAL

See above.

HISTORY

There is directly relevant planning history.

Related Planning History

13/1512: An application for the re-provision of the car parking for the existing Olympic Office Centre building at a reduced parking level is also being considered by the Council. This application the provision of retail floorspace fronting Olympic Way and landscaping works.

POLICY CONSIDERATIONS

NATIONAL

National Planning Policy Framework

REGIONAL

The Mayor of London

The London Plan 2011

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

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.6 Children and Young People's Play and Informal Recreation
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 4.2 Offices
- 4.5 London's Visitor Infrastructure
- 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
- 5.13 Sustainable Drainage
- 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
- 7.15 Reducing Noise

They Mayor's Transport Strategy

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

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

LOCAL

Brent Local Development Framework Core Strategy 2010

- CP 1 Spatial Development Strategy
- CP2 Population and Housing Growth
- CP3 Commercial Regeneration
- CP5 Placemaking
- CP6 Design and Density in Placemaking
- CP7 Wembley Growth Area
- CP15 Infrastructure to Support Development
- CP16 Town Centres and the Sequential Approach to 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
- H11 Housing on Brownfield Sites
- H12 Residential Quality Layout Considerations
- H13 Residential Density
- H14 Minimum Residential Density
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP6 Contaminated land
- 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
 TRN15 Forming an Access onto a Road
 TRN22 Parking Standards – Non-Residential Developments
 TRN23 Parking Standards – Residential Developments
 TRN30 Coaches and Taxis
 TRN34 Servicing in new developments
 TRN35 Transport access for disabled people & others with mobility difficulties
 Appendix TRN2 Parking and Servicing Standards
 EMP3 Childcare facilities in Employment Developments
 EMP4 Access to Employment Opportunities
 SH2 Major Town Centres
 SH10 Food and Drink (A3) Uses
 SH11 Conditions for A3 Uses
 SH19 Rear servicing
 TEA1 Location of large-scale Tourist, Visitor and ACE uses
 TEA2 Location of small-scale Tourist, Visitor and ACE uses
 TEA6 Large Scale Hotel Development
 OS18 Children's Play Areas
 CF6 School Places
 WEM2 Pedestrian Route/Promenade
 WEM4 Residential Development within the Wembley Regeneration Area
 WEM7 Access to development – the National Stadium Policy Area
 WEM9 Comprehensive Development – The National Stadium Policy Area
 WEM11 On-street parking controls for Wembley
 WEM16 Urban design quality – Wembley Regeneration Area
 WEM17 The public realm – Wembley Regeneration Area
 WEM18 Design of Buildings Along Olympic Way
 WEM19 Views of the Stadium

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a Road
 SPG12 Access for disabled people
 SPG17 Design Guide for New Development
 SPG19 Sustainable design, construction and pollution control
 SPD Section 106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The applicants have submitted an energy assessment, TP6 sustainability checklist and BREEAM / Code for Sustainable Homes pre-assessment.

BREEAM and Code for Sustainable Homes

The submitted pre-assessments confirm that the proposal can meet the minimum BREEAM rating and Code Level as set out within the Brent LDF Core Strategy 2010, being BREEAM “Excellent” and Code for Sustainable Homes Level 4. A pre-assessment has been provided for the retail floorspace which shows that a rating of “Good” can be achieved. The pre-amble to the assessment sets out that it is difficult to achieve high BREEAM ratings for developments that do not involve tenant/developer collaboration, and that if “Excellent” or “Very Good” are to be pursued then the tenant would need to be consulted or a extensive green lease agreement developed. As this is an application for outline planning consent, your officers recommend that a target level of BREEAM “Excellent” is set within the Section 106 agreement, but that the ability for officers to agree a lower level is incorporated providing officers agree that it is the maximum level that is feasible. Pre-assessments have not been provided for hotel, office or leisure use and the assessment specifies that additional assessments would need to be undertaken if such uses are proposed. The same approach is therefore recommended for these uses whereby the Section 106 agreement sets a target of “Excellent” or other rating as agreed by offices providing that level is the maximum rating that is feasible.

Energy and Carbon Dioxide

The submitted Energy Statement demonstrates how the proposal could meet the requirements that are set out within the London Plan. Again, the information provided is only indicative as the proposal is only in Outline form. The approach is consist with most large developments in the area, where “be lean” (fabric and energy efficiency) measures are combined with gas fired CHP and PV (Photovoltaic) cells. The statement sets out that the measures, as modelled, would achieve a 23.5 % reduction in CO2 compared to 2010

Building Regulations TER and as such, this falls below the target level of 25 % as set out within the London Plan 2011. The applicant has confirmed that further carbon reductions will be achieved by incorporating further energy efficiency measures at the detailed design stage in order to meet the 25 % target. As such, your officers consider that the energy proposals are acceptable subject to a requirement within the Section 106 agreement to meet or exceed the 25 % target.

The GLA initially specified that the buildings should be served by a single energy centre rather than an energy centre within each building. However, further information was submitted which highlighted several factors which would make single energy centre approach difficult, including:

- both sites would be sold for redevelopment separately and they would be redeveloped at different times;
- the heat profiles of the two buildings will be very similar and the single energy centre approach does not result in significant reductions in CO₂;
- The energy demands of the site are too small to attract an Esco to serve the site alone;
- The developer will enable connection to a district heat main from either Rutherford Way or Olympic Way.

GLA officers have commented that they are happy with the further details regarding energy

Sustainable Development Checklist

The applicant has completed the Sustainable Development Checklist which has scored 54.7 %. This is above the minimum score of 50 % that is sought for Major Developments.

CONSULTATION

Letters sent: 25 June 2013

Site Notices: 10 June 2013

Press Notice: 11 June 2013

Letters were sent to 24 adjoining and nearby owners and occupiers.

No letters of objection were received from third parties.

Internal consultees:

Safer Streets / Environmental Health:

Highways:

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

Landscape Design

Given the amount of existing vegetation that will be lost, a high quality landscape scheme must be proposed, especially street trees. A Silvacell (or similar) system should be integrated to guarantee good quality trees. While the landscape proposals at this stage are indicative, it is evident that the amount of open space is relatively low. Some of the trees proposed appear to be impracticably close to the building façade and the tree planting therefore needs to be reviewed and species selected sensibly. Living roofs are encouraged and if possible, roof space can have at least a semi-intensive use to provide amenity space.

In addition I would request that further details are requested to be submitted for approval, including: details of materials, boundary treatment, street furniture, a planting plan, specification of living roofs and a detailed landscape maintenance plan.

External consultees:

The Greater London Authority

The following issues were raised in the Mayor's Stage 1 response:

The application is broadly acceptable in strategic planning terms. However, on balance, the application does not comply with the London Plan. However, the resolution of the following issues could lead to the application becoming compliant with the London Plan:

- Housing: The indicative residential scheme is supported in principle, although further information and clarification is required in relation to affordable housing, density, and children's play space.
- Urban design: The height and massing of the proposals are supported in principle; however the ground floor layout of all buildings needs to be reconsidered. Further development of the Design Code is required.
- Inclusive access: The proposals are supported in principle, although standards will need to be secured by condition.
- Sustainable development: The proposals do not comply with the carbon dioxide reduction targets

stated in London Plan Policy 5.2. The applicant should consider the scope for additional measures aimed at achieving further reductions. Further information is required on the future connection to a district heating network and the inclusion of a site heat network. Further information is also required concerning surface water run-off.

- Transport: There are a number of issues that need to be addressed and clarified before the proposed development can be deemed compliant with the London Plan. These include the likely impact of development within outline parameters, the rate of car parking proposed for each use, electric vehicle charging points, cycle parking, contributions towards bus network capacity, arrangements for coaches and taxis, PERS assessment, updated framework travel plan, detailed travel plans for each use, a Student Management Plan, a Construction Logistics Plan and a Delivery and Servicing Plan.

The Environment Agency (The EA)

The Environment Agency did not need to be consulted for this application.

The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. We recommend the surface water management good practice advice in cell F5 [of the consultation matrix] is used to ensure sustainable surface water management is achieved as part of the development.

Surface water runoff rates and volumes from the site must be managed in accordance with the London Plan (July 2011) - which sets higher standards than the NPPF for the control of surface water run-off. Policy 5.13 - Sustainable drainage (page 155) of the London Plan states that "development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible" in line with the drainage hierarchy.

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.

No documentation has been submitted containing details of the proposed drainage plan. A drainage strategy must be submitted detailing the proposed foul and surface water strategies. Details of any proposed alterations to the connection points to the public system, and calculated increase in discharge rate must be included in the drainage strategy. If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing waste water infrastructure.

Wembley National Stadium Limited

WNSL welcomes improvements to land and the environment adjacent to the Stadium. However, they would like to see due consideration of the following issues:

- Noise impact: hotel and residential accommodation should be subject to conditions regarding noise insulation in the same manner as conditions 12, 13 and 14 attached to permission 03/3200 (the Quintain Stage 1 planning consent)
- The area of public realm fronting Olympic Way could be used for activities on Stadium Event days. The Stadium would like to see and approve further details on the required widths to allow ingress and egress. Boundary markers should be incorporated.
- Licensing conditions that match those of surrounding outlets should be attached to any licensed properties fronting Olympic Way.
- The Courtyards in parcels B and C may become drinking areas and may need to be stewarded. Planning conditions should be imposed to ensure that safeguards are put in place in respect to publicly accessible outdoor areas with regard to crowd control and public safety on event days. The applicant will be responsible for any operational management required on event days.
- Spectator flow through to Fulton Road along Olympic Way should not be impeded.
- The design of the public realm and operational management of the space should ensure the site is secure and that it does not present any unnecessary or unmanageable hazards.

If the Council is minded to approve the application, then conditions reflecting appropriate and necessary measures to protect the National Stadium should be attached to any permission.

REMARKS

Nature of application

1. The applicant seeks outline planning consent for the redevelopment of the site which currently comprises the car park of the existing office building, the Olympic Office Centre. All matters are reserved and the information that accompanies this application is therefore indicative. However, a number of matters will be secured through condition and the Section 106 legal agreement. Furthermore, parameters for the building and site are to be secured through a set of parameter plans and a design code.

General principle of the uses

2. A number of uses are proposed. However, the ranges start from zero in many instances and a maximum level of floorspace has been set within the proposal to allow flexibility in the actual uses that are delivered.

The proposal seeks permission for the following floorspace ranges:

Use	Min floorspace sqm GIA	Max floorspace sqm GIA
Residential C3	0	36,000
Student Sui Generis	0	20,000
Hotel C1	0	17,500
Office B1a	0	17,500
Retail A1-A5	500	2,100
Leisure D2	0	1,500
Maximum floorspace	500	40,000

3. In relation to this site, the Wembley Area Action Plan (submission version - not yet adopted policy) specifies that office and hotel development would be acceptable throughout the development and that residential development should be confined to the upper floors. It sets out that the Council will encourage active ground floor uses such as cafes, restaurants and bars on the Olympic Way side. As such, the primary uses of the proposed buildings as a hotel, office and/or residential accommodation is in accordance with this emerging policy. The inclusion of such uses is also in accordance with adopted planning policy which promotes Wembley and areas of good public transport accessibility as suitable locations for office and hotel development and seeks the provision of residential homes (Use Class C3) on brownfield land. Whilst the Area Action Plan refers to the inclusion of cafes, restaurants and bars fronting Olympic Way, the inclusion of Use Class A1 and A2 floorspace would also provide activity along Olympic Way and the site is considered to adjoin a major town centre.

Student Accommodation

4. 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. A proposal for 450 rooms of student accommodation at 575 North End Road was also recently considered by the planning committee and has been referred to the Mayor of London. The number of student rooms that could be provided within this development is estimated to be 535 rooms (within the Transport Assessment). However, the information provided within this application is indicative and the precise number would be subject to the detailed design of the scheme within a Reserved Matters application. The total number of student rooms that have been consented will increase to approximately 3,621, or just under 14 %. This accordingly remains below the 20 % threshold as set out within the emerging policy.
5. In principle, the proposed uses are accordingly considered to be in accordance with current and emerging planning policy.

Layout and height

6. Whilst this is an outline application with all matters reserved, the key principles relating to the layout and height of the building are captured within the submitted parameter plans.

Site Layout and Height

7. The parameter plans relating to layout set the siting and maximum size of the envelope of the building with tolerances set for projections beyond the main walls of the building. These projections may include balconies, fins and other architectural devices. The parameter plans set the maximum size of the envelope and the indicative plans and elevations detail a potential form of development that meets the design criteria set out within these plans. Two parameter plans have been submitted in relation to layout.

One such plan details the development if it is brought forward while the Pedway (the pedestrian ramps to the stadium) are in situ and sets a minimum distance between the pedway and the lower floors of the adjacent building. The other parameter plan shows the development that is proposed if the Pedway is removed prior to the detailed design coming forward. The Pedway is discussed below. The taller elements of the building are set a minimum of 40 m from the Olympic Way centre line, 4.5 m from the back edge of footway within Fulton Road and 4 m from the back edge of footway within Engineers Way. A 21 m space has been incorporated between the two buildings while the publicly accessible open courtyard type spaces within the Olympic Way frontage are a minimum of 21 and 20 m wide

8. The maximum height of the buildings is also captured within the parameter plans. This maximum height has been set at 88.5 m Above Ordinance Datum (AOD) for the taller elements of the building and 44 m AOD and 46 m AOD for the lower elements of Plot B and Plot C respectively. The maximum height of the taller elements of the buildings is approximately 55 m above ground level which is equivalent to 18 standard residential storeys. The maximum height of the lower elements is approximately 9.5 m above ground level in Olympic Way, which is two standard commercial storeys.
9. The proposed siting of the buildings and open spaces is in accordance with site proposal W17 within the Council's Wembley Area Action Plan (emerging rather than adopted policy) which specifies that the taller elements of buildings should be secure an 80 m zone between buildings on either side of Olympic Way (so therefore 40 m from the centre) with maximum projections of 25 m separated by "outdoor rooms". It specifies that the development should largely mirror the development pattern on the western side of Olympic Way in terms of scale and form. The height of both the lower and taller elements of the buildings that are proposed match those approved on the opposite side of Olympic Way as a part of the Quintain North West Lands outline consent (reference 10/3032).
10. The Area Action Plan also specifies that the building at the southern end should provide a generous open space connecting to the new public open space on Engineers Way. A 21 m wide space has been proposed between the two buildings to provide a publicly accessible open space and a link between Olympic Way and a future open space to the east of the site. The site proposals plan from the Wembley Area Action Plan and Map 11.2 "New Public Open Space Links" both indicate that part of the larger (1.2 Ha) open space for Wembley occupying part of this site together with the southern element of the Wembley Retail Park. However, this is likely to render the scheme unviable given the amount of land remaining within the site for redevelopment and therefore unlikely to be delivered. It also only constitutes emerging rather than adopted policy. As such, your officers consider that the public realm and open space proposals within this site are acceptable.
11. The Pedway structure is owned by Quintain and the removal of this structure would be contingent on funding being available for its removal and suitable alternative arrangements being put into place for access to the Stadium Concourse from Olympic Way. While the Council would support the removal of the Pedway in principle and subject to such access arrangements being in place, this is unlikely to happen in the life of this consent, if granted.
12. A visual impact assessment has been submitted which evaluates the potential impacts of the proposal on the protected views to the stadium. The proposed buildings are situated below the roof of the Stadium within the majority of the tested views. The proposal mirrors the Quintain North West Lands proposals with respect to its height and the set back from the centre of Olympic Way and as such, the proposal is considered to be acceptable with regard to the view from Wembley Park Station and along Olympic Way.

Internal layout

13. The internal layout of the buildings that has been submitted is indicative as this will be approved within the reserved matters application. However, the submitted drawings demonstrate how a satisfactory development could be delivered within the specified parameters.
14. Residential units and student/hotel rooms generally face east or west, with some rooms within the flank elevations overlooking Engineers Way and the publicly accessible spaces between the buildings. Retail units and cores for the upper floors provide natural surveillance and activity on Olympic Way while the cores, a small retail unit and the administrative offices and other facilities for the buildings provide activity and overlooking of Rutherford Way.
15. The GLA have highlighted that there is a relatively high proportion of inactive ground floor frontage and have recommended that the Design Code is amended to include a maximum limit of frontages that are occupied by inactive uses. The applicant has submitted a revised Design Code. However, this does not commit to a maximum proportion of inactive frontage. Instead, the response document confirms that the

indicative layouts have increased the level of activity wherever possible and has highlighted the inclusion of facilities for residents (e.g. student common rooms, residents' amenity rooms, communal terraces) within this frontage to maximise natural surveillance.

Appearance

16. Whilst this is an outline application, the proposal is accompanied by indicative drawings and images which demonstrate how the building could be delivered. This is accompanied by a Design Code which provides further information and sets some key principles regarding the detailed design of the building. Your officers consider that the indicative designs and detailing could result in a high quality building that contributes significantly to the regeneration of Wembley.

Landscaping

17. Landscaping is also a reserved matter for which the detailed design will be worked up for the Reserved Matters application. Nevertheless an indicative proposed planting plan has been submitted which takes into account the comments made by the Landscape Design Team with regard to the number and siting of trees and inclusion of Silva Cell (or similar) root management systems to ensure that the trees can grow to a reasonable size. The drawings indicate that a significant number of trees can be planted within the site and in many instances those trees are suitable located to ensure that larger species can be selected. Whilst a reasonable proportion of the public realm within the site is to be provided as hard landscaping, this is broken up by the proposed trees.

Mix and quality of residential accommodation

18. The proposal looks to provide reassurance regarding the quality and mix of residential accommodation that would be provided on the site.
19. The Design Code confirms that the proposal will comply with the Mayor's Housing SPG, with further reference made to the guidance in that SPG relating to external amenity space, unit size (internal floorspace), the number of units per core (no more than 8 per floor), the proportion of dual aspect units and floor to ceiling heights. The Design Code also confirms that the Affordable Housing comply with Housing Quality Indicators.
20. With regard to external amenity space, the response document sets out that the indicative scheme would achieve an average of 29.5 sqm of external amenity space per unit. However, this calculation includes areas of landscaping and site frontage that would not form usable external amenity space and also assumes that only one of the two buildings would come forward with residential units when both buildings could be primarily residential. Nevertheless, when taking into account the specified balcony spaces, communal roof terraces and the publicly accessible open space that is proposed between the two buildings, the scheme would achieve an average of 19.2 sqm per unit which is only marginally below the SPG17 level of 20 sqm per unit.
21. The applicant has calculated the estimated child yield for the development based on the indicative scheme. This would result in the requirement to provide 179 sqm of play space for the private units and 142 sqm of play space for the Affordable units. Indicative details have been provided regarding play equipment and facilities. Sufficient external amenity space is shown within the indicative to accommodate the required amount of play space and the submitted details accordingly demonstrate that the Mayor's requirements can be met. Further detail regarding the provision of play space will be provided within the Reserved Matters application(s).
22. An indicative mix of accommodation has been provided. The final mix of accommodation will be secured within the Reserved Matters applications if residential units are proposed.

The indicative mix (percentage) is as follows:

Unit size	Private / Intermediate	Affordable Rent
1 bed	30%	10%
2 bed	55%	40%
3 bed	15%	50%

Whilst the indicative mix does not provide separate indicative details for private and Intermediate housing, the suggested mix is considered to be acceptable in principle given the location of the site and housing need in Brent.

Accessibility

23. The proposal confirms that the units will meet the relevant requirements for disabled access. A condition

is recommended which requires 10 % of the homes, hotel rooms and/or rooms of student accommodation to be provided as Wheelchair Accessible (or easily adaptable in the case of residential units) and that all of the homes are constructed to Lifetime Homes standards.

Highways

24. Highways and Transport delivery have considered the submitted proposals and Transport Assessment. While they do not object in principle to the redevelopment of the site and the proposed uses, they commented that a number of matters are not adequately addressed within the proposal including:

- Cycle parking, which was proposed at levels significantly lower the Council's standards and public cycle parking should be provided;
- Servicing should be provided on-site rather than on-street within the space currently occupied by parking spaces and a full sized servicing bay should be provided for the retail units;
- Coach parking should be provided on site to the Council's standards for any hotel use;
- The indicative access ramps to the basement as too steep;
- A 9 m crossover that is proposed is too wide;
- The Travel Plan is unacceptable as it does not achieve a "pass" rating.

They also recommended conditions or Section 106 obligations regarding:

- maximum car parking spaces which are linked to the use;
- the provision of 10 % of spaces as disabled spaces and 20 % with electric car charging points
- a car park management plan
- a student management plan
- that the scheme is "parking permit restricted"
- the approval and implementation of a revised travel plan.

25. In addition to these points, TfL also commented on the modelling of trip generation (requesting further testing of the worst case scenario), potential impact on the junctions with the North Circular Road and the potential impact on bus services. They recommended that conditions are attached requiring the approval of a Pedestrian Environment Review System (PERS) audit, Construction Logistics Plan and Delivery and Servicing Plan.
26. The applicant has responded to these comments by providing indicative revised drawings and an addendum to the Transport Assessment. These are currently being considered by Highways. However, they confirm or demonstrate the following:
27. An indicative revised serving layout has been provided which includes servicing / drop off areas in front of each building. This will provide capacity for servicing vehicles, coaches and disabled parking (the latter being for the indicative student accommodation building). However, it will not provide a full size servicing bay for the retail units.
28. Maximum parking levels have been specified and while these are acceptable in some instances (e.g. parking for the student accommodation restricted to disabled parking only), maximum parking levels for residential accommodation have been set that the Council's standards while much lower levels are required in this location to ensure that the total quantum of development that is projected within the Wembley Growth Area do not result in a significant impact on the highway network. While your officers can consider such matters within the Reserved Matters application(s), the GLA requires further reassurance that parking levels will not be excessive as they do not comment on the reserved matters. As such, your officers recommend that a condition is attached which sets the maximum parking level at 0.5 per residential unit, which accords with the Quintain North West Lands planning consent.
29. Cycle parking is now proposed to the Council's standards and also includes public cycle parking spaces. The revised servicing arrangement provides sufficient space for one coach drop off/parking space. While this is below the Council's standards which require 1 space per 50 rooms, there are coach parking facilities within the Wembley Area and as such, Highways are likely to consider this to be acceptable subject to a condition regarding coach parking. Revised indicative details have been provided for the ramps to the basement car park which include an increase in the width of the ramps and a decrease in the gradient. Further information regarding the modelling of Transport impacts has been submitted and this will be considered by Highways and TfL.

Daylight and Sunlight report

30. A daylight and sunlight report has been submitted which tests the potential impacts of the proposal on the existing and consented buildings and spaces in the vicinity. This includes the existing buildings to the east and north and the consented buildings within the Quintain North West Lands consent to the west of Olympic Way. With regard to daylight, it sets out that 33.3% of the tested windows experience a

reduction in daylight that is in excess of the BRE good practice guidance. However, when evaluating those windows, none serve existing or proposed residential units. Some of the affected windows are situated within the lower elements of the Quintain North West Lands consent and these will be commercial in their nature. One window on the upper floors of the southern-most consented building within the Quintain North West Lands consent scheme will be affected. However, the upper floors of this building will be office, hotel or student accommodation but not residential. The other affected windows are within existing buildings that are used as offices, retail units (the rear windows of units within the Wembley Retail Park) and a restaurant. As such, the proposal is considered to be acceptable with regard to daylighting of existing and consented buildings. With regard to sunlight, the report confirms that existing and consented buildings and public spaces in the vicinity will continue to receive in excess of 2 hours sunlight per day on the BRE test day and throughout the majority of the year and that the resulting impact can be considered to be “minor adverse” to “negligible”.

Archaeology

31. The submitted Historical Environment Assessment has highlighted a high potential that the foundations of the Palace of Engineering Building will be situated under the existing car park and specifies that these may be of medium heritage significance. It highlights that there is low potential that the landscaping of Humphrey Repton's Wembley Park will remain. It recommends that archaeological monitoring of any proposed geotechnical boreholes or test pits is undertaken to assist with determining the extent and preservation of archaeological remains that are likely to be affected by the development. This would allow a mitigation strategy to be formulated if required. The works investigative work should be carried out in consultation with the Local Planning Authority and in accordance with an approved Written Scheme of Investigation.

Flood Risk Assessment

32. The submitted flood risk assessment confirms that the site is less than one hectare and within Flood Risk Zone 1 (low risk of flooding). As such, a flood risk assessment is not required by the Environment Agency. However, the submitted assessment considers measures to limit surface water run-off and the use of Sustainable Urban Drainage Systems (SUDS) in accordance with London Plan policy. The assessment confirms that attenuation of surface water flows is proposed to limit discharge, as far as is practicable, to Greenfield Run-off Rates. It specifies that storage is required to achieve this and to prevent flooding up to the 1 in 100 year (plus 30% climate change) rainfall event. It specifies that the storage using underground tanks is proposed based on the current development but that SUDS techniques should be considered at detailed design stage.
33. The Design and Access Statement and the Sustainability Statements also refer to the inclusion of green roofs and an increase in the permeable surface area within the site, which at present is very low. The GLA have recommended that the applicant gives further consideration to the inclusion of SUDS. The GLA recommended that further information regarding this is submitted prior to the stage 2 referral to the Mayor. Further information regarding this has not been submitted as yet. Your officers are happy to condition details of SUDS measures as the Council will have the ability to assess these at a later date when the detailed design is worked up. However, if these details are received prior to committee then they will be discussed in the Supplementary Report.

Air Quality

34. An air quality assessment has been submitted with this application. In particular, Safer Streets have commented on the CHP engine that is proposed and the implications of construction on air quality. According to the submitted Air Quality Assessment, this will have a negligible impact on annual NO₂ levels. However, Safer Streets will need to confirm this modelled assessment with actual testing and a condition is therefore recommended. In addition to this, Safer Streets recommend that a Construction Method Statement is secured through condition.

Noise

35. The proposal is accompanied by a noise and vibration assessment which assesses the internal noise levels within the scheme based on both day-to-day conditions and Wembley Stadium events, for which they have used as a design noise level of 75 dB. Safer Streets have commented that the indicative scheme of sound insulation has been based on levels of internal noise that are slightly higher than the levels that they look to achieve for student accommodation. Safer Streets recommend that conditions are attached to ensure that acceptable internal noise levels are achieved. This would apply to residential uses, student accommodation and hotel use.

Contamination

36. This application is supported by a Geo-environmental report. According to the submitted desk study

report, the potential for soil contamination exists and further intrusive investigations are recommended. Safer Streets agree with this assessment and have recommended that conditions are attached.

Wind environment

37. A wind environment assessment has been submitted which tests the indicative scheme within the future context of the site taking into account consented buildings. It concludes that no significantly adverse wind conditions are expected on the site of the development or in the adjacent pedestrian environment and that parcels B & C are flexible in terms of use. However, it recommends that consideration is given to avoiding long term seating and standing both to the North and to the South of Parcel C (the southernmost building) or the provision of mitigation measures, such as pedestrian level structures and evergreen planting. Whilst the south of this plot is within a street frontage where outdoor seating is relatively unlikely, the north of this plot is the space between the two buildings which is to be provided as a publicly accessible open space and pedestrian and as such, should be made to be suitable for outdoor seating. A significant number of trees are indicated in this area and your officers recommend that detail of wind mitigation measures are secured through condition.

Response to comments from Wembley National Stadium Limited

38. The following is a summary of the responses to the comments made by the Stadium. Most of these points are also discussed previously in this report.

Comment	Response
Noise impact: hotel and residential accommodation should be subject to conditions regarding noise insulation in the same manner as conditions 12, 13 and 14 attached to permission 03/3200 (the Quintain Stage 1 planning consent)	Similar conditions are recommended
The area of public realm fronting Olympic Way could be used for activities on Stadium Event days. The Stadium would like to see and approve further details on the required widths to allow ingress and egress. Boundary markers should be incorporated.	Further details will come forward within the Reserved Matters application(s) and the Stadium will be consulted regarding these and their comments fully taken into account. However, the applications will be determined by the Planning Committee rather than by the Stadium.
Licensing conditions that match those of surrounding outlets should be attached to any licensed properties fronting Olympic Way.	This comment relates to Licensing rather than planning and cannot be addressed within this application.
The Courtyards in parcels B and C may become drinking areas and may need to be stewarded. Planning conditions should be imposed to ensure that safeguards are put in place in respect to publicly accessible outdoor areas with regard to crowd control and public safety on event days. The applicant will be responsible for any operational management required on event days.	A management and maintenance plan is recommended through condition.
Spectator flow through to Fulton Road along Olympic Way should not be impeded	The proposed works are within the application site and not on Olympic Way.
The design of the public realm and operational management of the space should ensure the site is secure and that it does not present any unnecessary or unmanageable hazards.	The design will be assessed through the Reserved Matters application(s), Management and maintenance is discussed above.

Summary

39. The proposal accords with the layout, massing and uses that are set out within the Wembley Area Action Plan and within adopted planning policy. It will help to provide activity and interest along Olympic Way and will be of significant benefit to the regeneration of Wembley. The design of the building and the landscaping proposals, as shown within the indicative drawings, suggest that the building and their surrounds will be of high quality. The full detail of the proposals will be secured through the Reserved Matters and other conditions that are recommended for this application for outline planning consent.

40. Your officers accordingly recommend that the Council resolve to grant outline 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 relevant part of the development as hereby permitted shall not commence until the Reserved Matters of the relevant part of the proposed development have been submitted to and approved in writing by the Local Planning Authority and that part of the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-
- i) Layout;
 - ii) Scale;
 - iii) Appearance;
 - iv) Access;
 - v) Landscaping.

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

- (2) In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of three years from the date of this permission; or
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

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

A(03)311 Rev 01
A(03)314 Rev 01
A(03)315 Rev 01
A(03)316 Rev 01
"Design Code" reference 20130808 rA

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

- (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 adjoining plot (B and/or C) within the development hereby approved.

Reason: In the interests of traffic and pedestrian safety

- (6) The relevant plot (B and/or C) within the development hereby approved shall not be occupied until such time as Certificates of Substantial Completion have been issued for any alterations to the existing adopted highway required in relation to that plot within the development under an Agreement pursuant to Sections 278 of the Highways Act 1980 unless otherwise agreed in writing by the Local Planning Authority. The works shall be at the developers own expense.

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

- (7) All areas shown on the approved plans within the relevant part of the development 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 commencement of works on that part of the development and the approved details shall be implemented in full. Such landscaping work shall be completed prior to first occupation of the relevant part 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) details of any Sustainable Urban Drainage Measures that are to be incorporated into the landscaping;
- f) 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 relevant part of 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.

- (8) The proposed development shall be in material compliance with the "Design Code" reference 20130808 rA hereby approved unless otherwise agree in writing by the Local Planning Authority.

Reason: To ensure that the development of sufficiently high quality.

- (9) Any applications for the approval of Reserved Matters shall be accompanied by proposed levels of car parking which shall be significantly below the Council's maximum standards and in the case of car parking for residential units (Use Class C3), shall not exceed a ratio of 0.5 spaces per unit unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and in the interest of highway flow and safety.

- (10) The areas surrounding the buildings hereby approved, or other such areas as are approved in writing by the Local Planning Authority, shall be publicly accessible at no cost to the general public save for any closures that may be reasonably required to maintain the land or in the interest of safety on Wembley Stadium Event Days.

Reason: To ensure a sustainable and accessible development.

- (11) The "Zones of deviation" as detailed on drawings A(03)315 Rev 01 and A(03)316 Rev 01 shall only apply to feature that project from the building such as balconies, fins, or other architectural devices and do not apply to elements of the main walls of the building and the dimensions as detailed on these drawings shall be treated as the minimum distances between the associated elements of the building. unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure a satisfactory environment and appearance and to preserve the views to the Stadium.

- (12) Applications for reserved matters shall include an assessment of the wind environment and shall propose mitigation measures to ensure that a satisfactory environment is achieved, having regard to the area between the two buildings hereby approved as usable open space.

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

- (13) 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 the commencement of works on the relevant part of the development 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.

- (14) Detailed drawings which show the number of cycle spaces, layout of cycle storage areas and details of the cycle stands within the relevant part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the relevant part of the development and the relevant part of 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 sustainable development and in the interest of highway flow and safety.

- (15) Unless otherwise agreed in writing by the Local Planning Authority, the relevant part of this development shall not commence unless a drainage strategy detailing any on and/or off site drainage works for that part of the development, including the consideration of Sustainable Urban Drainage Systems, 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.

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

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

- (17) Prior to the commencement of building works on the relevant part of the development, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. A written report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the relevant part of the development detailing the findings of the investigation, including 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.

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.

- (18) Any remediation measures required by the Local Planning Authority pursuant to condition No. [X] 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 relevant part 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.

- (19) 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 within the relevant part of the development, 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

- (20) All residential premises, student accommodation and hotel rooms 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 L _{Amax}

Details demonstrating that the above noise levels will be met shall be submitted to and approved in writing prior to the commencement of works on the relevant part of the development 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.

- (21) Prior to the commencement of works on the relevant part of the development, a Construction Method Statement relating to that part 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.

- (22) 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.

- (23) A Student Management Plan detailing measures to manage the arrival and departure of students 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 of the relevant part of the site as Student Accommodation 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.

- (24) Details demonstrating that the developer or constructor has joined the Considerate Constructors Scheme shall be submitted to the Local Planning Authority prior to commencement of works on the relevant part of the development 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.

- (25) A Construction Logistics Plan, setting out how deliveries to the land during the construction of the relevant part 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 relevant part of the development and the approved plan shall thereafter be implemented.

Reason: In the interest of highway flow and safety.

- (26) Prior to first occupation of the relevant part of the development confirmation that a minimum of 10% of the homes, student rooms and/or hotel rooms have been delivered as Wheelchair Accessible homes / (student/hotel) rooms within the relevant part of the development shall be submitted in writing to the Local Planning Authority.

Reason: To ensure a development that is sufficiently accessible.

- (27) Any applications for the approval of Reserved Matters in relation to a plot shall be accompanied by a Student Housing Demand Assessment which demonstrates to the satisfaction of the Local Planning Authority that the proposed use meets an identified need.

Reason: To ensure that the provision of student housing meets an identified need.

- (28) The use of the relevant part of the development hereby approved shall not commence unless a Delivery and Servicing Plan is submitted to and approved in writing by the Local Planning Authority and the approved plan shall be implemented in full.

Reason: To ensure that the development is sustainable and in the interest of highway flow and safety.

- (29) Details of the provision of electric car charging points for a minimum of 20 % of the car parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the approved details shall be implemented in full.

Reason: To ensure that the development is sustainable and in the interest of highway flow and safety.

- (30) Details of the provision of disabled parking spaces at a minimum of 10 % of the car parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the approved details shall be implemented in full.

Reason: To ensure that the development is sufficiently accessible.

- (31) Details of coach and taxi parking and drop-off facilities shall be submitted to the Council with any applications for the approval of Reserved Matters that incorporate hotel floorspace. If any off-site coach parking is required in order to meet the Council's standards for Coach parking, a Coach Parking management plan which includes details of off-site coach parking and the management and booking of coach spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the relevant part of the development.

Reason: In the interest of highway flow and safety.

- (32) The relevant part of the development shall not be occupied unless a detailed car park management plan for that part of the development has been submitted to and approved in writing by the Local Planning Authority unless that part does not contain any car parking spaces. The management plan shall include the means by which the parking spaces will be allocated, secured and enforced between the various users of the site and the approved plan shall be implemented in full for the life of the development. The car park shall be used only for the purposes set out within the approved plan and shall not be used for any other purposes, such as for Wembley Stadium event parking or any other parking for those who do not occupy or patronise the development.

Reason: To ensure a satisfactory development that does not result in overspill parking within the surrounding area.

- (33) The relevant part of the development hereby approved shall not commence unless a written scheme of investigation for potential archaeological remains prior to and during construction of that part of the development, including an the implementation of an archaeological watching brief is submitted to and approved in writing by the Local Planning Authority and the scheme shall thereafter be implemented. A mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented if significant remains are found.

Reason: In the interest of the historical environment.

- (34) A scheme for the management and maintenance of the publicly accessible spaces around the building(s) within the relevant part of the development hereby approved shall be submitted to and approved in writing prior to first occupation of that part of the development and the approved scheme shall thereafter be implemented.

Reason: In the interest of the local environment and due to the nature of the area on Stadium Event Days.

INFORMATIVES:

- (1) Due to the mixed commercial/residential use, the potential for noise transmission within the building exists. The applicant should be made aware that the internal sound insulation needs to achieve the insulation requirements set out in Building Regulations Approved Document E, and be signed off by Building Control or an Approved Inspector.

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

Committee Report
Planning Committee on 18 September,
2013

Item No. 12
Case No. 12/3089



Planning Committee Map

Site address: SKL House, 18 Beresford Avenue, Wembley, HA0 1YP

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This map is indicative only.

RECEIVED: 20 November, 2012

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: SKL House, 18 Beresford Avenue, Wembley, HA0 1YP

PROPOSAL: Erection of first floor extension to front of building, alterations to the front forecourt layout, reduction in width to existing vehicle access, retention of extraction plant and wood burner installation to the rear and change of use from office (B1a) to a mixed use with B2 (general industrial), B8 (warehouse & distribution) with ancillary office and kitchen showroom (as amended by revised plans dated 22/01/13 and 16/04/2013).
N.B. This is a revised description.

APPLICANT: UKB Ltd

CONTACT: Mann Associates Ltd.

PLAN NO'S:
Dwg 01A
Dwg 02A

INTRODUCTION

This application was deferred from the Planning Committee meeting of 13 February 2013 in order to allow Members request to undertake a site visit before the matter is formally considered again at Committee.

Shortly before the arranged site visit Officer's became aware that a large piece of plant equipment had recently been erected to the rear of the building. Local resident's had bough this to Officer's attention. It has since been established that this is a wood burner, and it had been transferred from another site in Alperton. The applicant was advised that this equipment will require planning permission, and as it is critical to how the use of the building would operate on a day-to-day basis that it would need to be considered at the same time as proposals to extend the building and change it's use. Revised details were requested so that the wood burner could also be considered. As this represents a material change to the original submission then it was necessary to re-consult on the amended proposals. So in light of the request for revised details and the need to go out to consultation again Officer's had to request that Members deferred the application again. A Members site visit still took place as arranged on 9 March 2013, with the application deferred from March committee..

Revised details (including plans and specification) relating to the wood burner were received in April and further consultation was carried out on 14 May 2013.

There is a need for further discussion around the wood burner, its visual impact, what it is used for and the impact this has on local amenity. Also in response to the re-consultation further representations have been received. These will be discussed in the main body of the report.

RECOMMENDATION

Approve

EXISTING

The site is located on the southern side of Beresford Avenue within the Northfield's Industrial Estate which is designated as a Strategic Industrial Location. Surrounding uses here are a mixture of commercial and industrial on the southern side of Beresford Avenue, with residential properties along the northern side directly opposite.

The site is mostly taken up by a two storey 1950s era brick commercial building with clad elevations. Formerly a warehouse/industrial building it was converted to office use and subdivided into separate office suites sometime in the past. The building has laid vacant for a period before undergoing internal refurbishment and is now occupied by the current applicant's.

The site is not within a Conservation Area, nor does the application related to a Listed Building.

PROPOSAL

Erection of first floor extension to front of building, alterations to the front forecourt layout, reduction in width to existing vehicle access, retention of extraction plant and wood burner installation to the rear and change of use from office (B1a) to a mixed use with B2 (general industrial), B8 (warehouse & distribution) with ancillary office and kitchen showroom (as amended by revised plans dated 22/01/13 and 16/04/2013).

N.B. This is a revised description.

HISTORY

10/1604 – Refused – Appealed – Dismissed on Appeal

Retrospective application for change of use from offices (Use Class B1) to a college of further education (Use Class D1).

Reason for refusal:

The proposed change of use from offices (Use Class B1) to a college of further education (Use Class D1) is contrary to policies CP3, CP12 and CP20 of the Brent Core Strategy (adopted July 2010) and policy CF2 of Brent's Unitary Development Plan 2004, resulting in the loss of protected employment land.

06/0715 - Certificate of Lawful Development - Granted

Certificate of lawfulness for existing use for the use of the building as offices (Use Class B1(a)). This showed the building laid out internally into a number of self-contained office suites. It is now understood that this building has been gutted internally so this layout no longer exists.

POLICY CONSIDERATIONS

National Planning Policy Framework - 2012

London Plan 2011

Policy Considerations

Brent Unitary Development Plan 2004

BE2	<i>Townscape: Local Context & Character</i>
BE4	<i>Access for Disabled People</i>
BE9	<i>Architectural Quality</i>
EP2	<i>Noise & Vibration</i>
TRN3	<i>Environmental Impact of Traffic</i>
TRN22	<i>Parking standards – non-residential development</i>
TRN34	<i>Servicing in New Development</i>
PS6	<i>Parking Standards – 1 space per 150m2 of floor area applies.</i>
PS19	<i>Servicing Standards</i>

Brent Core Strategy – July 2010

CP20 Strategic Industrial Locations

Main Considerations:-

Acceptability of the use of the building
Impact on neighbouring occupants/businesses
Impact on servicing and parking arrangements
Impact on local amenity
Size, scale and design of extensions & plant

CONSULTATION

CONSULTATION

First round of consultation:-

Letters were sent out to 21 properties on **6 December 2012**. Internally comments were sought from Brent's Transportation Unit.

Three objections were received and a petition objecting to the proposal has been received from Heather Park Neighbourhood Watch, this is signed by 8 signatories. The reasons for objecting to the application have been summarised as:-

- The existing building works and associated vehicles are blocking traffic along Beresford Avenue.
- Existing refuse provision is inadequate.
- Parking is an existing problem on Beresford Avenue, workers and visitors to the proposed use will worsen the situation.
- Any reduction of off-street parking spaces on the application site will worsen the parking congestion on Beresford Avenue.
- Traffic is an existing problem on Beresford Avenue and this proposal will worsen the situation.
- Objection to the use of the building as an education facility (this is incorrect, there is no proposed change of use to a place of education).

Transportation & Highways:-

The site is currently served by up to 7 parking spaces, at the front of the site. These are accessed via an 8m wide crossover.

The application site is on the southern side of BA, a local distributor road. The site has moderate access, with a PTAL rating of level 3.

The proposed extensions will increase the total floor area of the building to 825sqm. This does not trigger an increase to the parking or servicing standards.

The existing depth between the front of building and back edge of highway is approximately 6m, and at present the building line is staggered which results in an area which projects further back than the rest. This is deep enough for an 8m long rigid vehicle to stand, which is required under servicing standard PS19 to stand clear of the highway.

As originally proposed the extension would have meant that it would no longer be possible for an 8m vehicle to stand clear of the highway without overhanging the footpath. The loss of this ability to service the building was objected to on transportation grounds. To address this objection the proposal has been amended, and the ground floor infill extension has been omitted from the scheme. So instead a recessed loading bay is proposed on the ground floor, with 8m depth maintained directly in front of this ensuring adequate servicing provision in line with PS19.

The front forecourt layout has also been amended, this proposes to rationalise the parking layout so that four spaces will be clearly marked out perpendicular to the highway. These will have better access, unlike the current forecourt parking layout which due to the width of the crossover results in vehicles having to illegally cross the footpath to access certain spaces. This rationalisation will accommodate a reduced number of four spaces, which is considered acceptable to Transportation as this represents 75% of the maximum parking standard for a unit of this size, which is 5 spaces. Furthermore the revised layout is considered to represent an improvement to pedestrian and highway safety, as vehicles will no longer need to illegally cross the footpath to access parking bays.

The existing 8.5m wide crossover is excessively large and the applicant has agreed to Transportations request to reduce its width. The alterations to the kerb radii as shown on the revised plan will reduce the length of crossover and act as further prevention to vehicles from illegally crossing the footpath. Furthermore a new dwarf wall is to be erected either side of the crossover, will run along the frontage and this will also help to prevent vehicles from crossing the footpath in the future. The reduction in crossover width, reinstatement of a section back to footway and these other measures are considered to represent an improvement to pedestrian and highway safety.

Details of refuse and recycling storage and collection arrangements have not been supplied at this stage, and are to be secured through planning condition. The same applies to cycle parking details, these too will be secured through condition.

Summary:-

Transportation confirmed that with the amendments that (i) see the retention of an adequate depth servicing bay on the frontage (ii) improved front parking layout (iii) and reduction in width to the existing vehicle crossover that they remove their initial objection. The proposal can now be supported on Transportation grounds.

Second round of consultation following the installation of the wood burner;-

Letters were sent to 23 addresses inviting further comments to the revised plans, these letters were dated 14 May 2013.

The Heather Park Neighbourhood Watch Group (HPBNW), Brent Transportation and Environmental Health have also been re-consulted on proposals.

Additional representation received;-

HPBNW objected again (letter dated 13 June 2013) and submit a petition with 23 signatories, all opposing the application. This follows a letter of objection from HPBNW, dated 4 February 2013 and a petition with 31 signatories on it. It should be noted that there is a degree of overlap with these two petitions.

In addition to the objections already summarised above HPBNW raise the following;-

- The proposed reduction in parking numbers and the parking arrangement shown mean that access to spaces will be impractical when commercial vehicles visit the site.
- Again there is no provision for refuse bins, and it is likely these would be positioned on the frontage and would result in the loss of further parking spaces below the 4 shown.
- The operation of the business involves manufacturing which is contrary to the supporting details set out in the initial submission.
- The wood burner was installed without planning permission, or a permit from Environmental Health. This is in breach of Environmental Health regulations and it may be detrimental to local resident's. Furthermore operation of this wood burner has continued in spite of the fact the operator's do not have all the necessary permissions to do so. Use of it was reported over the May bank holiday.
- The current operator's have shown complete disregard to the Council by failing to meet its requirements and to local resident's.

Brent Transportation;-

As previously stated, Transportation re-confirm that the proposed change of use or increase in floorspace do not trigger an increase of the parking or servicing requirements. Under standard PS6 a building of this size would require 5 spaces, and with 75% of the standard to be met on the frontage this is acceptable. In terms of servicing then it is clear that the building was originally used as a form of factory/warehouse (Use Class B2/B8) without a 16.5m long bay suitable for articulated lorries, this was before it was converted into offices. So this proposal would see it reverting to its original use and on this basis it would be unreasonable to insist that a 16.5m loading bay be provided. As an absolute minimum though an 8m length bay must be retained.

Revised plans received show that an 8m length loading area will be maintained on the frontage so this is sufficient.

The same revised plans also propose the reduction in crossover width already discussed. This will be reduced to 4.5m which Transportation view as acceptable, along with the revisions to the car park layout and provision of 4 spaces. This is all as agreed previously.

No transportation objections to the revised plans subject to planning conditions being secured to submit further details of refuse and recycling storage arrangements and a minimum of 2 cycle spaces.

Environmental Health;-

As a direct response to resident's reporting the installation and operation of the wood burner Environmental Health Officer's visited the premises on ????, with further visits on ???. Officer's have also confirmed that they have received a small number of noise complaints about the operations on this site, particularly in respect of operations late in the evening and on Bank Holiday Monday's. However to date Nuisance Officer's have not established that a statutory nuisance has been caused in relation to these complaints, and have therefore not taken any formal action.

Due to the premises being located within an Air Quality Management Area (AQMA) and close to residential properties further details of the proposed extraction system were requested in order to establish that its emissions do not have a detrimental impact on air quality, or that it will not cause nuisance to nearby residents in terms of noise and odour.

In order to protect local residential amenity Officer's recommend that an hours condition be attached to any planning permission if granted. It is recommended that such a condition only allows the operation of the site equipment and other nuisance causing activities between the hours of 08:00 - 18:00 Monday to Friday and 08:00 - 13:00 on Saturday's and at no time on Sunday or Bank Holiday's unless otherwise agreed in writing by the LPA.

With regards to the extraction plant and wood burner E.H Officer's have confirmed that the operator's require a Environmental Permit (issued by EH) to operate. It is also confirmed that an application for this permit has been received, and on the basis of the information received and several site visits EH Officer's are minded to issue a permit for this.

If granted, the Environmental Permit will contain conditions designed to ensure that any potential for air pollution is minimised. In this case conditions that would include prohibition of any smoke from the burner, controls on the containment and handling of sawdust and wood waste, controls on ash handling and controls on what material can be burned. In addition the permit will contain management conditions designed to ensure proper control and maintenance of the equipment.

In the event that a permit is granted the site would be subject to regular inspections from EH Officer's to ensure compliance with the permit conditions. It is pointed out that permit conditions are enforceable wither directly by EH Officer's, or ultimately through the courts and can carry significantly higher penalties than statutory nuisance offences. EH Officer's are satisfied that the permitting scheme will provide a good level of continuous control over potential pollution from these premises.

REMARKS

Principle of development:-

1. This proposal is to extend the existing building for use by a company who are in the business of kitchen furniture production, assembly, packaging and distribution. An ancillary kitchen showroom will also be included, this will be conditioned for trade customers only and is not permitted for general visitors.

2 It has been confirmed that the day-to-day activity on site involves cutting and assembly of pre-manufactured wood, for kitchen furniture production. A wood burner is required on site to extract fine dust from wood cuttings and an internally located spray booth is used to absorb smells. This plant has already been erected to the rear of the premises.

3 Officer's consider that the type of operation will include a mixture of B2 and B8, with ancillary office space and kitchen showroom, and that it is not appropriate to describe the use as B1(c) light industrial, which the applicants had done initially. In any event, in policy terms this is an appropriate use within Strategic Industrial Land, and it will bring back into use a vacant building, and will provide an economic benefit to the area.

Size, scale & design of extension:-

4. The ground floor infill extension has been omitted from the proposal now and it is proposed to maintain a loading bay in this area (with roller shutter access). On the first floor it is proposed to extend the front building across, eastwards. The additional floor space at first floor level will provide additional office space.

5. The extensions are proposed to support the intended use of the building., and materials to be used will match those found on the existing building and the visual impact of the proposed extension is acceptable.

Transportation impacts:-

6. Officer's from Highways and Transport Delivery were initially concerned about the implications of the ground floor infill extension. As discussed above in the 'consultation' section concerns were initially raised on servicing grounds, and to the vehicle access arrangements. In response this infill extension has since been removed from the plans.

7. The scheme as amended now addresses each of the concerns raised, how this has been achieved is briefly set out below:-

- An 8m deep loading/servicing bay is to be maintained on the frontage. This will comply with UDP standard PS19.
- The front parking layout is to be improved, four parking spaces are proposed. The maximum standard, applying standard PS6, is for five parking spaces. However Transportation will accept 75% of this standard being provided off-street, and they have confirmed this level of parking to be acceptable.
- The existing vehicle crossover is excessively wide at 8.5m. The applicant has agreed to reduce the crossover width to 4.5m in accordance with drg 02B and this is welcomed. This should prevent vehicles from illegally crossing the footway to access spaces in the future.
- A new dwarf wall is to be erected to the eastern side of the access, along the frontage. This will prevent

vehicles from illegally crossing the footpath.

Impact on surrounding area, local air quality and residential amenity:-

8. The premises are bordered on either side by industrial and commercial premises. The proposed extension would not impact directly on these neighbours.

9. A material consideration is the impact of this proposal on highways safety. However this matter has been addressed to Officer's satisfaction, the revised plans proposing servicing and off-street parking have the support of Transportation Officer's.

10. Local residents and the HPBNW have objected to the proposal on these grounds. Their main concerns are related to traffic and parking, with concerns being raised that this will worsen traffic conditions on Beresford Avenue, and add to local parking congestion. The other main concern is the impact the use and the wood burner extraction system will have on local amenity in terms of increased noise and pollution.

11. In response to this Officer's consider that the use of the building is appropriate in planning policy terms for a site situated within designated Strategic Industrial Land, this is in compliance with Core Strategy policy CP19, and London Plan policy. The proposed extension does not trigger an increase in the parking or servicing standards either. The application instead provides the opportunity to secure improvements to the servicing arrangements, parking layout and the access arrangements, all of which are welcomed by Transportation.

12. The objectors refer to existing parking problems locally that are associated with nearby businesses parking vehicles along Beresford Avenue. However if other businesses locally are operating in a manner that is inconsiderate this on its own is not a reason to resist this proposal. It is appropriate to assess this application on its own merits, and Officer's are satisfied that it has been demonstrated that suitable parking and servicing arrangements will be provided off-street, in accordance with adopted UDP standards.

13. As previously discussed the application has been amended since its initial submission, one of the main reasons for this is to consider the wood burner that has been installed to the rear. Further consultation has taken place giving local residents and statutory consultees the opportunity to make further representation.

14. Further details of the plant have been provided and it is understood that the plant is required to extract all wood dust from the various cutting machines used in the furniture manufacturing and assembly process. This wood waste, a mixture of chipboard, MDF and solid timber then undergoes a burning process. It is submitted that the plant will burn 3200kg of waste wood over the course of a typical week. The actual piece of equipment has been transferred from applicant's other site on Athlon Road, where it was subject to regular inspections by Environmental Health for safety and compliance.

15. The site is located within an Air Quality Management Area (AQMA) and close to residential properties on Beresford Avenue. Accordingly the impacts of the wood burner on both of these have been assessed by Environmental Health. Since the wood burner was installed on site Environmental Health Officer's have made a number of visits to the site, the first of these was on 18/04/13. Noise Officer's have visited on a number of different occasions, but to date have not established that a statutory nuisance has been caused, therefore they have not followed this up with any formal action. As a safeguard measure a condition is recommended to restrict the hours of operation to no later than 6pm, this is recommended in light of the proximity of the site to residential.

16. Following the installation of the burner it has since been confirmed by E.H Officer's that the wood burner requires an Environmental Permit to operate. This is issued by Environmental Health. It is confirmed that permit application has been made by the operator's, further information was requested but E.H Officer's now advise that on the basis of the information received and in the light of several site visits to the property to inspect the premises they are minded to issue a permit to operate. So a draft permit was issued on 26/06/13, whereby Environmental Health agreed to the operation of the burner on a test basis. It should be noted that any Environmental Permit is independent of any planning permission. But it has been agreed by E.H that the operator can operate the burner on a trial basis so that they can assess their ability to comply with the permit conditions and any effect they may have on neighbouring amenity. The wood burner has been operating since the temporary permit was issued and since then Environmental Health have not received any noise, smoke or odour complaints relating to the use. The EH Officer visited the site on the 30th August in order to assess compliance with the permit conditions and found the site to be well run and largely in compliance with the proposed permit conditions. They are minded to grant the Environmental Permit for the operation, subject to planning permission being granted.

17. The Environmental Permit will contain conditions designed to ensure that any potential for air pollution is minimised. In this case E.H Officer's confirm these conditions will prohibit any smoke from the burner, place controls on the handling of sawdust and wood waste, controls on ash handling and controls on what material can be burned. In addition the permit will contain management conditions designed to ensure proper control and maintenance of the equipment. These should ensure its operation does not result in pollution, harm to local air quality or residential amenity.

18. As this would be classed as a 'permitted installation' the site would be the subject of regular inspections to ensure compliance with the permit conditions. Any failure to comply with the conditions of the permit are enforceable by Environmental Health. However in their experience E.H Officer's advise that the permitting regime provides a good level of continuous control over potential pollution.

19. On the basis of the above advice, and with the permit conditions in place it is considered that the wood burner will not be harmful to air quality or residential amenity.

Summary:-

20. There is no objection in principle to extending the premises and the use proposed is acceptable in planning policy terms. The revised plans which omit the ground floor 'infill' extension, in order to retain a suitably sized servicing/loading area on the frontage are considered to be acceptable and with the revised parking layout the scheme is assessed as being acceptable on transportation grounds. The impact of the wood burner on local air quality and residential amenity have both been duly considered. E.H Officer's confirm that as a 'permitted installation' then any such permit would be subject to a number of conditions to ensure that any potential for air pollution is minimised. With this safeguard in place then its use can be supported.

21. It is accordingly recommended that planning permission be granted, subject to the attached conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

National Planning Policy Framework 2012
LDF Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance

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

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

CONDITIONS/REASONS:

(1) The development 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):

Dwg 01A
Dwg 02B (dated 22/01/13)
Dwg 03A (dated April 2013)

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

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

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

- (4) The existing vehicle access shall be altered in width fully in accordance with the details hereby approved and as shown on drawing 02B (dated 22 Jan 2013), and such works shall be fully completed within 3 months of the date of decision.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (5) The front forecourt area shown on the approved plans shall be retained and shall be used only for the purposes of parking and loading/unloading in association with the approved use of the building.

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

- (6) (a) Details including loading bays and accesses

All parking spaces, loading bays, access works and front boundary wall works shall be constructed and permanently marked out no later than 3 months from the date of decision.

(B) Parking spaces 2.4m x 4.8m

All parking spaces shall be constructed with minimum dimensions 2.4m x 4.8m.

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.

- (7) The office floorspace hereby approved shall be used only in conjunction with and ancillary to the main approved use of the building and for no other purpose.

Reason: To ensure that no separate use commences without the prior approval of the Local Planning Authority and to ensure that any subsequent use complies with the Council's adopted policies for the area.

- (8) Any kitchen showroom floorspace shall be used by trade customers only, and not by visiting members of the public, and shall not be separately occupied from the main premises, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the building is not occupied by a stand alone A1 retail use in Strategic Industrial Land and an out of centre location, in accordance with policies EMP8 and SH5 of Brent's Unitary Development Plan 2004.

- (9) The operation of site equipment generating noise audible at the site boundaries shall only be carried out between the hours of 0800 - 1800 (Mon-Fri), 0800-1300 Saturday's and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason; To protect the amenity of neighbouring residents.

- (10) (a) Details of adequate arrangements for the storage and disposal of refuse and recyclable material shall be submitted within 1 month of the date of decision for approval, and implemented fully within 2 months of the date of approval in writing of the Local Planning Authority.

(b) Details of the provision of a minimum of 3 secure cycle parking spaces shall be submitted


within 1 month of the date of decision for approval, and implemented fully within 2 months of the date of approval in writing of the Local Planning Authority and these facilities shall be fully retained thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure satisfactory facilities for cyclists

INFORMATIVES:

- (1) If the development is carried out it will be necessary for alterations to be made to the existing crossing over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
 - (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings

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

 Brent	<p>Planning Committee 18 September 2013</p> <p>Report from the Strategic Director, Regeneration and Growth</p>
<p>For Action</p>	<p>Wards affected: ALL</p>
<p>Basement Development in Brent – Response to Consultation on draft guidance</p>	

1.0 Summary

- 1.1 In response to concerns which have been raised regarding basement development in Brent, a new approach has been proposed and has recently been consulted on. The consultation process invited resident associations and industry representatives to respond to a short survey regarding basement development in Brent, as well as to review the draft guidance on the proposed changes.

2.0 Recommendations

- 2.1 That the Planning Committee endorses the draft guidance as part of the local validation requirements to be incorporated into the Local List of Validation Requirements at its next formal review. In the meantime, applicants will be advised of the benefit of submitting the information to support any planning application including a basement.

3.0 Details

Background – Consultation

- 3.1 The Planning Committee endorsed consultation on the proposed additional planning application validation requirements for basement development at the Planning Committee meeting on 22 May 2013. The consultation with local residents groups and industry representatives was carried out over a 6 week period. As part of the consultation, residents and industry representatives were asked to complete a short survey on basement development, as well as review the draft guidance on the proposed changes. While the consultation was aimed primarily at these two groups, the consultation was available to all interested parties and publicised on Brent's website.

- 3.2 A total of 30 people completed the survey. Of these, 12 respondents were resident associations, 13 were residents, 4 were industry representatives and 1 was a Brent Ward Councillor. Questions 2 - 6 asked respondents to provide their comments – these are summarised below.

4.0 Summary of responses – issues raised

- 4.1 Resident associations and building industry representatives were asked if their members raised any Brent or London wide concerns respectively. In response, 45% answered 'yes' and 55% answered 'no'. Specifically, 3 out of 4 industry representatives answered no to this question, and there was an even split between resident associations and residents who answered 'yes' or 'no' to this question. Below is a summary of the issues which were raised.

Structure and stability

- 4.2 Many of the respondents were concerned about the effect of basement construction on the structural integrity of neighbouring properties. Specific concerns included the formation of cracks, doors not being able to be opened as a result of movement and concerns that basement development could undermine the foundations of neighbouring properties.
- 4.3 Basements being built on clay was a concern and examples of structural problems were given. Resident Association members in particular, raised issues in relation to subsidence.

Effect on neighbouring buildings

- 4.4 Concern was raised about who would be liable for any damage that may be caused to neighbouring properties and whether builders or owners insurance was adequate to cover damage during construction or damage which occurred after the development was complete.

Hydrological and geological concerns

- 4.5 The impact of basements on ground water conditions and on the potential for flooding was raised, particularly in relation to basements which are dug into clay. In addition, the effect of flooding on existing foundations which may deteriorate if water tables changed locally was highlighted.
- 4.6 Thames Water provided specific comments in relation to the draft guidance requesting amendments to require applicants to demonstrate what protection measures will be put in place to prevent surcharge from the public sewer into basements.

Construction nuisance, amenity and safety

- 4.7 The impact of noise, dirt, dust, increased traffic and congestion were all raised as concerns.
- 4.8 In addition, some residents and resident associations raised queries about the timeframe for basement construction. It was noted that the prolonged construction of basement development has particular effect on people who may work from home, as well as the elderly, who are more likely spend a considerable portion of their day at home.

Landscape and ecology

- 4.9 Several residents raised concerns relating to the removal of mature trees and greenery to allow for the construction of a basement.
- 4.10 Some raised issues in relation to neighbouring properties where there may be a Tree Protection Order (TPO) and a basement development may cause damage to protected trees. It was mentioned that basement development should take existing trees into account during the design of a basement so that existing tree root systems and future growth will not affect the basement in the future.

Opposed to the policy

- 4.11 An industry representative commented that reviews by individual London Boroughs, including Brent, of existing basement policies was only creating unnecessary and unwarranted concerns, and a lot of the issues that have occurred in relation to basement development have been in inner city locations and were for large multi storey developments.
- 4.12 In comparison, another industry representative felt that the additional information that Council is proposing would assist all parties in respect to successful basement developments in their planning, design and construction.

5.0 Summary of responses – draft basement guidance

- 5.1 Respondents were asked if they thought additional information required with basement applications would help planning officers assessing applications and residents living near a development. A total of 64% answered 'yes', 23% 'no' and 13% 'didn't know'. Specifically, 4 residents, 2 resident associations and 2 industry professionals answered 'no' to this question with the remainder answering 'yes' or that they 'didn't' know'.
- 5.2 Feedback given in relation to the draft guidance focused on specific issues. A number of respondents felt that basements should be limited to 1 storey and should only be allowed within the existing footprint of the dwellinghouse.
- 5.3 It was suggested by one responder that more information be required in relation to building operation, for example how many skips might be required for a particular

site. It was also suggested that the policy ensure that a structural survey was carried out for any neighbouring properties, and that all information, including plans, be sent to any adjoining property owners before an assessment is made.

- 5.4 Additional costs that may be associated with requiring additional information was raised as a concern and the possibility that planning officers may not have the knowledge or skills to assess structural matters as part of a basement application.
- 5.5 Respondents were asked whether there was anything disadvantageous about providing additional information. 27% answered 'yes', 52% 'no', and 21% 'didn't know'. Specifically a total of 3 residents, 4 resident associations and 2 industry groups answered 'no' to this question with the remainder answering 'yes' or that they 'didn't know'.
- 5.6 Respondents were also asked whether they thought the draft guidance was seeking more information than would usually be good practise. A common response both interest groups was that additional information would lead to additional costs for the home owners. In the current financial climate, home owners want to make the most of their existing homes and placing added pressure and costs will only prevent people from doing so.
- 5.7 Time concerns were also mentioned as some respondents felt that the planning process was already slow and that requiring the assessment of additional information by planners would only increase the assessment time.
- 5.8 Respondents, including 2 industry representatives, 2 resident associations and 2 residents felt that further guidance on basement development was simply a duplication of what was already covered by the building regulations and Party Wall Act. It was also noted that this would further increase delays and create 'red tape' for developers and home owners.

6.0 Response to representations

- 6.1 The issues raised during consultation reflect the matters that were considered in preparing the draft guidance as well as previous discussions on basements.

Structure and stability

- 6.2 Problems can clearly occur during or after construction but these generally result from inadequate preparation or failure to follow accepted building techniques. It is acknowledged that basement construction could potentially be more likely to create problems than conventional above ground construction. This is why it is strongly recommended that these works should be (and in most cases are) carried out by specialist contractors.
- 6.3 The national position to date is to rely on the building industry to operate to appropriate methods and standards and to expect the Building Control process via Building Regulations (whether operated by Local Authorities or private Approved Inspectors), to ensure that proposals are adequately designed and constructed. Ultimately, in legal terms, it is the responsibility of owners and contractors not to

cause damage to neighbouring premises and for the quality of the work. The introduction of the Party Wall etc Act 1996 was a recognition of the problems that can arise when working on (or adjacent to) Party structures (walls and floors) and provides a process to mitigate problems arising including assessment and remediation of damage should it arise. However, it is accepted that this also puts responsibilities on neighbours who wish to safeguard their property interests although costs involved in appointing Party wall surveyors is borne by the person undertaking the work.

- 6.4 The position remains that it is not felt that there is a basis for a blanket ban on specific types of development or that it is possible to require some form of bond from owners in addition to their normal house insurance. Consequently, it is still proposed to seek additional information and clarity with each proposal in an attempt to encourage applicants and their agents to think through the implications of their proposals. This will not replace requirements of other forms of legislation such as the Party Wall etc Act 1996 but will ensure further work has been carried out at the planning stage to consider the wider implications of the proposal.
- 6.5 The proposal is to require a Build Methodology statement as part of the additional requirements which will mean that a schedule of the main steps of the works and a sequence of the operations will be considered in advance. This will assist in demonstrating that the applicant is fully aware of their responsibilities undertaking such a proposal and help identify any clear construction issues.

Effect on neighbouring buildings

- 6.6 Notwithstanding the concern in this area, differential movement between buildings can occur for a number of reasons. However, any damage that can be specifically attributed to the construction of a basement would be covered by the existing Party Wall etc Act 1996.

Hydrological and geological concerns

- 6.7 The concerns raised during the consultation period are acknowledged. However, Brent does not generally have a high water table and areas with a history of flooding are usually related to local surface drainage issues. In terms of geology, the majority of the Borough sits on London clay which does not necessarily raise specific construction problems that should not be able to be covered by conventional design and build techniques.
- 6.8 It is proposed that the Build Methodology will set out that the applicant must submit a Flood Risk Assessment (FRA) as required by the Environment Agency.

Construction nuisance, amenity and safety

- 6.9 A number of concerns were raised in relation to the impacts on amenity and essentially relate to how contractors operate. It is considered that the 'Considerate Contractor Scheme' can be useful for smaller domestic proposals including basements. However, while this can be actively promoted, there may be practical difficulties in planning terms in enforcing this as a condition. It would remain a

requirement for larger developments where there is more likely to be a legal agreement which can give the requirement additional backing. The Environment Protection Act 1986 also remains as a remedy for serious noise problems.

- 6.10 It is considered that the inclusion of details about how pedestrian and vehicular movement will be managed during the course of the development and details of where skips will be located should help to mitigate issues relating to safety. Consultation with Council's Transportation Team on the proposal will also be a requirement.

Landscape and ecology

- 6.11 Concerns were raised in relation to the loss of trees and greenery, particularly where TPO's are in place. The proposed site survey which will form part of the basement application should provide details of established landscaping, trees, canopies and root areas and any significant other plants as well as the location of existing hard and soft landscaping.
- 6.12 This detail will be required both for the host site as well as nearby adjoining properties and should therefore pick up any existing TPO's. Works to remove a TPO tree would be covered by separate legislation. It is however noted that the majority of trees in residential gardens are not afforded this protection.

Additional Burden of Requirements

- 6.13 Clearly, local authorities should not add unnecessary burdens in terms of cost or delay to proposed developments. The concerns which were raised by a small number in each group have been noted. However, the requirements have been specifically pitched at a level that it is expected competent organisations, such as specialist contractors, would routinely undertake before work in commenced. As such, it is not felt that it would require significant additional costs. It is accepted that some costs which may be required to support an application under Building Regulations may be brought forward as planning permission is normally sought first. However, this should not represent a duplication of costs.

7.0 Update on new approach for local requirements

- 7.1 Recently, the government introduced changes aimed at streamlining procedures for validating and processing planning applications. These changes mean applicant's have the ability to challenge any information requests by local authorities if they think its unreasonable and Design and Access statements are no longer required for householder proposals.
- 7.2 Despite these changes, it is considered that requiring additional information for applications for basement development is reasonable as the information we plan to seek is considered to represent reasonable best practice. The proposed changes will assist planning officers in their assessment as well as support the consultation process with residents who may be affected by a basement development.

8.0 Changes following exhibition

- 8.1 Following exhibition, a number of changes were made to the draft guidance based on some of the comments received during the exhibition period and following consultation with Council's Building Control department. The changes respond to concerns raised about the amount of information and level of detail required when an application is submitted.
- 8.2 Under the *2. Construction Statement* part (i) has been amended to state
- (i) a minimum of two cross section drawings showing the front and rear at a scale of 1:50. Structural details should be provided and are expected to be of a building regulation standard.
- 8.3 The requirement for a desk study has now been incorporated in *4. Build Methodology* in response to concerns raised by Building Control and that some of the requirements fell outside the remit of planning.
- 8.4 Under *4. Build Methodology* new sub-clauses (i) and (ii) have been added:
- (ii) Confirmation that a party wall agreement has been entered into prior to the commencement of works and a list of properties to be notified is provided;
 - (iii) sites within Flood Risk Zone 2 & 3 are required to be accompanied by a Flood Risk Assessment (FRA) in accordance with the Environment Agency Guidance (see Environment Agency flood map & guidance- www.environment-agency.gov.uk);
 - (iv) sites with previously contaminative uses must be accompanied by a plan for the investigation and remediation of the site.

9.0 Current position

- 9.1 The basement consultation process has confirmed that the issues addressed in the draft guidance reflect those which have been raised by resident associations and industry representatives and, where concerns were raised, that these have been taken into consideration.
- 9.2 It is acknowledged that the guidance will not be able to allay all concerns which have been raised. However, it will provide clearer guidance on what will be sought for basement applications and thus provide more clarity and certainty for both residents and developers.
- 9.3 There is a specific process to go through to formally amend the Local List of Validation Requirements. While this reflects the consultation undertaken on the above, the wider review should be linked to the current review of Development Management Policies and this is currently programmed for early 2014.

Background Papers

Draft guidance on basement development in Brent 2013
Consultation survey
Queens Park and Barn Hill Draft Design Guides 2013

Appendix 1

Revised draft guidance on basement development in Brent 2013

Appendix 2

Basement consultation survey

Contact Officers

Stephen Weeks
Head of Area Planning

Andy Donald
Strategic Director, Regeneration and Growth

Appendix 1

1. **Site Survey** - to record existing ground levels and landscaping on the site and on adjoining boundaries.
 - (i) levels - should include levels across site (front to back and side to side) as well as adjoining property levels;
 - (ii) established landscaping, trees, canopies and root areas and any significant other plants;
 - (iii) details of areas of existing hard and soft landscaping.
2. **Construction Statement** – detailed information about the proposed construction of the basement development;
 - (i) a minimum of two cross section drawings showing the front and rear at a scale of 1:50. Structural details should also be provided and we would expect work to meet at least a Building Regulations standard.
 - (ii) details of drainage and sewers (including invert levels);
 - (iii) proposals to deal with surface water;
 - (iv) details of proposed hard and soft landscaping.
3. **Build Methodology** - to explain how the works will be carried out in relation to the proposal. The Build Methodology will set out that the development can be built to meet other relevant statutory requirements which include:
 - (i) confirmation that a Party Wall agreement will be entered into prior to the works commencing and a list of properties to be notified either side of the site;
 - (ii) sites within Flood Risk Zone 2 & 3 are required to be accompanied by a Flood Risk Assessment (FRA) in accordance with the Environment Agency Guidance (see Environment Agency flood map & guidance- www.environment-agency.gov.uk);
 - (iii) sites with previously contaminative uses must be accompanied by a plan for the investigation and remediation of the site;
 - (iv) a schedule of the main steps of the works and a sequence of the operations and anticipated timescales;
 - (v) method of excavation, demolition and construction;
 - (vi) details of where equipment, materials or storage will take place on site;
 - (vii) details about how pedestrian and vehicular movement will be managed during the course of the development and details of where skips will be located. Consultation with Councils Transportation Team on the proposal must be carried prior to works commencing;
 - (viii) where approval for a basement application is granted, confirmation that an applicant will sign up to the Considerate Contractors Scheme.

Other notes:

- A multi storey basement will require more detailed studies as these developments can cause more complex issues and are less likely to be acceptable;
- For non residential development - the above provides a basis for information that would normally be required but more detailed advice may be sought;
- If work is likely or has disturbed vermin then the Council's Pest Control services should be contacted so that an appropriate course of action can take place. For more information go to <http://www.brent.gov.uk/services-for-residents/environment/pest-control/>.

Appendix 2

Validation Requirements for Basement Applications

1. Contact information

Name	
Organisation type	
Organisation position	

2. Have your residents or members raised any concerns (general or specific) regarding basement developments in Brent in the last few years? For representatives of the building industry, please advise of any London wide concerns.

- ☐ Yes
☐ No

3. If yes, what specific concerns have been raised? *(please write in)*

--

4. Do you think the additional information that Brent intends to seek when basement applications are received will help planners and adjoining residents to understand the proposal?

- ☐ Yes
☐ No
☐ Don't know

Are there any additional comments you wish to add? *(please write in)*

--

5. Do you think there are any obvious disadvantages to providing the information sought? (see draft guidance note)

☐ Yes

☐ No

☐ Don't know

6. If yes, why do you think this represents more information than would usually be good practice? (*please write in*)

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PLANNING & ENFORCEMENT APPEALS

DATE / YEAR July and August 2013

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

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Received PLANNING Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Application Number: 12/2539 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 18/07/2013 **Appeal Against:** Refusal of planning permission
Location: 72-74 Dudden Hill Lane, London, NW10 1DG
Proposal:

Demolition of the outbuilding and store on the ground floor, construction of 4 self contained flats, and refurbishment of 1 self contained flat above a existing A3 use on a semi-detached house at 72-74 Dudden Hill Lane, London NW10 1DG

Application Number: 12/2773 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 01/07/2013 **Appeal Against:** Refusal of planning permission
Location: 44A & B Staverton Road, London, NW2 5HL
Proposal:

Creation of new self contained one bedroom flat in loft space above two existing self-contained flats, infilling of existng valley between the two side projecting hipped roofs, erection of side dormer window, erection of rear dormer window and two front rooflights, one first floor flank wall window, two new bin stores and two new cycle stands to front garden of flats.

Application Number: 12/2819 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 03/07/2013 **Appeal Against:** Refusal of planning permission
Location: 70A Hanover Road, London, NW10 3DR
Proposal:

Construction of a vehicular crossover and associated hard and soft landscaping to the front of ground floor flat

Application Number: 12/3241 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 05/07/2013 **Appeal Against:** Refusal of planning permission
Location: 82 Heather Park Drive, Wembley, HA0 1TA
Proposal:

Proposed vehicle crossover with associated soft and hard landscaping to the front of ground floor flat

Application Number: 13/0130 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 08/07/2013 **Appeal Against:** Refusal of planning permission
Location: 10 St Marys Road, London, NW10 4AP
Proposal:

Conversion of property to three self-contained flats including erection of second floor rear extension, rear dormer window and installation of two front rooflights.

Application Number: 13/0231 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 10/07/2013 **Appeal Against:** Refusal of planning permission
Location: Ground Floor Flat, 1A Alric Avenue, London, NW10 8RB
Proposal:

Part change of use of the ground floor from former shop (Use Class A1) to a 1-bed studio flat (Use Class C3)

Application Number: 13/0405 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 22/07/2013 **Appeal Against:** Refusal of planning permission
Location: 56 Park Chase, Wembley, HA9 8EH
Proposal:

Conversion of dwellinghouse into 2 self contained flats (1 x 2-bed and 1 x 3-bed), widening of existing vehicular access and associated landscaping to front

Received PLANNING Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Application Number: 13/0549 **Team:** Northern Team **Application Type** Other CLD
Appeal Received: 31/07/2013 **Appeal Against:** Refusal of planning permission
Location: 92 Kingsbury Road, London, NW9 0AX
Proposal:

Certificate of lawfulness for proposed detached outbuilding in rear garden of dwellinghouse

Application Number: 13/0731 **Team:** Western Team **Application Type** S78 HSE
Appeal Received: 05/08/2013 **Appeal Against:** Refusal of planning permission
Location: Ohm, 1 Queen Victoria Avenue, Wembley, HA0 4RW
Proposal:

Demolition of existing garden shed and erection of a single storey side and rear extension to dwellinghouse

Application Number: 13/0888 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 19/07/2013 **Appeal Against:** Refusal of planning permission
Location: 17 Forty Lane, Wembley, HA9 9EU
Proposal:

Two storey and single storey rear extension, alterations to two existing western facing flank windows and additional eastern flank first floor window to residential care home (Use Class C4).

Application Number: 13/0945 **Team:** Western Team **Application Type** S78 HSE
Appeal Received: 16/07/2013 **Appeal Against:** Refusal of planning permission
Location: 11 Highfield Avenue, Wembley, HA9 8LE
Proposal:

Retrospective application for canopy to rear garden of dwellinghouse

Application Number: 13/1010 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 27/08/2013 **Appeal Against:** Refusal of planning permission
Location: WHITBY COTTAGE, Robson Avenue, London, NW10 3SG
Proposal:

Demolition of existing dwellinghouse and erection of a new building comprising 9 self-contained flats (1x3bed, 2x1bed and 6x2bed) with provision for car parking (x4), cycle spaces (x10) and associated hard and soft landscaping

Application Number: 13/1032 **Team:** Southern Team **Application Type** S78 HSE
Appeal Received: 02/07/2013 **Appeal Against:** Refusal of planning permission
Location: 139 Purves Road, London, NW10 5TH
Proposal:

Single storey side infill extension to dwellinghouse

Application Number: 13/1179 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 22/08/2013 **Appeal Against:** Refusal of planning permission
Location: Yard rear of 46 Kempe Road and 41, Keslake Road, London, NW6 6SJ
Proposal:

Demolition of 2 existing garages and erection of a single storey 2 bedroom dwellinghouse

Application Number: 13/1242 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 11/07/2013 **Appeal Against:** Refusal of planning permission
Location: 53 Chartley Avenue, London, NW2 7QY
Proposal:

Demolition of part of the existing outbuilding to form a new smaller outbuilding to rear of dwellinghouse

Received PLANNING Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Application Number: 13/1402 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 20/08/2013 **Appeal Against:** Refusal of planning permission
Location: 154 Salmon Street, London, NW9 8NU
Proposal:

Retrospective application for existing front boundary wall and railings (1.45m high and 0.45m wide) to dwellinghouse

Application Number: 13/1414 **Team:** Northern Team **Application Type** S78 PAH
Appeal Received: 09/07/2013 **Appeal Against:** Refusal of planning permission
Location: 55 Ballogie Avenue, London, NW10 1SU
Proposal:

Prior approval for a single storey rear extension to dwellinghouse, extending beyond the rear wall of the original house by 6 metres, maximum height of 3 metres and eaves height of 3 metres

Application Number: 13/1443 **Team:** Northern Team **Application Type** S78 PAH
Appeal Received: 26/07/2013 **Appeal Against:** Refusal of planning permission
Location: 94 Ravenscroft Avenue, Wembley, HA9 9TG
Proposal:

Prior approval for a single storey rear extension to dwellinghouse, extending beyond the rear wall of the original house by 7.1 metres, maximum height of 2.8 metres and height of eaves 2.5 metres

Application Number: 13/1460 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 28/08/2013 **Appeal Against:** Refusal of planning permission
Location: 34A Village Way, London, NW10 0LL
Proposal:

Erection of single storey studio flat attached to 34 Village Way, demolition of existing garages and retention of rear parking area, subdivision of existing garden to form an additional rear garden to ground floor studio flat with associated landscaping and installation of new vehicular access onto Elm Way, NW10, to provide an additional off-street parking space

Application Number: 13/1549 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 05/08/2013 **Appeal Against:** Refusal of planning permission
Location: 16B Victor Road, London, NW10 5XE
Proposal:

Rear dormer window and two front roof lights to first floor flat

Application Number: 13/1753 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 28/08/2013 **Appeal Against:** Refusal of planning permission
Location: Flat D, 56 Melrose Avenue, London, NW2 4JT
Proposal:

Rear dormer window to second floor Flat D

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Received ENFORCEMENT Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Application Number: E/10/0057 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 01/08/2013

Location: 37 Chalkhill Road, Wembley, HA9 9DS

Description:

Without planning permission, the erection of two buildings in the rear garden of the premises

("the unauthorised development")

Application Number: E/11/0624 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 01/08/2013

Location: 38 Alexander Avenue, London, NW10 3QS

Description:

Without planning permission, the erection of boundary walls, piers and gates to the front and side of the premises.

("the unauthorised development")

Application Number: E/11/0860 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 17/07/2013

Location: Marada House, Brondesbury Park, Kilburn, London, NW6 7BS

Description:

Without planning permission, the erection of a single storey detached dwellinghouse and store to rear of the premises.

("The unauthorised development")

Application Number: E/12/0347 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 13/08/2013

Location: 25 Rowdon Avenue, London, NW10 2AJ

Description:

Without planning permission, the erection of solar panels located on top of the roof, erection of side dormer window facing No. 23 Rowdon Avenue and installation of 2 side windows at first floor level to the premises

("the unauthorised development")

Application Number: E/12/0635 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 13/08/2013

Location: 800 North Circular Road, Neasden, London, NW2 7TD

Description:

The change of use of the premises to four flats.

("the unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Application Number: E/13/0122 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 12/07/2013
Location: 92 Brinkburn Gardens, Edgware, HA8 5PP
Description:
 The erection of a rear dormer and the increased ridge height of the roof.
 ("The unauthorised development")

Application Number: E/13/0146 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 30/07/2013
Location: 14 Irwin Gardens, London, NW10 3AS
Description:
 The erection of a building for residential purposes in rear garden of the premises.
 ("The unauthorised development")

Application Number: E/13/0153 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 01/08/2013
Location: 168 Ealing Road, Wembley, HA0 4QD
Description:
 The erection of a canopy/front extension to the premises.
 ("The unauthorised development")

Application Number: E/13/0167 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 19/08/2013
Location: 145 Princes Avenue, London, NW9 9QS
Description:
 The erection of a building, forming a unit of residential accommodation, in the rear garden of the premises.
 ("the unauthorised development")

Application Number: E/13/0225 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 17/07/2013
Location: 263 Oakington Manor Drive, Wembley, HA9 6NF
Description:
 The erection of a building for residential purposes in rear garden of the premises.
 ("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Application Number: E/13/0564 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 31/07/2013

Location: 90 Harrow Road, Wembley, HA9 6PL

Description:

The erection of a conservatory on to an existing rear extension.

("The unauthorised development")

Application Number: E/13/0586 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 15/08/2013

Location: 61 Sunnymead Road, London, NW9 8BS

Description:

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

("the unauthorised development")

Application Number: E/13/0655 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 15/08/2013

Location: 120 Abbots Drive, Wembley, HA0 3SJ

Description:

Without planning permission, the installation of uPVC windows and the enclosure of the front porch using uPVC windows and doors to the front elevation of the premises.

("the unauthorised development")

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Decisions on PLANNING Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18-Sep-2013

Application Number: 12/0990 **PINSRefNo** A/12/2188188/NWF **Team:** Northern Team

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

Location: 15 Old Kenton Lane, London, NW9 9ND

Proposal:

Outline planning permission for the erection of a detached two storey 3 bedroom dwellinghouse on land adjoining 15 Old Kenton Lane with the following reserved matters to be determined: means of access

Application Number: 12/1443 **PINSRefNo** A/13/2192539/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 27/08/2013

Location: Land rear of 270 to 288, Neasden Lane, London

Proposal:

Redevelopment and part change of use of vacant land (parking area) off Cairnfield Avenue, NW2 and to the rear of Neasden Lane to create new single storey B1 light industrial unit with associated improvements to existing parking and access roadway.

Application Number: 12/1483 **PINSRefNo** X/12/2181645 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/07/2013

Location: 4 Napier Road, Wembley, HA0 4UA

Proposal:

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

Application Number: 12/1512 **PINSRefNo** A/13/2190942/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/07/2013

Location: 85 Willesden Lane, Kilburn, London, NW6 7RR

Proposal:

Demolition of existing redundant single storey extension and attached garage and erection of two storey building containing a 2 bedroom/4 person house fronting onto Tennyson Road and the provision of a proposed A2 or B1 office use within the main building also with a frontage onto Tennyson Road.

Application Number: 12/1613 **PINSRefNo** A/13/2193490 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/07/2013

Location: UNITS 1, 2 & 3, CELLPHONE HOUSE, North Circular Road, Stonebridge, London, NW10

Proposal: 7SH

Change of use from Office (Use Class B1) to Hotel (Use Class C1)

Application Number: 12/1788 **PINSRefNo** A/12/2185913 **Team:** Southern Team

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

Location: 49, first, second and third floor flats at 49, 51, 51A-D inclusive Kilburn High Road,

Proposal: London, NW6 5SB

Change of use of 49 and 51 Kilburn High road to Class C1 (Hotel) to form 40 bedroom extension to the existing hotel at 53 - 59 Kilburn High Road and retention of the ground floor commercial unit; including three storey rear extension to the rear of 49 and 51, excavation of the basement and addition of a mansard at no. 49 and refurbishment and alterations to the mews properties at Manor Mews to provide servicing

Decisions on PLANNING Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18-Sep-2013

Application Number: 12/1842 **PINSRefNo** A/12/2189039/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 02/07/2013

Location: 122, Flat 1 122A, 124 and Flat 1 124 Craven Park Road, London, NW10 8QD

Proposal:

First floor rear extension to provide ancillary office space to existing betting shop on the ground floor

Application Number: 12/1886 **PINSRefNo** A/12/2185070 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 08/07/2013

Location: 1078 Harrow Road, London, NW10 5NL

Proposal:

The erection of a two storey extension to accommodate a self contained flat

Application Number: 12/1898 **PINSRefNo** A/12/2189895/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 05/08/2013

Location: 17 Greenhill Road, London, NW10 8UD

Proposal:

Conversion of house into three flats, erection of two ground floor single storey rear extensions and erection rear dormer window.

Application Number: 12/2046 **PINSRefNo** A/13/2199266 **Team:** Southern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 14/08/2013

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

Proposal:

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

Application Number: 12/2428 **PINSRefNo** X/13/2190424 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 22/08/2013

Location: 49 Park View Road, London, NW10 1AJ

Proposal:

Certificate of lawfulness for existing single storey outbuilding in the rear garden of dwellinghouse

Application Number: 12/2567 **PINSRefNo** A/13/2190566 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/07/2013

Location: 81 Lyon Park Avenue, Wembley, HA0 4DX

Proposal:

Conversion of dwelling house into 2 x 1 bedroom studio units on the ground floor and 1 x 1 bedroom flat at first floor.

Application Number: 12/2665 **PINSRefNo** A/13/2194758 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 16/08/2013

Location: 10 Berkhamsted Avenue, Wembley, HA9 6DT

Proposal:

Erection of two storey side extension to existing semi-detached property to create a new self contained one-bedroom dwelling house.

Decisions on PLANNING Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18-Sep-2013

Application Number: 12/2708 **PINSRefNo** A/12/2189751/NWF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 06/08/2013

Location: 384 Neasden Lane North, London, NW10 0BT

Proposal:

 Retrospective application for single storey rear extension to internet cafe (Use Class A1)

Application Number: 12/3124 **PINSRefNo** D/13/2198252 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 04/07/2013

Location: 2 Liddell Gardens, London, NW10 3QD

Proposal:

 Demolition of existing front porch and garage, extension and conversion of detached rear store room to form habitable space and new two storey side and single and two storey rear extension with hip to gable end roof extension to dwellinghouse (as amended by plans received)

Application Number: 13/0048 **PINSRefNo** D/13/2197596 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 12/08/2013

Location: 29 Crawford Avenue, Wembley, HA0 2HX

Proposal:

 Demolition of existing shed and erection of a single storey outbuilding in rear garden

Application Number: 13/0053 **PINSRefNo** D/13/2198957 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 16/07/2013

Location: 37 Manor House Drive, London, NW6 7DE

Proposal:

 Demolition of existing rear conservatory and erection of single storey rear extension to dwellinghouse

Application Number: 13/0128 **PINSRefNo** A/13/2195388 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/08/2013

Location: 18 Crest Road, London, NW2 7LX

Proposal:

 Single storey rear extension, front porch extension, front garden alterations to accommodate one off street parking space and conversion of extended dwellinghouse into 1 x 2 bedroom flat on ground floor and 1 x 3 bedroom flat on first and second floors (revised description as per revised plans received on 27/02/2013).

Application Number: 13/0223 **PINSRefNo** D/13/2199655 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 01/08/2013

Location: 51 Hanover Road, London, NW10 3DL

Proposal:

 Single storey side and rear extension to dwellinghouse

Application Number: 13/0508 **PINSRefNo** D/13/2199816 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 09/08/2013

Location: 38 Park View Road, London, NW10 1AL

Proposal:

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

Decisions on PLANNING Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18-Sep-2013

Application Number: 13/0605 **PINSRefNo** D/13/2198953 **Team:** Southern Team
Appeal Decision: Appeal Allowed**Appeal Decision Date:** 19/07/2013**Location:** 8 Rowdon Avenue, London, NW10 2AL**Proposal:**

Demolition of detached outbuilding and part of existing garage, conversion of garage into habitable space including replacement of garage door with window, first floor side and rear extension, single storey side and rear extension, one side and one rear dormer windows with two front and two rear rooflights to dwellinghouse as revised by plans.

Application Number: 13/0649 **PINSRefNo** D/13/2199660 **Team:** Southern Team
Appeal Decision: Appeal Dismissed**Appeal Decision Date:** 14/08/2013**Location:** 36 Kingswood Avenue, London, NW6 6LS**Proposal:**

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

Application Number: 13/1032 **PINSRefNo** D/13/2200108 **Team:** Southern Team
Appeal Decision: Appeal Allowed**Appeal Decision Date:** 19/08/2013**Location:** 139 Purves Road, London, NW10 5TH**Proposal:**

Single storey side infill extension to dwellinghouse

Application Number: 13/1414 **PINSRefNo** X/13/2201550 **Team:** Northern Team
Appeal Decision: Appeal withdrawn**Appeal Decision Date:** 30/07/2013**Location:** 55 Ballogie Avenue, London, NW10 1SU**Proposal:**

Prior approval for a single storey rear extension to dwellinghouse, extending beyond the rear wall of the original house by 6 metres, maximum height of 3 metres and eaves height of 3 metres

Decisions on ENFORCEMENT Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Application Number: E/09/0536 **PINSRefNo** C/13/2195559

Team: Southern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 09/08/2013

Location: 23B Bryan Avenue, London, NW10 2AH

Proposal:

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

("The unauthorised development")

Application Number: E/11/0603 **PINSRefNo** C/13/2191517

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 29/08/2013

Location: 9 COLLEGE MANSIONS, Winchester Avenue, Kilburn, London, NW6 7TY

Proposal:

Without planning permission, the change of use of the premises to a mixed use as a House in Multiple Occupation comprising of 28 Non Self Contained dwellings on the upper floors and a workshop on the ground floor.

("the unauthorised change of use")

Application Number: E/12/0177 **PINSRefNo** C/12/2184092

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 02/08/2013

Location: 721 & 721A North Circular Road, Neasden, London, NW2 7AH

Proposal:

Without planning permission, the erection of a first floor rear extension and the installation of windows at first floor level on the side elevation

("The unauthorised development")

AND

Without planning permission, the change of use of the premises of the premises to eight flats

("The unauthorised change of use")

Application Number: E/12/0273 **PINSRefNo** C/12/2179329

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 29/07/2013

Location: 46 Honeypot Lane, London, NW9 9QL

Proposal:

Without planning permission, the erection of a two bedroom dwelling to the rear of the premises.

("The unauthorised development")

Application Number: E/12/0292 **PINSRefNo** C/13/2190426

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 22/08/2013

Location: 49 Park View Road, London, NW10 1AJ

Proposal:

Without planning permission the erection of a building for residential purposes in the rear garden of the premises

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Application Number: E/12/0320 **PINSRefNo** C/13/2195577**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 14/08/2013**Location:** 650 North Circular Road, Neasden, London, NW2 7QJ**Proposal:**

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

("the unauthorised development")

Application Number: E/12/0350 **PINSRefNo** C/13/2190347**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 08/08/2013**Location:** 3 The Grove, London, NW9 0TL**Proposal:**

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

("the unauthorised development")

Application Number: E/12/0382 **PINSRefNo** C/13/2190549&2190550**Team:** Western Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 08/08/2013**Location:** 57 Berkhamsted Avenue, Wembley, HA9 6DU**Proposal:**

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

("the unauthorised development")

Application Number: E/12/0389 **PINSRefNo** C/12/2182999**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 05/07/2013**Location:** 47 Paxford Road, Wembley, HA0 3RQ**Proposal:**

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

("The unauthorised development")

Application Number: E/12/0553 **PINSRefNo** C/13/2195078**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 21/08/2013**Location:** 14 Homefield Road, Wembley, HA0 2NJ**Proposal:**

The widening of access on to the highway and the formation of a hard surface to the front garden of the premises.

("The unauthorised development")

Application Number: E/12/0709 **PINSRefNo** C/12/2182767**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 05/07/2013**Location:** 45 Beaumont Avenue, Wembley, HA0 3BZ**Proposal:**

Without planning permission, the erection of two buildings in rear garden of premises.

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Application Number: E/12/0717 **PINSRefNo** C/13/2190764

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 02/08/2013

Location: 23 Rannock Avenue, London, NW9 7JS

Proposal:

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

("the unauthorised development")

Application Number: E/12/0722 **PINSRefNo** C/13/2190925

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 09/08/2013

Location: 60 Abbey Avenue, Wembley, HA0 1LL

Proposal:

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

("The unauthorised development")

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**PLANNING SELECTED appeal DECISIONS between
1-Jul-2013 and 31-Aug-2013
Planning Committee: 18 September, 2013**

Introduction

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

Our reference:	12/1788	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	05/07/201
Team:	Southern Team				
Location:	49, first, second and third floor flats at 49, 51, 51A-D inclusive Kilburn High Road,				
Proposal:	London, NW6 5SB				
Change of use of 49 and 51 Kilburn High road to Class C1 (Hotel) to form 40 bedroom extension to the existing hotel at 53 - 59 Kilburn High Road and retention of the ground floor commercial unit; including three storey rear extension to the rear of 49 and 51, excavation of the basement and addition of a mansard at no. 49 and refurbishment and alterations to the mews properties at Manor Mews to provide servicing					
Our reference:	12/1886	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	08/07/201
Team:	Southern Team				
Location:	1078 Harrow Road, London, NW10 5NL				
Proposal:	The erection of a two storey extension to accomodate a self contained flat				
Our reference:	12/2665	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	16/08/201
Team:	Western Team				
Location:	10 Berkhamsted Avenue, Wembley, HA9 6DT				
Proposal:	Erection of two storey side extension to existing semi-detached property to create a new self contained one-bedroom dwelling house.				
Our reference:	12/2708	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	06/08/201
Team:	Northern Team				
Location:	384 Neasden Lane North, London, NW10 0BT				
Proposal:	Retrospective application for single storey rear extension to internet cafe (Use Class A1)				
Our reference:	12/3124	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	04/07/201
Team:	Southern Team				
Location:	2 Liddell Gardens, London, NW10 3QD				
Proposal:	Demolition of existing front porch and garage, extension and conversion of detached rear store room to form habitable space and new two storey side and single and two storey rear extension with hip to gable end roof extension to dwellinghouse (as amended by plans received				
Our reference:	13/0053	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	16/07/201
Team:	Southern Team				
Location:	37 Manor House Drive, London, NW6 7DE				
Proposal:	Demolition of existing rear conservatory and erection of single storey rear extension to dwellinghouse				
Our reference:	13/0223	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	01/08/201
Team:	Southern Team				
Location:	51 Hanover Road, London, NW10 3DL				
Proposal:	Single storey side and rear extension to dwellinghouse				

**PLANNING SELECTED appeal DECISIONS between
1-Jul-2013 and 31-Aug-2013
Planning Committee: 18 September, 2013**

Our reference: 13/0508	Appeal Decision: Appeal Allowed	Appeal Decision Date: 09/08/201
Team:	Northern Team	
Location:	38 Park View Road, London, NW10 1AL	

Proposal:

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

Our reference: 13/0605	Appeal Decision: Appeal Allowed	Appeal Decision Date: 19/07/201
Team:	Southern Team	
Location:	8 Rowdon Avenue, London, NW10 2AL	

Proposal:

Demolition of detached outbuilding and part of existing garage, conversion of garage into habitable space including replacement of garage door with window, first floor side and rear extension, single storey side and rear extension, one side and one rear dormer windows with two front and two rear rooflights to dwellinghouse as revised by plans.

Our reference: 13/1032	Appeal Decision: Appeal Allowed	Appeal Decision Date: 19/08/201
Team:	Southern Team	
Location:	139 Purves Road, London, NW10 5TH	

Proposal:

Single storey side infill extension to dwellinghouse

Background Information

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

Chris Walker, Assistant Director - Planning and Development

ENFORCEMENT SELECTED appeal DECISIONS between
1-Jul-2013 and 31-Aug-2013

Planning Committee: 18 September, 2013

Introduction

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

Our reference: E/09/0536	Appeal Decision Date: 09/08/2013
Team: Southern Team	Appeal Decision: Appeal Allowed

Location: 23B Bryan Avenue, London, NW10 2AH

Proposal:

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

Our reference: E/12/0382	Appeal Decision Date: 08/08/2013
Team: Western Team	Appeal Decision: Appeal Allowed

Location: 57 Berkhamsted Avenue, Wembley, HA9 6DU

Proposal:

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

Background Information

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

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 18 June 2013

by Christopher Bowden MA (Oxon)

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

Decision date: 5 July 2013

Appeal Ref: APP/T5150/A/12/2185913

49-51 Kilburn High Road, London NW6 5SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Choice Hotels against the decision of the Council of the London Borough of Brent.
 - The application Ref. 12/1788, dated 24 June 2012, was refused by notice dated 25 September 2012.
 - The development proposed is: *change of use to Class C1 (Hotel) to form 40-bedroom annex to the existing hotel at Nos 53-59 Kilburn High Road and retention of the ground-floor commercial unit; including three-storey extension to the rear of Nos 49 and 51, excavation of the basement and addition of a mansard at No 49 and refurbishment and alterations to the mews properties at Manor Mews to provide servicing.*
-

Decision

1. The appeal is allowed and planning permission granted for *change of use to Class C1 (Hotel) to form 40-bedroom annex to the existing hotel at Nos 53-59 Kilburn High Road and retention of the ground-floor commercial unit; including three-storey extension to the rear of Nos 49 and 51, excavation of the basement and addition of a mansard at No 49 and refurbishment and alterations to the mews properties at Manor Mews to provide servicing at 49-51 Kilburn High Road, London NW6 5SB* in accordance with the terms of the application Ref. 12/1788, dated 24 June 2012, subject to the conditions set out in the attached schedule.

Procedural matters

2. The decision notice cites Policies BE2, BE9, BE24, BE25, BE26, TRN4, TRN23, OS7 and PS11 of the London Borough of Brent Unitary Development Plan, adopted in 2004 (UDP), and Policy CP18 of the Council's Core Strategy¹, adopted in 2010 (CS). These appear broadly consistent with the thrust of the National Planning Policy Framework, published in 2012, and I give them weight accordingly.²
3. The appellant submitted during the appeal process a signed unilateral undertaking, dated 20 February 2013, relating principally to provision of financial contributions and to the drawing up of a travel plan. This is considered further below.

¹ London Borough of Brent Local Development Framework Core Strategy

² As advised by paragraph 215 of the Framework

4. Since the Council decided the appeal application, it has given permission for another scheme for a 37-bedroom extension to the hotel.³ I have taken this into account in determining the appeal. I have also taken into account on an illustrative basis, as agreed at the site visit, two drawings submitted during the appeal process (Nos. 120330/P1/12 and P2/12) relating to the rear extensions proposed in the two schemes. As also agreed at the site visit, I have taken into account (as an approved plan) drawing No. 120330/P2/10 Rev A (location plan) not mentioned in the decision notice.

Main issues

5. These are the effect of the proposed development on:
 - the character and appearance of Nos 49-50 Kilburn High Road, the terrace of which they are part, and the South Kilburn Conservation Area;
 - the living conditions of the occupiers of No 47 Kilburn High Road, with particular reference to outlook; and
 - highway and pedestrian safety and local infrastructure and facilities.

Reasons

Character and appearance

6. The appeal site forms part of a four-storey terrace in Kilburn High Road lying between its junctions with Oxford Road and Cambridge Avenue. Manor Mews (a narrow cul-de-sac that is effectively a service alley) runs from the latter behind the site. The terrace is locally listed (and, as such, an undesignated heritage asset) and lies in the South Kilburn Conservation Area (CA), a designated heritage asset.
7. The significance of the CA lies chiefly in its attractive and distinctive dwellings, many of architectural or historic interest. Despite some insensitive changes, and the condition of certain elements (including the appeal properties), the terrace itself makes a significant contribution to the CA through its imposing form and scale and the attractive and ornate fenestration on the upper floors of the front elevation.
8. As noted above, approval has been given to another scheme to enlarge the hotel. The essential difference between that scheme and the one before me (and the aspect that is in contention) relates to the height of the extension to the rear. The appeal extension, with an extra storey, would give a greater vertical emphasis consistent with that of the terrace. Its scale and bulk would be satisfactorily absorbed, the materials and detailing would be sympathetic, and it would not have a detrimental impact on the back of the appeal properties or the rest of the terrace. Its bulk would be less than the existing rear extensions to the terrace at Nos 53-59, which are prominent features as seen from Cambridge Avenue, for example. Indeed, the appeal extension would not be readily visible from Cambridge Avenue or Oxford Road, given the buildings intervening, and would have limited impact in Manor Mews, owing to existing buildings and angles of view. In any event, the rear of the terrace is of relatively plain and utilitarian appearance and, unlike the front, makes little contribution to its significance or that of the wider CA.
9. The extension would comprise a central section with a pitched roof flanked by shallower flat-roofed projections. The latter would rise to eaves level while the pitched roof would overlap the existing eaves and roof of the host properties

³ Ref. 12/1717 (decision notice dated 31 May 2013)

but not the mansards themselves, the ridge of the roof aligning with the wall separating the two. The degree of overlap would be slight and significantly less in any event than is already the case with the existing pitched-roof extensions at Nos 53-59 (and which have a high-level flat roof between them). The mansards in place or approved on the appeal properties already alter and largely obscure the original roof form. The variety of roof forms would not appear unduly confused or cluttered, given the position of the back of Nos 49-51 relative to other development.

10. Overall, the scheme would represent a sympathetic refurbishment of two neglected buildings and would thus be beneficial. The specific element in contention in this appeal – the rear extension – would not be detrimental, for the reasons given above. I therefore find no material harm to the significance of the terrace as an undesignated heritage asset or of the CA as a designated heritage asset.
11. I conclude that the proposed development would not have a materially harmful effect on the character and appearance of Nos 49-50 Kilburn High Road, the terrace of which they are part, and the South Kilburn Conservation Area. It would preserve, at least, the character and appearance of the CA as a whole. I therefore find no conflict with the objectives of UDP Policies BE2, BE9, BE24, BE25 or BE26 or of the related supplementary planning guidance⁴.

Living conditions

12. The flank wall (some 3m deep) of one of the flat-roofed elements of the rear extension would abut the boundary with No 47. This property has rear windows little more than 1m from the wall. However, these face directly ahead, while the wall would be to one side. It would be visible from the windows but not unacceptably overbearing and any sense of enclosure would be limited, given the degree of open aspect remaining. On this basis, and bearing in mind that the Council has already approved an extension one-storey lower in a similar position, I consider that the effect of the appeal proposal on outlook would not be materially harmful.
13. Although the decision notice also mentions “an overbearing impact on light”, the planning officers’ report indicates that the impact would be acceptable and the Council’s statement confirms that there would be “sufficient light”. Taking account of the submitted daylight and sunlight study, I share that view.
14. I conclude that the proposed development would not have a materially harmful effect on the living conditions of the occupiers of No 47 Kilburn High Road, with particular reference to outlook. As such, I find no conflict with the objectives of UDP Policy BE9 or of SPG17.

Highway and pedestrian safety and local infrastructure and facilities

15. In the absence of facilities on-site for the stopping or parking of coaches and other vehicles, arrivals at the (enlarged) hotel by coach etc would be likely to give rise to indiscriminate or otherwise inappropriate parking in the vicinity and obstruction of the public highway. This would be to the detriment of the safety of other road users and pedestrians. The unilateral undertaking mentioned above includes provision of a travel plan designed to address these concerns by means such as promoting the use of public transport in an area well served it.

⁴ SPG 17 *Design Guide for New Development* (adopted in 2001)

This is necessary to make the development acceptable in planning terms and I give that part of the undertaking significant weight.

16. The proposal would provide 40 additional bedrooms for the hotel. The Council is concerned that this would add to pressures on transport infrastructure and on public space and sports facilities in the area. The undertaking includes payment of financial contributions of £40,000 "to be utilised by the Council towards the provision and/or improvement of all or some of the following" ie (a) sustainable transport in the local area, (b) sport and/or open space in the area.
17. The contribution reflects an agreed rate of £1000 per bedroom (reduced from the charge set out in the relevant supplementary planning document: SPD).⁵ The terms of the undertaking leave it unclear whether and to what extent the money would be spent on the various services identified or what specific facilities would be provided or improved so as to mitigate the impact of the development. That said, it seems reasonable to assume that expansion on the scale proposed would increase demand on transport infrastructure, particularly in relation to non-car modes of travel, and examples of mitigation measures (including improvements along the A5 Kilburn High Road corridor) are given in the Council's statement. Similarly, expansion has the potential to add to pressures on public open space and sports facilities, local deficiencies in both of which are mentioned by the Council and improvements identified. On the above basis, therefore, I consider that this part of the undertaking meets the relevant statutory and policy tests and I give it significant weight.
18. I conclude that the proposed development would not have a materially harmful effect on highway and pedestrian safety and local infrastructure and facilities. As such, I find no conflict with the objectives of UDP Policies TRN4, TRN23, OS7 or PS11 or of CS Policy CP 18 or of the SPD mentioned previously.

Other matter

19. The undertaking includes a provision relating to the "Considerate Constructors Scheme". While I note that the scheme is mentioned in the SPD, the provision does not appear to be necessary to make the development proposed in this case acceptable in planning terms. I have not therefore taken it into account.

Conditions

20. The Council suggested two conditions. I agree that conditions are needed on commencement (to comply with section 91 of the Town and Country Planning Act 1990) and on external materials (to ensure that the development has a satisfactory appearance). In addition, a condition is necessary to ensure (for the avoidance of doubt and in the interests of proper planning) that work is carried out in accordance with the approved plans, other than as set out in the related decision and conditions.

Conclusion

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Christopher Bowden

INSPECTOR

⁵ S106 Planning Obligations SPD, adopted in 2007

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 120330/P1/03 Rev A, P1/04 Rev A, P1/05 Rev A, P1/06 Rev A, P1/07 Rev B, P1/08 Rev A, P1/09 Rev B, P2/01, P2/02, P2/10 Rev A, P2/11.
- 3) Notwithstanding condition 2, no development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.



Appeal Decision

Site visit made on 20 June 2013

by **R J Maile BSc FRICS**

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

Decision date: 8 July 2013

Appeal Ref: APP/T5150/A/12/2185070
1078 Harrow Road, London, NW10 5NL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Orahia against the decision of the Council of the London Borough of Brent.
 - The application ref: 12/1886, dated 11 July 2012, was refused by notice dated 12 September 2012.
 - The development proposed is conversion of rear extension area into studio flat by amending existing rear extension to profile of previously existing rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of rear extension area into studio flat by amending existing rear extension to profile of previously existing rear extension at 1078 Harrow Road, London, NW10 5NL, in accordance with the terms of the application ref: 12/1886, dated 11 July 2012, subject to the conditions set out in Annex A to this decision.

Procedural Matter

2. Following the refusal of planning permission in September 2012 a Section 106 Agreement in the form of a Unilateral Obligation dated 17 December 2012 has been forwarded to me. This provides for infrastructure contributions and a car-free arrangement, which matters were the subject of the Council's Reasons for Refusal nos. 4 and 5.
 3. Whilst the Council has not specifically commented upon the Agreement it has raised concerns that the car-free arrangement only applies to the studio flat the subject of this appeal. However, my decision relates solely to the detailed scheme before me for a single person studio flat.
 4. Given the form of the development and its sustainable location, I conclude that the Council's concern as to the lack of kerbside car parking within the locality is addressed by this Agreement. The Agreement also secures contributions as required by the Council's policy relating to education, open space, sustainable transport and sports facilities.
 5. I shall refer to the Agreement in more detail subsequently in this decision.
-

Main Issues

6. The main issues in this case are:

- a) Whether the re-configuration of the back addition as proposed will allow for an adequate level of accommodation which will not have an unacceptable impact upon the amenity of nearby residents.
- b) The impact of the development upon the character and appearance of the surrounding area.

Reasons

Issue (a)

(i) Level of accommodation

7. No. 1078 Harrow Road is a three storey Victorian building, the ground floor of which is in business use. The scheme before me seeks to combine two small studio flats at first and second floor levels to create a single, one person flat with its own internal staircase. Such a re-arrangement of the accommodation would enable a reduction in the bulk of the rear two storey extension, which I understand was erected without the benefit of planning permission.
8. My attention has been directed to three appeal decisions, copies of which have been provided to me. That of 17 November 2003 (APP/T5150/C/03/1110423) upheld an Enforcement Notice requiring removal of the first and second floor rear extension. A second appeal (APP/T5150/A/11/2150762) for retention of two one bedroom flats on first and second floors was also unsuccessful.
9. Of particular relevance to my determination of this appeal is the most recent appeal decision dated 28 June 2012 (APP/T5150/ A/12/2170630). The scheme in that case proposed retention of the rear extension and conversion of the two studio flats at first and second floor levels into one studio flat. That appeal was dismissed for reasons relating to the harm that would accrue to the living conditions of adjacent residents, particularly those at no. 1080 Harrow Road.
10. The plans the subject of this appeal seek to overcome the previous Inspector's concerns by reducing the bulk of the rear extension to that which previously existed on site, but incorporating a dormer window to enable use of the upper floor of the studio flat as a separate bedroom and shower room.
11. The Council has criticised the standard of accommodation in terms of its lack of adequate internal floorspace, outlook, restricted daylight and the failure to provide amenity space or on-site car parking. My attention has been directed to the Council's adopted Supplementary Planning Guide No. 17¹ which amongst other matters sets out minimum floor areas for residential development.
12. The layout of the studio flat as illustrated on Drawing no. 6177/10.7.12/10A clearly indicates that the current proposal is for a one person flat, such that its floor area of 38.5m² would accord with the requirements of paragraph 3.5 of the SPG. This sets a minimum dwelling floor area of 33m² for single person flats.

¹ Design Guide for New Development.

13. The principal outlook for the flat to the rear is similar to many of those in the adjacent buildings and elsewhere within dense residential areas such as this.
14. There is no opportunity on site for car parking or for the provision of amenity open space, another factor common to schemes involving the re-use of existing buildings within similar locations. The Section 106 Agreement addresses both issues by including a contribution towards sport infrastructure and open space and assurances that occupiers of the flat will not seek a car parking permit.
15. I therefore find on this element of the first main issue that the proposed unit is of adequate size, that it is capable of providing space for a satisfactory range of furniture and fittings and that it will receive adequate natural light. Provision has also been made for the storage of waste and, if necessary, an occupier of the flat could invest in a fold-up bicycle as suggested on behalf of the appellant. However, the site is on a main 'bus route in a generally sustainable location.
16. For all of these reasons, development as proposed would accord with the requirements of "saved" Policy H18 of the UDP², the Council's adopted SPG No. 17 and paragraph 3.5 of The London Plan 2011.

(ii) Amenity of nearby residents.

17. The scheme has been designed in order to ensure that the residential amenity of persons occupying the upper floors at nos. 1076 and 1080 Harrow Road are protected.
18. Given the reduction in the bulk of the rear extension, the outlook and daylight to both of the adjacent properties would be enhanced. Furthermore, there will be no overlooking of the habitable room windows of the properties to either side, subject to the conditions I shall impose to ensure that the small flank windows serving the living room at first floor level and the shower room in the second floor are obscure glazed and non-opening below 1.6m above finished floor level.
19. I therefore find on this element of the first main issue that the scheme before me will meet the requirements of "saved" Policy BE9 of the UDP, together with guidance in SPG No. 17.

b) Impact upon character and appearance.

20. The site is not within a Conservation Area or Area of Special Character. I have noted that the rear elevations of many of the adjacent properties have been altered, a number of them possessing ground floor additions to the full depth of the curtilage, as in the subject case. There is one dormer window visible to the rear elevation of a property in Napier Road. This does not appear dominant or out of character.
21. The bulk of the rear extension would be considerably reduced by reverting to the original format with a sloping rear roof, while a dormer would be added to enable full use to be made of the accommodation at second floor level.

² The London Borough of Brent Unitary Development Plan (2004).

22. Subject to the use of appropriate materials, I find on the second main issue that development as proposed would be in keeping with the mixed character of the area. As such, there will be no conflict with "saved" Policy BE9 of the UDP or the relevant sections of SPG No. 17.

Section 106 Agreement

23. The signed and dated Section 106 Agreement will ensure contributions towards education, transport infrastructure, public open space and sports infrastructure provision.
24. To justify these contributions the Council has supplied me with a copy of its adopted Supplementary Planning Document entitled "*Section 106 Obligations.*" This document outlines the mechanisms by which the level of contributions is calculated and also the deficiencies that exist in the particular areas concerned.
25. I am satisfied that the requirements meet the statutory tests as contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010. In these circumstances, the Agreement would therefore provide for the additional infrastructure needs generated by the development.

Conditions

26. The Council has not put forward any suggested conditions given its opposition to the proposed development.
27. The scheme before me is a detailed proposal. I find it necessary to impose a total of four conditions, all of which meet the tests set out in Circular 11/95³. My reasons for doing so are given below.
28. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 (matching materials) is necessary in the interests of the visual amenities of the area, while Condition 3 will safeguard the residential amenity of adjoining occupiers.
29. As to Condition 4, otherwise than as set out in this decision and conditions it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

R. J. Maile

INSPECTOR

³ Circular 11/95: The Use of Conditions in Planning Permissions.

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) Before first occupation of the development hereby permitted the flank facing window of the first floor accommodation and that to the shower room on the second floor shall be fitted with obscure glass, be non-opening below a height of 1.6m above finished floor level and thereafter permanently retained in that condition.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 6177/10.7.12/01A: Site Plan – scale 1:500; Location Plan – scale 1:1250.

Drawing no. 6177/10.7.12/02A: Existing Site Plan – scale 1:100.

Drawing no. 6177/10.7.12/03A: Existing Floor Plans – scale 1:100.

Drawing no. 6177/10.7.12/04A: Existing Elevation and Section – scale 1:100.

Drawing no. 6177/10.7.12/05A: Existing Elevations – scale 1:100.

Drawing no. 6177/10.7.12/06A: Existing Photographs Front and Rear Elevations – scale 1:100.

Drawing no. 6177/10.7.12/07A: Previously Existing Floor Plans Pre Rear Addition Extension – scale 1:100.

Drawing no. 6177/10.7.12/08A: Previously Existing Elevation and Section Pre Rear Addition Extension – scale 1:100.

Drawing no. 6177/10.7.12/09A: Previously Existing Elevation Pre Rear Addition Extension – scale 1:100.

Drawing no. 6177/10.7.12/10A: Proposed Floor Plans – scale 1:100.

Drawing no. 6177/10.7.12/11A: Proposed Elevation and Section – scale 1:100.

Drawing no. 6177/10.7.12/12A: Proposed Elevation – scale 1:100.



Appeal Decision

Site visit made on 17 July 2013

by **David Murray BA (Hons) DMS MRTPI**

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

Decision date: 16 August 2013

Appeal Ref: APP/T5150/A/13/2194758

10 Berkhamstead Avenue, Wembley, Middlesex, London, HA9 6DT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rajul Sonigara against the decision of the Council of the London Borough of Brent.
 - The application Ref. 12/2665, dated 15 October 2012, was refused by notice dated 11 December 2012.
 - The development proposed is the erection of a two storey side extension to existing semi-detached property to create a self contained one bedroom dwelling house.
-

Procedural matter

1. I have used the description of the development as formed by the Council as it better describes the nature of the proposal.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a two storey side extension to existing semi-detached property to create a self contained one bedroom dwelling house at 10 Berkhamstead Avenue, Wembley, Middlesex, London, HA9 6DT, in accordance with the terms of the application, Ref. 12/2665, dated 15 October 2012, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) No development shall take place until full details of a landscaping scheme for the front garden have been submitted to and approved in writing by the local planning authority. These details shall also make provision for a single parking space for the development. All hard and soft landscape works shall be carried out in accordance with the approved details which shall include a maintenance and replacement period. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority, and retained thereafter.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and

re-enacting that Order with or without modification), no additions, extensions or outbuildings as set out in Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall be erected without the express grant of planning permission by the local planning authority.

Main Issues

3. The main issues are:

- The effect of the new work on the character of the existing dwelling and the character and appearance of the area, including the local street scene;
- Whether the new dwelling would provide reasonable accommodation and living conditions for the occupiers;
- Whether the development makes provision for the mitigation of its impact on local infrastructure and services.

Reasons

Background

4. The site is one 'half' of a semi-detached property which lies on the corner of Berkhamstead Avenue and Nettleden Avenue. The surrounding area is generally residential in character formed by two storey properties although the adjacent properties in the latter road are single storey, including a new 'bungalow' in the curtilage of the appeal site which has accommodation at basement level. I also understand that the existing property on the appeal site has been converted into two flats.
5. It is proposed to extend the building on the flank wall facing east. The new extension would have a 1.5 storey form with about half of the lower floor being below the ground level of the existing dwelling. The lower ground floor would provide a lounge and bedroom, both with light wells to the main windows, while the upper floor would provide a kitchen and bathroom with split level stairs giving access to the street. The extension would form a self-contained unit with a parking space in the forecourt.

Character and appearance

6. The properties that make up the local street scene have a similar basic form but there is considerable variety in materials and detailing and many properties have been extended. Although the space to the side of the appeal site is replicated on the other side of Berkhamstead Avenue outside number 8, I do not consider that this space makes a material contribution to establishing the character of the area. No. 10 has a wall and fence of different heights along the boundary with the highway at the moment. The wall would be increased in height in part, to accommodate the entrance way, but I do not consider that this architectural feature would be out of place given the present variety of styles locally.
7. Further, the overall bulk and proportion of the new work would have the physical and visual appearance of a 'subserving' extension set down below the eaves of the property and set in from the front and rear main external walls. In my judgement, this form would broadly accord with the guidance set out in the Council's Supplementary Planning Guidance – 17 – Design Guide for New Development.

8. Although the self contained unit would have a slightly contrived form, overall, I am satisfied that it would not appear incongruous and that it has been designed to fit in with the character and appearance of the original property even when taking into consideration the new dwelling that has been erected in the original curtilage and the alterations to the original 'semi' including side and rear facing dormer windows in the roof.
9. I conclude on this issue that the proposal is reasonably in accordance with requirements of policy CP 17 of the Council's Core Strategy and saved policies BE2, BE7 and BE9 of the UDP as the new work will make a positive contribution to the street scene and has been designed to take account of its context, including its scale, design and location. These design criteria are generally supported in the Framework¹

Living conditions

10. The Council's concern under this issue is about the fact that the self contained unit would have habitable rooms in a semi-basement which it considers would result in poor aspects from the windows and a lack of day lighting and these living conditions would be sub-standard. However, no specific standards are put forward in national or local guidance and the scheme must be considered on its specific merits. The appellant's agent provides a cross-section through the rooms and the light wells and it appears to me that in both semi-basement rooms there is the potential for the occupiers to see the sky while sitting or standing in part of each room and have natural daylight enter the habitable space. Further, such use of basements is not uncommon in highly developed areas and at my site visit I noted the basement that has been built as part of the new dwelling.
11. In addition to the aspect out of the rooms, the Council are concerned that the occupier(s) would suffer from headlight glare from vehicles parking on the forecourt and would suffer from a lack of privacy from overlooking by people walking on the pavement. Although manoeuvring of the occupiers and the neighbour's cars on the forecourt outside the front light well could result in headlights shining into the room, the extent of this is likely to be limited and not dissimilar to where a ground floor room is used as a bedroom. Likewise any overlooking at the front from people on the pavement could be easily overcome by having blinds or curtains in the windows.
12. Bearing in mind the national guidance in the Framework to boost significantly the supply of homes, the restricted aspect or the degree of privacy that the occupiers of the self contained unit would have is not so poor or substandard as to outweigh an otherwise acceptable form of development.

Mitigation of impact

13. Since the refusal of the planning application and the lodging of the appeal, the Council advise that the Council's Community Infrastructure Levy took effect from the 1 July 2013. In effect, this supersedes the reason for refusal No.3 and the Council advises that a contribution made under section 106 of the Act in respect of the mitigation of the local impact of the development is no longer appropriate. The 'trigger' for the Levy would be the grant of planning permission for relevant development and the payment of this would be pursued

¹ The National Planning Policy Framework as issued in March 2012.

by the Council as a separate matter. Therefore, I do not need to consider this issue further.

Conclusions and conditions

14. Bringing my conclusions on the main issues together, I have found that the proposed extension to form a self contained residential unit has been designed to fit in with the architecture and form of the original dwelling and it would not harm the appearance of the street scene or the character and appearance of the area. Further, the nature of the unit and its location on the corner and the proposed boundary wall and fences, would result in reasonable living conditions for the new occupiers.
15. The proposal therefore makes good use of land already developed without harming the local environment. As such the proposal accords with the provisions of the development plan as I have identified above, and this is not outweighed by other considerations. The proposal can be seen as a reasonable form of sustainable development which is broadly supported by the Framework. For these reasons I will allow the appeal.
16. In terms of conditions, in addition to the statutory time limit, the Council recommends a condition that the external materials match the existing dwelling. This is reasonable and necessary in the interests of the appearance of the area. I also agree that it is necessary for a landscaping scheme to be drawn up and implemented to 'soften' the area of hard surfacing at the front of the site and mellow the impact of additional parking in the street scene. However, I do not agree that the parking space at the front of the appeal site should be restricted as the Council suggest, but that the space can be reasonably integrated into the new landscaping. Finally, I agree that it is necessary to withdraw 'permitted development' rights for the new dwelling, as the proposal has been carefully crafted to fit in with the area, and further extensions and/or additions may result in too great an intensification on this prominent corner site. I will therefore impose these conditions, revised as I have described.

Overall conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR



Appeal Decision

Site visit made on 13 May 2013

by Paul Freer BA (Hons) LLM MRTPI

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

Decision date: 6 August 2013

Appeal Ref: APP/T5150/A/12/2189751
384 Neasden Lane North, London NW10 0BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sadeouah Ahmad against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/2708, dated 9 October 2012, was refused by notice dated 30 November 2012.
 - The development is a single storey rear extension to internet cafe (Use Class A1).
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to internet cafe (Use Class A1) at 384 Neasden Lane North, London NW10 0BT in accordance with the terms of the application and the drawings submitted with it, Ref 12/2708, dated 9 October 2012, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. P-100.

Procedural Matter

2. In the submitted evidence, reference is made to an application for a single-storey rear extension that was dismissed on appeal in 1992. I did request a copy of that appeal decision, but neither the appellant nor the local planning authority was able to provide me with a copy. I recognise the importance of consistency in decision making. However, in the absence of a copy of the previous appeal decision, I have determined this appeal on the basis of the development plan and current site circumstances as I observed them on my site visit.

Main Issue

3. The main issue is the effect of the rear extension on the availability of rear parking & servicing arrangements, and whether there is any resultant effect on the free flow of traffic.

Reasons

4. The appeal property is an internet cafe with a residential flat above, located within a parade of similar units fronting onto Neasden Lane North. The retail units are served by two loading bays and by a number of car parking spaces operating on a Pay & Display basis, all located on Neasden Lane North. The appeal property can also be accessed from Jackman Mews, which runs to the rear of the retail units and which is not subject to parking restrictions.
5. The Council are concerned that the extension, which is practically complete, results in the loss of a servicing space at the rear of the property that could be used for the loading and unloading of vehicles off-street, thereby leading to on-street parking and congestion in Jackman Mews and Neasden Lane North. For smaller A1 units such as the appeal property, Policy PS17 of the Brent Unitary Development Plan requires one lorry bay to be provided, although the policy also provides that existing servicing facilities in the vicinity may be taken into consideration. This policy is supported by Policy SH19, which seeks to retain facilities for rear servicing. Policy TRN3 provides that permission will be refused where a planning application would cause or worsen an unacceptable environmental impact from traffic generation, including where any resultant on-street car parking would cause unacceptable traffic management problems.
6. At the time of my site visit, there were several parking spaces available in Jackman Mews and I observed that vehicles servicing other retail units were able to access the entire length of that road without difficulty. The loading bays in Neasden Lane North provide additional servicing facilities, and I noted that at least one of the two loading bays remained unoccupied throughout the time that I was at the site. I also noted that not all of the Pay & Display car parking spaces were occupied. I have been provided with no evidence to indicate that the parking conditions that I observed on site were in any way atypical, or that the servicing arrangements for the units in this parade have given rise to on-street parking adversely affecting the free flow of traffic.
7. I am mindful that Policy PS17 indicates that existing servicing facilities in the vicinity may be taken into consideration in relation to on-site servicing requirements. In that context, the provision of adequate on-street parking in Jackman Mews and the loading bays in Neasden Lane North are relevant. In my view, these would together be sufficient to ensure that the loss of the service space at the rear of the appeal property would not itself result in unacceptable traffic management problems in the surrounding road network. Consequently, although I accept that the existing extension would conflict with Policy SH19, I do not consider that there would be any conflict with the objectives behind Policy TRN3.
8. I am mindful that the current use of the property falls within the A1 Use Class and that other A1 uses may require more intensive servicing than the current use as an internet cafe. However, the parking conditions at the time of my visit indicate to me that the servicing requirements for any A1 use of the appeal property could be accommodated in Jackman Mews and in the loading bays on Neasden Lane North. I also observed that other retail units in this parade can be successfully serviced from the on-street spaces in Jackman Mews. The absence of an on-site loading space would therefore not prejudice the functionality of an A1 use of the appeal property.

9. Of the policies cited in the Council's decision, Policies PS14 and TRN23 relate to parking standards for residential developments and Policy PS7 relates to parking standards for shops. In this case, it seems to me that Policies PS7, PS14 and TRN23 (as well as Policy SH19) are mutually exclusive, in that it would not be possible to provide a loading area to serve the retail unit and provide a parking space for the residential flat above in the limited area available. Given that the extension is considered by the Council to have resulted in the loss of a servicing space, it follows that this space can not previously have been available as a parking space for the residential flat above. The extension has therefore not altered the parking provision in relation to the residential flat and consequently is not contrary to Policies PS7, PS14 and TRN23.
10. Having regard to the above, I conclude that the development would not be contrary to the objectives of the relevant UDP policies and the appeal should be allowed. The Council has suggested only one condition, which is to require the provision of secure bicycle parking spaces. However, there is no external space in which cycle parking could be provided without impeding access to the property itself and in any event bicycles could be securely stored within the property. I therefore consider that a condition requiring secure bicycle parking spaces is not necessary in this case. For the avoidance of doubt, a condition requiring that the development is carried out in accordance with the approved plans is necessary.

Paul Freer

INSPECTOR



Appeal Decision

Site visit made on 2 July 2013

by David Harrison BA DIPTP MRTPI

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

Decision date: 4 July 2013

Appeal Ref: APP/T5150/D/13/2198252

2 Liddell Gardens, London, NW10 3QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Photiou against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/3124 was refused by notice dated 22 April 2013.
 - The development proposed is a 2 storey side extension to existing single dwelling house.
-

Summary of Decision

The appeal is allowed subject to conditions, as set out in the Formal Decision below.

Description of the development

1. The description of the proposed development on the application form is as set out above. This is an over-simplification as the proposal includes other elements. The Council's Decision Notice describes the proposal as "Demolition of existing front porch and garage, extension and conversion of detached rear store room to form habitable space, and new two-storey side, and single and two-storey rear extension *with hip to gable end roof extension to dwellinghouse*". This is a more accurate description but for the fact that the amended plan (2012/11-8AB) listed in the Notice indicates the substitution of a hipped roof for the gable originally proposed.

Main issue

2. The main issue is whether the proposed two-storey side extension element of the proposal would have a harmful overbearing effect upon the amenities of the occupiers of Nos. 160 and 162 Chamberlayne Road.

Assessment

3. The Council's reasons for refusal are that the proposed two-storey side extension, by reason of its length and height on the rear boundary of the gardens of Nos. 160 and 162 Chamberlayne Road would, particularly when considered along with other existing additions, have a detrimental impact on the amenity of residents of these properties in terms of its overbearing impact contrary to Policy BE9 of the UDP and the guidance in SPG 5 *Altering and Extending Your Home* (September 2004).
4. Although it is referred to in the reasons for refusal no specific conflict with any of the provisions of SPG 5 are cited by the Council. Policy BE9 *Architectural*

Quality of the Brent Unitary Development Plan 2004 (UDP) requires, among other things, that extensions should (a) be of a scale, massing and height that is appropriate to their setting, and (e) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents.

5. Under the heading *Residential Amenity* the Council's report recommending refusal of the application states that the extension "will not result in a significant loss of daylight, sunlight or outlook for neighbouring residents" but goes on to refer to the "overbearing impact of having a 6 m high wall directly on the boundary of Nos. 160 and 162 (Chamberlayne Road)". The appellant argues that the report is inconsistent because if there is no harm to outlook there can be no overbearing effect.
6. An objection was made by the owner of No.162 Chamberlayne Road on 24 January 2013 referring, among other things, to "a change to a gabled roof 40ft high". This comment was made on the basis of the originally submitted plans, before the amendment of the proposed gable end to a hipped roof as shown on plan Ref: 2012/11-8AB. There is nothing to indicate whether the neighbour was notified about the amended plans, but no further representations were received. Although the objection relates to the original proposal I have taken account of it and I looked at the appeal site from the rear windows and the rear garden of No.162.
7. The proposed flank wall would be nearer to the Chamberlayne Road properties than the present wall. It would be immediately at the end of their gardens and its proximity would, in my opinion, have a somewhat overbearing effect. However, the effect would not be so significant as to amount to a reason for refusing the application.
8. I have taken into account the fact that planning permission was granted for a similar side extension in 2004 (now lapsed) and that an earlier version of the Council's report recommended approval to the current application. However, I have formed my own assessment of the proposal based upon my reading of the representations, including references to relevant planning policies and guidance, and my visit to the site. I conclude that there is no conflict with the aims of the National Planning Policy Framework (NPPF), Policy BE9, or the Council's Supplementary Planning Guidance relating to house extensions.
9. I will impose conditions requiring matching materials, as the cream colour render to the new side wall will "lighten" its appearance, and requiring obscure glass to the bathroom window to ensure privacy.
10. For the reasons given above, and having taken into account all the other matters raised I conclude that the appeal should be allowed.

Formal Decision

11. The appeal is allowed and planning permission is granted for the demolition of existing front porch and garage, extension and conversion of detached rear store room to form habitable space, and new two-storey side, and single and two-storey rear extension with hipped roof extension to the dwellinghouse at 2 Liddell Gardens, London NW10 3QD in accordance with the terms of the application, Ref: 12/3124, dated 14 December 2012, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building, including the colour of the paintwork on the rendered surfaces.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2012/11-1, 2012/11-3, 2012/11-4, 2012/11-5AB, 2012/11-6AB, 2012/11-7, 2012/11-8AB.
- 4) Before the first occupation of the extension hereby permitted the window on the flank wall facing Nos. 160 and 162 Chamberlayne Road shall be fitted with obscured glass and shall be permanently retained in that condition.

David Harrison

INSPECTOR



Appeal Decision

Site visit made on 8 July 2013

by Anne Napier-Derere BA(Hons) MRTPI AIEMA

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

Decision date: 16 July 2013

Appeal Ref: APP/T5150/D/13/2198957

37 Manor House Drive, Brondesbury Park, London NW6 7DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Adil against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/0053, dated 8 January 2013, was refused by notice dated 14 March 2013.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing rear conservatory and erection of a single storey rear extension to dwellinghouse at 37 Manor House Drive, Brondesbury Park, London NW6 7DE, in accordance with the terms of the application, Ref 13/0053, dated 8 January 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 121222/P/01, 121222/P/02, 121222/P/03, 121222/P/04 and 121222/P/05.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The description of the development used in the formal decision above is that used by the Council in its decision, which the appeal form states was agreed by the appellant.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the dwelling and the area.

Reasons

4. The appeal site is located within a predominantly residential area which, in the immediate vicinity, is largely comprised of substantial detached dwellings, set back from the road, with sizeable gardens. Although there is a variety of different design approaches used within the street, the appeal dwelling is similar to its neighbours in its overall size and scale. It is not disputed that the overall cumulative depth of the existing and proposed extensions would be in excess of

50% of the depth of the original dwelling or that this depth would far exceed the recommended maximum distance included within the Council's *Supplementary Planning Guidance 5 'Altering and extending your home' 2002* (SPG). This guidance also indicates that extensions to extensions will not normally be acceptable, except where no material harm arises.

5. The considerable height and width of the host dwelling leads to it having a substantial overall scale. The proposal would be sited within the generous and largely enclosed back garden. The distance to and screening of the dwellings backing onto the site and the relatively close proximity to the neighbouring properties to either side would significantly limit wider views of the proposal. Accordingly, with the exception of limited views from the rear elevations of neighbouring dwellings, it would mainly be viewed from the large rear garden against the remainder of the sizeable rear elevation. Taking these particular circumstances into account, I consider that the depth and overall scale of the proposed single-storey extension would not be visually disproportionate to that of the main dwelling or lack subservience to it.
6. The staggered arrangement of the rear projections would be somewhat unconventional. However, taking into account the extent and variety of existing projections to the rear of the dwelling, including a first floor oriel and bay windows and dormer windows in the rear roof slope, I consider that this approach would complement its existing appearance. Whilst the overall depth of the proposed extension would be significant, its enlarged form would be set in from the side boundaries of the site and a crown roof would be provided, with roof tiles and rendered walls to match the existing. These aspects of its design would also reduce the visual scale of the proposal. Furthermore, I consider that the replacement of the existing disparate roof arrangements with a single cohesive roof design would have a noticeable improvement on the appearance of the rear elevation of the dwelling. This would be a benefit of the scheme that weighs in its favour.
7. Taking all these matters into account, I conclude that the design, scale and location of the proposal, including its cumulative depth, would not be harmful to the character or appearance of the dwelling or the local area. It would therefore meet the overlapping aims of the *London Borough of Brent Unitary Development Plan 2004* Policies BE2 and BE9, for development to have regard to local context and be of a scale and massing appropriate to its setting. The proposal would also accord with the underlying purpose of the guidance within the SPG, to ensure that extensions to dwellings complement the home and the neighbourhood and would meet the aims of paragraph 17 of the National Planning Policy Framework, to achieve high quality design.

Conditions and conclusions

8. The Council has suggested a condition requiring the use of matching external materials for the extensions which, in the interests of the character and appearance of the area, is necessary. In addition, for the avoidance of doubt, it is necessary that the development is carried out in accordance with the approved plans.
9. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Anne Napier-Derere

INSPECTOR

Appeal Decision

Site visit made on 24 July 2013

by **D Murray BA (Hons) DMS MRTPI**

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

Decision date: 1 August 2013

Appeal Ref: APP/T5150/D/13/2199655

51 Hanover Road, LONDON, NW10 3DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms D Williams against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/0223/FUL was refused by notice dated 23 March 2013.
 - The development proposed is ground floor, single storey side/rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a ground floor, single storey side/rear extension at 51 Hanover Road, London, NW10 3DL in accordance with the terms of the application, Ref. 13/0223/FUL , dated 23 March 2013 , and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. 1763AL02 and 1763AL03.

Main issues

2. The main issues are the effect of the proposed extension on the living conditions of the occupiers of the neighbouring property and on the character and appearance of the host dwelling and its surroundings.

Reasons

3. The site contains a two storey terraced property which lies in a residential area of similar properties. It is apparent that the original dwelling form included an attached two storey outrigger to the rear of the property where the roof was shared with the attached neighbouring property, in this case No. 49. This form resulted in each property having a narrow passageway along the side of the outrigger and adjoining a similar space on the other side of the party wall, i.e. No. 53. The existing rear facing living room/reception window of the appeal site property looks along this space which provides light into the interior rooms. The passageway also houses an attached brick shed.
4. It is proposed to erect a single storey extension to provide a new kitchen and dining area. This would enclose the passageway and wrap round the end of the outrigger to enclose the existing rear facing bay window. The new room

would be lit by roof lights over the previous passageway, and the external walls of the extension would be rendered and painted white.

Living conditions

5. The Council is concerned that the enclosure of the passageway and the erection of wall on the boundary of about 2.6m high would harm the living conditions of the occupiers of No. 53 by restricting outlook, light and privacy. Guidance on the need to protect light into an existing window to a habitable room is set out in the Council's Supplementary Planning Guidance 5 – 'Altering and Extending your Home'- and this guidance is a material consideration.
6. At my site visit, I paid particular regard to the relationship between Nos. 51 and 53 and considered the light available to the windows. The presence of the proposed extension would create a form of tunnel which would restrict some of the aspect of the main window and the kitchen window would face this wall less than 2m away. Nevertheless, the availability of light into these windows is already greatly affected by the presence of the two storey outrigger.
7. I have also taken into consideration that the occupiers of No. 53 have written in support of the proposal at appeal. They recognise that the passageway is 'dead' space and underutilised by both houses and consider that the new work would result in more light to the ground floor of both properties and that they may consider adding something similar themselves.
8. Given the local support for the proposal and the present juxtaposition of the buildings, I do consider that the presence of the new building work would have a harmful effect on the living conditions of the neighbours. Further, the use of a white painted render on the boundary wall would be likely to brighten up the aspect from the windows compared to the existing London stock brick. Although the Council also say that the privacy of the neighbours would be affected, there is little evidence to substantiate this and the enclosure of the passageway would be more likely to increase rather than decrease privacy. I conclude on this issue that the proposed would not be likely to harm the living conditions of the neighbours.

Character and appearance

9. This issue is concerned with the effect of the proposed work on its surroundings, including the character of the host property and the wider area. As the proposed work is at the rear of the property it would be away from the public realm, and would only been seen from the rear gardens of other properties in Hanover Road and, at a distance, from the gardens of properties in Chamberlayne Road.
10. At my site visit, I noted that many other properties locally have rear extensions of differing forms and styles. Although the rear elevations of the appeal site property are in a stock brick, the extension is proposed to be finished in white smooth render. Therefore, there would be an apparent conflict in styles, but the use of render is relatively common locally and I noted a similar rendered extension at No. 49 next door. Further, there is no compelling reason in architectural terms why the form of the extension should have the same materials to match the existing property. Given the presence of the extension would be fairly confined and limited to view, it is not inappropriate that the appellant's architect has chosen to use a contrasting finish, but with stock brick

detailing. Guidance in the national Framework¹ indicates that while good design in new development is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes or stifle innovation.

11. Overall, I conclude that the proposed extension is of an appropriate form which would contribute to local distinctiveness without harming the character or appearance of the host property or its immediate surroundings. I therefore find no conflict with the requirements of saved policies BE2 and BE8 of the Council's Unitary Development Plan.

Conclusions on planning merits

12. Bringing my conclusions on the main issues together, I have found that it has not been demonstrated that the proposed single storey extension would harm the living conditions of the occupiers of neighbouring properties. Further, it has been well designed and would compliment rather than conflict with the character and appearance of the existing building and the wider context of this area of back gardens. Given these factors, I find that the proposal accords with the relevant provisions of the development plan and more recent national policy. For these reasons I will grant planning permission for the development.
13. In terms of conditions, in addition to the statutory time limit, the Council, request a condition that the materials match the existing dwelling but this would be at odds with the architectural scheme put forward with render instead of facing brickwork, and I will not impose this condition. It is reasonable and necessary to impose a condition requiring that the development is carried out in accordance with the approved plans and that these are specified in the interest of clarity.

Conclusions

14. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

¹ The National Planning Policy Framework as Issued in March 2012.



Appeal Decision

Site visit made on 23 July 2013

by Nick Fagan BSc(Hons) DipTP MRTPI

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

Decision date: 9 August 2013

Appeal Ref: APP/T5150/D/13/2199816

38 Park View Road, London, NW10 1AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kurt Albright against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/0508, dated 21 February 2013, was refused by notice dated 14 May 2013.
 - The development proposed is alterations including reduction in width and removal of two windows to be replaced with single window to existing detached outbuilding, and new hedging between outbuilding and fence at Clifford Way elevation to rear of dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations including reduction in width and removal of two windows to be replaced with single window to existing detached outbuilding, and new hedging between outbuilding and fence at Clifford Way elevation to rear of dwellinghouse at 38 Park View Road, London, NW10 1AL in accordance with the terms of the application, Ref 13/0508, dated 21 February 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved drawing: PVR PP 01 RevA dated February 2013.
 - 3) Within six months of the decision hereby granted the brick boundary wall facing Clifford Way from the end of the rear extension to the boundary with No.51 Clifford Way shall be reduced in height to no higher than 1.3 metres and shall not be heightened in the future unless such an increase in height is approved via the submission of an application to the Local Planning Authority.
 - 4) Within two months of the decision hereby granted details of the new hedge to be planted on the inside of the boundary wall facing Clifford Way shall be submitted in writing to the Local Planning Authority. The new hedge shall be planted within two months of its approval by the Local Planning Authority and thereafter be retained in perpetuity. Should it die or fail to grow in order to screen the outbuilding from the street within five years of such permission it shall be replaced with a new hedge of the same type.

- 5) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No.38 Park View Road.

Procedural Matter

2. The Council's description is more detailed in that it sets out the proposed reduction in width of the outbuilding to set it back from Clifford Way and plant a new hedge, and the alteration to its fenestration facing towards the house. The Council's description more accurately reflects the development sought and I have substituted it for the appellant's original description and determined the proposal on this basis.

Main issues

3. The main issues are the effect, firstly, on the character and appearance of the area; and secondly, on the living conditions of the occupiers of nearby residential properties.

Reasons

Character and Appearance

4. The current outbuilding and the single-storey rear extension appear contemporaneous and have clearly been completed relatively recently, as suggested by the planning history of this property.
5. The outbuilding is sited very close to the boundary walls, both the wall to No.51 Clifford Way and the wall facing Clifford Way itself. Both these walls also appear contemporaneous with the outbuilding. They are readily seen from the public realm and are generally higher than those on the frontages of the majority of the houses in this suburban area of Neasden. By virtue of their height they screen most of the outbuilding from public views. However, in doing so, these walls exhibit an unnecessarily hard urban edge to the site in this area dominated by low front boundary walls and front gardens.
6. The proposal involves reducing the width of the outbuilding in order to create a building of more reasonable size in its plot as well as to allow a hedge to be planted behind the boundary wall, albeit the submitted plans describe this boundary treatment as a fence.
7. From my observation the reduced size of this outbuilding, as envisaged in the proposal, is not uncommon in domestic gardens including gardens in the vicinity. It would be about the size of a typical single garage, albeit it would be used as a gym or games room and ancillary storage. Although the rear garden of this house is relatively small, especially with the extension, it is no smaller than many in the area with similar outbuildings or garages and I do not consider a building of the size proposed would be at odds with the area's character.
8. The building would be less than 2.5 metres high with a flat roof and be set down below the street level, as it is now. I consider that with natural screening in the form of the proposed hedge it would not harm the character or appearance of the area. However, the present wall to Clifford Way is at odds with the character of suburban gardens in the area and I consider it should be reduced in height within a reasonable period of time as set out in the condition above, and the hedge planted behind it and for the whole length of the rear

garden in order to help screen the outbuilding and restore some soft landscaping to the site.

9. There is insufficient room to introduce a hedge or other soft landscaping behind the building – between it and the boundary wall to No.51 Clifford Way – because the gap between the two walls is too small to do so. The boundary wall to No.51 Clifford Way abuts its garage, which is the same height, albeit this is set back from the road frontage. In this context I do not consider the height of this boundary wall or the outbuilding behind it, which it would continue to screen, would be detrimental to the character or appearance of the area.
10. The Council is concerned such an outbuilding would not be ancillary to the main residential use of the house. That this may have been the case with the existing building is suggested by the extant Enforcement Notice. However, I consider the Council's fears of the proposed outbuilding being used as a separate dwelling can be adequately overcome by a condition and this is set out above. The Council can enforce such a condition.
11. In this regard I have taken account of the court cases and recent appeal decisions in its area that the Council mentions in its delegated report. In respect of the court cases, I consider the proposed outbuilding would provide reasonable additional incidental accommodation – it would certainly not be 'over lavish', albeit it currently has a small separate shower room/toilet. Appeal decision Ref APP/T5150/D/12/2179241 concluded the outbuilding in that case would look out of place and would harm the outlook of neighbours; I am unaware of the full facts of that case and therefore cannot make a judgement as to whether the physical characteristics of the two schemes or the two areas are comparable, and I must in any case judge this case on its own merits. The other appeal decision, Ref APP/T5150/C/12/2175397, was an enforcement appeal that was dismissed purely on ground c (i.e. that the building did not constitute permitted development), a matter not in dispute in this case (because an application was submitted and this appeal lodged) and therefore irrelevant.

Neighbours' Living Conditions

10. The Council's concerns in this regard appear to be the lack of planting to the front of the outbuilding and the lack of specificity concerning the species of the hedge to be planted fronting Clifford Way. This latter point can be dealt with effectively by a condition, in the form I set out above.
11. In terms of the former point, I presume the Council is concerned that what it considers to be an overly large structure in this garden would be readily seen by the neighbours, particularly the adjoining neighbour at No.36 Park View Road and the neighbour to the rear at 51 Clifford Way.
12. There is no doubt there would be oblique views of the outbuilding from the rear first floor windows of No.36 and possibly No.34. There is a frosted (landing) window in the side elevation of No.51 and so any view of the outbuilding would only be a perceived one. The fact that the outbuilding can be seen by neighbours does not make it unacceptable. As set out above, outbuildings of this size are not uncommon including in the vicinity and I have concluded it would not harm the character and appearance of the area; I do not therefore consider that planting in front of this building, which would help screen views of

it, to be necessary. There is no other reason why such a building used for purposes ancillary to the main house should adversely affect neighbours' living conditions.

Other Matters

13. The appellant has suggested that the *current* outbuilding could be built as permitted development and has only presumably not tried to do so because the Council have refused to accept his Certificate of Lawful Use owing to the service of the Enforcement Notice. Be that as it may, he has appealed the Council's refusal and I must determine this appeal accordingly. Because the appeal succeeds on the main planning issues I do not need to consider such a fallback position.

Conclusion and Conditions

14. For the reasons set out above and taking into account all other matters raised, including the lack of objections to the proposal, I do not consider the proposal would cause unacceptable harm to the character and appearance of the area or the living conditions of the occupiers of nearby residential properties. It therefore complies with Policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004 and Policy CS17 of the Brent Core Strategy. These policies seek to ensure that development has regard to its local context, does not cause harm to the character and appearance of an area, and safeguards residential amenity.
15. I have explained my reasoning for imposing Conditions 3, 4 & 5 above. I also consider Condition 2 is necessary in order to avoid doubt about the development proposed and in the interests of good planning, as well as the customary commencement condition. Subject to these I allow this appeal.

Nick Fagan

INSPECTOR



Appeal Decision

Site visit made on 8 July 2013

by Anne Napier-Derere BA(Hons) MRTPI AIEMA

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

Decision date: 19 July 2013

Appeal Ref: APP/T5150/D/13/2198953

8 Rowdon Avenue, London NW10 2AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr I Mohammed against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/0605, dated 6 March 2013, was refused by notice dated 26 April 2013.
 - The development proposed is demolition of detached outbuilding and part of existing garage, conversion of garage into habitable space including replacement of garage door with window, first floor side and rear extension, single storey side and rear extension, one side and one rear dormer windows with two front and two rear rooflights to dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of detached outbuilding and part of existing garage, conversion of garage into habitable space including replacement of garage door with window, first floor side and rear extension, single storey side and rear extension, one side and one rear dormer windows with two front and two rear rooflights to dwellinghouse at 8 Rowdon Avenue, London NW10 2AL, in accordance with the terms of the application, Ref 13/0605, dated 6 March 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan scale 1:1250, KS/2012/01/F, KS/2012/02/F, KS/2012/03/F, KS/2012/04/F, KS/2012/05/F, KS/2012/06/F and KS/2012/07/F.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. Although the name of the appellant in the header above does not match that of the applicant on the application form for planning permission, Mr Mohammed's agent has confirmed that this was due to a clerical error and I have considered the appeal on that basis.
3. The details of the proposed development were amended during the application process, prior to determination by the Council. I have considered the appeal

on the basis of the revised scheme formally considered by the Council. As such, for accuracy and the avoidance of doubt, the description used in the heading and formal decision above is that used by the Council in its decision and on the appeal form.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
- The character and appearance of the dwelling and the area; and
 - The living conditions of neighbouring occupiers at No 6 Rowdon Avenue, with particular reference to outlook and light.

Reasons

Character and appearance

5. The appeal dwelling is located within a predominantly residential area, largely comprised of other houses of a similar scale, character and appearance, although with a variety of detailed designs. The special characteristics of the area have been recognised by its designation by the Council as an 'Area of Distinctive Residential Character' (ADRC). The width of the appeal site is greater than others in its immediate vicinity, with development across the full extent of the plot at ground floor level, but with more space about the dwelling at first floor level and above. The existing dwelling is an imposing two-storey house, larger than many others in the immediate vicinity, with twin front-facing two-storey bay windows separated by a central first floor flat-roof front projection and with a two-storey flat-roof projection to the side. From the details submitted, both these two-storey flat-roof projections formed part of the original design for the dwelling.
6. Despite meeting the advice of the Council's *Supplementary Planning Guidance 5 'Altering and Extending your Home'* in respect of the width of the first floor side extension, I consider that the limited visual distinction between the existing and proposed elements would lead to this part of the proposal being read as a single side projection. Furthermore, the increase in width at first floor level and change to the shape of the roof and its increased volume and height, would result in a significant change to the appearance of the dwelling when viewed from the road.
7. Nonetheless, the height of the roof over the side extension would be considerably lower than that of the main dwelling and its front elevation would follow that of the existing two-storey side projection and be set back from the main front elevation of the house. As a result, I consider that the scale of the proposal, including its mass, width and height, would not appear excessive or disproportionate in relation to the main dwelling. Furthermore, for similar reasons, the design of this element of the proposal would not unbalance the front elevation and would be complementary to its overall appearance.
8. In addition, although the separation between the proposal and the common boundary with the adjacent dwelling at No 6 would be limited, the demolition of part of the existing attached garage would increase the space about the dwelling in this location. Together with the substantial gap that would remain at first floor level to its other side, I consider that this space, although limited,

would be sufficient to prevent the proposal from resulting in an unacceptable terracing effect.

9. I am mindful of the *London Borough of Brent Unitary Development Plan 2004* (UDP) Policy BE29, which relates to the ADRC. This states that, in these areas, particular attention will be paid to the design, height and space between buildings in order to protect their individual qualities and character. The existing two-storey flat-roof projection is a feature which contributes to the dwelling's current distinctive design. However, whilst it has some importance as an individual design element, I consider that the prominent forward projections on the front elevation, together with the substantial scale of the dwelling, make more of a contribution in this respect. With the exception of two rooflights, the front elevation of the main part of the dwelling would not alter and, for the reasons above, I consider that this would continue to be the visually dominant element. Therefore, although the first floor side projection would result in a significant change to the appearance of the dwelling, I consider that it would not lead to an unacceptable loss of its individual quality or a harmful loss of its character.
10. To the other side of the dwelling, the proposed flat-roof single-storey extension would replace the existing range of outbuildings. These follow the other side boundary of the site and, although they are detached from the dwelling, this is not apparent when viewed from the front, as they are linked to the house by a wall and gate almost level with the front elevation. As a consequence, in public views, the replacement of the outbuildings with a wider structure in the form of an extension to the dwelling would only result in a minimal visual change to the appearance of this part of site.
11. Although the proposal would extend the footprint of the dwelling to the rear and side, the size of the existing dwelling and its garden is such that I consider that the scale of this element of the proposal would not be excessive or result in an overdevelopment of the site. Furthermore, although it would create a substantial flat-roof extension, it would be single-storey in height, with its wider visual impact largely restricted to limited views from neighbouring dwellings. As a consequence, I consider that this aspect of the overall scheme would not be unacceptable, either on its own or when considered cumulatively with the first floor side extension. I note too that the Council does not object to the revised designs for the side and rear dormer windows or to the rooflights and there is nothing before me that would lead me to a different conclusion in this respect.
12. Therefore, I conclude that the proposal would not have a harmful effect on the character and appearance of the dwelling or the wider area. It would meet the aims of UDP Policy BE7, to avoid the excessive infilling of space between buildings and it would accord with the overlapping aims of UDP Policies BE2, BE9 and BE29. These seek to encourage developments to have regard to local context, be of an appropriate specific design that is of a scale, massing and height that avoids unacceptable visual impacts and which protects the individual qualities and characters of buildings in the ADRC. It would also meet the aims of paragraph 17 of the National Planning Policy Framework (the Framework), to achieve high quality design that takes account of the different roles and character of different areas, and those of paragraph 60, to reinforce local distinctiveness.

Living conditions

13. The proposed first floor side extension would also extend to the rear of the dwelling, to the depth of the existing flat-roof extension, which projects a short distance beyond the main rear wall of the house. I understand that the neighbouring dwelling, No 6, has recently been extended to the rear and noted from my visit to the site that the rear elevation of this house is broadly in line with the rear elevation of the appeal dwelling's existing single-storey extension. In addition, no windows are visible to the side elevation of the neighbouring dwelling or its side roof slope.
14. In view of this relationship of the two dwellings and due to the design of the proposed first floor side and rear extension, including its height, scale and form, I conclude that the proposal would not result in any material loss of outlook or light for the neighbouring occupiers. In this respect the scheme would be acceptable and, thus, in accordance with UDP Policy BE9, where it seeks to ensure that the scale, design and relationship of development proposals with other buildings promotes the amenity of users, in relation to light and outlook. It would also meet the aims of paragraph 17 of the Framework, to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Conditions and conclusions

15. The Council has suggested a condition requiring the use of matching external materials for the extensions which, in the interests of the character and appearance of the area, is necessary. In addition, for the avoidance of doubt, it is necessary that the development is carried out in accordance with the approved plans
16. For the above reasons and having regard to all other matters raised, I conclude that the proposal should be allowed.

Anne Napier-Derere

INSPECTOR



Appeal Decision

Site visit made on 23 July 2013

by Nick Fagan BSc(Hons) DipTP MRTPI

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

Decision date: 19 August 2013

Appeal Ref: APP/T5150/D/13/2200108

139 Purves Road, London NW10 5TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Olivia Jack against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/1032 dated 19 April 2013 was refused by notice dated 10 June 2013.
 - The development proposed is a single storey side return extension to existing terrace property.
-

Decision

1. The appeal is allowed and planning permission granted for a single storey side return extension to existing terrace property at 139 Purves Road, London NW10 5TH in accordance with the terms of the application, Ref 13/1032, dated 19 April 2013, subject to the following conditions:
 - 1) The development permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: Refs S001, A001, A002, A010 and A020.
 - 3) The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building and boundary walls (yellow stock bricks).

Main issue

2. The effect of the proposal on the living conditions of the occupiers of 137 Purves Road with particular regard to outlook and light.

Reasons

3. Purves Road and the neighbouring roads are characterised by long Victorian terraces of two-storey houses with identical two-storey 'outrigger' rear projections in pairs, giving each property an L-shaped footprint. The proposal is to infill the external gap between No.139's two-storey projection and No.137's boundary. The boundary wall would be raised to 2.5 metres high and the extension would comprise a mono-pitch roof sloping up to 3 metres high where it would attach to the wall of No.139's projection. This roof would largely

comprise a long rooflight designed to illuminate a large extended kitchen/dining room.

4. The Council consider this extension would adversely affect the living conditions of occupiers of No.137 through loss of light and outlook and as such is contrary to policy BE9 of the Brent Unitary Development Plan 2004 [UDP] and the guidance in Supplementary Planning Guidance 5: *Altering and Extending Your Home* [SPG5]. This SPG specifies that single-storey extensions on terraced houses should only be 2.5 metres in depth and 3 metres high, whereas the proposed extension would be the whole depth of the gap, about 7.5 metres.
5. There are a number of windows in No.137 facing this gap at ground floor level; a large window to a habitable room in the main rear elevation, two frosted glass windows in the projection's elevation near the main rear elevation (one small, one large) and two other non-frosted glass windows further down the projection, which appear to light a kitchen. The boundary wall between the two houses, which runs centrally down the gap, is about 1.8 metres high for approximately 3 metres nearest to the houses' rear wall, then about 1.5 metres high for most of the remainder of the rear area before dropping down to about 1.2 metres half way down the rear gardens. There is a marginal change in level between the two houses; No.137 appears to be about 250mm higher than No.139, although the ground levels externally seem to be the same and I do not attach any significance to such a marginal change in level.
6. There is already a 'tunnelling effect' to the windows of both properties facing the joint gap, especially at ground floor level, in the sense that the adjacent two-storey pitched roof rear projections on both houses gives the gap in between them a feeling of looking down a 'tunnel' – albeit one with no roof. The proposed extension, in raising the height of the boundary wall would increase such a tunnelling effect for the ground floor habitable room window in No.137's main rear elevation. However, the main outlook of this window towards the rear garden would not be substantially affected because the boundary wall would only be increased in height by a maximum of a metre, which would not be significant given the tunnelling effect of the existing walls. It would continue to be framed by brick walls on either side, albeit there would also be a view of the sloping roof of the extension.
7. The frosted glass windows do not, because of their obscurity, have any direct outlook but any perceived outlook would not be significantly affected by the increased height of the wall; an increase in height of about 0.7 metre would hardly be perceived through a frosted glass window.
8. The kitchen window in No.137's projection would look onto the new wall of the extension and its sloping roof, but because of its position near the end of the projection it would still benefit from an oblique outlook onto No.139's garden. The other window is in the side elevation of No.137's single-storey extension but because this extension projects beyond the rear line of the common depth rear projections its outlook would be unaffected.
9. The outlook of No.137's first floor rear windows would not be adversely affected by the proposal because the proposed extension would only be at ground floor level, albeit there would be views of its new mono-pitch roof the design of which would be functional and unobtrusive. In conclusion, although there would be some effect on the outlook from some of No.137's windows I do not consider it would be significantly compromised.

10. The Council considers there would be a loss of light to No.137's windows. The evidence submitted by the appellant disputes this. The Council states in its delegated report that the extension would project beyond No.137's single-storey extension. However this is not the case. It would simply infill the gap next to the rear projection, whereas No.137's single-storey element extends that property beyond the rear of its projection.
11. The light to these windows is already constrained by the existing 'tunnelling effect'. The rear of these houses faces south and consequently benefit from a reasonable level of both sunlight and daylight, as I observed during my site visit. Given the existing height of the boundary wall and its proximity to No.137's windows as well as the projections themselves, which already affect the amount of light reaching these windows, I do not consider the proposed extension would result in a significant further loss of light.
12. For these reasons I conclude the proposal would not significantly harm the living conditions of the occupiers of No.137. It therefore complies with UDP Policy BE9 and SPG5, which seek, amongst other things, to safeguard residential amenity.

Conclusion and Conditions

13. Having regard to all other matters raised, including the lack of objection from neighbouring residents and the recent appeal decision at the nearby 10 Langler Road [APP/T550/D/12/2181162] raised by the appellant, I conclude that the appeal should succeed.
14. The Council has suggested a condition listing the relevant drawings and I agree such a condition should be imposed for the avoidance of doubt and in the interests of proper planning. I also agree that a matching materials condition is necessary to ensure that the extended wall is constructed in yellow stock bricks to match those on the existing wall and house in order to protect the character and appearance of the area.

Nick Fagan

INSPECTOR



Appeal Decision

Site visit made on 05 August 2013

by **Ian Currie BA MPhil MRICS MRTPI** (Retired)

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

Decision date: 9 August 2013

Appeal ref: APP/T5150/C/13/2195559

23B Bryan Avenue, Brondesbury Park, London NW10 2AH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the London Borough of Brent Council.
- The appeal is made by Mr M Hussain.
- The Council's reference is E/09/0536.
- The notice was issued on 22 February 2013.
- The breach of planning control as alleged in the notice is the erection of a building in rear garden of the premises ("the unauthorised development").
- The requirements of the notice are to demolish the building in the rear garden of the premises, to remove all items and debris arising from that demolition and to remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of decision:- The appeal succeeds on ground (a) and I shall grant planning permission in accordance with the application, deemed to have been made under section 177(5) of the 1990 Act as amended, subject to conditions.

The appeal on ground (a) and the deemed planning application

The appeal site and its surroundings

1. The appeal site is situated on the east side of Bryan Avenue to the north of its junction with Dobree Road in a wholly residential area comprising for the most part a mixture of detached and semi-detached houses laid out in the period between the two World Wars. It lies between the Willesden Green shopping centre some ½km to the north and the Kensal Rise district centre about 1km to the south and comprises the northern half of a pair of semi-detached houses.
2. The premises have been extended with the benefit of planning permission by a two-storey side extension in red brickwork with a matching pitched tiled roof on its northern flank, and by a single-storey rear addition, also in red brickwork with a sloping tiled roof, across the full width of the rear of the house. The building, which is the subject of this appeal, is at the bottom of the rear garden and is built in materials matching the rear addition. The attached house to the south also has a single-storey rear extension erected

3. after the one at the appeal premises. There is also a free-standing rendered blockwork building with a gable-ended tiled roof in the rear garden of the attached dwelling adjoining the appeal building, for which the local planning authority issued a lawful development certificate, prior to the enactment of amendments to the Town and Country Planning (General Permitted Development) Order 1995 made in 2008.

Main issue

4. From my inspection of the site and its surroundings, and from the written representations made, I consider that the main issue in this appeal is whether the scale, bulk and proximity of the unauthorised building to the boundaries of the plot cumulatively cause unacceptable harm to the character, appearance and amenities of the surrounding residential area.

Reasons

5. Adopted Unitary Development Plan Policy BE2 states that proposals should have respect to the local context and make a positive contribution to the area's character by having regard to existing natural features, maintaining existing urban spaces, materials and townscape, and improving, where possible, areas of poor and/or dull appearance. Policy BE9 requires new buildings, including extensions and alterations, to incorporate appropriate design solutions and be in scale with their setting, respect their surroundings, including the principles of any chosen style, ensure that buildings and intervening spaces are in scale and harmonise with each other and employ high quality materials.
6. Applying the principles of these two statutory policies to this building, in my professional opinion I can find little if anything to fault it. The pitched roof brick-built building matches the predominant materials and style to the rear of the main house. From what I saw at the site inspection, by far the greater part of the garden remains open. Indeed, most of it is still devoted to soft landscaping so that to my mind the balance between the built environment and open space remains reasonable.
7. The local authority contends that the building is an overbearing structure whose visual appearance is not to be expected in a typical garden setting. If this stems from its brick and tile construction then it must not be forgotten that this matches with the predominant materials employed in the main building. Although it is closer to the boundary than the revised permitted development limits of the 2008 amendments to the 1995 General Permitted Development Order, the building still maintains what I consider to be reasonably generous gaps of about 1m with the northern and southern boundaries of the plot and it is clearly subordinate to the principal dwellinghouse on the site, especially as the latter has been extended substantially. Overall, I do not find that the Council's case that this structure dominates the rear gardens of dwellings in an attractive suburban neighbourhood has been made out.
8. It must not be forgotten that the building is in a rear garden where its effect on the public realm is minimal and I could not discern any harm to neighbours in terms of loss of amenity, such as perceptible adverse impact on daylight and sunlight previously enjoyed by neighbours. This is reflected

in the lack of any objections from third parties on the file before me. For these reasons, I am firmly of the opinion that the appeal on ground (a) should succeed.

Conditions

9. I could not find any suggested conditions to be attached, in the event of the appeal being allowed on its planning merits, in the statements of either the local planning authority or the appellant's agent. Moreover, I appreciate that it is no part of the local authority's case that the building has ever been used for purposes other than those incidental to the enjoyment of the dwellinghouse at 24B Bryan Avenue.
10. However, I am mindful that there is a widespread problem in Brent of outbuildings in rear garden areas being used as unauthorised living accommodation. Whilst such an activity at these premises is likely, in any event, to constitute a material change of use in its own right and there is no intention on the part of the present owners to introduce a use of this type, I consider it important to bring to the attention of any future occupiers of the main house the ancillary nature of the outbuilding, by attaching conditions, adapted from the model conditions to be found in Circular 11/95, that re-affirm this situation.

Other matters

11. Since the appeal succeeds on ground (a), the appeal made on grounds (f) and (g) does not fall to be considered.

Formal decision

Appeal ref:- APP/T5150/C/13/2195559

12. I allow the appeal and I direct that the enforcement notice be quashed. I grant planning permission on the application, deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the erection of a building in the rear garden of the premises at 24B Bryan Avenue, Brondesbury Park, London NW10 2AH, as shown on the plan attached to the notice, subject to the following conditions:-

- 1) the building hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse at 24B Bryan Avenue, London NW10 2AH as such and for no other purpose, including any other purpose in Class C3 of 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 permission in writing of the local planning authority;
- 2) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no enlargement or external or internal alterations, including the installation of cooking, heating and washing/sanitary facilities, to the building hereby permitted, shall be carried out without the prior permission in writing of the local planning authority.

Ian Currie

INSPECTOR



Appeal Decisions

Site visit made on the 23 July 2013

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 8 August 2013

Appeal A - Ref: APP/T5150/C/13/2190549

Appeal B - Ref: APP/T5150/C/13/2190550

57 Berkhamstead Avenue, Wembley, London, HA9 6DU.

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr A Z Butt (Appeal A) and Mrs H S Butt (Appeal B) against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/12/0382.
- The notice was issued on the 5 December 2012.
- The breach of planning control as alleged in the notice is the erection of a building to the rear of the premises.
- The requirements of the notice are to demolish the rear building and remove all items, debris and materials arising from the demolition from the site.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) (Appeal A only), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: Appeal A is allowed, the notice is quashed and planning permission is granted.

The notice

1. It is said on behalf of the appellant that the allegation in the notice is not clear or precise as it is alleged that there has been the erection of a building to the rear of the premises whereas there are three outbuildings in the rear garden of the property, which I observed at my site visit. However, the appellant's grounds of appeal and further statement make it clear that the appellant is aware that the Council's action relates to the brick structure with a low pitched roof covered in tiles (as shown on the appellants drawing 13/001/4) and not either of the two much smaller timber sheds (annotated as 'Shed 2' and 'Shed 3' on the appellants drawing 13/001/3). If I was minded to uphold the notice I could correct it and make reference to the brick building in the allegation. I am satisfied that such a correction would not cause the appellant injustice.
2. The appellant's agent also disputes that the notice lacks proper reasons why planning permission should not be granted for the building nor specifies the purpose of the enforcement action. However, as well as specifying that the work is not 'permitted development' (PD) by virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended, the Council refers to the scale and massing of the building detracting from the amenity of the area and refers to the relevant development plan policies. Further, the notice specifies in Schedule 4 that its purpose is to remedy a breach of control under s173(4)(A) of the Act. Overall, I am satisfied that the terms of the notice satisfy the provisions of s173 of the Act.

Appeal A - Appeal on ground (a)

Main Issue

3. The main issue is the effect of the rear building on the character and appearance of the area.

Reasons

Background

4. The appeal site contains a two storey end of terrace property situated in a residential area of similar properties. Like its neighbours, the property has a long rear garden which abuts the rear gardens of properties in Jesmond Avenue. The appeal site garden contains two small timber sheds and the building the subject of the notice. The building is constructed with the ridge of the low pitched roof running at right angles to the length of the garden. Further the flank walls of the building are set in from the boundaries of the site and the elevation facing east contains two windows while the elevation facing the host dwelling contains the access door. At the time of my visit, the building was not sub-divided internally and contained general household and garden items.
5. The Council say that the building measures 6.5m deep and 5.2m wide with the eaves about 2.3m high and about 3.56m to the top of the pitch. Because of the height of the roof the Council says that the erection of the building was not 'permitted development'. Further, the Council contends that the building was constructed for primary residential purposes and has not been used for purposes incidental to the enjoyment of the dwelling house, but does not provide evidence to support this.
6. Alternatively, the appellant's agent says that the building is used for domestic storage and occasionally as a gym and these purposes are incidental to the use of the house. Moreover, the appellant's agent stresses that if the height of the building had not exceeded 2.5m, its erection would have fallen within the provisions of PD. While accepting that the building cannot be made to now comply with the GPDO, the appellant's agent proposes to reduce the height of the building to not exceed 2.5m as a 'fallback' position in order to remedy the breach, bearing in mind the guidance in Circular 11/95 that enforcement action should be remedial rather than punitive.

Character and appearance

7. The character of the area is formed by the main residential properties fronting the streets and their rear domestic gardens which produce a relatively open 'hinterland'. However, I observed at my site visit that in the immediate surroundings of the appeal site rear garden there are many other domestic outbuildings, which appear to be long standing, together with other high timber structures, fences and enclosures. There are also some mature evergreen and deciduous trees close to but outside the site boundaries. Therefore, although the garden space between the main frontage buildings is relatively open, there exists a fair degree of ancillary structures and landscaping which provide visual enclosure.

8. In this setting, I found at my site visit that although the appeal building's pitched roof projects above the height of the adjacent fencing, the mass, form and materials of the building mean that it is not prominent or imposing on its surroundings. Further, the siting of the building away from the flank boundaries of the plot gives a degree of space around the building. I have also taken into consideration that the existing trees around the site help reduce the visual impact of the building. While these trees are not within the control of the appellant, and therefore it cannot be assumed that they will remain, they do provide some screening at the moment and there is no evidence to establish that the trees, and in particular the Cyprus, would be harmed by the siting of the building or that the tree's future growth would be restricted.
9. The Council is concerned that the building has resulted in the loss of part of the garden for the house, but I have not been advised of any planning policy requirement of the size of a residual garden and it appeared to me at my site visit that a reasonable degree of soft landscaped and useable garden remained at the property. The Council also expresses concern about the building affecting the outlook from neighbouring properties, but I considered the separation distances at my site visit, and I am satisfied that the building does not impose on the outlook of neighbours.
10. Overall, I consider that the size, massing and spread of the building, and its external materials, are such that it does not have a harmful effect on the character and appearance of the area. It has been designed to fit into its context and in physical and visual terms is not inappropriate development, nor does it result in an out-of-scale building. I find that the erection of the building accords with the relevant requirements of saved policies BE2 and BE9 of the Council's Unitary Development Plan (2004) (UDP). These policies requiring an appropriate design and scale consistent with the context of a site are broadly in accordance with the National Planning Policy Framework and I should give them due weight. The Council also refer to policy CP 17 of the Council's Core Strategy (2010) but the preamble to it says it relates to particular built areas, such as conservation areas and other distinctive residential areas, and I consider that it does not generally apply to the appeal site.

Other considerations

11. The Council submits that the appellant has failed to demonstrate that a building of this floor space would be incidental to the enjoyment of the dwelling, but the appellant says that it is so used. Given that I have found that the visual impact of the building is not harmful, the use of the building can be controlled by condition to be for purposes incidental to the residential use of the dwellinghouse at No. 57.

Conclusions and conditions

12. Bringing together my findings, I conclude that the form, mass and location of the building do not result in development which harms the character and appearance of the area or the residential garden of the host dwelling and the building reasonably fits in with its surroundings. On this basis, the erection of the building accords with the relevant development plan policies. Further, this positive conclusion on the planning merits of the case is not outweighed by any other material consideration. I will therefore grant planning permission for the work.

13. In terms of conditions, the Council recommends that a condition is imposed to ensure that the building is not used for primary accommodation, including sleeping accommodation, and that it is only used for purposes incidental to the enjoyment of the dwelling house. This is reasonable and necessary and reflects how the appellant says that the building is so used. Further, the creation of separate residential accommodation at the far end of the garden would be at odds with the established pattern of development and the residential character of the area. I will therefore impose such a condition. The Council also requests that a condition is imposed to restrict the installation of facilities, like a water and gas supply, in the building. But such a restriction is not necessary in addition to the one above and may prevent reasonable usage that is incidental to the domestic use of the dwellinghouse.
14. Finally, given my conclusions above, I do not need to consider the appellant's proposal to reduce the height of the building. Nor do I need to consider the appeals under grounds (f) and (G) in either appeal. Since I will grant planning permission and quash the notice under Appeal A, no further action will be taken in connection with Appeal B.

Decisions

Appeal A - Ref: APP/T5150/C/13/2190549

15. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a building to the rear of the premises on land at 57 Berkhamstead Avenue, Wembley, London, HA9 6DU as referred to in the notice, subject to the following conditions:
- 1) The building hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 57 Berkhamstead Avenue, and shall not be used for primary residential purposes, including sleeping accommodation.

Appeal B ref. f: APP/T5150/C/13/2190550

16. I take no further action in this appeal.

David Murray

INSPECTOR