



Planning Committee

Wednesday 9 April 2014 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

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

first alternates

Councillors:

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

second alternates

Councillors:

Daly
Ogunro
Moloney
Naheerathan
HB Patel
Hopkins
Beck
Al-Ebadi
Brown
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 (to follow)		
Extract of Planning Code of Practice		
NORTHERN AREA		
3. THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD (Ref. 14/0301)	Mapesbury	5 - 42
SOUTHERN AREA		
4. 44 High Road, London, NW10 2QA (Ref. 14/0082)	Willesden Green	43 - 48
5. Moberly Sports and Education Centre, Kilburn Lane, London, W10 4AH (Ref.13/3682)	Queens Park	49 - 82
6. 1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA (Ref. 13/3902)	Brondesbury Park	83 - 92
WESTERN AREA		
7. Car Park at Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU (Ref. 14/0363)	Tokington	93 - 102
8. Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA (Ref.13/3946)	Preston	103 - 118
PLANNING APPEALS		
9. Planning Appeals 1 - 28 February 2014		119 - 148
10. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visit - 5 April 2014

SITE VISITS – SATURDAY 5 APRIL 2014

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/3946	Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA	8	Preston	9:50	103 - 118
13/3902	1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA	6	Brondesbury Park	10.40	83 - 92
13/3682	Moberly Sports and Education Centre, Kilburn Lane, North Kensington, London, W10 4AH	3	Queens Park	11:10	5 - 42

Date of the next meeting: Wednesday 14 May 2014

The site visits for that meeting will take place the preceding Saturday 10 May 2014 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.

This page is intentionally left blank

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.

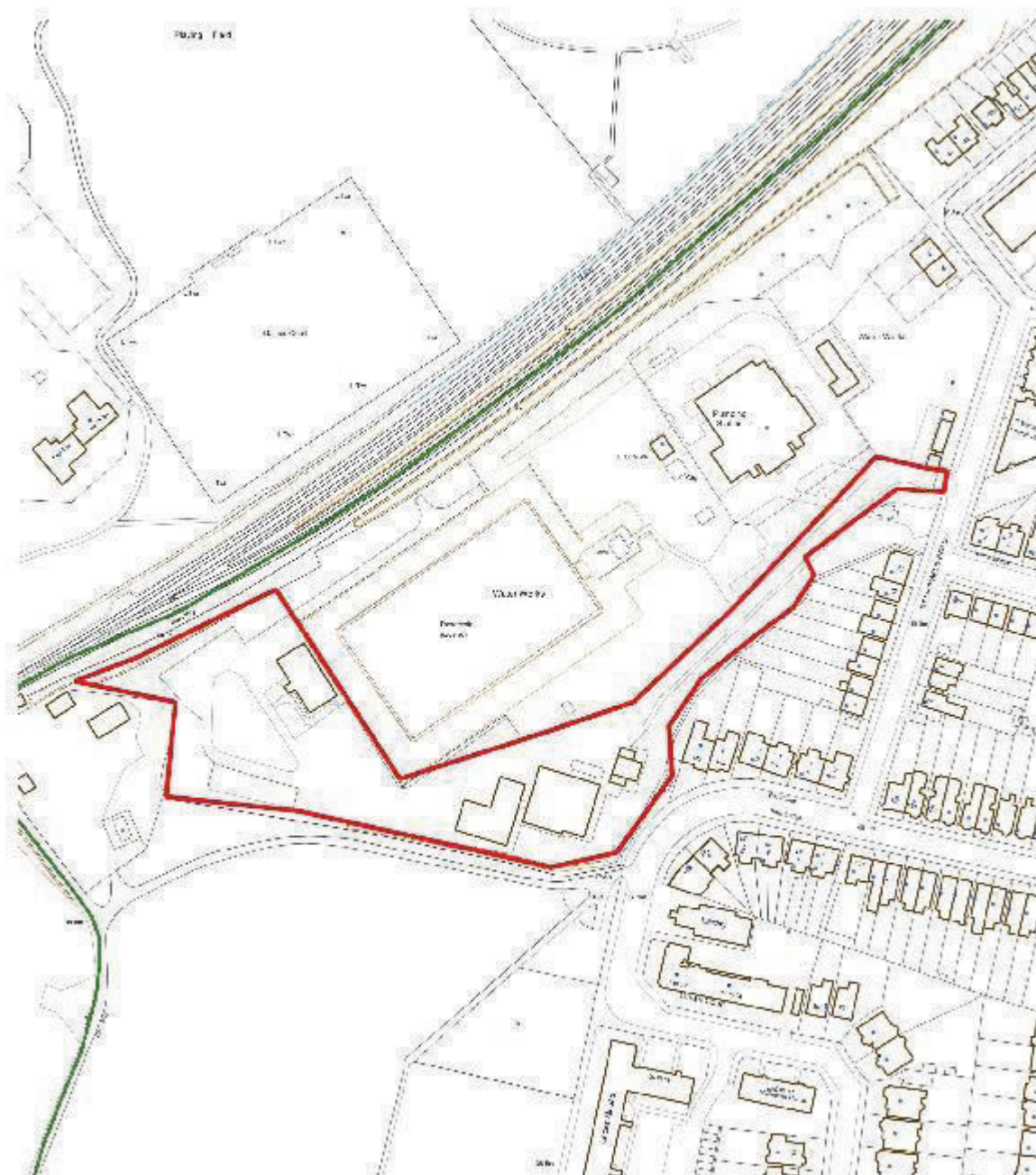
This page is intentionally left blank



Planning Committee Map

Site address: THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 10 February, 2014

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD

PROPOSAL: Variation of Condition 2 (approved plans) of Full Planning permission reference 11/1135 dated 30/12/2012 for Demolition of existing industrial buildings and erection of a residential development comprising 23 houses (19 x 4 bed, 3 x 3 bed and 1 x 2 bed) and 16 flats (2 x 3 bed, 10 x 2 bed and 4 x 1 bed) , with 44 parking spaces and associated landscaping and cycle storage with combined vehicular and pedestrian access via existing access from St Michael's Road and pedestrian access onto Olive Road accompanied by a Design & Access Statement and as amended by revised plans received 29/02/12 and subject to a Deed of Agreement dated 30 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended for the following minor material amendments:

- alterations to western most terrace and its reduction from 5 to 4 family houses;
- on site car parking numbers to remain unchanged accommodating 44 cars.

APPLICANT: Octavia Living

CONTACT: Studio Aitken Ltd

PLAN NO'S:
See Condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

The application requires a deed of variation to the Section 106 Agreement, in order to secure the following benefits (**nb. changes to the Heads of Terms from those previously agreed are highlighted in bold**):

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) **Provision of 14 units (37%) for Affordable Housing and a commuted sum of £160,00 towards off-site affordable housing provision**
- (c) **A contribution £322,220 (£3,000/£2,400 per market/affordable bedroom), due on material start and index-linked from the date of committee for Sustainable Transportation, Education, Open Space and Sport in the local area.**
- (d) Submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3 for the market sale housing and Level 4 for the affordable housing, with compensation should it not be delivered.
- (e) Sign up and adhere to the Considerate Contractors Scheme.
- (f) Adhering to the Demolition Protocol.
- (g) Provision of 20.35% CO₂ emissions reduction from on-site renewable generation.

(h) Improvement of 43% over the Target Emission Rate of Part L of 2010 Building Regulations

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

EXISTING

The application site extends to a 1.08ha section of the Thames Water Utilities site in Cricklewood. The site is currently used by Thames Water for employment and storage purposes and it is covered with extensive areas of hardstanding and a number of single storey structures. With the exception of the boundaries the site lacks significant landscape features; however the boundaries contain significant mature plants which form an effective screen to the site, particularly from Gladstone Park and Olive Road.

The main vehicular and pedestrian access is from St Michaels Road via an existing entrance close to the junction with Ivy Road and south of the junction with Mora Road. Pedestrian access is also provided from Olive Road by the entrance to Gladstone Park, utilising rights established over land under the control of No. 147 Olive Road.

The site is irregularly shaped with the access road running north-east to south-west along the rear of back gardens of properties on St Michaels Road for approximately 120m. The majority of the application site lies within the south-western part of the site, with a 170m southern boundary with Gladstone Park. The retained reservoir intrudes from the north, creating a pinch-point roughly in the middle of the main part of the site. To the north and west the site is bound by a railway line and a Brent Council Parks Service depot; a wildlife corridor runs along the railway line and part of this site. To the south and east the site adjoins the land of No. 147 Olive Road, including a narrow ransom strip: as such the site does not abut the adopted highway of Olive Road.

The site is generally level at around 40.5m above ordnance datum (AOD) and as such it is higher than adjoining land towards its southern part—specifically Olive Road and Gladstone Park—by approximately 1-1.5m. The site does rise gradually to the north-west, increasing to 42m AOD close to the railway line.

Due to its history as operational land for Thames Water, significant sub-surface infrastructure crosses the site and thus parts of the site cannot be developed.

The character of the area is mixed. To the east the area is characterised by two-storey terraced housing dating from the turn of the 19th century with some later, interwar additions. Surrounding Gladstone Park is a mix of two-, three-, four- and five-storey residential buildings. Gladstone Park itself is a large, open park with recreational facilities including a rugby pitch, gym, children's play area and multi-use games areas. The site is low-scale industrial in appearance but the grand Pumping Station and chimney beyond are good examples of their type and are locally listed structures.

Public transport access to the site is poor (PTAL 1), with just one service (226) within 640 metres.

PROPOSAL

Variation of Condition 2 (approved plans) of Full Planning permission reference 11/1135 dated 30/12/2012 for Demolition of existing industrial buildings and erection of a residential development comprising 23 houses (19 x 4 bed, 3 x 3 bed and 1 x 2 bed) and 16 flats (2 x 3 bed, 10 x 2 bed and 4 x 1 bed) , with 44 parking spaces and associated landscaping and cycle storage with combined vehicular and pedestrian access via existing access from St Michael's Road and pedestrian access onto Olive Road accompanied by a Design & Access Statement and as amended by revised plans received 29/02/12 and subject to a Deed of Agreement dated 30 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended for the following minor material amendments:

- alterations to western most terrace and its reduction from 5 to 4 family houses;
- on site car parking numbers to remain unchanged accommodating 44 cars.

HISTORY

11/1135 - Demolition of existing industrial buildings and erection of a residential development comprising 23 houses (19 x 4 bed, 3 x 3 bed and 1 x 2 bed) and 16 flats (2 x 3 bed, 10 x 2 bed and 4 x 1 bed) , with 44 parking spaces and associated landscaping and cycle storage with combined vehicular and pedestrian access via existing access from St Michael's Road and pedestrian access onto Olive Road accompanied by

a Design & Access Statement and as amended by revised plans received 29/02/12 and subject to a Deed of Agreement dated 30 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended - granted 30 March 2012

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

The development plan for the purposes of s.38(6) of the Planning and Compulsory Purchase Act 2004 is the adopted Brent Unitary Development Plan 2004 and Core Strategy 2010 and the London Plan 2011. Within the 2004 UDP the following list of polices 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).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- 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.

Built Environment

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

Environmental Protection

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

Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- 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.
- TRN10 Walkable environments
- TRN11 London cycle network
- 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.
- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- 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.
- PS14 Residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Employment

EMP9 Development of local employment sites

Open Space

- OS12 Development on SSSIs and sites of metropolitan and borough (Grade 1) nature conservation importance
- OS14 Wildlife corridors
- OS18 Children's play areas

Brent Core Strategy 2010

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:

- CP1 Spatial development strategy
- CP2 Population and housing growth
- CP5 Placemaking
- CP6 Design and density in place shaping
- CP17 Protecting and enhancing the suburban character of Brent

- CP19 Brent strategic climate change mitigation and adaptation measures
- CP21 A balanced housing stock

Regional

The London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013

The following chapters are considered relevant to this application:

- 3. Housing
- 5. London's response to climate change
- 7. London's living places and spaces

London Plan SPG

London Housing Design Guide
 Providing for Children and Young People's Play and Informal Recreation – Supplementary Planning Guidance (2008)
 Sustainable Design and Construction – Supplementary Planning Guidance (2006)

National

National Planning Policy Framework 2012

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

- be genuinely plan-led, empowering local people to shape their surroundings;
 - proactively drive and support sustainable economic development to deliver the homes, infrastructure and thriving local places.
 - 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;
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations;
 - 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;
- 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

CONSULTATION

A total of 180 adjoining owner/occupiers were consulted regarding the development and the application was publicised in the local press. Four objections were received raising the following concerns:

Objection	Officer Comment
Too many development proposals	The application relates to a change to a scheme which has planning approval.
Traffic & parking pressure	The proposal results in the reduction in the number of units. Impacts on traffic and parking were assessed previously.
Area will lose its character, peace & will be full of people	The application relates to a change to a scheme which has planning approval.
Lack of infrastructure to new residents	The application includes a financial contribution towards improvements to the local area.

Houses converting multiple dwellings-families either cramming into studio or single bedroom flats or Beds in Sheds	The standard of accommodation on the site is considered to be of a good standard and will increase housing provision.
Loss of listed pumping station	The locally listed pumping station is not be altered by the proposal.

External Consultees

Environment Agency – No objection subject to condition

Thames Water – no comments

Network Rail – No objection in principle subject to development does not impact on the safe operation of the railway either during or post construction.

REMARKS

Background

1. This application is for minor material amendments to the previously approved scheme. Changes to Government policy has meant that since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009); this is assessed by way of a variation of condition application.

2. The application has been submitted as it has been identified that the below ground piping infrastructure differs from the layout as originally plotted, affecting the northwest corner of the site. Building work can not be carried out where piping infrastructure is located or within a specified exclusion zone. As a result, changes are required to the block located in the northwest corner of the site to avoid building over this area. Without revisions to this element of the proposal, the scheme can not be progressed.

The proposal results in the following changes to the scheme:

- Reduction in numbers of new homes for 39 to 38;
- Reduction in one family house from 23 to 22;
- Reduction in social and affordable homes from 15 to 14 (reduction of habitable rooms from 54 to 50);
- Reduction in wheelchair units from 4 to 3;
- Reconfiguration of western terrace;
- Amended landscaping to western part of site;
- Amended parking layout.

Assessment

Density

3. The site has an area of 1.08ha and previously proposed a total of 213 habitable rooms, giving a density of 197 habitable rooms per hectare. The proposal will reduce the density to 193 habitable rooms per hectare. It is in a suburban location with low public transport accessibility and the appropriate density range given in the London Plan is 150-200hrh: the amended scheme falls within that range and is considered acceptable.

Mix and tenure

4. There is a particular need for larger family homes of three bedrooms or greater in the borough and, across the whole scheme following the proposed revisions, larger family homes comprise 58% of the units. This still comfortably complies with Core Strategy policy CP2 which states at least 25% of all new homes should be family sized accommodation of three bedrooms or more.

5. The application proposes a split of 63:37 market and affordable housing by unit (previously 62:38). This is below Brent's strategic target that 50% of new homes should be affordable. In line with London Plan Affordable Housing Policy, the applicant previously submitted a development appraisal to demonstrate that the level of affordable housing proposed represents the maximum reasonable amount of affordable housing that can be viably delivered by the scheme. The provision of on-site affordable housing has reduced as a result of the changes to the scheme. A commuted sum of £160,000 has been secured to mitigate this shortfall to be used to provide affordable housing in the local area. This is considered to be a reasonable solution, particularly given the good quality of the units provided by this development including the on-site

affordable housing provision.

6. The tenure mix comprises 6 social rented homes (reduced by one house) comprising 4 x 3 and 4 bed houses (one wheelchair compatible) and 2 x 3 bed wheelchair flats; 8 shared ownership flats comprising 4 x 1 bed and 4 x 2 bed (no change); and 23 market sale houses and flats with 2, 3 and 4 bedrooms (no change).

7. The proposal will result in the reduction of 1 fully wheelchair accessible home. Policy requires 10% of homes to be fully wheelchair accessible and the amended scheme will result in the proportion being reduced from 10.3% to 8%. Given the circumstances detailed above and the commuted sum secured which takes account the loss of a wheelchair unit, it is considered the shortfall can be accepted.

Design & Amenity

8. The previous design of this block comprised a terrace of 5 houses of two storeys in height with a second floor (set back) element to the centre three houses. The revised proposal reduces the number of houses in the terrace to 4 with a second floor (set back) element to three of the houses and the eastern most house being two storey only. The orientation of this terrace will change and the development positioned nearer the boundary of the site. This is considered to improve the relationship with the adjacent block of flats within the site in terms of outlook from the new units. The angle of the block will ensure that any views between the units are oblique providing acceptable levels of privacy. The size and layout of the units are similar to the approved scheme and accord with relevant standards. There is no change to the palette of materials.

9. Information submitted with the application confirms that, whilst the new houses will be sited nearer to the railway line, the site layout does not give rise to any significant amenity concerns for future occupiers.

10. In terms of amenity space, the previous scheme equated to a provision of approximately 142 sqm per unit. Given that the proposal will result in the loss of one unit, the average provision is increased to 143 sqm per unit. The terrace will have front and rear gardens, similar to the previous scheme.

Parking Layout & Landscaping

11. The approved scheme provides a total of 44 car parking spaces. This will be unchanged as result of the proposal with the scheme provided one space per home but allows an increase in visitor parking from 5 to 6 spaces.

12. The amended scheme results in the need for minor changes to the landscaping in the vicinity of the revised terrace which are considered acceptable. The designated ecological corridor which runs along the railway outside of the site remains unaffected.

Conclusion

13. The application would provide a significant contribution to much-needed family accommodation for general needs rent whilst providing a good living environment for future occupants and making a positive contribution to the visual amenities of the area. The revisions required to the scheme to enable the development to proceed are considered acceptable in view of the contribution secured to mitigate the loss of an affordable housing unit on site.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

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

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

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

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 30 March 2012.

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

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

PL(00)001 Rev A *Location Plan*

PL(00)002 Rev B *Existing Site Plan*

PL(00)003 Rev L *Proposed Site Plan*

PL(00)004 Rev C *Ground Floor Plans (1)*

PL(00)005 Rev C *First Floor Plans (1)*

PL(00)006 Rev C *Second Floor Plans (1)*

PL(00)008 Rev B *Ground Floor Plans (2)*

PL(00)009 Rev B *First Floor Plans (2)*

PL(00)010 Rev B *Site Plan*

PL(00)011 Rev C *Roof Plan*

PL(00)200 Rev A *Site Sections*

PL(00)300 *Block A Elevations*

PL(00)301 *Houses H, K, J and Block B Elevations*

PL(00)302 Rev B *Houses C1-5, D & G Elevations*

PL(00)303 Rev B *Houses C6-8, E, F & G Elevations*

PL(00)304 Rev B *Block B, Houses L & M Elevations*

PL(00)305 *Typical Elevations of Type C Houses*

PL(00)400 Rev A *Key Details*

PL(00)401 Rev A *Pergola and Front Garden*

W105864L01 Rev F *Landscape Masterplan*

W105864L02 Rev C *Planting Plan 1 of 2*

W105864L03 Rev C *Planting Plan 2 of 2*

W105864L04 Rev B *Tree Protection and Removal Plan*

W105864L05 *Front Gardens Detail*

W105864D01 Rev A *Landscape Section 1 of 2*

W105864D02 Rev A *Landscape Section 2 of 2*

W105864D03 *Garden Fence Detail*

Air Quality Statement (Campbell Reith, April 2011)

Daylight & Sunlight Report (Savills, April 2011)

Environmental Noise & Vibration Assessment (Bickerdike Allen Partners, 17 May 2010)

Environmental & Sustainability Strategy (Ramboll, April 2011)

Flood Risk Assessment (Campbell Reith, January 2012)

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

- (3) Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the premises shall be carried out unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: in view of the restricted size of the site for the proposed development no further enlargement or increase in volume beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority, to prevent an over development of the site and loss of amenity to adjoining occupiers, and in view of the restricted gardens.

- (4) The existing laurel boundary hedge situated on the south-western boundary of the site with Gladstone Park shall be retained at a minimum height of 2.25m above the Finished Floor Level of Houses C1-C3 and D. Should any part die or be damaged during the course of development, replacement planting shall be undertaken in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

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

- (5) All parking spaces, turning areas, access roads and footways shall be constructed and permanently marked out in accordance with the approved plans prior to occupation of any part of the development approved by the Local Planning Authority and shall be retained thereafter. Parking spaces shall be used only for domestic vehicles and no other use.

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

- (6) The development shall be carried out in accordance with the sound insulation measures hereby approved and no part of the development shall be occupied until the approved sound insulation measures has been fully implemented. The sound insulation measures shall be retained thereafter.

Reason: To safeguard the amenities of the occupiers.

- (7) Prior to commencement of works, further details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in full prior to first occupation on in accordance with a timetable to be agreed with the Local Planning Authority and shall be retained thereafter. Such details shall include:

- (i) all lighting for the site, including the access road, pedestrian access, communal amenity space, parking areas, building security lights and rear gardens;
- (ii) a low-height proposal for the access road to protect the amenity of residents of St Michael's Road and Olive Road from glare;
- (iii) a lighting regime within the northern part of the site along the boundary with the railway which minimises potential effects on bats foraging around the site i.e. 'Dark Skies' compliant with fittings to prevent any upward light and the use of deflectors to reduce backlighting;
- (iv) the output of each light and a site-wide light-spill diagram; and
- (v) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, wall-mounted

No other security lights shall be installed on the rear or in the gardens of Houses M1, M2 and L1-3.

Reason: To ensure that such illumination does not prejudice the wildlife corridor, local amenities or safety on the neighbouring highway.

- (8) The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (Campbell Reith, dated January 2012, ref: 10471) and the following mitigation measures detailed within the FRA:

- (i) limiting the surface water run-off generated by all events up to and including the 1:100 year storm event to 25l/s;
- (ii) provision of onsite storage to attenuated the critical duration 1:100 year storm event (including an allowance for climate change); and
- (iii) surface water attenuation to be provided using sustainable techniques including green roofs

Reasons: to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to prevent flooding by ensuring the satisfactory storage of surface water from the site; to improve the quality of surface water run-off and provide amenity

- (9) Details of materials for all external work, including samples, 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 and shall be retained thereafter.

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

- (10) Details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained thereafter.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (11) No works shall commence before an Arboricultural Method 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, hedges and shrubs on-site and within the street frontage to facilitate the development or ensure the health of the tree(s) to adhere to BS3998:2010;
- (ii) a Tree Protection Plan which adheres to the principles embodied in BS5837:2005 and indicates exactly how and when the retained trees, hedges and shrubs on-site or off-site near the site boundaries will be protected during the works and show root-protection zones; and
- (iii) a detailed methodology for works within root protection zones including no-dig construction techniques and ground protection matting;

Provision shall also be made for supervision of tree protection and tree works by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details. any works to the retained trees should take place outside the main breeding period for birds (March to August) unless preceded by a survey, to be submitted to and approved in writing by the Local Planning Authority, to check for the presence of breeding birds. Should nesting birds be identified, all works to the trees shall stop until the young birds have left the nest.

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.

Any such tree, hedge or shrub which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced in the next planting season with a tree, hedge or shrub of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

Reason: The land benefits from mature trees, hedges and shrubs on site and off site near the boundaries and this condition is to ensure the ongoing health and vitality of those existing features throughout the duration of the development or their suitable replacement, in the interests of the occupants and general public and to enable the Local Authority to monitor such measures

- (12) In addition to the plans hereby approved, prior to the commencement of any works further details of the soft landscaping 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 prior to occupation of the development or in accordance with a programme to be agreed with the Local Planning Authority.

Further details shall include:

- (i) the laurel hedge within the gardens of Houses C1-3 and D, to show it narrowed and lowered in height to a minimum height of 2.25m above the Finished Floor Level of Houses C1-C3 and D;
- (ii) revised planting along the pedestrian access between Olive Road and the access road to provide a more structured scheme with some larger shrubs and hedging; and
- (iii) revised play equipment to include age-suitable equipment for pre-school and junior children to NPFA standards

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.

- (13) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the local planning authority prior to commencement of works 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.

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.

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.

- (14) Prior to commencement of the development hereby approved, further details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and 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.

Such details shall include:

- (i) type of fence, e.g.; palisade, close-board, railings, etc;
- (ii) all dimensions including height, length and thickness;
- (iii) material(s), construction and manufacturer if appropriate;
- (iv) for walls specify type, brick colour/pattern, mortar, render, or other finish, including construction details; and
- (v) any alterations, extensions or repairs to existing boundaries.

Reason(s): in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the locality.

- (15) Prior to the commencement of building works further details of wildlife and ecology shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details and shall be retained thereafter.

Such details shall include:

- (i) a bat survey;
- (ii) a reptile survey; and
- (iii) appropriate mitigation measures including a relocation strategy and/or provision of habitat improvements for bats and reptiles if necessary

Reason: In the interests of wildlife and ecology, given the presence of mature trees and areas of scrub on site and in light of the adjoining Grade One Nature Conservation Area and wildlife corridor.

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

- (i) the timing of deliveries (to avoid peak school hours) and the control of traffic entering the site;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel washing facilities to be installed prior to commencement of any works;
- (vii) measures to control the emission of dust and fine particles during construction; and
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction

works

Reason: In the interests of the the retained landscape features, highway safety and the freeflow of traffic, residential amenity and Air Quality Management Area objectives.

- (17) Prior to commencement of any works, a detailed soil remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. Such a remediation strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The works shall be carried in accordance with the approved details in accordance with the approved timetable and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

- (18) Prior to occupation of any part of the development and following completion of measures identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

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

- (19) Prior to commencement of the development, further details of the access road from St Michaels Road shall be submitted and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details and retained thereafter. Such details shall include:

- (i) replace the proposed rumble strips with speed humps
- (ii) details of all signage

Reason: In the interests of the general amenities of the locality in terms of the noise of rumble strips and nearby residents and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (20) Prior to the commencement of the superstructure of the buildings hereby approved, further details of the proposed development 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:
- (i) the junctions of different materials e.g. brick and metal cladding, hung tiles and brick;
 - (ii) the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;
 - (iii) the glass balustrades to roof terraces;
 - (iv) the metal coping; and
 - (v) the window frames including materials, colour and samples if necessary.

The development shall be completed in accordance with the details so approved before the buildings are occupied.

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

INFORMATIVES:

(1) The applicant is advised that during demolition and construction on site:

- The best practical means available in accordance with British Standard Code of Practice BS5228:1984 shall be employed at all times to minimise the emission of noise from the site
- The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays
- Vehicular access to adjoining premises shall not be impeded
- All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only
- No waste or other material shall be burnt on the application site
- A barrier shall be constructed around the site, to be erected prior to work commencing
- A suitable and sufficient means of suppressing dust must be provided and maintained

(2) Japanese knotweed is classed as a notifiable weed under the Wildlife and Countryside Act 1981. It is an offence to "plant or otherwise cause to grow in the wild" such a weed, which has implications for control methods. Vegetative material and contaminated soil is classed as "controlled waste" under section 43 of the Environmental Protection Act 1990, and therefore must be disposed of at a licensed landfill site in accordance with the Environmental Protection (Duty of Care) Regulations, 1991.

REFERENCE DOCUMENTS:

The previous Planning Committee Report is provided below. Further details of this case are available on the Council's website www.brent.gov.uk

Committee Report

Planning Committee on 14 March, 2012

Item No.

04

Case No.

11/1135

RECEIVED: 6 January, 2011

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD

PROPOSAL: Demolition of existing industrial buildings and erection of a residential development comprising 23 houses (17 x 4-bed, 5 x 3-bed, 1 x 2-bed) and 16 flats (2 x 3-bed, 10 x 2-bed flats, 4 x 1-bed flats), with 44 parking spaces and associated landscaping and cycle storage with combined vehicular and pedestrian access via existing access from St Michael's Road and pedestrian access onto Olive Road accompanied by a Design & Access Statement and as amended by revised plans received 29/02/12.

APPLICANT: Kensal Developments Ltd

CONTACT: Studio Aitken

PLAN NO'S:

See condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of 15 units (38%) for Affordable Housing.
- (c) A contribution £329,400 (£3,000/£2,400 per market/affordable bedroom), due on material start and index-linked from the date of committee for Sustainable Transportation, Education, Open Space and Sport in the local area.
- (d) Submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3 for the market sale housing and Level 4 for the affordable housing, with compensation should it not be delivered.
- (e) Sign up and adhere to the Considerate Contractors Scheme.
- (f) Adhering to the Demolition Protocol.
- (g) Provision of 20.35% CO2 emissions reduction from on-site renewable generation.
- (h) Improvement of 43% over the Target Emission Rate of Part L of 2010 Building Regulations

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

EXISTING

The application site extends to a 1.08ha section of the Thames Water Utilities site in Cricklewood. The site is currently used by Thames Water for employment and storage purposes and it is covered with extensive areas of hardstanding and a number of single storey structures. With the exception of the boundaries the site lacks significant landscape features; however the boundaries contain significant mature plants which form an effective screen to the site, particularly from Gladstone Park and Olive Road.

The main vehicular and pedestrian access is from St Michaels Road via an existing entrance close to the junction with Ivy Road and south of the junction with Mora Road. Pedestrian access is also provided from Olive Road by the entrance to Gladstone Park, utilising rights established over land under the control of No. 147 Olive Road.

The site is irregularly shaped with the access road running north-east to south-west along the rear of back gardens of properties on St Michaels Road for approximately 120m. The majority of the application site lies within the south-western part of the site, with a 170m southern boundary with Gladstone Park. The retained reservoir intrudes from the north, creating a pinch-point roughly in the middle of the main part of the site. To the north and west the site is bound by a railway line and a Brent Council Parks Service depot; a wildlife corridor runs along the railway line and part of this site. To the south and east the site adjoins the land of No. 147 Olive Road, including a narrow ransom strip: as such the site does not abut the adopted highway of Olive Road.

The site is generally level at around 40.5m above ordnance datum (AOD) and as such it is higher than adjoining land towards its southern part—specifically Olive Road and Gladstone Park—by approximately 1-1.5m. The site does rise gradually to the north-west, increasing to 42m AOD close to the railway line.

Due to its history as operational land for Thames Water, significant sub-surface infrastructure crosses the site and thus parts of the site cannot be developed.

The character of the area is mixed. To the east the area is characterised by two-storey terraced housing dating from the turn of the 19th century with some later, interwar additions. Surrounding Gladstone Park is a mix of two-, three-, four- and five-storey residential buildings. Gladstone Park itself is a large, open park with

recreational facilities including a rugby pitch, gym, children's play area and multi-use games areas. The site is low-scale industrial in appearance but the grand Pumping Station and chimney beyond are good examples of their type and are locally listed structures.

Public transport access to the site is poor (PTAL 1), with just one service (226) within 640 metres.

PROPOSAL

The proposal involves the demolition of the existing buildings and the erection of buildings to provide 39 residential units (23 dwellinghouses and 16 flats). The employment uses would cease and the functions performed here would be distributed amongst other Thames Water sites in the area.

The residential development comprises:

- (i) 23 market sale houses comprising two-bed, three-bed and four-beds.
- (ii) Seven social rented houses comprising five no. two- and three-bed houses and two no. three bed flats. Two houses and two flats would be for wheelchair users.
- (iii) Eight shared ownership flats comprising four no. one-bed and four no. two-beds

Vehicular and pedestrian access would remain as present, from St Michaels Road and for pedestrians only, Olive Road.

The market sale houses would meet Code for Sustainable Homes Level 3 and the affordable housing would meet Level 4.

All units would be 100% Lifetime Homes compliant.

Part of the site would be reduced in ground level to minimise the difference in levels with adjoining land, particularly in the eastern corner adjacent to Olive Road and Gladstone Park, where levels would be reduced to 39.35m AOD, just 0.35m above the adjoining land. This would not be the usual relationship, however, with level differences of 0.5-1m more common.

HISTORY

None relevant to this part of the site. To the north-east of the site, part of the Thames Water works was released for housing development in 2010 and planning permission was granted on 9 December 2010 for the following works:

Development to provide 25 dwellings, comprising a three-storey building fronting St Michaels Road (11 x 1-bedroom, 7 x 2-bedroom, 1 x 3-bedroom flats), a two-storey terrace to the rear (2 x 2-bedroom, 4 x 4-bedroom houses), with 15 car-parking spaces, 25 bicycle spaces, associated hard and soft landscaping and provision of a vehicular crossover on land adjacent to the pumping station and Thames Water utilities site, subject to a Deed of Agreement dated 9 December 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

The development plan for the purposes of s.38(6) of the Planning and Compulsory Purchase Act 2004 is the adopted Brent Unitary Development Plan 2004 and Core Strategy 2010 and the London Plan 2011. Within the 2004 UDP the following list of polices 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).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- 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.

Built Environment

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

Environmental Protection

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

Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- 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.
- TRN10 Walkable environments
- TRN11 London cycle network
- 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.
- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- 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.
- PS14 Residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Employment

EMP9 Development of local employment sites

Open Space

- OS12 Development on SSSIs and sites of metropolitan and borough (Grade 1) nature conservation importance
- OS14 Wildlife corridors
- OS18 Children's play areas

Brent Core Strategy 2010

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:

- CP1 Spatial development strategy
- CP2 Population and housing growth
- CP5 Placemaking
- CP6 Design and density in place shaping
- CP17 Protecting and enhancing the suburban character of Brent
- CP19 Brent strategic climate change mitigation and adaptation measures
- CP21 A balanced housing stock

Regional

London Plan 2011

The following chapters are considered relevant to this application:

3. Housing
5. London's response to climate change
7. London's living places and spaces

London Plan SPG

London Housing Design Guide
 Providing for Children and Young People's Play and Informal Recreation – Supplementary Planning Guidance (2008)
 Sustainable Design and Construction – Supplementary Planning Guidance (2006)

National

The draft National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England, seeking to replace existing planning policy guidance and statements. The NPPF sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

It establishes a presumption in favour of sustainable development: local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should: (1) prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes; (2) approve development proposals that accord with statutory plans without delay; and (3) grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 – Housing (3rd Edition, 2010)

This document's objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

Planning Policy Statement 9 – Biodiversity and Geological Diversity (2005)

PPS9 promotes sustainable development, the conservation and enhancement of wildlife and geology and rural renewal. The aim of planning decisions is to prevent harm to biodiversity and geological conservation. In the PPS, local authorities are charged with taking measures to protect habitats and species of importance for conservation, including biodiversity action plan species (as listed in Section 74(2) of the Countryside & Rights of Way Act 2000) as well as those with legal protection. The value of sites of local biodiversity interest for wildlife and local communities should also be recognised and a criterion based approach used to judge impacts of development on or near to such sites

Planning Policy Guidance 13 – Transport, 3 January 2011

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to: (a) promote more sustainable transport choices for both people and for moving freight; (b) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and (c) reduce the need to travel, especially by car. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

Planning Policy Statement 25 – Development and Flood Risk (2010)

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. PPS25 looks to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS).

CONSULTATION

Local consultees

Existing occupants of the site, neighbouring residents, businesses, school and ward councillors were consulted by letter on 09/01/12.

Site notices were posted on 11/01/12. A notice was posted in the local press on 16/01/12.

To date eight objections have been received from local residents and one from a Ward Councillor (for Mapesbury ward). The reasons for objecting are categorised and summarised as follows:

Principle

- No right of access over 147 Olive Road land

Visual Impact

- Out of character with the area
- Loss of green space when viewed from Olive Road
- Impact on views from Gladstone Park

Impact on neighbouring occupants

- Impact the amenity of St Michaels Road residents from the access road: light, noise, privacy
- Impact on occupants of No. 147 Olive Road
- Overlooking and loss of privacy for park users
- Noise and disturbance arising from construction works

Parking & Access

- Harm to highway and pedestrian safety arising from Olive Road entrance
- Increase in traffic on local roads, used as a rat-run
- Overspill parking on local roads
- Large vehicles accessing site during school hours

Impact on local infrastructure

- Impact on local infrastructure such as schools

Landscape and ecology

- Impact on ecology and wildlife
- Loss of trees

General

- Risk of crime for the general public and local residents
- Harm to security of retained Thames Water infrastructure

Cllr Leaman, Mapesbury Ward, objects on the following grounds:

- Excessive and a nuisance to nearby residents

These comments are addressed in the main section of the report, *Remarks*, below. Most will be addressed within the discussion of key considerations and those not covered will be addressed in the sub-section *Response to objectors*.

Internal consultees

Internal consultees (Transportation, Environmental Health, Housing, Landscape & Trees, Policy - including Sustainability, Ecology, Design, S106) were consulted on 09/01/12.

Transportation

No objections subject to a number of conditions and s.106 requirements.

Environmental Health

No objections subject to a number of conditions

Housing

No objections

Landscape & Trees - including ecology

No objections subject to conditions

Policy

No objections subject to conditions and s.106 clauses on sustainability

Urban Design

No objections

External consultees

External consultees (Environment Agency, Met Police, Network Rail, Thames Water) were consulted on 09/01/12.

Environment Agency

No objection subject to the following conditions to ensure the development is carried out in accordance with the Flood Risk Assessment (FRA) and further details to be submitted relating in particular to discharge and drainage.

Metropolitan Police

No comment

Network Rail

No comment

Thames Water

No objections

REMARKS

Introduction

The application is discussed under the following headings:

1. Principle of development
2. Mix and tenure
3. Design
4. Impact on neighbouring residents
5. Standard of accommodation
6. Parking and access
7. Sustainability
8. Other
9. Response to objections
10. Conclusion

1. Principle

Given the site's current use, consideration must be given to the policies within the Development Plan which afford protection to employment uses and which encourage the use of surplus sites for residential development.

1.1 Employment uses

The site is not in a strategic industrial location, and nor it identified as a borough employment area in the UDP. It is however considered a local employment site, and thus covered by UDP policy EMP9 which protects B class uses unless it is demonstrated that there is a lack of demand or the use causes an unacceptable environmental impact.

Since the site is used for purposes ancillary to the statutory function of Thames Water and is not an employment site in its own right, the weight given to policy EMP9 is substantially reduced. This land is becoming available as a result of a re-organisation within Thames Water and the functions which are at present carried out on the site will be moved to a number of other locations within north-west London. The site is not considered suitable for other employment uses due to its location and neighbouring land uses. As such the principle of the loss of an employment use on the site can be accepted.

1.2 Density

National, regional and local policies seek to optimise the potential of the site, with PPS3 and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to optimise the housing potential of a site taking account of local context, London Plan design principles and public transport capacity. Policy 3.4 also provides density matrix which gives a range of appropriate density ranges related to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL). The recently adopted Core Strategy policy CP6 seeks to ensure developments have proper regard to the London Plan and states that “a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important”.

For the purposes of calculating density (a) the site area includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004) and (b) habitable rooms include kitchens over 13sqm, bed-sitting rooms are counted as 1.5 habitable rooms and a room which is larger than 18sqm is counted as 2 habitable rooms (p.288, Glossary, UDP 2004).

The site has an area of 1.08ha and a total of 213 habitable rooms, giving a density of 197 habitable rooms per hectare. It is in a suburban location with low public transport accessibility and the appropriate density range given in the London Plan is 150-200hrh: this scheme falls within that range and is considered acceptable.

1.3 Summary

Your officers are satisfied that redevelopment of this previously developed land is appropriate and fully complies with the relevant national, regional and local policies, specifically PPS3 and strategic policy STR3 of the UDP, which seeks to maximise the use of previously developed land.

2. Mix and tenure

The applicant is Kensal Developments, a wholly owned subsidiary of Octavia Housing & Care, one of the Council's preferred Housing Association partners. The applicants have confirmed they benefit from a funding allocation for the affordable elements of the proposals from the London Homes and Communities Agency (HCA) and therefore, subject to planning, the scheme is highly deliverable.

2.1 Mix

There is a particular need for larger family homes of three bedrooms or greater in the borough and, across the whole scheme, larger family homes comprise 64% of the units, rising to 76% of habitable rooms. This comfortable complies with Core Strategy policy CP2 that states at least 25% of all new homes should be family sized accommodation of three bedrooms or more and meets the London Plan Housing Supplementary Planning Guidance that identifies a London-wide need to the year 2020 for 32% one bedroom, 38% two and three bedroom and 30% four bedroom housing.

2.2 Tenure

The application proposes a split of 62:38 market and affordable housing by unit, changing to 69:31 by bedrooms and 66:34 by habitable rooms; this is somewhat below Brent's strategic target that 50% of new homes should be affordable. In line with London Plan Affordable Housing Policy, the applicant has therefore submitted a development appraisal to demonstrate that the level of affordable housing proposed represents the maximum reasonable amount of affordable housing that can be viably delivered by the scheme.

Whilst the build cost in the development appraisal is high, your officers are satisfied that it reflects cost of the high quality scheme before you. With that in mind, the proposed level of affordable housing is considered acceptable in this case. In any case, since Octavia is a charity, if any additional surplus is generated from the scheme this would have to be re-invested back into affordable housing and the furtherance of the charitable objectives of the organisation.

The affordable housing tenure mix is broadly in line with the Local Development Framework objective that new affordable housing generally be provided at a 70:30 rented to intermediate ratio.

The larger family homes are concentrated in the social rented element of the scheme, representing 71% of social rented units, rising to 77% of social rented habitable rooms. This is welcomed due to the high levels of

overcrowding in the social rented sector and the consequent pressing need for this type of accommodation in the borough, as well GLA and HCA guidance that 42% of publicly funded social rented homes be three bedrooms or greater.

2.3 Summary

The new development will provide for a mix of different unit sizes to meet a number of needs. The tenure split of the scheme provides a mix of tenures that includes private and intermediate homes and is considered to be balanced and supportive of sustainable community objectives, in line with policy 3.9 *Mixed and Balanced Communities* of the London Plan 2011.

The Council's Housing department supports the proposals to redevelop this part of the Thames Water site for residential use. These proposals will help to deliver new, quality affordable homes to help meet the needs of residents in the borough and, with an identified funding allocation, are deliverable in an otherwise difficult climate.

3. Design

Good design is a vital aspect of successful development and this has been reiterated by recent policy document including the Draft National Planning Policy Framework 2011 (see paras 114-123), the London Plan 2011 (specifically policies 3.5 *Quality & Design of Housing Developments*, 7.4 *Local Character*, 7.5 *Public Realm* and 7.6 *Architecture*) and Brent's Core Strategy 2010 (policy CP5), in addition to the existing policies requiring good design in Brent's Unitary Development Plan 2004 (saved policies) and Supplementary Planning Guidance No. 17 "Design Guide for New Development".

3.1 Form, massing and layout

The development occupies a site which currently has only low-level structures and hardstanding. It has a hawthorn hedge running along its boundary with Gladstone Park, a relic of former field boundaries, and has a number of small trees near its boundary with Olive Road. The most significant local landmark is the chimney--and accompanying pumping station--of the retained Thames Water works, to the north-east of the site.

The character of the area is mixed, with no prevailing style or pattern that demands adherence: to the east the area is characterised by two-storey terraced housing dating from the turn of the 19th century with some later, interwar additions. Surrounding Gladstone Park is a mix of two-, three-, four- and five-storey residential buildings from throughout the 20th century. Your officers are satisfied that a combination of two- and three-storey terraced and detached houses and blocks of flats are an acceptable form of development which would not be harmful to the character of the area.

The layout of the units is a result of the constraints of the site: the awkward shape and the presence of sub-surface infrastructure has limited the options available to the applicants and one compromise which is particularly obvious is the fact a number of the houses back onto the site boundaries, particularly in the south-eastern corner. This type of development is not usually successful as the rears of houses typically lack the grandeur of the frontages and over time the boundary treatments will change and lose coherence.

The applicant has overcome this by the attention paid to the design of the rear of the properties, with large aluminium-framed windows at first floor, the picture windows at second floor and the same brick as used on the frontage.

Medium- and long-distance views to the site will focus on the south-western and south-eastern facades, although the south-eastern corner of the site is the most important due to its prominence and its relationship with Gladstone Park and Olive Road. The north-western part of the site would be lost somewhat on the skyline due to the distance from the boundary and the retained hedge with Gladstone Park. Views from Gladstone Park to the chimney and pumping station will be retained with a 35m gap between the north-west and south-east parts of the site.

3.2 Architecture and materials

The three-storey terrace houses have a simple form and employ an understated language with a limited palette of materials utilising a London stock brick as the main finishing material. Some tile and metal cladding is proposed to enliven the upper floors and some faces of the houses.

A similarly restrained design approach is taken with the flat blocks. Although they display slightly differing usages of materials with more prominent use of tile hanging, they employ the same restrained palette.

In both the houses and the flats, their success will depend on the quality of the design being maintained throughout the preparation of the working drawings. As such details will be sought by condition to demonstrate how that quality will be locked into the scheme, such as the depth of the window reveals, the junctions between different type of materials, the glazed balustrade of the houses, the final design of the windows, doors and balconies and, of course, samples of the materials themselves.

3.3 Summary

It is a locally prominent site with extensive views from public areas and development must have regard to the local landmarks and to its relationship with Gladstone Park; with that in mind, the applicant's appear to have paid particular attention to the design and attractiveness of the proposal and your officers are satisfied that the site layout and buildings themselves display the high quality required.

4. Impact on neighbouring occupants

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

There is only one property, No. 147 Olive Road which has the potential to be directly affected by the proposed building, due to its proximity to the built-up part of the site. The relationship of the access road with the backs of properties on St Michaels Road is considered, as is the relationship of the scheme with Gladstone Park in light of resident's objections.

4.1 Relationship with Olive Road

No. 147 is divided into three flats, with two on the ground floor and one on the first floor. Houses C8 and E are the only properties which would have a relationship with the habitable part of No. 147.

A single storey side and rear extension was allowed at appeal in 1999 (LPA ref: 99/1730). The plans show two windows on the flank of the extension, serving a bedroom and a kitchen. The bedroom window would be approximately 15m away from the nearest habitable room window of House E, at an angle of about 40 degrees from perpendicular. The normally accepted distance for privacy of flank windows to side boundaries is 5m and for rear windows to rear boundaries is 10m. This combined distance of 15m is achieved and this, combined with the angle of the relationship and the fact there are trees to be retained in front of the flat's windows, mean your officers are satisfied no material loss of privacy would occur for those occupants of the side extension flat.

The other two flats also have habitable rooms with windows on the flank. The plans for the conversion show the layout of the ground floor flat was changed to create three bedrooms, two of which have flank windows. The privacy of these rooms is limited at present as they look out onto an access shared with the flat in the side extension. The windows would be approximately 14m from the rear of House E and applying the same principles as above, this is only marginally less than the 15m normally required by SPG17. Additional planting is proposed along the boundary along with a new impermeable fence, which will further restrict views between the properties. On balance the relationship is considered acceptable in terms of privacy and outlook.

At first floor the habitable room is marked as a study; three other bedrooms are marked and as such the relationship with the new development is considered acceptable.

Your officers are satisfied that proposed development would not have a materially harmful impact on the amenity of neighbouring occupants, nor would it result in a loss of their privacy or an unacceptable impact on their sunlight or daylight.

4.2 Relationship with St Michaels Road and garden of No. 147 Olive Road

The access road will be the sole vehicular access to the site and it will be available for pedestrians as well. Pedestrians will also have access direct to Olive Road from the main part of the site. Your officers have considered the impact this access road would have on the back gardens of St Michaels Road properties and note that some objections have been received, particularly in terms of noise and disturbance.

Consideration should also be given to the effect of lighting along the access road on residents. Your officers are satisfied that a lighting scheme can be installed which would not harm neighbouring amenity and this will be secured by condition.

In terms of privacy and noise and disturbance, the combination of the distance between the access road and the back gardens (between 10m and 20m), the depths of the gardens themselves (between 25m and 80m) the fact the access road is already in frequent use and the new planting proposed along the boundary with No. 147 means your officers consider this part of the scheme is acceptable, subject to replacing the proposed rumble strips with speed humps.

4.3 Relationship with Gladstone Park

Some residents have objected to the proposed development on the grounds of the impact on users of Gladstone Park in terms of loss of privacy. Six units would be located close to the boundary and would have views over Gladstone Park. Gladstone Park is a public open space and visitors should not expect total privacy; your officers are satisfied that no park visitors amenity would be materially harmed by this development.

5. Standard of accommodation

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

All accommodation in the scheme meets the standards in the London Housing Design Guide (GLA, 2010), which exceed the minimum sizes in SPG17. All units are laid out coherently with kitchen-living-dining rooms commonplace and no bedroom smaller than 8sqm, as required by the London Housing Design Guide.

Where possible all flats and houses have private amenity space as either gardens or balconies and communal amenity space is provided in accordance with SPG17 standards.

External factors such as noise disturbance from the railway line or the retained Thames Water works are not likely to be detrimental to the living standards of future occupants, as explained below in the discussion of the noise report. Air quality, also discussed below, is acceptable.

Summary

Your officers are satisfied that the scheme would provide a good standard of accommodation at a density suitable for this type of suburban location and would, as a result, offer a good living environment for future occupants.

6. Parking & Access

6.1 Parking

The scale of this proposal is such that it is unlikely to have a significant impact on the local transportation network; nevertheless a supporting Transport Statement has been provided to demonstrate that the overall transport impact will be acceptable. This has been prepared by Campbell Reith.

A total of 44 car parking spaces (incl. four disabled) and two bicycle stores are proposed around the site, with the majority of proposed houses having off-street car parking within their curtilage.

In terms of car parking, allowances for residential use are set out in standard PS14 of the adopted UDP

2004. As the site does not have good access to public transport services and is not located within a Controlled Parking Zone, the full parking allowance applies. As such, up to 60.8 spaces would be permitted for this development, so the proposed provision of 44 spaces would accord with standards considering affordable housing units are assumed to generate parking at about 50% of the maximum standard (Parking Standard PS14, UDP 2004: p138).

The provision of four disabled parking spaces close to the four wheelchair units complies with standard PS15 (10% of spaces in social housing schemes), whilst a further two spaces could be provided close to Block A.

6.2 Overspill parking on neighbouring roads

Consideration also needs to be given to the impact of any overspill parking on traffic flow and road safety: the adjoining roads do have spare on-street capacity to safely accommodate overspill parking but your officers consider it unlikely that this would be a regular choice for residents due to the distance to many of the properties: it is more likely that visitors would use on-street capacity on an irregular basis.

Local residents are concerned about overspill parking and your officers are aware that this is the third development to be considered in recent months, the others being the northern part of the Thames Water site (ref: 10/2247) and Oman Court on Oman Avenue (ref: 10/2012). These schemes noted that availability of on-street parking on St Michaels Road and Mora Road and to the front of Oman Court on Oman Avenue respectively.

The site is located within Controlled Parking Zone "GM", operational between 10am-9pm Mondays to Saturdays and the immediate area is generally lightly parked during the day. Surveys also show St. Michael's Road and Oman Avenue to be lightly parked at night, although parking in Olive Road as a whole was sufficient for the street to be classified as heavily parked in Appendix TRN3 of the adopted UDP 2004. On a previous late night visit to the area (10.30pm, 23rd November 2010), both Oman Avenue (22%) and St. Michael's Road (16%) were lightly parked.

Your officers consider the likelihood of residents frequently parking on adjoining roads is likely to be low, given the distance from resident's properties. Occasional visitors may need to park on-street but there are parking controls in the area to limit this and as such your officers are satisfied that the impact on any overspill parking will be limited and acceptable and would not result in an unacceptable increase in illegal or unsafe parking.

6.3 Impact on nearby road network

Residents have objected on the grounds of additional traffic on local roads and the use of those roads as rat-runs during the morning and evening rush hours. In terms of traffic impact, the submitted Transport Statement estimates that the development would generate 14 vehicular movements in both the morning and evening peak hours. The increase in traffic as a result of this development would amount to less than 5% of existing two-way peak hour flows along the street (which were surveyed at 294 vehicles in the am peak and 225 vehicles in the pm peak). As such, the predicted volume of traffic likely to be generated by the development is not considered significant enough to warrant any further road capacity analysis in this lightly trafficked area, particularly once the traffic generated by the site at present is removed.

6.4 Access

Vehicular access to the site is gained via a 4.8m wide (plus 1.5m footway), 120m long driveway along the eastern side of the Thames Water works, on which signage for a 10mph speed limit is provided. This road widens to 7m with 3m kerb radii and gates as it approaches the site access junction with St. Michael's Road. However, the footway terminates some 5m short of the St. Michael's Road highway boundary. A secondary pedestrian access gates with steps is located in the southeastern corner of the site onto Olive Road.

Once the development is complete, vehicular and pedestrian access will continue to be provided via the existing site access from St. Michael's Road, with traffic calming measures (build-outs with tree planting, rumble strips and a large block paved area) incorporated along the route. Improvements are also indicated to the access junction with St. Michael's Road, including an extension of the footway to meet the highway boundary (which is essential) and the provision of gates set 6m from the highway boundary.

No other vehicular access is proposed as part of this application, although residents have objected to an access from Olive Road. The original application drawings showed a road up to the site boundary in the south-eastern corner of the site, adjacent to Olive Road. The application did not extend right up to the

boundary of the public highway as the adjacent property, No. 147 Olive Road, has a 'ransom strip' of land between the highway and the site. Thames Water have secured a pedestrian right of way over this land over time, which will also benefit this development, but no agreement has been reached between the owners of the freehold of No. 147 and the applicants to secure rights over the 'ransom strip' to form a vehicular access. As a result the road shown in the south-eastern corner on the original plans would not have formed a vehicular access and would have been an unsightly part of the site and revised plans have been received which show this reverting to a pedestrian-only route with soft landscaping.

Objections have been received on the impact of construction traffic on the operation of the nearby school; a condition is proposed which secures a construction method statement to establish, amongst other things, the times of deliveries to avoid peak school hours.

6.5 Layout

The scheme proposes a shared surface throughout the area of the new development. This is acceptable in principle for 39 units. Surfacing is generally proposed in pre-cast concrete block paving, with some tarmac used to provide a contrast through the site. A minimum width of 4.8m meets the relevant standards and ensures that cars and pedestrians can pass one another safely.

The proposed improvements to the access road, including kerb build-outs with planting, rumble strips and a large block paved area near to the site entrance are suitable means of keeping speeds to an acceptably low level. Residents have objected to the proposal on the basis of noise generated by traffic along this route and the borough Transportation officer notes that speed humps are usually preferred to rumble strips in residential areas due to the noise generated by the latter: your officers propose speed humps be secured as part of the details of the road which will be required to ensure that the measures proposed and the final appearance of the road are appropriate. These details should also include larger scale drawings of the design of the measures along the road, including lighting, drainage and construction materials and any ancillary footway/carriageway resurfacing works.

6.6 Cycle provision

Standard PS16 requires at least one secure bicycle parking space per unit. Bicycle storage in the flats comprises 149 spaces in five storage rooms, which provides a suitable number of spaces that are secure and weather-protected. Each house has a private rear garden, so can store bicycles with a rear garden shed, although it is proposed to provide a hoop for bicycles to be secured to the front of the houses to reduce the need to bring the bicycle through the house.

6.7 Servicing

With regard to servicing, a turning stub has been incorporated into the design of the car parking area to the front of House L-M. Tracking diagrams have been submitted within the Transport Statement demonstrating that this is of sufficient depth to allow large refuse vehicles to turn, whilst refuse storage is shown to the front of both of the blocks of flats to allow easy collection. As such, servicing and emergency access requirements have been met for the site.

6.8 Summary

Subject to a number of conditions and s106 obligations, the proposed development complies with the relevant UDP policies.

7. Landscape, trees and ecology

Supporting information on the above is included in the Planning Statement.

7.1 Landscaping

A Landscape Concept and masterplan, prepared by Grontmijj, was submitted with the application. In general officers are satisfied with the landscape proposals, which provide a large communal space for the development and planting to the front gardens of the houses.

Officers are satisfied with the provision of landscape buffers along the boundaries of the site and the retention of most of the existing laurel hedge and the entire hawthorn hedge along the boundary with Gladstone Park. No landscape features of any significance are to be removed

Where possible land which would otherwise be dead-space with no overall care or control has been allocated to ground floor units in each of the three flat blocks; this provides benefits in respect of crime and anti-social behaviour as well as ensuring units have as much private amenity space as is practicable.

Details of the construction and planting, hard and soft landscape and maintenance of all communal areas and buffer zones will be required as a condition. It should be noted that when preparing those details for submission, the applicant and their consultants should ensure as much soft landscape as possible should be included and all opportunities for planting are taken; in particular those areas which may be neglected as being out-of-sight, such as the emergency access route, should not be omitted.

7.2 Trees

A Report on Inspection of Trees, prepared by Broad Oak Tree Consultants (October 2010), was submitted with the application. A tree survey was prepared and recommendations for removal of trees were made, which the borough Tree officer agrees with. There are no Tree Protection Orders in place on trees on the site.

A tree protection plan has been provided (see drawing W105864L04) to ensure the protection of retained trees, particularly the Oaks (T14 and T16) and the Poplar in Gladstone Park (T20) during the demolition and construction phases; however a more detailed specification within the arboricultural method statement will be secured by condition. Further details of the no-dig construction and ground protection methods will also be secured by condition.

7.3 Ecology

The site is generally hard landscaped with the exception of self-seeded scrub, trees and some deliberate hedge planting around the boundaries. The area of land adjacent to the railway track is a Grade One Nature Conservation Area and also a wildlife corridor. An ecological assessment was submitted with the application (within the Planning Statement). The ecology value of the existing site is low and the development would result in a decrease in the extent of hard standing and a net increase in soft landscape areas including as private gardens, play space and buffer areas. In consequence there would be a net increase in the extent of trees and shrubs and open grassland areas. The ecological assessment concludes that further surveys for the presence of bats and reptiles should be undertaken in suitable months (between May and September for bats and April and October for reptiles). A condition will be imposed to secure these surveys before any work commences on site and to ensure a relocation programme and/or provision of bat and bird boxes is included should protected species be present on site. A condition will also be imposed to ensure no vegetation removal works occur during the bird breeding season.

Further details of site-wide lighting and restrictions on rear security lights will be sought due to the proximity of the car park and rear gardens of Houses L1-M2 to the wildlife corridor.

7.4 Play

Housing developments of this size require on-site provision of age-appropriate play areas to meet the estimated child yield (policy OS18). A small area of informal play is provided in the larger communal area, which is acceptable subject to a conditions detailing some more formal play to meet policy OS18.

8. Sustainability

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.

The application is supported by an Environmental and Sustainability Strategy prepared by Ramboll (April 2011).

In support of the proposal's objective of satisfying Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures*, a pre-assessment score of Code for Sustainable Homes Level 3 for the private dwellings and Code for Sustainable Homes Level 4 for all other dwellings

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 52% can be achieved. This will comprise one of the approved documents, should planning permission be granted.

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

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.

The scheme would provide a 42% or more improvement over Part L of the Building Regulations 2010 and is projected to provide a 20.35% CO2 emissions reduction across the development. In terms of renewable energy the scheme proposes use of PV panels to provide 12.69% on site renewable energy.

Your officers are satisfied that the development is acceptable in respect of the sustainability matters in London Plan 2011.

9. Other

9.1 Air Quality Assessment

The site lies in an Air Quality Management Area (AQMA) as defined in the UDP (policy EP3 and SPG19) and air quality can be a material consideration in development control decisions as set out in PPS23 (Planning and Pollution Control, 2004). An Air Quality Statement, prepared by Campbell Reith (dated April 2011), was submitted with the application and was reviewed by the borough Environmental Health officer. The statement identifies three possible sources of air quality impact: (1) the construction phase and the associated works and emissions of vehicles; (2) post-completion traffic generated by the site; and (3) domestic boilers. The report concluded that the site has a medium-risk potential for the construction activities to generate pollutants but the other two sources are low-risk; the borough Environmental Health officer agrees with this conclusion and recommends a condition will be imposed to ensure a Construction Method Statement and appropriate dust and fine particles control measures are in place during works.

9.2 Flood Risk Assessment

As the site is over 1ha a Flood Risk Assessment (FRA) has been Campbell Reith (February 2012) in accordance with PPS25 (Development & Flood Risk, March 2010). This has been assessed by the Environment Agency, the statutory consultee on matters relating to flood risk; the EA are satisfied that, subject to conditions, the development is acceptable in terms of flood risk.

9.3 Daylight & Sunlight Report

A Daylight & Sunlight Report was prepared by Savills (April 2011) and submitted with the application. The report was prepared in accordance with the standard measure of daylight and sunlight, the Building Research Establishment (BRE) report and considered the impact of the development on 147 Olive Road. The report found that the proposal is fully compliant with the BRE guidance in respect of its impact on surrounding properties in terms of both daylight and sunlight. Your officers accept the conclusion of the report and find the scheme acceptable in terms of daylight and sunlight.

9.4 Noise & Vibration Assessment

An Environmental Noise & Vibration Assessment, prepared by Bickerdike Allen Partners (dated May 2011) was submitted with the application and was considered by the Council's Environmental Health department. Prepared in accordance with the guidance in PPG24 (Planning & Noise, 1994), the report found that the site falls within the lower range of Noise Exposure Category B (as defined in PPG24) on the facade facing the railway line. Such a level is not normally considered a barrier to development and what little attenuation is required will be addressed with specific construction techniques and double glazing. The report also concludes that the vibration levels will be below the threshold level for "a low possibility of adverse comment" as defined by the relevant British Standards. The borough Environmental Health officer has reviewed the assessment and, subject to the specific measures within section 5.2 of the report being secured by condition, is satisfied with the likely living conditions for future occupants in terms of noise and vibration. Your officers concur with this conclusion and no further conditions are required.

Members are asked to note that whilst at present the railway line is used for a low number of freight movements, the above report anticipates a doubling of the frequency of movements along the line. Further, in recent years the line has been subject to various studies investigating the possibility of introducing passenger services, in light of the long-term proposals for Brent Cross. An aspiration for a light-rail passenger service was abandoned a few years ago but the recent steps towards a proposed High Speed Two railway line has resulted in Transport for London (TfL) reconsidering this line to provide a link between the proposed High Speed Two station at Old Oak Common and Brent Cross. At this early stage TfL envisage this line could become part of the London Overground network and thus would become a higher frequency heavy-rail line. This project is in early stages and no detailed design or feasibility studies have been undertaken.

9.5 Ground Investigations

Due to the industrial history of the site, a Geoenvironmental and Geotechnical Report was prepared by Campbell Reith (May 2011). The report was assessed by the borough Environmental Health officer who, subject to the imposition of two conditions to control further investigations and a remediation strategy, is satisfied with the proposals and as such your officers are satisfied that the development would not have an unacceptable geo-environmental impact.

9.6 Statement of community involvement

A section providing a statement of community involvement is included in the Planning Statement prepared by Studio Aitken in support of the scheme (May 2011), this details the pre-application consultation with both the public and other consultees. A public consultation event was held near the site in March 2011 and this was advertised with a widespread leaflet drop to surrounding residents the week before the event. Local councillors from three wards were also invited. Turnout was low with 11 visitors but those who did attend raised concerns about (1) traffic congestion in the area; (2) the impact on No. 147 Olive Road; and (3) the nature of the boundary treatment to Olive Road. A meeting was also held with representatives of the Gladstone Park Consultative Committee, North-West-Two Residents' Association and the Cricklewood Homeless Shelter in February 2011: concerns about traffic impact were also raised in this meeting and stakeholders expressed a desire to see s.106 funding benefit Gladstone Park and the local highway. The standard charge is applicable to this scheme and the monies required by the s.106 will be used for a range of projects to mitigate the impacts of this development, including sustainable transportation works and improvements to open space in the area as well as contributing to education requirements. Your officers do not have details of specific projects at this stage.

9.7 Crime & antisocial behaviour

Many local residents have objected to the proposed development on the basis that the development would bring about an increase in crime and anti-social behaviour. There is no evidence that housing generates crime; in this case the development will be designed to meet the principles of Secured By Design. Residents have also expressed concerns about the security of the retained Thames Water works. The retained works site will retain its security fencing and gates and the access road will remain gated. In terms of security of the Thames Water works this proposal is considered acceptable.

9.8 Impact on local infrastructure

The Council recognises that development of any scale can have an impact on local infrastructure as new population enters an area; this impact is particularly keenly felt on local schools, healthcare facilities and the road network. In recognition of this fact the Council can enter into a S106 legal agreement to secure financial contributions to enable the Council (as the education and highway authority) and the PCT to provide improvements and enhancements of local facilities to accommodate the new population. This application secures a total of about £330,000 to provide improvements to local infrastructure.

10. Responses to objectors

The majority of objections to the scheme have been addressed in the sections above.

11. Conclusion

The application would provide a significant contribution to much-needed family accommodation for general needs rent whilst providing a good living environment for future occupants and making a positive contribution to the visual amenities of the area. The development is not expected to materially harm the amenity of neighbouring occupants nor would it harm the setting of the local listed pumping station and chimney. The

loss of employment facilities are considered acceptable in this instance and local infrastructure would receive a financial contribution to facilitate improvements. The scheme is judged to be sustainable development which optimises the use of previously developed land for housing and as such is in general accordance with the objectives of the draft National Planning Policy Framework, other national policy statements, the London Plan 2011 and the Brent development plan documents and approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010
London Plan 2011
Central Government Guidance including draft National Planning Policy Framework
Council's Supplementary Planning Guidance

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

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

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):

PL(00)001 Rev A *Location Plan*
PL(00)002 Rev A *Existing Site Plan*
PL(00)003 Rev G *Proposed Site Plan*
PL(00)004 *Ground Floor Plans (1)*
PL(00)005 *First Floor Plans (1)*
PL(00)006 *Second Floor Plans (1)*
PL(00)008 Rev A *Ground Floor Plans (2)*
PL(00)009 Rev A *First Floor Plans (2)*
PL(00)010 Rev A *Site Plan*
PL(00)011 Rev A *Roof Plan*

PL(00)200 *Site Sections*

PL(00)300 *Block A Elevations*
PL(00)301 Rev A *Houses H, K, J and Block B Elevations*
PL(00)302 Rev A *Houses C1-5, D & G Elevations*

PL(00)303 Rev A *Houses C6-8, E, F & G Elevations*
PL(00)304 *Block B, Houses L & M Elevations*
PL(00)305 *Typical Elevations of Type C Houses*

PL(00)400 *Key Details*
PL(00)401 *Pergola and Front Garden*

W105864L01 Rev C *Landscape Masterplan*
W105864L02 Rev A *Planting Plan 1 of 2*
W105864L03 Rev B *Planting Plan 2 of 2*
W105864L04 Rev A *Tree Protection and Removal Plan*
W105864L05 *Front Gardens Detail*
W105864D01 Rev A *Landscape Section 1 of 2*
W105864D02 Rev A *Landscape Section 2 of 2*
W105864D03 *Garden Fence Detail*

Air Quality Statement (Campbell Reith, April 2011)
Daylight & Sunlight Report (Savills, April 2011)
Environmental Noise & Vibration Assessment (Bickerdike Allen Partners, 17 May 2010)
Environmental & Sustainability Strategy (Ramboll, April 2011)
Flood Risk Assessment (Campbell Reith, January 2012)
Geoenvironmental and Geotechnical Due Diligence Report (Campbell Reith, May 2011)
Report on Inspection of Trees (Broad Oak Tree Consultants Ltd, 12 October 2010)
Supporting Planning Statement (Studio Aitken, May 2011)
Transport Statement (Campbell Reith, April 2011)

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

- (3) Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the premises shall be carried out unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: in view of the restricted size of the site for the proposed development no further enlargement or increase in volume beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority, to prevent an over development of the site and loss of amenity to adjoining occupiers, and in view of the restricted gardens.

- (4) The existing laurel boundary hedge situated on the south-western boundary of the site with Gladstone Park shall be retained at a minimum height of 2.25m above the Finished Floor Level of Houses C1-C3 and D. Should any part die or be damaged during the course of development, replacement planting shall be undertaken in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

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

- (5) All parking spaces, turning areas, access roads and footways shall be constructed and permanently marked out in accordance with the approved plans prior to occupation of any part of the development approved by the Local Planning Authority and shall be retained thereafter. Parking spaces shall be used only for domestic vehicles and no other use.

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

- (6) The development shall be carried out in accordance with the sound insulation measures hereby approved and no part of the development shall be occupied until the approved sound insulation measures has been fully implemented. The sound insulation measures shall be retained thereafter.

Reason: To safeguard the amenities of the occupiers.

- (7) Prior to commencement of works, further details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in full prior to first occupation on in accordance with a timetable to be agreed with the Local Planning Authority and shall be retained thereafter. Such details shall include:
- (i) all lighting for the site, including the access road, pedestrian access, communal amenity space, parking areas, building security lights and rear gardens;
 - (ii) a low-height proposal for the access road to protect the amenity of residents of St Michael's Road and Olive Road from glare;
 - (iii) a lighting regime within the northern part of the site along the boundary with the railway which minimises potential effects on bats foraging around the site i.e. 'Dark Skies' compliant with fittings to prevent any upward light and the use of deflectors to reduce backlighting;
 - (iv) the output of each light and a site-wide light-spill diagram; and
 - (v) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, wall-mounted

No other security lights shall be installed on the rear or in the gardens of Houses M1, M2 and L1-3.

Reason: To ensure that such illumination does not prejudice the wildlife corridor, local amenities or safety on the neighbouring highway.

- (8) The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (Campbell Reith, dated January 2012, ref: 10471) and the following mitigation measures detailed within the FRA:
- (i) limiting the surface water run-off generated by all events up to and including the 1:100 year storm event to 25l/s;
 - (ii) provision of onsite storage to attenuated the critical duration 1:100 year storm event (including an allowance for climate change); and
 - (iii) surface water attenuation to be provided using sustainable techniques including green roofs

Reasons: to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to prevent flooding by ensuring the satisfactory storage of surface water from the site; to improve the quality of surface water run-off and provide amenity

- (9) Details of materials for all external work, including samples, 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 and shall be retained thereafter.

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

- (10) Details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained thereafter.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (11) No works shall commence before an Arboricultural Method 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, hedges and shrubs on-site and within the street frontage to facilitate the development or ensure the health of the tree(s) to adhere to BS3998:2010;
 - (ii) a Tree Protection Plan which adheres to the principles embodied in BS5837:2005 and

- indicates exactly how and when the retained trees, hedges and shrubs on-site or off-site near the site boundaries will be protected during the works and show root-protection zones; and
- (iii) a detailed methodology for works within root protection zones including no-dig construction techniques and ground protection matting;

Provision shall also be made for supervision of tree protection and tree works by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details. Any works to the retained trees should take place outside the main breeding period for birds (March to August) unless preceded by a survey, to be submitted to and approved in writing by the Local Planning Authority, to check for the presence of breeding birds. Should nesting birds be identified, all works to the trees shall stop until the young birds have left the nest.

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.

Any such tree, hedge or shrub which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced in the next planting season with a tree, hedge or shrub of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

Reason: The land benefits from mature trees, hedges and shrubs on site and off site near the boundaries and this condition is to ensure the ongoing health and vitality of those existing features throughout the duration of the development or their suitable replacement, in the interests of the occupants and general public and to enable the Local Authority to monitor such measures

- (12) In addition to the plans hereby approved, prior to the commencement of any works further details of the soft landscaping 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 prior to occupation of the development or in accordance with a programme to be agreed with the Local Planning Authority.

Further details shall include:

- (i) the laurel hedge within the gardens of Houses C1-3 and D, to show it narrowed and lowered in height to a minimum height of 2.25m above the Finished Floor Level of Houses C1-C3 and D;
- (ii) revised planting along the pedestrian access between Olive Road and the access road to provide a more structured scheme with some larger shrubs and hedging; and
- (iii) revised play equipment to include age-suitable equipment for pre-school and junior children to NPFA standards

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.

- (13) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the local planning authority prior to commencement of works 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.

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.

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.

- (14) Prior to commencement of the development hereby approved, further details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and 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.

Such details shall include:

- (i) type of fence, e.g.; palisade, close-board, railings, etc;
- (ii) all dimensions including height, length and thickness;
- (iii) material(s), construction and manufacturer if appropriate;
- (iv) for walls specify type, brick colour/pattern, mortar, render, or other finish, including construction details; and
- (v) any alterations, extensions or repairs to existing boundaries.

Reason(s): in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the locality.

- (15) Prior to the commencement of building works further details of wildlife and ecology shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details and shall be retained thereafter.

Such details shall include:

- (i) a bat survey;
- (ii) a reptile survey; and
- (iii) appropriate mitigation measures including a relocation strategy and/or provision of habitat improvements for bats and reptiles if necessary

Reason: In the interests of wildlife and ecology, given the presence of mature trees and areas of scrub on site and in light of the adjoining Grade One Nature Conservation Area and wildlife corridor.

- (16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the timing of deliveries (to avoid peak school hours) and the control of traffic entering the site;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel washing facilities to be installed prior to commencement of any works;
 - (vii) measures to control the emission of dust and fine particles during construction; and
 - (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the the retained landscape features, highway safety and the freeflow of traffic, residential amenity and Air Quality Management Area objectives.

- (17) Prior to commencement of any works, a detailed soil remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. Such a remediation strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The works shall be carried in accordance with the approved details in accordance with the approved timetable and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

- (18) Prior to occupation of any part of the development and following completion of measures identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

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

- (19) Prior to commencement of the development, further details of the access road from St Michaels Road shall be submitted and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details and retained thereafter. Such details shall include:
- (i) replace the proposed rumble strips with speed humps
 - (ii) details of all signage

Reason: In the interests of the general amenities of the locality in terms of the noise of rumble strips and nearby residents and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

(20) Prior to the commencement of the superstructure of the buildings hereby approved, further details of the proposed development 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:

- (i) the junctions of different materials e.g. brick and metal cladding, hung tiles and brick;
- (ii) the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;
- (iii) the glass balustrades to roof terraces;
- (iv) the metal coping; and
- (v) the window frames including materials, colour and samples if necessary.

The development shall be completed in accordance with the details so approved before the buildings are occupied.

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

INFORMATIVES:

(1) The applicant is advised that during demolition and construction on site:

- The best practical means available in accordance with British Standard Code of Practice BS5228:1984 shall be employed at all times to minimise the emission of noise from the site
- The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays
- Vehicular access to adjoining premises shall not be impeded
- All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only
- No waste or other material shall be burnt on the application site
- A barrier shall be constructed around the site, to be erected prior to work commencing
- A suitable and sufficient means of suppressing dust must be provided and maintained

(2) Japanese knotweed is classed as a notifiable weed under the Wildlife and Countryside Act 1981. It is an offence to "plant or otherwise cause to grow in the wild" such a weed, which has implications for control methods. Vegetative material and contaminated soil is classed as "controlled waste" under section 43 of the Environmental Protection Act 1990, and therefore must be disposed of at a licensed landfill site in accordance with the Environmental Protection (Duty of Care) Regulations, 1991.

REFERENCE DOCUMENTS:

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

Any person wishing to inspect the above papers should contact Harini Boteju, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5015



Planning Committee Map

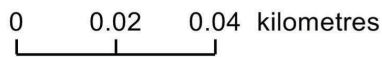
Site address: 44 High Road, London, NW10 2QA

© Crown copyright and database rights 2011 Ordnance Survey 100025260



©Crown copyright and database rights 2014 Ordnance Survey 100025260

1:1250



This map is indicative only.

RECEIVED: 16 January, 2014

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: 44 High Road, London, NW10 2QA

PROPOSAL: Retrospective application for single storey rear extension

APPLICANT: Woody Grill

CONTACT: ANVA Ltd

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant consent.

CIL DETAILS

The GIA of the new build is less than 100sqm and as such is exempt minor development, in accordance with Regulation 42(1).

CIL Liable?

Yes/No: No

EXISTING

The site is the an A3 unit on the northern side of High Road, Willesden, NW10. The building is 3-storey in height with residential above. The site is within Willesden conservation area as well as the primary shopping frontage of this town centre.

PROPOSAL

See above.

HISTORY

13/2775 - Refused 06th February 2014

Variation of condition 5 (opening hours) of full planning permission reference 87/1195 dated 12/01/88 for single storey rear extension and change of use to take-away and restaurant, to allow extension of opening hours from between 08:00 - 23:00 Sunday to Thursday and 08:00 - Midnight Friday to Saturday, to 07:00 - 05:00 Monday to Sunday. Enforcement Officers are continuing to pursue the issue of the premises operating outside of its approved hours.

POLICY CONSIDERATIONS

National Planning Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. Its includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

Unitary Development Plan 2004 - Policies Saved by direction

BE2 Townscape: Local Context & Character
BE9 Architectural Quality

CONSULTATION

External

66 neighbouring owner/occupiers consulted, Advert placed in local newspaper 03/04/2014, site notice put up 27/03/2014. This means that the consultation period will expire after the Committee date. This issue is discussed below. To date four objections have been received. The points raised are as follows;

- extensions an eyesore, roof is strewn with debris
- does not benefit from a landscape buffer
- occupies too much of the site
- water drains off of the building into the adjoining Metropolitan Court

Internal

Highways and Environmental Health Officers consulted and raise no objection.

REMARKS

1. The site has been the subject of a number of refused planning applications to extend the opening hours, including an application this year seeking near 24 hour opening times, which received significant local opposition and was refused. The refused application is now the subject of a Planning Appeal. There is a Planning Enforcement case open in relation to the untidy condition of the rear of the property. Enforcement have notified the owner/manager and warned that failure to rectify the situation could result in Untidy Land Notice under Section 215 Town and Country Planning Act being served.
2. This application seeks permission for the existing single storey rear extension only and needs to be dealt with on its planning merits alone. The main issues which will be addressed in turn are;
 - Design and impact on character of Conservation Area.
 - Impact to neighbouring amenity.
 - Consideration of objections.
3. The extension is sited at the rear of Woodys Grill on Willesden High Road. It accommodates a boiler room and three WC's. It has a depth of 6m, extends the full width of the site and adjoins the vehicular entrance to Metropolitan Court, which is the development on the site of the former Spotted Dog public House. The site falls within the designated Willesden Conservation Area, a mixed use centre marked by a common, distinctive retail based architectural vocabulary. The main Victorian commercial centre contains many significant buildings by several well-known architects, for example the nearby Old Library building and recently redeveloped Sexton's Spotted Dog pub.
4. In terms of design, the rear of these premises generally contain small extensions for utilities and the ground is concreted over providing additional yard space for the commercial premises above. No 48 is accessed via a passage way that runs behind the buildings. The environment is typical of a rear yard environment serving commercial uses in the area and does not have a particularly uniformed appearance, hence the extension is not at odds with a defined character. In terms of impact to the character of the Conservation Area, given the extension is located off street at the rear, it is not considered to interfere with the front of the buildings which most define the character of the Conservation Area.
5. In terms of residential amenity, the adjoining Spotted Dog redevelopment adjoins the site and objections have been raised on grounds that the appearance of the extension on the boundary is an eye sore and the roof is often strewn with debris and rubbish. The extension however does not directly abut habitable room windows on same level in close proximity, hence it is not considered to be overbearing in terms of outlook. In addition, decisions have to be based on adopted planning policies, and there are other avenues as explained above, that the Council have for pursuing the untidy condition of properties.

Objections

Officers response

6. roof is strewn with debris.

As highlighted above, the Council have a Planning Enforcement case open in relation to the untidy condition of the rear of the property. Enforcement have notified the owner/manager of this, and failure

to respond could result in Untidy Land Notice under Section 215 of the Town and Country Planning Act being served.

In relation to the determination of this application, it is difficult to make a planning decision based on considerations such as this. Determination has to be based on adopted planning policy.

7. Does not benefit from a landscape buffer.

A landscape buffer would not necessarily be required for an extension of this size, particularly since it adjoins an entrance to the adjoining building rather than somebody's private amenity space.

8. Occupies too much of the site.

The retention of a 6m² area at the rear of the property, considering the relatively small size of the entire rear yard, is considered acceptable.

9. Water drains off of the building into the adjoining Metropolitan Court.

An informative will be placed on this permission informing the applicant of their obligations to ensure that water drains within the site curtilage entirely.

10. Extension is an eyesore.

As set out above, the rear of this stretch of properties along High Road are not particularly uniformed, hence the extension is not particularly at odds with a defined character. It is visible as you enter Metropolitan Court, however its off street location means that it has very little impact on the street frontage which most defines the character of the Conservation Area. In terms of views from Metropolitan Court, the extension does not directly abut habitable room windows on same level in close proximity, hence it is not considered to be overbearing in terms of outlook. On this basis, the impact of the extension on the outlook of adjoining first floor habitable room windows is not extensive enough to warrant a reason for refusal.

11. Extension is already built and disregards proper planning procedure

Whilst it is always unfortunate when any applicant implements their development before seeking the necessary permission, the assessment here must be based on adopted planning policies, and is unaffected by whether or not the works have already been carried out or not.

12. In conclusion, this report has explained that there are proceedings underway that relate to the untidy condition of the rear yard, and that the determination is for the single storey extension only. The siting and scale are not considered to be overbearing or detrimental to the amenity of adjoining occupiers, and owing to the extension being off street, it is not considered to harm the character of the Conservation Area. Approval is therefore recommended.

13. As explained above the closing date for comments as set by the necessary press and site notices will expire after the Planning Committee. Given the proposal is for the retention of a building, and there has already been much local scrutiny of the proposals, Case Officers would ask that, in the event that members are minded to grant planning permission, the final decision be delegated to Officers to consider any new representations that are received, that raise issues that have not previously been raised.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

CONDITIONS/REASONS:

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

05.14/01

05.14/02

05.14/03

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

- (2) The roof of the extension hereby approved shall not be used as an external terrace.

Reason: To safeguard the amenity and privacy of adjoining occupiers.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant is reminded that the drainage shall be dealt with entirely within the curtilage of the site and shall not discharge onto adjoining land that is not within the site curtilage.
- (3) The applicant is informed that this consent only relates to the single storey rear extension. The matter of opening hours remains to be resolved and is subject to enforcement proceedings.

Any person wishing to inspect the above papers should contact Samuel Gerstein, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5368



Planning Committee Map

Site address: Moberly Sports and Education Centre, Kilburn Lane, North Kensington, London, W10 4AH

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 2 December, 2013

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Moberly Sports and Education Centre, Kilburn Lane, North Kensington, London, W10 4AH

PROPOSAL: Demolition of all existing buildings and erection of a part 7/part 6/part 5/part 4-storey building with 9293sqm of Sports and Leisure Centre (Use Class D2), 56 flats (22 x 1-bed, 34 x 2-bed) and 240sqm of retail floor space (Use Class A1/A2/A3) and erection of 15 terraced townhouses (15 x 4-bed) with associated car and cycle parking and landscaping.

APPLICANT: City of Westminster Sport Leisure and Wellbeing/ Willmott Dixon Regen Ltd

CONTACT: Daniel Watney LLP

PLAN NO'S:
See condition 2

RECOMMENDATION

The Committee resolve to agree in principle to grant subject to.

(a) any direction by the Mayor of London to refuse the application. In accordance with Article 5 of the Town & Country Planning (Mayor of London) Order 2008 following the Council's determination of this application, the Mayor is allowed 14 days to decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 to refuse the application;

(b) Satisfactory prior completion of a Section 106(s) under the Town & Country Planning Act 1990 and/or other form(s) of agreement/undertaking in order to secure the S106 matters as detailed in this report.

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Delivery of New Moberly Sports Centre
- London Borough of Brent Resident Fees and Charges. Detail of pricing structure to provide access for Brent residents at Brent Rates.
- Details of Scheme Fees and Pricing Arrangements for future residents.
- Compliance with sustainability checklist exceeding 50% score
- Code for Sustainable Homes Level 4
- BREEAM "Excellent" Rating
- CO2 reduction representing 25% improvement on 2010 Building Regulations
- Withdrawal of the right of future residents of the development to on-street parking permits in the area;
- Implementation of the submitted Interim Residential and Leisure Centre Travel Plans, with a sum of £2,000 set aside to cover Brent Council's monitoring charges;
- Provision of financing of up to £30,000 towards a review of CPZ operating hours on streets within Brent surrounding the site;
- Submission, approval and implementation of a Delivery and Servicing Management Plan
- An agreement under S278 of the Highways Act 1980 for (i) provision of a zebra crossing on a raised table in Kilburn Lane in broad compliance with the design set out in drawing SK-045/P01; (ii) footway works along the Kilburn Lane frontage of the site, to include replacement of concrete surfacing with modular paving (slabs or blocks), removal of redundant guardrailings and planting of street trees; (iii) widening and adoption of the footway along the Chamberlayne Road frontage of the site; (iv) construction of new vehicular accesses to the site onto Kilburn Lane and Banister Road and reinstatement of all existing

lengths of vehicular crossover rendered redundant by this proposal to footway; (v) alterations to existing on-street parking bays around the site to suit new access locations;

- Membership and compliance with the 'Considerate Contractors' Scheme.
- Details of Ilbert Street Mini-bus Spaces
- On-site Coach Drop-off Pick Up (Head of term to prevent any coach accessing or exiting the site.
- Prior to any occupation, the owner must submit to the Council an independent and revised financial appraisal of the scheme that includes the actual build and other costs accrued, as well as verified sales values. If this revised appraisal reveals that the development yields a residual value surplus when measured against the sites acquisition cost, admitting a developer return of 17.5%, on the build contract value the owner will either provide affordable housing on site to a level that eliminates that residual value or give the Council a commuted sum equal to that residual value for the provision of affordable housing in the borough.
-

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

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£2,239,691.03** of which **£1,697,909.87** is Brent CIL and **£541,781.16** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The existing site has an area of approximately 6600sqm. There are no listed buildings on the site nor is it within a Conservation Area. It is however adjacent to the Queens Park Conservation Area, which is within the Westminster City Council Area. The site has a ptal rating of 6a.

The existing sports facilities include:

- i) an existing sports hall on the west boundary of the site with Chamberlayne Road;
- ii) a two-storey former Victorian School Building fronting onto Kilburn Lane;
- iii) a single storey infill building linking the sports hall with the nursery/former Victorian School Building
- iv) 2-storey Victorian former school-masters lodge currently occupied as temporary accommodation and fronting onto Bannister Road.
- v) MUGA to the north edge of the site next to Bannister Road.

I.

The frontage of the existing site on Chamberlayne Road and Banister Road is formed by a 2m high brick wall which restricts views of the site and limits informal surveillance of the surrounding streets.

These facilities are located within Brent but owned and run by Westminster City Council. The Borough boundary runs along the south east edge of the site along the centre of Kilburn Lane. The site also forms the western edge of the South Kilburn Growth Area and is within the HS2 safeguarding zone.

PROPOSAL

See description above.

HISTORY

There is a long planning history for a variety minor applications for alterations to the existing site. None of these are considered to be relevant to this application.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012 (NPPF)

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

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

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

The objectives relevant to the current application include:

- Promoting healthy communities. Ensuring the vitality of town centres
- Delivering a wide choice of high quality homes
- Requiring good design
- Ensuring the vitality of town centres

Paragraphs 69 to 78 of the NPPF set out how the planning system can help promote healthy communities.

Paragraphs 69 and 70 state that the planning system can play an important role in facilitating social interaction and creating healthy communities. To deliver social, recreational and cultural facilities decisions should:

- plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.
- ensure that facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:

- an assessment has shown that they are surplus to requirements
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Paragraphs 47-55 relate to Housing provision.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 50 states that Local Authorities should plan for a mix of housing to meet current and future demographic trends, and where affordable housing is needed the policy should have flexibility to take account of changing market conditions over time.

Paragraphs 56-68 set out that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Local Planning Authorities should not refuse planning permission for buildings or infrastructure because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

London Plan 2011

- 2.14 - Area for Regeneration
- 3.2 - Improving Health and Addressing Health Inequalities
- 3.3 - Increasing Housing Supply
- 3.5 - Quality and Design of Housing Developments
- 3.6 - Children and Young Persons Play Space
- 3.8 - Housing Choice
- 3.12 - Affordable Housing Provision
- 3.16 - Protection and Enhancement of Social Infrastructure
- 3.19 - Sports Facilities
- 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

Mayor's Housing SPG 2012

Brent's Local Development Framework

Site Specific Allocations 2011

Proposed high quality, fully accessible and highly sustainable redevelopment is promoted which re-provides the existing sports and nursery facilities currently provided on the site to a higher quality and specification that better responds to demonstrable local need. It is also proposed that given the inclusion of the site within the South Kilburn Growth Area that the scheme includes residential units above ground floor level that form part of a high-quality and fully integrated mixed use development. Development proposals should have regard to the Conservation Area designation adjacent to the site in Kilburn Lane. The indicative development capacity was 104 units.

Core Strategy 2010

- CP1 Spatial Development Strategy
- CP2 Housing Growth
- CP5 Placemaking
- CP6 Design and Density in Place Shaping
- CP9 South Kilburn Growth Area
- 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
- BE25 Development in Conservation Areas.
- H11 Housing on Brownfield Sites
- H12 Residential Quality – Layout Considerations
- H13 Residential Density
- TRN3 Environmental Impact of Traffic
- TRN10 Walkable Environments
- 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'

SUSTAINABILITY ASSESSMENT

This application is accompanied by an Energy Strategy with a Code for Sustainable Homes (CfSH) Pre-Assessment, BREEAM Pre Assessment and TP6 Sustainability Checklist which confirm that the proposal will achieve a CfSH Code level of 4 and an indicative BREEAM rating of 'Very Good' with action points to show how it could be brought up to BREEAM 'Excellent'. It also notes that the scheme will achieve a 2 % reduction in CO2 emissions from 2010 Building Regulations TER through "be lean" (building fabric) measures

and a further of 40% reduction through on-site renewables (PV Panels and CHP).

The site is situated within a designated Growth Area and as such, the proposal is required to meet the minimum requirement of Code Level 4 for CfSH and BREEAM 'Excellent' rating as set out within the LDF Core Strategy. Furthermore, the 40 % target reduction in CO2 that is required by the London Plan also applies. The Energy Strategy states that

The submission contends that CHP is appropriate for this scheme and that on-site renewable energy can be generated through the use of Photo-Voltaic Panels which would be required to provide a minimum of 160sqm to meet the target but could provide up to 350-400sqm. The applicants have submitted a TP6 Sustainability Checklist which they have scored at 51 %. Your officers have assessed the checklist and have scored it at 51%. This is in compliance with the minimum score that is sought (50 %).

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

CONSULTATION

This application has been subject to widespread consultation. 737 residents within Brent and Westminster were sent letters notifying them of the proposed development, site notices were installed on all streets adjacent to the development site and a press notice was published.

Consultation notices were also sent to Transportation, Environmental Health, Landscape Design, Urban Design, Parks, Policy, Sport England neighbouring Boroughs of Westminster and Kensington and Chelsea, Thames Water, local councillors HS2, GLA, Environment Agency, Kensal Triangle Residents Association and Kensal Rise Residents Association.

A widespread consultation exercise has also been undertaken by the applicants at the pre-application stage..

29 objections have been received on the following grounds:

- Lack of Affordable Housing.
- The height of the building will impact on Daylight and Sunlight to neighbouring properties
- Out of keeping with the scale of surrounding area.
- Detrimental impact on the character of Kensal Green
- Increase in traffic associated with the development will have an adverse impact on existing poor highways conditions.
- Lack of parking will result on over parking on neighbouring streets.
- Providing parking for town houses will exacerbate existing problems with volume of traffic
- The proposed town houses are too large and lack design detail of properties on the opposite side of the street
- Vertical sky component figures are not provided in daylight and sunlight report.
- The town houses will not be used by families but will become occupied by flat shares.
- The overhang of the building on Chamberlayne Road is will make the space in front of the building less inviting and usable than it would be if the whole building was set further back from the pavement edge
- The architecture is bland and dull.
- The basement is not utilised.
- Lack of child's play space in the new flats.
- Loss of privacy for neighbouring residential units.
- Impact on existing infrastructure
- Brent residents should benefit from this proposal.
- The impact on highway conditions will create poor on-street conditions for cyclists.
- Lack of soft landscaping
- The proposed facility could attract anti-social behaviour
- Lorries delivering to the Tesco's at City View already block the road increasing traffic levels will exacerbate problems associated with this.
- Loss of existing Victorian buildings which are of high heritage significance.
- The proposal does not fit within Brent's Strategic Development Plan (PPG Development Plans)
- The Transport Assessment underestimates the traffic levels associated with the proposed development
- Noise and disruption from construction works
- Dust and dirt from construction will affect appearance of neighbouring building at City View.
- Dust and dirt will have a detrimental impact on environmental conditions for local residents.
- Noise and disturbance from deliveries to proposed retail unit.
- No attempt is made to address local needs such as training and employment opportunities for young

- people, child care, space for community development.
- Loss of open air sports facility.
- Detrimental impact on sparrows which nest in garden of the school house.
- Cityview is not a suitable precedent
- Lack of trees on Chamberlayne Road side of development.
- Inadequate provision of amenity space
- There is no need for another A1, A2 or A3 unit when there are existing vacant units within Kensal Rise.
- Proposal is contrary to UDP policy BE25 as it results in loss of Victorian school building
- The proposed Sports Centre will be inaccessible for residents of certain areas of London

12 comments in support have been provided on the following grounds:

- The facility will provide excellent sports facilities in an area which does not have easy access to such facilities.
- The proposed development will benefit sports provision in local schools
- The proposed development will increase visitors to the area which will be good for local businesses.
- The proposed sports facility will benefit the health of local residents.
- The building is of an appropriate size similar to neighbouring City View
- The proposal will be an improvement on the existing dilapidated facilities.
- The cost of the development will not be to taxpayers but the facilities will benefit all residents

GLA

On 16 January 2014, the Council notified the Mayor of London about this planning application as being referable to him under Category 1B of the Schedule to the Town & Country Planning (Mayor of London) Order 2008. This Category states that any development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15 000sqm has to be referred to the Mayor. The GLA have provided their stage 1 response and require clarification on a few matters when the application is submitted for its Stage 2 review following consideration at the Council's Planning committee. The GLA response is discussed in the remarks section below.

Brent Sports and Parks

Brent's Sports and Parks service feel that the redevelopment of Moberly sports centre will bring fantastic new opportunities for Brent's residents to take part in a wide range of sports and recreation activities in this state of the art new leisure facility.

Brent has one of the most inactive adult populations in England and the new opportunities that Moberly bring to increase residents ability to become more active is welcomed. Brent has a number of health inequalities across the Borough including high levels of diabetes and obesity and a more active lifestyle through use of this new sports centre will help people lead a healthier life.

The range of facilities is significantly greater than that at the current Moberly centre. The inclusion of swimming pools brings a new facility dimension to the Kilburn area and will offer both adults and children the opportunity to learn and take part in swimming. Swimming was the most frequently participated in sports activity across England according to Sport England's Active People survey and the provision of only a third pool within the Borough of Brent will enable more people to take part in this popular activity.

The range of different facilities spaces available from boxing to 8 court sports hall, studios and community space reflect that a wide and ranging programme will be offered to the local communities.

From a strategic perspective, the Borough's Planning for Sport and Active recreation facilities strategy identifies the need for additional publicly accessible fitness stations and upgraded sports hall provision which Moberly will provide.

The Sport and Active Recreation Facilities Strategy has a number of themes which the provision of a new sports centre at Moberly will help to achieve, namely:

Theme 1: Increase provision of appropriate Facilities

Theme 3: Get more people active

Theme 5: Increase sports opportunities for young people

Theme 7: Improve partnership working

It will also help the Council deliver against it's Corporate priority of 'a strong community' and it's associated outcome of 'Excellent sports, leisure and cultural facilities used by more people'. Also the priority 'Improving

health and well-being' and achieving the outcome of 'More people living healthier and longer lives'.

Brent Highways Officer

No objections to the proposed development subject to a S106 Agreement to secure:-

- (a) Withdrawal of the right of future residents of the development to on-street parking permits in the area;
- (b) Implementation of the submitted Interim Residential and Leisure Centre Travel Plans, with a sum of £2,000 set aside to cover Brent Council's monitoring charges;
- (c) Provision of financing of up to £30,000 towards a review of CPZ operating hours on streets within Brent surrounding the site;
- (d) Submission, approval and implementation of a Delivery and Servicing Management Plan;

together with a condition requiring the developer to enter into a S38/S278 Agreement with Brent Council to undertake works in the highway around the site to include: (i) provision of a zebra crossing on a raised table in Kilburn Lane in broad compliance with the design set out in drawing SK-045/P01; (ii) footway works along the Kilburn Lane frontage of the site, to include replacement of concrete surfacing with modular paving (slabs or blocks), removal of redundant guardrailing and planting of street trees; (iii) widening and adoption of the footway along the Chamberlayne Road frontage of the site; (iv) construction of new vehicular accesses to the site onto Kilburn Lane and Banister Road and reinstatement of all existing lengths of vehicular crossover rendered redundant by this proposal to footway; (v) alterations to existing on-street parking bays around the site to suit new access locations.

Brent Safer Streets

No objections to the proposed development subject to the submission of a revised air quality assessment clarifying model input and boiler information, and conditions relating to noise insulation to ensure that the proposed development provides an acceptable quality of accommodation for prospective residents and has an acceptable impact on neighbouring residents.

Brent Landscape Design

No objections. A tree protection plan would also be required to show that the existing street trees will be protected and not detrimentally impact by development. Further details of all hard materials, soft landscaping and drainage would be required by condition. This should include clear details of the public realm space, roof terrace and green roofs.

Has

Kensal Rise Residents Association have **objected** to the proposal on the following grounds:

- The consultation was not sufficient in terms of the area consulted and the timing of the consultation over the Christmas period.
- The proposed design and height is not sympathetic to the area.
- The proposal will increase parking pressure on local streets.
- The proposal will exacerbate dangerous highway conditions for local residents on the junction of Chamberlayne Road with Bannister Road.

HS2 have **no objection** to the proposed development subject to appropriately worded condition.

None of the development shall be commenced until detailed design and method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- (a) Accommodate the proposed location of the HS2 structures and tunnels as shown on the map entitled High Speed Two Draft Safeguarding Directions Map No. 6 or as shown on any subsequent or revised Safeguarding Directions that may be made in relation to HS2 issued prior to detailed design and method statements being approved pursuant to this condition.
- (b) Accommodate ground movement arising from the construction thereof, and
- (c) Mitigate the effects of noise and vibration arising from the operation of the HS2 railway within the tunnels.

The Development shall be carried out in all respects in accordance with the approved design and method statement, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs (a) to (c)

of this condition shall be completed, in their entirety, before any part of the buildings.

Karen Buck MP has written to **object** to the proposed development with three main concerns:

- Loss of leisure amenity of Queens Park Residents
- The lack of affordable housing on both the Jubilee and Moberly sites
- lack of parking and accessibility and possible impact on local Queen's Park Streets.

Royal Borough of Kensington and Chelsea have **no objections** to the proposed development.

London Amateur Boxing Association have written in **support** of the proposed application on the following grounds:

- the proposed development provides the potential for a new club base for local All Stars Boxing Club to provide long term tenure and alleviate pressures that the club currently face.
- The potential new club base will ensure the club can pro-actively plan and sustain its provision to the community.
- The proposal can positively improve the health and well being of residents throughout the City of Westminster and London whilst also delivering an iconic London Olympic Legacy project.

Pro-Active Central London have written in **support** of the proposal on the following grounds:

The proposed development will contribute to their aims as a strategic partnership for sport & physical activity for Central London to improve the lives of Londoners through increasing participation in sport and physical activity for all the resultant health, physical and social benefits. The proposal will:

- widen access and increase the use of facilities/spaces for sport and physical activity
- expand the range of opportunities for participation in sport & physical activity
- Increase participation within low and non-participant groups.

England Basketball have written in **support** of the proposed development to provide an indoor sports facility:

- the proposal will help meet increasing demand for those wanting to play basketball.
- they will be able to use the facility to for club use, academy use and extended schools and community use.
- the new basketball provision would provide the Westminster Warriors Basketball Club with a suitable home to play and train in and would be suitable for English Basketball League games.
- The facility will be integral to the delivery of basketball in the surrounding area (an area identified as a priority for England Basketball for 2013-2017).

REMARKS

Introduction

1. The Moberly Sports Centre is a facility owned by Westminster City Council (WCC) but located within Brent. This application has arisen from a strategic review of all Council Sports facilities by WCC. This review found that the facilities provided at Moberly and Jubilee Sports Centres were in close proximity to each other and were costing the Council £600,000 per year to subsidise the provision of these facilities. The vision for the Council was to create a high quality and accessible facility for residents in what is a deprived area of Westminster. However the duty falls on the London Borough of Brent to determine whether the proposed development is unacceptable or not.
2. Following public consultation proposals have been brought forward for new and upgraded facilities across 4 separate sites. The proposals include:

A new sports centre at Moberly

A new community sports facility at Jubilee

An upgraded synthetic football pitch at St Augustines School

Improvements to the free to access multi use games area and outdoor gym at Queens Park Gardens.

WCC have entered into a partnership with Wilmot Dixon and as joint applicants have sought to use funding secured from the delivery of private homes on the Moberly and Jubilee Sports Centre sites to fund the delivery of the new facilities

Principle of Development

1. The proposed development would involve the demolition of all the buildings on site and erection of a part

7/part 6/part 5/part 4-storey building with 9293sqm of Sports and Leisure Centre (Use Class D2), 56 flats (22 x 1-bed, 34 x 2-bed) and 240sqm of retail floor space (Use Class A1/A2/A3) and erection of 15 terraced townhouses (15 x 4-bed) with associated car and cycle parking and landscaping. The main planning considerations in relation to the determination of the application are:-

- Whether the proposed development provides a high quality, fully accessible and highly sustainable development which re-provides the existing sports and nursery facilities
 - the site to a higher quality and specification that better responds to demonstrable local need.
 - Whether the proposed development provides an acceptable provision of affordable housing.
 - Whether the proposed development is of an acceptable design and has an acceptable impact on the setting of the neighbouring Conservation Area.
 - Whether the proposed residential accommodation is of an acceptable quality
 - Whether the proposed development would have an acceptable impact on the amenity of neighbouring residents
 - Whether the proposed development would have an acceptable impact on local highways and parking conditions
 - Whether the proposed development would have an acceptable environmental impact.
 - 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 Existing Uses

3. The existing sports facility has a building floor space of approximately 2718sqm, which is accessed of Kilburn Lane adjacent to the former school masters lodge. While part of the site is also occupied by a nursery for pre-school children.
4. The Site Specific Allocation states that the existing sports and nursery facilities currently provided on the site should be re-provided with any redevelopment to a higher quality and specification that better responds to demonstrable local need. Brent Council's UDP states that the southern part of the Borough is most deficient in open space and the Borough as a whole is under-provided with built sports facilities.
5. The proposed facility would have a floor area of 9293 sqm and would include the following facilities:
- 25m 6-lane swimming pool;
 - 8-court sports hall;
 - Boxing hall
 - Multi-use sports hall
 - Community Activity Room
 - Fitness suite
 - Three exercise studios
 - Health Spa
6. The design and specification of the facilities has been subject to detailed consideration and review by Sport England, National Sports Governing Bodies and the preferred Leisure Centre Operator. The applicants have also stated that the proposed facility is designed to be cost neutral in terms of its operation. The proposed facility is considered to be a significant improvement on the existing facilities and while it will consolidate the existing sports provision from the existing site and the existing Jubilee Sports Centre there will still be an overall increase in the area, type and quality of facilities available. It is considered to meet local need as has been demonstrated by consultation responses in support of the proposed facilities from local groups involved in the provision of sports such as basketball and boxing. While a number of residents are concerned with the scale of development many of the objectors have confirmed support for the improved facilities along with those who have written in support of the proposals.
7. There is an existing outdoor MUGA on the site which will not be re-provided in the proposed development. To ensure that this will not have a detrimental impact on facilities on offer a replacement 3g astro-turf pitch is proposed at the St. Augustine's School site on Oxford Road. This pitch will be flood-lit and will be the same size as the pitch at the existing Moberly Centre (The existing pitch has a floor area of 750sqm.).
8. Part of the site has also been used as a nursery for pre-school children. The applicants have confirmed that they offered support to the existing nursery provider to provide new facilities but that they declined

this support due to the uncertainty surrounding the timescale for redevelopment. The nursery provider have since found suitable facilities at 20a Lancefield Street which is approximately 0.5 miles from the existing site. Therefore there is no loss of nursery facilities and the existing uses are considered to have been suitably re-provided in the local area.

9. One of the Council's strategic objectives is *Promoting Sports and other Recreational Activities - by placing particular emphasis on the provision of new facilities to address existing deficiencies and to meet the needs of new population in the growth areas, creating at least one new swimming pool in the borough in the plan period and eight new multi-use games areas*. This is supported in policy CP 18 of the Core Strategy. CP18 states that Priorities for sports facilities improvements have been identified in the Council's Planning for Sports and Active Recreation Facilities Strategy, and that the Council will seek a site for a fourth swimming pool as well as one specified for the north of the Borough.
10. The site is also within the South Kilburn Growth Area which is covered by policy CP9 of Brent's Core Strategy. This will include the delivery of 2400 new homes to 2026 and includes the delivery of new indoor and outdoor recreation uses. The proposed new facilities will help meet the need of the residents of the Growth Area and the surrounding residential areas within Brent.
11. London Plan policy 3.16 requires development proposals for community infrastructure should be accessible to all sections of the community and be located within easy reach by walking, cycling and public transport. To ensure that the facilities are accessible to Brent residents an appropriately worded clause will be included in the section 106 agreement. The fees and charges for the new Moberly Sports centre will align with arrangements across the Westminster City Council's other sports and leisure facilities. Westminster City Council will retain control of charges and will set the maximum fees and charges for all activities.
12. Brent do not have the same pricing structure for leisure services as Westminster therefore an agreement is required for agreeing the prices at which Brent residents will be able to access the proposed facilities, is required. Discussions have taken place between the Head of Sports and Recreation for the respective Councils and agreement has been reached in relation to how this will be managed.
13. It is proposed that the charges for the activities within the Brent 'core charges' for new Moberly Centre will align with the Brent core prices provided that:
 - Brent charges will never be less than those for Westminster residents (ie if there is an instance whereby the charge for an activity for Brent residents is less than that for Westminster residents, the Westminster rate shall apply)
 - Fees and charges structures proposed are as simplified as possible to minimise confusion for staff and customers and promote effective communications
 - The fees and charges will be reviewed by Westminster annually and annual inflationary increases will be applied as a minimum from opening of the new centre
14. It is also proposed that Brent residents are provided access to the Westminster Centre Membership scheme at the **Westminster resident rate**. This will provide discounts of a variety of activities (at the 'centre member' rate). It is proposed that the new fees and charges will not recognise the BActive Discount card scheme as this would be difficult to manage due to different IT infrastructure, the general fees and charges for activities would be suitable for a public sports and leisure facility and therefore public access to all residents would be promoted, some activities do not have a Westminster resident discount- this includes health and fitness memberships and some categories in the Brent discount card scheme (e.g. full time students and student nurses) are not recognised in Westminster concessionary schemes (therefore the offer to Brent would be better than that for Westminster).
15. With this agreement the proposed sport and recreational activities will be available to Brent residents at an appropriate rate and will help the Council meet a strategic objective to promote sports and recreational activities amongst Brent residents.
16. The site is located in an area with excellent public transport accessibility (PTAL 6a) and will be designed to provide access for all members of the community with the provision of mini-bus parking spaces and disabled access spaces to the rear while accesses and internal spaces will either be level or ramped.
17. The proposed facilities are therefore considered to be in compliance with National, London Plan and

Local policies which require new or improved community facilities to be accessible to all local residents and in situated in areas of very good or excellent public transport accessibility.

Housing

Unit Mix of Housing

18. The proposal will provide 71 residential units in the form of 22 x 1-bed 2person flats (31%), 18 x 2-bed 3 person flats (25%), 16 x 2-bed 4 person flats (23%) and 15 x 4-bed 7 person terraced townhouses (21%). This mix of housing unit sizes is considered to be in accordance with the Mayor's and the Council's planning policy relating to housing choice. The GLA stage 1 report states: *the scheme would provide a range of unit types, and a very good provision of family units at 21% of the total units and this is supported.* The provision of new family dwelling houses in this area of the Borough is rare and is welcomed.
19. The proposed development will provide an appropriate mix of housing.

Affordable Housing/Economic Viability

20. London Plan policy 3.12 states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. This should have regard to current and future requirements for affordable housing at local and national level, affordable housing targets, the need to encourage rather than restrain residential development, the need to promote mixed and balanced communities, the size and type of affordable housing needed in particular locations and the specific circumstances of individual sites. Brent normally want 50% affordable housing provided on site and where none is provided this is usually determined to be unacceptable
21. The applicants have submitted a viability study which states that it would not be reasonable to provide any affordable housing as the residential element of this development and that at Jubilee is required to fund the proposed leisure and sports facilities. The planning application is accompanied by a viability appraisal, undertaken by GL Hearn, which states that the cost of delivering the new Moberly Sports Centre, at circa £17.5million, would result in an unviable scheme if any proportion of affordable housing were included in the proposals. The cost of the new sports and leisure centre will be funded through the value generated through the sale of the private residential apartments and townhouses at both the Moberly and Jubilee Sports Centre sites.
22. The viability appraisal assesses the development costs of both the Moberly and Jubilee Centre proposals. WCC and Brent Council have Lambert Smith Hampton as an independent viability expert to review the appraisal for confirmation that the assumptions of the assessment are accurate and to advise on the affordable housing package they consider the current application can viably deliver. This process is currently underway and the consultants are expected to report back prior to the planning committee and the submission of the Stage 2 documents to the GLA. At the time of writing this report the applicants
23. A financial review mechanism is to be included within the heads of terms for the section 106 to allow any financial surplus that may be generated by an uplift in residential sales values or more accurate development costs, to be captured and used for the provision of affordable housing off site. After careful consideration of the viability issues and in light the high quality sports and leisure facility that will be accessible to Brent residents at the same prices as Westminster residents the lack of affordable housing on-site will be acceptable provided there is an appropriately worded clause in the section 106 agreement to claw back any financial surplus that could be used to support the provision of affordable housing elsewhere in the Borough.
24. The sale of the proposed residential units of the proposed development and at Jubilee site will enable funding for the proposed leisure and recreational facilities which are estimated to cost £17.5million. As such the proposal is considered to be in compliance with London Plan and Brent policy on affordable housing.

Urban Design

Loss of Existing Buildings

25. The existing sports and leisure provision is accommodated in three buildings a three-storey sports hall fronting onto Chamberlayne Road, the former Victorian School building and the pitched two-storey Victorian former schoolmasters lodge (the former school building and the sports hall are linked by a single storey infill building). The proposed development will involve the demolition and replacement of all buildings on site. The only building of historical interest is the Victorian former school building.

26. A Heritage Appraisal has been submitted with the application which confirms that this building is not of sufficient architectural merit to prevent the comprehensive redevelopment of the site for an improved Sports and leisure facility with proposed housing and retail floor space. The appraisal confirms that the existing Victorian building was used as an infant school is all that remains of the Victorian School with ancillary buildings which were demolished in the 1980s. The loss of these buildings and the existing more recent sports buildings from the 1980s mean that the historic integrity of the remaining historic buildings as already been damaged. The site is not within a Conservation Area and there are no statutory or locally listed buildings within the site.
27. English Heritage were not consulted on the application as the site does not contain any listed heritage assets however the applicants have made a Certificate of Immunity from Listing application to English Heritage. The decision to issue a Certificate of Immunity from Listing was received on 21 March 2014. In the decision English Heritage state:

What now survives of the former Kilburn Lane Board School, are the more minor remnants of what was once on the site, the main school building having been demolished. While the infants school has some local interest claims, it and the caretaker's house and boundary wall are modest and/or altered. We have the benefit of sound contextual knowledge of London Board Schools following a recent designation project on the building , from which it is clear that the surviving components of Kilburn Lane School do not make the grade. Therefore a Certificate of Immunity should be issued.

28. The loss of existing buildings is considered acceptable to facilitate the wider redevelopment of the site and will not have a detrimental impact on the setting of the neighbouring Queens Park Conservation Area.

Density, Layout & Access

29. The proposed development is a mixed use development in accordance with the Site Specific Allocation. However the density of vertical mixed use schemes can be underestimated if the calculations is measured in units per hectare or habitable rooms per hectares. Over 50% of the Gross Internal Area of the proposed development is non-residential floor space therefore the applicant have used a plot ratio approach to calculate density. This uses the area of the site that the residential parts of the development cover and does not include the parts of the site that are solely used for leisure purposes. This calculation sets the residential density of the site at 523 habitable rooms per hectare. This sits comfortably within the density range of 200-700hr/ha for sites in an urban setting with a Public Transport Accessibility Level (PTAL) of 4 or more. The site is on the edge of Kensal Town Centre and has an excellent PTAL of 6a. For reference the proposed The density of the proposed development is considered to be appropriate given the setting of the site.
30. The proposed development has two distinct parts, a part four/part five/part six storey building fronting onto Chamberlayne Road and Banister Road with the proposed sports centre and retail uses on the ground and first floors and residential above and a row of 15 three storey terraced dwellings fronting onto Kilburn Lane. The residential townhouses are separated from the main building to the rear by a service road, this service road and the rear car park for the leisure centre . Each of the terraced dwellings have access to a private parking space accessed from the rear service road and there are six disabled parking spaces situated on the same road. The leisure centre as a small undercroft area to the rear containing 3 minibus parking spaces and three disabled access parking bays.
31. There are public realm improvements are proposed for the site with wider pavement and active frontages on Chamberlayne Road created by the recessed ground floor frontage. The recessed area has a maximum width of 6.19m at its widest point, 3.95m from the leisure centre access and 2.8 from the pillars while the existing pavement width is approximately 2.5m from pavement edge to wall. Other public realm improvements include proposed street tree planting on Kilburn Lane and the use of high quality materials and finishes for the building and surrounding land.
32. The proposed layout along with the lack of parking prioritizes access by foot, cycle and public transport in line with Policy BE3 of Brent's UDP. The proposal has regard to the urban grain of the location within which it is located with the proposed buildings addressing each of the three streets the site has a frontage on. There is also a significant increase in the proportion of active frontage along each of the roads with the main leisure entrance on the main town centre side of the site. This represents a significant improvement on the existing situation where there is only one entrance to the leisure centre from Kilburn Lane and a 2m high perimeter boundary wall on Banister Road and Chamberlayne Road.

33. The proposed leisure uses are situated on the ground and first floor of the main building and are accessed from a large main entrance on Chamberlayne Road and a secondary access to the rear adjacent to the undercroft car park. The main front entrance on the ground floor is accentuated by a projecting canopy with signage above spelling out the name of the leisure centre.
34. The proposed residential flats will be accessed from three separate cores. Two on Banister Road and one on Chamberlayne Road. Each of the cores will have large glazed entrances, will be clearly signed in relation to the units and will contain feature lighting that is designed to establish a clear and legible entrances. Details of the signage and lighting will be sought by condition. Each of the proposed terraced dwellinghouses will have pedestrian accesses to the front similar to those on the terraced dwellinghouses on the opposite side of the street. They will also have a under cover garage space for one car per unit which is accessed from the rear service road.
35. At the upper floor levels to the rear of the residential apartments there are flat roof terraces providing some amenity space for the prospective residents of the upper floor apartments. The boundary of the proposed amenity spaces is defined by the perimeter wall of the proposed sports centre which projects up above the floor level of the proposed terrace in the south east corner of the building. The proposed amenity space will include areas of paving and space for mature landscaping including the creation of green walls which will incorporate parts of the roof of the sports centre.
36. The proposed density, layout and access are considered to be in compliance with the relevant planning policies and guidance.

Scale, Massing and Elevational Treatment

37. Policy BE9 of Brents UDP states that proposed new buildings should embody a creative and appropriate design solution specific to their site's shape, size, location and development opportunities, and should be designed to be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location.
38. The proposed development has two distinct elements when it comes to massing and scale. The proposed sports centre with flats above is a large perimeter block development which fronts onto Chamberlayne Road and Banister Road. The building contains the sports centre and retail uses on the ground and first floor, a 2 m high structure transfer zone then separates the ground and first floor from the residential floors above.
39. The provision of the structural transfer zone results in the provision of a half storey that means the development is approximately three and half storeys adjacent to the neighbouring apartment building to the south on Chamberlayne Road. This steps up to the north so that the proposed development has a height of 6 and half storeys on the boundary of Chambelayne Road with Banister Road. This is slightly below the maximum height of the City View building on the opposite side of the junction to the north. The top floor is recessed to reduce the visual impact of this additional storey. Along Banister Road the building steps down towards Kilburn Lane from the 6 and half storeys to 3 and a half storeys.
40. The building will be prominent when viewed from Chamberlayne Road to the north and south and from Kilburn Lane, Banister Road and Wakemans Road. However given the function of the building as a prominent leisure centre serving residents of both Westminster and Brent on the edge of a town centre in an area with very excellent public transport accessibility, the prominence and scale of the building is considered to be in keeping with its civic function.
41. The elevational treatment of the Chamberlayne Road and Banister Road frontage includes the provision of modular elements which project out or are set in to breakdown the overall scale of these elevations and to ensure that the building has a more vertical emphasis which in keeping with the vertical emphasis of neighbouring developments. Between the bays the facade is recessed with the recesses used to provide inset balconies for the residential units fronting onto Chamberlayne Road and Banister Road.
42. The ground floor level on Chamberlayne Road is recessed to widen the current pavement , enlarging the public realm and creating a colonnaded area delineated by the prominent pilasters which rise to the first floor level. The frontage of the leisure centre and retail space on the lower floors will be predominantly glazed to highlight the activity of the uses open to the members of the public.
43. The sports centre and the residential units are detached by the presence of the louvres of the transfer

zone but are linked by the presence of project brick bays with dark stock brick finish with recessed lighter brick and glazed elements. The Chamberlayne Road frontage has 5 smaller projecting bays and a large projecting bay on which wraps round the corner of the site with Banister Road. The Banister Road elevation includes the large projection on the corner and four additional projecting bays. The large projecting bay on both Banister Road and Chamberlayne Road rises projects out over the groundfloor and rises 4 and half storeys to the fifth floor (including the transfer zone) the smaller type projecting bays also project out over the ground floor rising 2 and half storeys from the first floor up to the second floor where the residential starts. The entrances to the residential apartments are highlighted by the grounding of the projecting bays.

44. Inset balconies are proposed to infill the voids between the projecting bays on the main frontages while the aluminium louvres of the transfer zone are recessed behind the bays and will be covered with recessed lighter brick cladding within the projecting bays. This reduces the prominence of the transfer by ensuring it is subservient to the projecting elements and does not appear as a continuous band. The upper floor element of the main building will be appropriately linked with the lower floor elements.
45. The rear and side elevation of the proposed Sports Centre will be less prominent than the Chamberlayne Road and Banister Road frontages. However they will be visible from some public spaces and will be prominent when viewed from the flats of Tropical Court, Westfield Court and the rear windows of the proposed townhouses and therefore it is important that these elevations are treated sensitively and in manner which promotes the character of the area.
46. The rear elevation of the proposed building as viewed from the mews has been the subject of careful consideration throughout the pre-application process. The proposed rear elevations include the proposed rear wall of the sports hall at 3/4 storeys in height and the 4/5 storey flank wall of the residential block which fronts onto Banister Road and the 3/4 storey block south facing elevation.
47. The applicants propose to break down the massing and soften the appearance of the proposed block by using lighter coloured brick recessed in darker brick frames, the introduction of small trees and shrubs at the ground floor level and the introduction of planter at first floor level out of which climbing plants can grow up the wall to soften the appearance. Full details of the soft landscaping will be sought by condition.
48. On Kilburn Lane a row of 2/3 storey terraced dwellinghouses is proposed. This perimeter block will be two storey in height with a mansard roof set back behind a parapet wall and projecting front dormers. The scale and massing of these is considered to be appropriate given the situation of the site in relation to the dwellinghouses within the Queens Park Conservation Area (Westminster) on the opposite side of the road.
49. The proposed terrace town houses make reference to the design features of the terraced dwellings on the opposite side of the road. They include a modern representation of the paired porches which are accentuated by the projecting white structure. The upper floor windows are paired to match the rhythm of the buildings opposite and will have sills finished in white. Other design features include the prominent party wall, brick reveal with downpipe, brick banding above the first floor windows, white window reveals and low rise front boundary walls with railings.
50. The flank wall of the perimeter block is especially prominent on Banister Road. To ensure that this elevation is appropriately broken down secondary glazing through to the end unit is proposed, the line of the white porch is followed around from the Kilburn Lane frontage and recessed brick work is proposed at the first floor level. Likewise additional definition is given to the bookend property at the other end of the proposed terrace.
51. To the rear the proposed townhouses are three storeys in height with a flat roof which can be used for amenity purposes. The rear elevations of the town houses will be finished in a lighter brick to the frontage and Sports Centre and will contain a garage door and pedestrian entrance on the ground floor with windows on the two floors above. A glass balustrade is proposed on the roof around the amenity space.
52. The elevational treatment to the proposed townhouses is considered to be appropriate and in keeping with the character of the area in line with the requirements of Policy BE9 of Brent's UDP.

Material Finish

53. The quality of the design of the proposed buildings will be very much influenced by the quality of materials used and detailed finish of the proposed building. The applicants have provided indicative pallet of materials for the proposed development. The projecting bay features will be finished in a dark stock brick

with soldier coursing detail to upper edge and above window heads. A lighter buff stock brick will be used for the inset area of the projecting bay this will have a header course above set back and at the base of the panel. The applicants have submitted indicative samples but the not all of these would be considered to be sufficient quality as such full details of these will be sought by condition.

54. The recessed upper floors of the residential will have a aluminium cladding system with a dark finish. A dark finish is proposed but the final colour has not been specified. The final finish in terms of the colour and tone will only be agreed where it is demonstrated that it will contribute to reducing the visual impact of the proposed development. This final colouring will be agreed by condition. This colour will also be used on the aluminium frame for the curtain wall of the leisure centre and the finish of the frame for the proposed composite glazing for the residential floors. The aluminium louvres will be treated in the same manner. The front elevations of the proposed leisure centre on ground and first floor will be glazed and will include some coloured glazing to provide additional interest to these elevations.
55. The proposed Kilburn Lane town houses will have front elevations finished in dark stock brick to match that of the projecting bay elements of the Sports Centre. The roof of the proposed town houses will be finished in a standing seam metal cladding system. To the rear a lighter stock brick is proposed while the doors for the proposed garage and pedestrian doors will be timber finished in a dark stain.

Landscaping

56. The existing site is dominated by an area of asphalt car parking and existing 1 and 2 storey buildings, existing vegetation sparse although there are eleven trees on the site and two groups of trees.. 9 of these trees are classified as category c trees (low quality) while 2 are category b trees (moderate quality). All of these trees will be removed to make way for the proposed development. The Council's tree officer has been consulted and has no objection to the loss of the trees.
57. The proposed redevelopment will include new landscaping proposals for the site including 9 on-street trees on Kilburn Lane, small tree and shrub planting along the proposed mews, climber plants in planters at first floor level designed to create a green wall and additional planting within the communal and private gardens at the roof terrace level. The Council's Landscape Designer has reviewed the proposal and has no objection subject to some revisions to the types of plant proposed. Full details of the landscaping including species, quantity plant sizes and maintenance will be sought by condition.
58. The proposal also includes hardstanding interventions in the public realm. This is most notable in the mews street to the rear of the townhouses. The applicants have cited the Accordia development (a high density mews development in Cambridge which has received accolades for its high quality architecture and design) which as a precedent for the quality of materials and soft landscaping for this space. The proposed mews will contain a significant proportion of hard surfacing including a textured surface that will be used by both pedestrians using the disabled parking spaces for the flats and vehicles accessing the garages of the proposed town houses.
59. The roof terrace at the second floor level will be occupied by private gardens for flats to the rear of the Banister Road frontage and two areas of communal gardens between the flats that front onto Banister Road and the roof of the sports hall. The private gardens will contain small areas of timber decking and planter beds with mature shrubs and small trees. The roof of the proposed sports hall projects up above the roof terrace. The edge of this roof cannot be used for amenity space but can provide some additional visual amenity and will be greened with climbing plants and shrubs from planters at the edge in the roof terrace.
60. The proposed amenity space provision complies with London Plan standards but falls short of the Council's standards of 20sqm per flat and 50sqm per dwellinghouse. However it is considered to be acceptable as all of the units will have access to small private amenity space in the form of balconies. Most of the units are above Council and London Plan minimum floor areas and the residents of the development will have reduced rates access to the leisure centre facilities as secured through the section 106.
61. A small child's play space will be provided in the larger of the communal amenity spaces at the roof terrace level. This space is approximately 80sqm in size and will provide support play for toddler aged children between the ages of 0 and 5 years. The child yield for older children equates to approximately 40sqm provision. There is limited space for this to be provided on the roof therefore the applicants have offered residents access to the sports and leisure facilities with the main leisure centre including sports such as trampolining, gymnastics and swimming.

62. An ecological habitat survey has been completed and there is negligible potential for the site to support protected species although there is moderate potential for supporting nesting birds while existing vegetation and buildings were considered to have potential to support roosting bats. The proposed development will incorporate measures to support a greater range of flora and fauna through planting native species, low lighting levels and the provision of bird and bat boxes on the south east elevation. Details of these will be sought by condition.

Secured By Design

63. The proposed development has been designed in accordance with the principles of secure by design. The introduction of active frontages will significantly increase the levels of informal surveillance over neighbouring streets which should improve safety and reduce levels of fear of crime for pedestrians using the streets.
64. The site and building are clearly defined to create a sense of place and to reduce ambiguity between public and private space. The Secure by Design Officer has been involved in development of the design.

Quality of Residential Accommodation

Size

65. The proposed residential units are all of sizes equal to or greater than the London Plan 2011 minimum floor space standards with the one bed units all above 50sqm, the two bed 3-person units above 61 sqm in size, the two bed 4 person units above 71sqm in size and the proposed 4 -bed townhouses all over 140sqm in size. This is in full compliance with the Mayor's Housing design guide.

Amenity Space

66. All of the proposed residential units will have access to amenity space in accordance with the Mayor's guidelines. However the proposal will not meet the Council's standard for provision which should equate to 20sqm per unit. Where there is a shortfall of amenity space provision SPG 17 states that this should be addressed through the provision of balconies, above minimum floor areas for proposed residential units, high quality landscape intervention and additional section 106 contributions.
67. To offset the shortfall of amenity space provision and to ensure that the proposal meets the London Mayor's guidelines relating to the provision of Child playspace the applicants have agreed to a section 106 clause providing reduced rate access to the facilities for prospective residents of the development. Given the quality of the proposed sports provision a clause providing access to the facilities for prospective residents would ensure that the residents have access to appropriate levels of amenity space.

Orientation

68. The layout of the proposed development with the residential flats concentrated towards the north and east elevations of the site results in the development have 11 north facing single aspect units. This equates to 15% of all residential units. The Council seeks to ensure that north facing units are kept to a minimum. The applicants are aware of this and have sought to demonstrate that the 11 units affected would provide an appropriate quality of accommodation.
69. To address this matter the areas of the units affected have been maximised so that they all exceed the London Plan minimum floor areas and significantly exceed Brent's own minimum floor space. The frontage widths of the units have been maximised, and recessed balconies with floor to ceiling glazing and corner windows are proposed. Rooflights are also proposed in the north facing single aspect units on the upper floors. The applicants have submitted details of the
70. The GLA have considered this to be acceptable provided that the residential units daylight values are all of a reasonable level. These levels have been provided which demonstrate that all of the prospective rooms except one will have appropriate levels of daylight. Therefore while north facing single aspect units are normally unacceptable on balance it has been demonstrated that the proposed units will have reasonable levels of daylight and the applicants through design measures have provide some mitigation in the form of larger unit floor areas, wide areas of glazing and rooflights for the upper units to maximise levels of daylight and sunlight.

Accessibility

71. 10% of the proposed residential units of the development will be designed to wheelchair accessible standards. This equates to 7 units and will include 2 x 1 bed units, 4 x 2-bed units all accessed from Banister Road core and one townhouse accessed via the residential mews.

Amenity of Neighbouring Residents

72. In relation to amenity planning policy BE9 states that proposed development should 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. Guidance in relation to the Council's standards for these amenity issues is set out in SPG17.

Daylight, sunlight and outlook.

73. SPG17 states new schemes will be expected to limit as far as possible to limit the negative consequences of their development in terms of the loss of sunlight/daylight on existing development in the immediate vicinity and amenity spaces. It goes on to state that to avoid unnecessary loss of direct daylight, developers may be required to produce sunlight and daylight study of summer and winter months to assess the impact of the proposed development. Schemes that result in the significant loss or reduction of sunlight may be considered unacceptable.

74. The proposed design of the building is such that the part of the development with the greatest height and massing is located adjacent to the recently completed City View Development which is a mixed use development of 8 storeys. The height of the proposed development is also limited along Kilburn Lane in order to respect the character of the residential properties within the Queens Park Conservation Area on the opposite side of the road.

75. A daylight and sunlight report by Schroeders and Begg has been submitted with the planning application. For the daylight assessment the applicants have used the Average Daylight Factor criteria (ADF) rather than the Vertical Sky Component (VSC) as the existing site is a relatively open for an urban site and therefore existing VSC would be disproportionately high within an urban location.

76. The sunlight analysis has been undertaken by the method set out in the Guide to determine the proportion of the annual probable sunlight hours from which the surrounding windows will benefit. The BRE Guide on sunlight states that windows facing within 90 degrees of South be assessed for sunlight. In relation to the current development this would involve assessing windows on Kilburn Lane and Banister Road

77. This states that the daylight and sunlight to neighbouring properties is not significantly adversely affected by the proposed development with levels of daylight within the habitable rooms on balance being maintained to reasonable levels. They conclude that given the location of the building within an urban location the results of the analysis show that the amenities of daylight and sunlight will be maintained to reasonable levels (greater reduction allowance having occurred to the more recent developments on Bannister Road as no significant consideration of mirror image allowed for within their design for the redevelopment of the Moberly site).

78. Within the new development the rooms will generally have good levels of light.

Banister Road

79. The main issue of reductions in daylight and sunlight relate to properties principally on Banister Road at City View and Noko, where daylight and sunlight levels are reduced on the lower floors. These developments were completed in recent years with the NOKO building approved in March 2004 (02/2218) and the City View development in November 2011(11/1287). There are four windows through to living rooms in the City View building which fail to meet the target ADF value. The reason these rooms fail is that the architects for the development proposed rooms on the first floor and second floor of the building which are narrow rooms up to 8m deep. The rooms affected are open plan kitchen/living rooms where the main living area is to the front and the kitchen section is to the rear. While there will be a loss of daylight through to these rooms the impact will be worse in the kitchen part of the room where residents are more likely to use lighting in these parts of the room.

80. There are 8 rooms within the NOKO building (3 on the ground floor and 5 on the first floor) which fail to meet the ADF target for their respective uses. The 8 rooms which do not meet the target all have ADF values of 1.0% to 1.4% which fall short of the 1.5% required for living rooms. The rooms on the ground floor were approved as livework units with the work element of the unit located towards the rear and the living area towards the front. On the first floor the rooms are residential but are similar to the City View development in that they are narrow open plan kitchen/living rooms over 8m deep with the kitchen part of the room located furthest from the front elevation. The impact of the proposed development in

terms of loss of daylight is moderate on neighbouring NOKO building. The view of the daylight and sunlight study is that there are no losses of daylight that could be considered material. In terms of sunlight 5 living room windows on City View will fail to meet 25 % of annual probable sunlight hours and 5% in winter. While 14 living room windows on NOKO building do not meet the target value in terms of APSH. Again the result of this is that the residents of these units will have to resort to lighting when using the kitchen parts of this room. It should also be noted that

Chamberlayne Road

81. To the west of the proposed development there are residential properties on the first and second floor of the buildings on Chamberlayne Road. All of the windows have been assessed in relation to ADF. The room use of the units has been assumed as the larger windows being through to living rooms and the small windows through to galley kitchens. Each of the windows have been assessed as being through to separate rooms. The row of 14 terraces directly opposite the site were assessed. Of the 84 windows facing the site there are 22 galley kitchen windows which have ADF's not meeting the target values for ADFs. The living rooms all meet the target ADF. The loss of daylight through to the galley kitchens is not of a level that will significantly affect the amenity of neighbouring residents on Chamberlayne Road.

Tropical Court

82. Of the 33 windows facing the proposed development 3 of these windows will not meet or exceed the ADF Target. These windows only just exceed the 20% loss target for ADF. The windows on Tropical Court will experience limited reductions in daylight from the proposed development with the majority of windows exceeding the target values for ADF's. As such it is not considered to result in a significant loss of daylight. As these windows are all north facing there will be no loss of sunlight through to these properties.

Kilburn Lane

83. The daylight and sunlight study has assessed the impact of the proposed development on all of the properties on Kilburn Lane. The study finds that there will be no significant loss of daylight and sunlight to the windows facing the proposed development.

84. Brent's planning policy and guidelines seek to ensure that all new development limits the detrimental impact on the amenity of neighbouring residents in terms of daylight and sunlight. There are moderate levels of loss of daylight to properties on Chamberlayne Road, Banister Road and Tropical Court. Given the undeveloped and open nature of the existing site it is acknowledged that the proposed redevelopment will have an impact on neighbouring residents and properties. However it has been well established through the site specific allocation that there would be redevelopment of the Moberly site to provide a mixed use redevelopment of existing facilities and up to 101 residential units. The proposed development provides a high quality sports and recreation facility and 71 residential units in accordance with the site specific allocation albeit with a reduced residential provision. Therefore residents would have been aware that a large building in this location was possible.

85. The proposed development is considered to comply with planning guidelines as the design has sought to limit as far as possible the negative consequences of their development on the loss of sunlight/daylight to existing development and is located in an urban area where higher density development and large buildings of 4 storeys or more are more prevail consistent with the existing character .

Privacy

86. Policy BE9 of Brent's UDP states that new development should be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other which promotes the amenity of the users providing a satisfactory level of privacy. SPG 17 provides the Council's standards for privacy. In relation to front elevations the acceptable distance would normally be determined by the character of road widths in the area in this instance 13m between the buildings on Banister Road and approximately 15.5m on Chamberlayne Road and Kilburn Lane. To the rear there should be a minimum of 20m separation distance between directly facing habitable room windows.

87. The proposed habitable room windows of the front elevation are all a roads width away from the facing habitable room windows of the residential properties on the opposite side and there will be no loss of privacy for these neighbouring units. To the rear all of the habitable room windows are over 20m from the nearest facing habitable room window.

88. In relation to balconies the guide states that while they are positive features of any development there is a need to maintain the privacy of occupants of nearby properties. No direct overlooking from proposed balconies will be permitted. The proposed balconies are all situated in positions which ensure there is no

direct overlooking of neighbouring occupants. The only units with balconies close to neighbouring occupants are the most southerly units on the Chamberlayne Road frontage adjacent to Westfield Court. To ensure that the privacy of the residents of Westfield Court is maintained these units are set back from the main frontage and an obscure glazed screen is proposed along the flanks to ensure there is no direct overlooking of habitable room windows.

Transport, Parking and Servicing

89. A transportation assessment has been submitted with the application details to demonstrate that there will be no detrimental highway conditions associated with the proposed development on transportation grounds. This has been reviewed by the Council's Highways Engineer who has confirmed there will be no detrimental impact on Highway conditions.

Access Arrangements and Highway Works

90. The proposed development involves providing a new vehicular access from Kilburn Lane and an exit only point onto Banister Road from the proposed mews road. The access is adjacent to the access point for Tropical Court. Therefore the detailed design of this space will require careful consideration. Details of the highways work required for this and other alterations will be secured through a section 278 agreement. While a condition will be attached to return all redundant crossovers to footway at the developer's expense.

91. Vehicular access through the site is considered to be fine with adequate carriageway width indicated for vehicles to pass along the main site access. The rear service road along the mews and the rear car park will have gate controlled access. Additional landscaping and design features will be required to restrict the use of the mews road for additional parking. Conditions will be attached requiring details of this and details of how the access through the gates will be controlled.

92. The Council Highways officer welcomes the removal of the boundary wall around the site and states that a benefit of this would be to allow the junction radius at the corner of Banister Road and Chamberlayne Road to be eased, which would assist buses in making the left turn into Chamberlayne Road. While it would be unreasonable to require the development to undertake very costly works to bring about this alteration a modest alteration to the corner radius may be possible at reasonable cost that does not require significant works to statutory undertakers apparatus. Therefore Transportation have requested a head of term for the section 106 for further design works and costing to be undertaken to identify a scheme that could be undertaken by the developer. The applicants have not agreed to fund this work as they contend that it would be unreasonable to do so however they have agreed that an area of land in the vicinity of the junction back to the face line along the buildings supporting columns will be dedicated to public highway via a S38 Agreement. Planning obligations should be directly related to the impact of the proposed development on local infrastructure. In this instance it is not considered to be reasonable to require the applicants to fund these works as they are not directly related to the impact of the development.

Parking Provision/Car Free/ Cycle Storage

93. Car parking allowances for the proposed use of this site are set out in standards PS7, PS10 and PS14 of the adopted UDP 2004. As the site has excellent access to public transport services, reduced allowances apply to the residential units.

94. The parking standard for the existing and proposed sports centre is based upon predicted staff and visitor numbers, with one space per five staff and one space per 60 patrons, plus one space per 200m² non-seating/assembly area permitted. Various conflicting estimates of future visitor numbers to the sports centre have been provided within the Transport Assessment and Design and Access Statement.

95. The proposed absence of any standard car parking for the sports centre and retail unit would therefore accord with standards. The residential parking allowance is 0.7 spaces per 1-1/2-bed flat and 1.2 spaces for the 4-bed units, giving a total allowance of 57.2 spaces. The proposed provision of just 15 standard width allocated spaces for the townhouses thus also accords with standards.

96. A total of nine disabled spaces are also indicated (three for the sports centre and six for the residential units), which is more than sufficient to satisfy the requirements of standard PS15. However, the six spaces for the upper floor flats are not particularly well located in relation to the entrance cores and lifts to the residential accommodation, with the closest space being a distance of about 60m from the nearest entrance core. To address this, an entrance door should be inserted to residential entrance lobby 1 from the mews road, thereby reducing the distance between the spaces and the nearest entrance to between 30m-50m, in line with design standards. A condition for requiring the submission and approval of revised

details for the access road will be attached to the planning permission.

97. A further three minibus spaces are proposed for the sports centre, which is welcomed as a means of dealing with small parties of visitors (schools, disabled groups etc.). Further on-street parking for minibuses is proposed in nearby Ilbert Street (a road within the remit of City of Westminster). Timetabling of visits by school groups will be managed to ensure that there is always adequate minibus parking capacity for the centre.
98. Consideration also needs to be given to the potential impact of any overspill parking from the site on traffic flow and highway safety though. In this respect, the site is located within a Controlled Parking Zone and does benefit from excellent public transport links, which will help to minimise car use and regulate any overspill parking that does occur.
99. Parking on surrounding streets is found to be very high in off peak times and as such there is very limited capacity for any additional on-street parking in the surrounding area. With the area being generally heavily parked, implementation of further measures to ensure car use is minimised is essential. To ensure that the impact on-street parking is limited the residents of the proposed flats will have their rights to a parking permit withdrawn. This will be secured through a Section 106 Agreement.
100. For the sports centre, applying existing modal share figures (16% car driver) to the increase in patronage at this site (300 peak period attendance) leads to an estimated worst-case total of up to about 50 visitors cars seeking to park in the vicinity of the site. During CPZ operating hours, this can be regulated and visitors would be able to use pay and display parking bays. Parking beat surveys of streets within Westminster suggest that there is plenty of surplus pay and display parking capacity during the day on weekdays, notably in Ilbert Street, Sixth Avenue, Droop Street and Huxley Street, which are all within a five-minute walk of the site. Pay and display capacity parking on streets within Brent is far more limited.
101. However, high levels of usage are also expected to occur in the evenings and at weekends when the local Controlled Parking Zones are not in operation. To help to address this, a financial contribution is sought to allow a review of CPZ operating hours to be undertaken, with a view to extending hours into the evening and weekends if high levels of overspill parking are generated on nearby residential streets once the new centre is open. A sum of £30,000 is recommended to allow such a review of Brent's CPZ's to be undertaken.
102. Bicycle parking standard PS16 requires one space per ten staff and one space per five visitors for sports centres, which based on the predicted peak attendance of 300 visitors, would give a requirement for 60 visitor spaces, with two further spaces required for the retail unit. The proposed provision of 31 bicycle stands (62 spaces) beneath the building overhang along the Chamberlayne Road site frontage is sufficient to meet this requirement. Six further spaces are shown at the rear of the building for use by staff, which is also sufficient. Standards for residential use require at least one secure space per dwelling. Cycle parking is proposed in accordance with London Plan standards. Full details of all cycle parking will be sought by condition.

Servicing

103. Deliveries to the sports centre and retail unit will take place from the rear gated courtyard area, which is welcomed. Tracking diagrams have been provided to demonstrate that adequate turning space will be available for refuse vehicles and box vans and more than adequate headroom (5m+) is proposed within the courtyard for delivery vehicles. Deliveries will be managed to ensure the courtyard does not become overloaded and this should be secured by condition.
104. With regard to servicing, bin storage for the flats is shown adjacent to each access core, with three stores shown accommodating four Eurobins each. This provides sufficient overall storage capacity (13,200 litres) for the number of flats proposed. The townhouses will have small front gardens within which wheeled bins can be stored and collected from Kilburn Lane. These are within the required walking distances from the residential units and the maximum collection distances of the Refuse collectors

Travel Plan

105. To help support the low car parking provision and mitigate against parking problems being caused in the local area, travel plans are proposed for both the leisure centre and the residential units. Travel Plan Co-ordinators will be appointed for each element of the building, with a steering group being established to oversee and align the Travel Plans. Both Travel Plans set out a range of measures designed to reduce car use and increase use of sustainable modes of transport, with target being set over one,

three and five year periods, based on surveys of existing modal splits (for the leisure centre) and modal share (for the residential units). Monitoring and review will be undertaken over this period and funding will be set aside for this. The implementation of the travel plans will be secured through the section 106 agreement.

Environmental Impact

105. An EIA screening request was requested from the LPA prior to the submission of this planning application. The Council issued the EIA Screening Opinion and confirmed that an EIA would not be required because the proposed scheme was not likely to have a significant effect on the environment because of its nature size or location. The assessment included consideration of the proposed development in relation to Open Space, Ecology and Nature Conservation, Archaeology and Architectural Context, Traffic Related Impacts (movement and Safety), Contamination and Groundwater and Air Quality and Noise.

Noise, Air Quality and site contamination

106. The Council's policy towards the environmental impact of the proposed development are set out in the Environmental Protection chapter of the UDP 2004. Policy EP2 relates to noise and vibration which states that noisy development will not be permitted next to sensitive locations. EP3 states regard will be had to impacts of development upon air quality while EP 6 relates to contaminated land and the need for remedial measures should a site be suspected of contamination. The applicants have submitted reports in relation to contamination, noise, air quality and other environmental matters.

107. The proposed development is not considered to result in any adverse noise or vibration impacts associated with the operation of the proposed uses. There will be some noise and disruption associated with different phases of the proposed demolition and construction works however these will not have a impact outside of the local area and will be temporary in nature. The timing of such works and the level of noise associated with them will be controlled by condition.

108. The site falls within an Air Quality Management Area. The proposed development end use will not result in a detrimental impact on local air quality however there is the risk of temporary detrimental impact during construction. To ensure that the risk is minimised and any potential harm is mitigated appropriately worded conditions will be attached to the permission at the request of the Council's Safer Streets Officer.

109. A site investigation desk study has been submitted with the application this sets out that an intrusive soil investigation is required given the history of the site. The Council's Safer Streets officer agrees with the conclusion of this and requests that conditions be attached to require additional investigation prior to the commencement of development with details of any soil contamination remediation measures required to make the ground safe.

110. Conditions will be attached to address the issues raised in the reports. Compliance with these conditions will ensure that there is no unacceptable environmental conditions associated with the proposed development.

Section 106/CIL

111. The proposed development is considered to provide a high quality Sports Centre which will provide benefits to the local community and wider public. As a major development there is also a requirement for the development to meet certain environmental and highways criteria to mitigate against the impact of the development. The Council will seek to secure the provision of the sports centre and the associated benefits along with the requirement for revised viability appraisal through an appropriately worded Section 106 Legal Agreement. The Heads of terms for this legal agreement are set out in the report above.

112. A development of this scale would normally have to provide a CIL contribution towards the Mayoral CIL and Brent's CIL. Brent as a Borough have given notice that exceptional circumstances relief from CIL is available within the Borough. The applicants have notified the Council that they intend to apply for exceptional circumstances relief from CIL if the application is approved (the regulations only allow for a developer to apply for exceptional circumstances once an application has been determined). The main contention of the applicants is that the cost of delivering the new Moberly Sports Centre at circa £17.5million would be greater than the CIL chargeable amount applied to the development. At the time of the application of exceptional CIL relief the Council will need to be satisfied that this is the case and that to grant relief for exceptional circumstances would not constitute state aid which is required to be notified to and approved by the European Commission.

Consultation

Views of the London Mayor

113. As stated above the GLA have provided their Stage 1 review of the proposed development. Their recommendation is that the proposed development broadly complies with the London Plan but that further information is required in relation to certain issues that should be addressed before the scheme is referred back to the Mayor. These issues are:

- The lack of affordable housing is broadly acceptable on the basis that market housing is required to subsidise the significant costs of delivering the leisure centre, this needs to be evidenced through the viability appraisal which should be independently assessed and the findings confirmed to the GLA.
- The architect is urged to revisit two aspects of the design of the scheme, the residential quality in terms of north-facing single aspect units and unit to core ratio, and groundfloor activity fronting Banister Road.
- Details of an off-site contribution towards open space provision.
- Details of energy centre location, floorplan and confirmation that all uses will be connected to it.

114. The applicants have provided a response on the issues raised in the Mayor's Stage 1 report.

- A viability appraisal has been submitted by the applicants which considers the viability of both the proposals which concludes that it would not be viable to provide any affordable housing. A clawback clause has been proposed in the draft heads of terms. As set out in paragraphs 19-21 above the viability appraisal is currently being reviewed by an independent consultant and Members will be updated when the review is complete.
- The applicants have confirmed that the achieved ADF levels for the lowest 'worst case' floors are generally good and exceed the target values. There is one fail for room 26. The applicants have confirmed that a condition requiring the re-design of this room to ensure that it meets ADF's is considered acceptable.
- Groundfloor activity on Banister Road could be provided by re-positioning the café of the leisure centre on the corner and introducing additional glazing that would increase informal surveillance of Banister Road. A condition will be attached requiring submission of this detail.
- The applications have provided drawings showing how all the residential apartments and non-residential floor space will be connected to the site wide heat network.
- Older Children's play is being supported through a range of initiatives associate with the applications including:
 - Discounted access to leisure facilities for families who live within the development. This will be secured through the section 106.
 - As part of Active Queens Park programme a new MUGA at St Augustine's secondary school
 - Improvements to the range and quality of free to access facilities available at Queens Park Gardens including floodlighting and a new surface to the MUGA and an open air gym.

115. A full response has been sent to the GLA by the applicants, but it remains to be seen if the GLA will decide that their concerns have been adequately addressed. Obviously, in the event that they have not addressed these concerns, including the matter of affordable housing, the Mayor will direct Brent to refuse planning permission.

Response to Public Consultation

The following issues have been raised during the consultation process.

CONSULTATION ISSUE	OFFICERS RESPONSE
Lack of Affordable Housing, supported housing and adapted homes	The issue of affordable housing is addressed in paragraphs 20-24 above. There is no requirement for the site to provide supported accommodation while the proposed development will provide appropriate levels of wheelchair friendly units. All of the units will comply with Lifetimes Homes criteria.
The height of the building will impact on Daylight and Sunlight to neighbouring properties	This issue is addressed in detail in paragraphs 72-85.

Out of keeping with the scale of surrounding area.	The main building will be a prominent building in keeping with its Civic Function and it is considered that the proposed design measures will serve to effectively break down the massing of the development which steps down away from the junction of Banister Road with Chamberlayne Road.
Detrimental impact on the character of Kensal Green	The proposed building is considered to make a positive contribution to the character of Kensal Rise while replacing an existing building which fails to make a positive contribution on the main road frontages.
Increase in traffic associated with the development will have an adverse impact on existing poor highways conditions.	Please see paragraphs 89-104.
Lack of parking will result on over parking on neighbouring streets	Please see paragraphs 89-104
Providing parking for town houses will exacerbate existing problems with volume of traffic	Parking for 1 space per townhouse is proposed. The movements of these 15 cars will not have a significantly detrimental impact on existing highway conditions.
The proposed town houses are too large and lack design detail of properties on the opposite side of the street	The design of the town houses has been carefully considered and will provide a modern representation of the successful features of the properties within the Conservation area.
Vertical sky component figures are not provided in daylight and sunlight report.	Please see paragraph 75.
The town houses will not be used by families but will become occupied by flat shares.	The proposed town houses are laid out as family accommodation and will provide acceptable numbers of bedrooms to be classified as family accommodate. Whether the units are used by a family.
The overhang of the building on Chamberlayne Road is will make the space in front of the building less inviting and usable than it would be if the whole building was set further back from the pavement edge	The recessed groundfloor provides an active frontage which is considered to be a significant improvement on the existing situation on Chamberlayne Road.
Lack of childs play space in the new flats.	Please see response to GLA comments in paragraph 115
Loss of privacy for neighbouring residential units	Please see paragraphs 86-88
Impact on existing infrastructure	The proposal involves the provision of a significant sized leisure facility which will contribute to local infrastructure. The viability information submitted contests that the provision
Brent residents should benefit from this proposal.	Brent residents will benefit from reduced rates at the new facility. This will be secured through the section 106
The impact on highway conditions will create poor on-street conditions for cyclists.	The proposals have been reviewed by the Council's Highways Engineer who has no objection to the proposed development.
Lack of soft landscaping	The proposals include additional soft landscaping interventions where possible including the provision of street trees on Kilburn Lane.
The proposed facility could attract anti-social behaviour	The proposal will significantly increase informal surveillance and on street activity which may reduce anti-social behaviour. The proposed development is to be constructed in accordance with
Lorries delivering to the Tescos at City View already block the road increasing traffic levels will exacerbate problems associated with this.	The site is in an area with excellent public transport accessibility and there is limited on-street parking on Chamberlayne Road and Banister Road directly next

	to the site as such it is not considered to significantly increase traffic levels on surrounding streets. Servicing for the retail unit will be off-street.
Loss of existing Victorian buildings which are of high heritage significance.	Please see paragraphs 25-28
The proposal does not fit within Brent's Strategic Development Plan (PPG Development Plans)	The proposal is considered to be in accordance with Brent's Development Plan as set out above.
The Transport Assessment underestimates the traffic levels associated with the proposed development	The proposals have been reviewed by the Council's Highways Engineer who has no objection to the proposed development.
Noise and disruption from construction works	Conditions will be attached to control hours of operation to limit the impact of noise and disturbance of
Dust and dirt from construction will affect appearance of neighbouring building at City View.	Conditions will be attached to ensure that dust from construction is controlled
Noise and disturbance from deliveries to proposed retail unit.	The servicing for the retail unit will be off-street and will be screened by the existing brick boundary wall for those properties closest to the site.
No attempt is made to address local needs such as training and employment opportunities for young people, child care, space for community development.	The proposal will generate local employment opportunities in the form of jobs associated with the operation of the leisure centre and the proposed retail unit.
Loss of open air sports facility.	An upgraded facility is proposed at St Augustines School and a new MUGA is proposed on Queens Park Gardens.
Detrimental impact on sparrows which nest in garden of the school house.	Additional bird boxes and bat boxes are proposed for the new development.
Cityview is not a suitable precedent	Each case is assessed on its own merits.
Lack of trees on Chamberlayne Road side of development.	The Council would welcome additional tree planting on Chamberlayne Road however pavement space directly adjacent to the site is limited. Tree planting is proposed on Kilburn Lane
Inadequate provision of amenity space	please see paragraphs 66-67
There is no need for another A1, A2 or A3 unit when there are existing vacant units within Kensal Rise.	The proposed leisure facility will increase footfall on the surrounding streets which may make a commercial unit viable. As it is on an edge of town centre location and is not of a significant size it is considered to be acceptable.
Proposal is contrary to UDP policy BE25 as it results in loss of Victorian school building	Please see paragraphs 25-28
The proposed Sports Centre will be inaccessible for residents of certain areas of London	The proposed development is in a highly accessible location and will provide appropriate arrangements for residents to access the facility.
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. The proposed

CONCLUSIONS

While this scheme has raised significant concern from some sections of the community across a range of issues highlighted in this report, the proposal is considered to provide the following principal benefits:

- The proposal provides a significant civic building which will provides leisure and recreation facilities in a highly accessible location and will support the Council in its objective in support health lifestyles amongst its residents.

- Design issues have been widely reviewed and supported by the GLA.
- The Leisure and recreation facility would deliver a modern high quality building in its own right which would serve as a contribution to local regeneration.
- In terms of the housing element, overall the provision of good quality, well-designed accommodation which will contribute to the level of housing provision within the South Kilburn Growth area..

As a result, Officers consider that the application can be supported, subject to referral to the London Mayor.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
 National Planning Policy Framework 2012
 Council's Supplementary Planning Guidance Note 17: 'Design Guide for New Development

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

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

CONDITIONS/REASONS:

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

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

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

6490 PL00
 6490 PL01
 6490 PL02
 6490 PL03
 6490 PL04
 6490 PL20
 6490 PL21
 6490 PL22
 6490 PL23
 6490 PL24
 6490 PL25

6490 PL26
6490 PL27
6490 PL28
6490 PL29
6490 PL40
6490 PL50
6490 PL51
6490 PL52
6490 PL54
6490 PL70
6490 PL71
6490 PL72
6490 PL73

Design and Access Statement by Roberts Limbrick
Dated November 2013
Transport Assessment by Robrt West
Dated November 2013
Planning Suppoting Statement by Daniel Watney q
Dated November 2013
Report on Preliminary Investigation by Ian Farmer Associates
Dated November 2012
Historic Building Appraisal by Morse Heritage
Dated November 2013
Historic Environment Desk Based Assessment by PCA
Dated October 2013
Level 1 Flood Risk Assessment by AECOM
Dated November 2013
Utilities Sevices Statement by AECOM
Dated November 2013
Bat Presence Likely Absence Report by Ecology Consultancy
Dated November 2013
Bat Roost Assessment Report by Ecology Consultancy
Dated November 2013
Preliminsray Ecological Appraisal by Ecology Consultancy
Dated November 2013
Interim Residential Travel Plan by Robert West
Dated November 2013
Interim Leisure Travel Plan by Robert West
Dated November 2013
Statement of Community Involvement by PPS
Dated November 2013
Tree Survey Report by Patrick Stileman Ltd
Dated November 2013
Outline Site Environmental Management Plan by Willmot Dixon
Dated November 2013
Energy Strategy by AECOM
Dated November 2013
Preliminary Assessment for Apartments Code for Sustainable Homes by eight Associates
Dated November 2013
Preliminary Assessment for Houses Code for Sustainable Homes by eight Associates
Dated November 2013
Preliminary Assessment for BREEAM 2011 by eight Associates
Dated November 2013
Sustainability Assessment by eight Associates
Dated November 2013
Air Quality Assessment by SKM Enviros
Dated November 2013
Daylight and Sunlight Study by SchroedersBegg
Dated October 2013
Noise Assessment by Cole and Jarman
Dated November 2013

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

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

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

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

Reason: In the interests of traffic and pedestrian safety.

- (5) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enactingthat Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the commercial floorspace hereby permitted shall only be for purposes falling within Use Classes A1, A2, A3 providing that any extraction equipment required for those uses are submitted to and approved in writing by the Local Planning Authority in advance of occupation of the unit being served by the required extraction equipment.

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

- (6) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enactingthat Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the D1 floorspace hereby permitted shall be only used for the purposes of a Sports and Leisure Centre with ancillary uses and for no other uses within the D1 use class.

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

- (7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development within Classes A, B, C or D of Part 1, Schedule 2 to the said

Order shall be carried out to the proposed town houses on Kilburn Lane without the prior permission of the local planning authority obtained through the submission of a planning application.

Reason : To enable the local planning authority to maintain strict control over the extension and alteration of any of the dwellinghouses hereby permitted on restricted sites in the interests of maintaining the appearance and integrity of the development and the visual and general amenities of the locality and to safeguard the amenities of the occupiers of neighbouring properties.

- (8) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The work shall be carried out in accordance with the approved details.

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

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

Criterion	Typical situations	Design range LAeq, T
Reasonable resting Conditions	Living rooms	30 – 40 dB (day: T =16 hours 07:00 – 23:00)
Reasonable sleeping Conditions	Bedrooms	30 – 35 dB (night: T = 8 hours 23:00 – 07:00); LAmax 45 dB (night 23:00 – 07:00) should not normally be exceeded

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

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

- (10) Details of the provision of a minimum of one cycle parking space per flat for prospective residents and 62 publicly accessible spaces along the Chamberlayne Road frontage for the commercial unit, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

- (a) proposed walls and fences indicating materials and heights;
- (b) planters and wall climbing plants proposed for rear wall of sports centre facing the townhouses.
- (c) details of drainage, irrigation and water points.
- (d) areas of hard landscape works and proposed materials;
- (e) details of the tree pits on the Kilburn Lane frontage
- (f) drought resistant plant species for the roof terrace.
- (g) details of the installation and maintenance of the green roofs
- (h) details of shrub planting and protection along the mews.
- (h) details of the proposed arrangements for the maintenance of the landscape works.

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

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

- (14) Prior to first occupation of the development, confirmation that all dwellings have been built to the Lifetime Homes standard and 8 of the dwellings have been constructed as Wheelchair Accessible Housing (or are easily adaptable to Wheelchair Accessible Housing) shall be submitted in writing to the Local Planning Authority.

Reason: To ensure a development that is sufficiently accessible

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

Reason: To minimise dust arising from the operation

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

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

- (17) No works shall commence, including any works of demolition or site clearance, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period. The CLP, which shall be accompanied by a site layout plan showing the following elements, shall include details of:
- (i) the construction vehicle access;
 - (ii) timing of deliveries (to avoid peak hours and to comply with local road restrictions) and the control of traffic entering the site;
 - (iii) the parking of vehicles of site operatives and visitors;
 - (iv) loading and unloading of plant and materials;
 - (v) storage of plant and materials used in constructing the development, to avoid the root protection zones of retained trees either on or off the site;
 - (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vii) wheel washing facilities to be installed prior to commencement of any works;
 - (viii) measures to control the emission and mitigate the against the impacts of dust and fine particles during construction; and
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works

The demolition/site clearance/building works hereby approved shall not commence until the vehicle wheel washing facilities have been provided on site in accordance with the approved details and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

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

- (18) Notwithstanding the plans hereby approved a revised layout groundfloor layout showing the provision of disabled access parking on rear mews road within 60m of an access to the residential lobby shall be submitted to and approved in writing prior to commencement of construction works.

Reason: To ensure satisfactory access for disabled people.

- (19) The proposed parking bays of a minimum width of 3 metres and in a location approved in writing by the Local Planning Authority shall be provided for the exclusive use of disabled people prior to the occupation of the buildings/commencement of the use hereby approved. The spaces shall be clearly marked as being for use only by disabled people and shall be permanently retained (so marked) thereafter. They shall not be used for any purpose other than the parking of vehicles by disabled people.

Reason: To ensure satisfactory access for disabled people.

- (20) Notwithstanding the submitted drawings further details of the operating mechanism, position, style and materials of the site's vehicular and pedestrian access gate that shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any of

the proposed uses on the site, and thereafter implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent unnecessary highway obstructions

- (21) Prior to the commencement of construction a Delivery and Servicing Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall ensure that deliveries to Mobely Sports Centre and retail unit (as well as residential deliveries) are properly pre-planned and co-ordinated, to minimise the risk that a large number of delivery vehicles will require access to the service yard at the same time. All deliveries/ collections shall only take place within the designated servicing bay and at no time shall any servicing be provided from Chamberlayne Road, Kilburn Lane or Banister Road.

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

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

- (22) Prior to the commencement of construction the applicant shall provide an Air Quality Impact Assessment demonstrating that the proposed CHP unit shall have no more than an imperceptible impact on neighbouring residents. The Assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

- (23) The proposed Combined Heat unit installed shall meet or improve upon the emissions standards and technical details described in the approved Air Quality Impact Assessment. Prior to the commencement of the use the applicant shall submit details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met, these shall be submitted to and approved in writing by the Local Planning Authority and the unit shall be maintained thereafter in accordance with these standards.

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

- (24) Prior to the commencement of the gym use details of post completion sound insulation testing shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that activities from the gym activity will not have a detrimental impact on residential dwellings within the building, by means of transmission of noise and the vibration.

Reason: To protect the amenity of nearby residents

- (25) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and 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:-

(a) a scheme to provide designated locations for any future signage for the commercial units and the residential entrances.

Reason: These details are required to ensure that a satisfactory development is achieved and to guard against cluttering and harm to the character of the building and streetscene.

- (26) Notwithstanding the details submitted further details of a scheme for lighting the development shall be submitted and approved in writing by the local planning authority prior to the commencement of works on site, and the lighting shall be installed fully as approved thereafter. Such details shall pay attention to further reducing light spillage at sensitive boundaries with residential neighbours.

Reason: In the interests of the residential amenity of adjoining occupiers.

- (27) Prior to the commencement of construction details of proposed bird and bat nesting boxes shall be submitted to and approved by the Local Planning Authority. The installation of the approved nesting boxes shall be undertaken prior to occupation of the development.

Reason: In the interest of wildlife preservation

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229

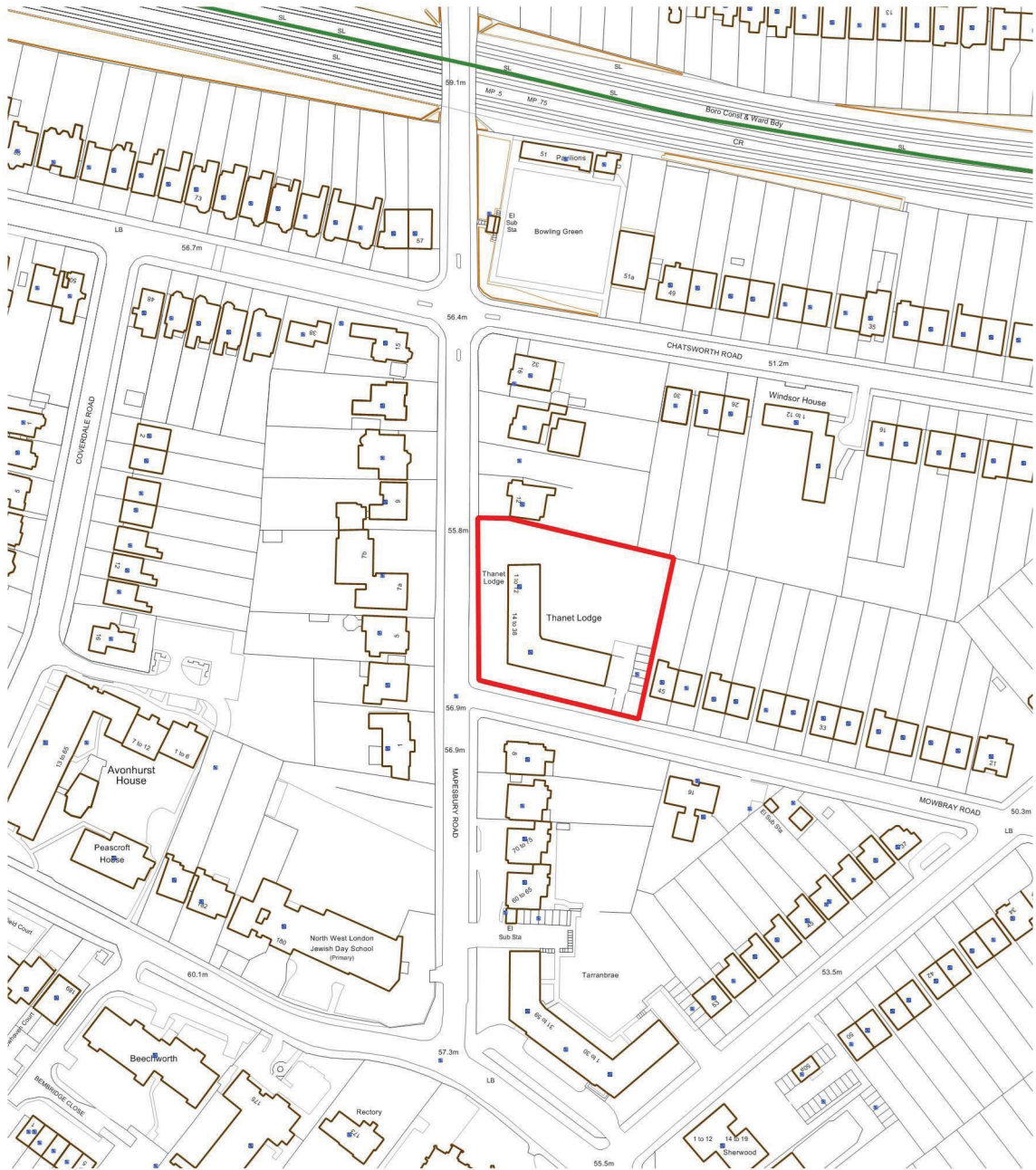
This page is intentionally left blank



Planning Committee Map

Site address: 1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 2 January, 2014

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA

PROPOSAL: Erection of a 2 storey 1 x 4 bedroom dwellinghouse to the north of Thanet Lodge

APPLICANT: Java Properties International

CONTACT: Michael Burroughs Associates

PLAN NO'S:
Please see condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Car Free Agreement

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

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£33,877.94** of which **£28,832.29** is Brent CIL and **£5,045.65** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The site in use as part of a communal garden that services an apartment complex (Thanet Lodge) is located on Mapesbury Road. The property is located within the Brondesbury Conservation Area.

The existing apartment complex (Thanet Lodge) consists of 40 no. self-contained 1-1/2-bed flats, including the 4 no. 2-bed flats at 4th floor level approved in 2003 and completed in 2006.

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

Primary Use	Existing	Retained	Lost	New	Net Gain
-------------	----------	----------	------	-----	----------

dwelling houses	0	0	141	141
-----------------	---	---	-----	-----

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	141	141

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
-------------	------	------	------	------	------	------	------	------	-----	-------

Houses										0
--------	--	--	--	--	--	--	--	--	--	---

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
-------------	------	------	------	------	------	------	------	------	-----	-------

Houses				1						1
--------	--	--	--	---	--	--	--	--	--	---

PROPOSAL

Please see above

HISTORY

The property has an extensive site history, however of particular relevance in the assessment of this case in the dismissed appeal for, the erection of three flats (1x Two Bed and 2 x One Beds) to the North of Thanet Lodge(Ref No: 12/2813). The Local Authority refused the application for the following reasons:

The proposed development would, by reason of its height, size and siting, be detrimental to the amenities of adjoining occupiers, by reason of loss of light, loss of outlook from, and the creation of an overbearing impact on, the existing property. 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."

The proposed development, by virtue of a lack of external amenity space will be contrary to Supplementary Planning Guidance SPG17: "Design Guide for New Development."

In the absence of a legal agreement to control the matter, the development would result in additional pressure on parking demand and transport infrastructure, without a "car-free" agreement or any contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space, public sports facilities and education infrastructure, without any contribution to assist in their delivery and enhancement respectively. As a result, the proposal is contrary to policies STR19, TRN, TRN23, OS7 and CF6 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Document: "S106 Planning Obligations".

Although the appeal was dismissed, the Inspector unfortunately did not support the Council on all its objections. It was only dismissed on two particular aspects, these were:

- Loss to neighbouring amenity at Thanet Lodge
- Absence of a 'Car free' development

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)

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 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 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
BE25 Development in Conservation Areas
BE26 Alterations and Extensions to Buildings in Conservation Areas
H12 Residential Quality – Layout Considerations
TRN23 Parking Standards – Residential Development
PS14 Parking Standards

SPG

The Council produces a series of Supplementary Planning Guidance notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. These SPG were subject to widespread public consultation the Planning Authority would suggest that considerable weight to be attached to them.

SPG 17: Design Guide for New Development

CONSULTATION

External:

75 Neighbouring properties were consulted on 7 January 2014. A site notice was posted on 11 February 2014 and press notice was placed in the local paper on 20 February 2014. The Local Authority has received 15 objections to date.

The objections are outlined as:

- The loss of communal garden space will have a detrimental impact on the living conditions of existing and future occupiers of Thanet Lodge
- The design of the proposal fails to respect the Character of the Conservation Area
- Depreciation of property value
- The increase in traffic and reduction in parking will result in detrimental impact on environmental quality
- Concern over the number of applications being applied for by Java Properties
- The proposed building is located too close to the existing block at Thanet Lodge and will therefore result in a loss of light
- Loss of light to No 12 Mapesbury Road
- The proposed block will be overlooked by the existing block at Thanet lodge resulting in a loss of privacy
- Increased traffic congestion
- The proposal will detract from the established character of the Conservation Area
- Consultation has been flawed as residents have not been provided.
- Quality of work can not be assured - Noise Insulation
- A number of trees (5 of which are covered by a tree protection order) will be lost to the development
- Loss of views over mature garden.
- The new block will be subject to flooding owing to its low lying nature
- The proposal will result in an increased flood risk to the existing garden and the new basement flat
- A new pedestrian access is being created contrary to the application form
- Additional strain on refuse and recycling services
- Loss of garages

Internal:

- Highways: No Objection Subject to 'Car Free' agreement
- Tree Officer: No objection 'subject to condition requiring tree protection and replacement

REMARKS

Introduction

1. As Members will see above a previous scheme was dismissed. The key consideration is whether the revised proposal has overcome the difficulties identified by the Inspector. The Inspector dismissed the appeal for the following reasons:

- Loss to neighbouring amenity as the new block failed to comply with the Councils 30 degree and minimum 5m separation distance between the new block and Thanet Lodge
- Absence of a 'Car free' development.
-

However, they did not agree to the Councils concerns as far as they related to design or quality of space provided.

Design

2. The building is sited within the designated Brondesbury Conservation Area. As a result policies BE2, BE3, BE7, BE9, BE25 BE26 and H12 of the UDP need to ensure that new development positively enhances the character and amenity of the Conservation Area. The character here is generally that of a suburban road of generally two storey houses and that of the flatted development of Thanet Lodge. As such no objection, to a new house, per se, in this location is raised. However, this would be on the basis that the resulting development would not detract from the well-established character of the Conservation Area, and would positively enhance the area thereby.

3. The design of the development is fairly traditional, which is not, in itself, something that the Council would object to in principle. It is considered that the width of building has been reduced (From approximately 13m to approximately 10m) so to minimise its impact on the flank windows of Thanet Lodge. Whilst your officers are of the view a better design could be employed here, officers must pay due consideration to the Appeal Inspectors decision, which states, *'The principle of housing on the site is clearly acceptable and I consider*

that the design accords with the relevant local (UDP) and national planning policy requirements (NPPF) in relation to the delivery and provision of a wide quality homes. I also consider that the proposal would preserve the character and appearance of the Brondesbury Conservation Area...'

4. As such the no objection to the design of the proposal is raised

Impact on Neighbouring Amenity

5. In Paragraph 12 of the appeal Inspector found the proposal to not cause harm to Neighbouring property No 12 Mapesbury Road, however detrimental harm was considered to occur on residents of Thanet Lodge as stated in paragraph 13-14:

'However, having noted the proximity of the proposed building to the existing building, it is my view that the living conditions of those living on the lower levels of the block, with windows in the north elevation would be seriously harmed by the proposal. The distance between these windows and the south wall of the proposal is shown as being less than 3m. I acknowledge that the SPG17 requirement (that the new building envelope is set below a line of 30° from the nearest habitable room window of adjoining existing property, measured from the height of 2m above floor level) is exceeded as the actual figure is 25°.... However, the normally acceptable minimum direct distance between habitable rooms (windows) on a flank wall and a side boundary is 5m. The proposal is positioned more than 2m less than this requirement. Furthermore, the proposed height of the new apartment block would be 0.4m above the ground floor habitable windows in the north elevation of Thanet Lodge. In my view, this is simply too close and it would have an unacceptable overbearing effect on the occupants of the rooms affected.'

6. The applicant has responded by reducing the width of the building by approximately 2m so to create a 5m separation between the existing and proposed blocks. Whilst your officers would prefer a larger separation between the blocks, once again due consideration must be paid to the Inspectors decision. The proposed block is now compliant with requirements set out in SPG17 and the Appeal Inspectors assessment as detailed above. Therefore, on balance, the proposal is not considered to cause a detrimental impact on neighbouring amenity.

7. The Inspector did not raise an issue with the loss of communal garden space and as such unfortunately can form a reason for refusal in itself. The matter is further expanded below.

Quality of Accommodation

8. The proposal seeks permission for the erection of a new residential block comprising 1 x 4 bedroom unit. The Council's SPG17: "Design Guide for New Development" is the starting point for the assessment of this residential development. One of the key sections in the SPG covers the standards that would be applied relating to the required distances between habitable-room windows and other windows, as well as site boundaries.

9. In the case of the application proposal, it seems evident that the applicant has had regard to SPG17 and the appeal decision in compiling the proposal. The proposed building has been designed so as to have no habitable room windows in any of the elevations that would conflict with people living nearby. In terms of the likely quality of accommodation for future occupiers, the submitted drawings indicate separation distances between windows and boundaries (the majority of unit is orientated so as to face towards the road and the rear communal garden).

10. An assessment of the current proposal indicates that the proposed unit shown on the plans do exceed the Mayors London Plan Standards, in quantitative terms at 141sqm (GLA standards 113m2).

11. A further issue is the provision of external amenity space on the site. SPG17 requires 50 square metres of space for each family sized unit. A private garden of 30sqm on the Western elevation with terraces to the East and West have been proposed. In this case, and comparing favourably to the appeal scheme, the development would not rely exclusively on garden space to the front of the building, (approx. 30sqm fronting Mapesbury Road) as there is an area of communal space to the rear and side that would provide approx. 145 square metres of external space. The proposed amenity space of the current application is better in many regards in that the amenity space is useable by the future residents and the increased amenity space creates more space for future landscaping which will enhance and improve the area. This view should be considered alongside the fact that the internal space proposed in the unit exceeds the SPG17 guidance and the Mayors London Plan Standards.

12. The Inspectors views were that:

'Having considered the relevant submissions I do not consider that the living conditions of the occupiers of the new flats would be noticeably affected. The flats meet the required space standards and although the external amenity space requirements are not met for all three units, it is evident that residents would have use of the extensive communal garden.'

13. Taking into account the views of the Inspector, Officers find the quality of space provided to be of an acceptable standard.

Highways

14. Dwellings in areas with good PTAL ratings as is the case here and a CPZ are assessed using a reduced standard, whereby 4-bed properties can be permitted up to 1.2 car spaces. The 40 no. existing flats at the site can be permitted up to 28 car spaces under the same PS14 standards. The proposed flats will therefore increase the maximum standard for the site as a whole to 29.2 car spaces, which is deemed significant. As there are only 20 car spaces currently available at the site, it is very likely that overspill car parking would occur as a result of this development.

15. Whilst the Inspector noted the parking strains both on and off-site, he concludes that, *'With a 'car free' agreement in place I consider that this would overcome the objections and harm caused relating to parking in the vicinity'*. The applicant has agreed to sign up to the terms and conditions of a 'Car free' development.

16. Secure and covered cycle parking lockers for use by the proposed new flats have been shown close to the Mapesbury Road frontage of this site. These are acceptable in highway terms only.

17. Refuse and recycling facilities are also communally provided within acceptable carry-distances both for residents of the proposed flats and for waste collection staff.

18. The proposal is considered to comply with Highway requirements.

Trees and Landscaping

19. The property at Thanet Lodge is subject to the Thanet Lodge, Mapesbury Area Tree Preservation Order, It is also located within the Brondesbury Conservation Area which affords a basic level of protection to other trees not subject to the TPO.

20. Whilst no objections to the scheme are raised, your officers are of the view a tree survey, arboricultural implications assessment and ultimately a tree protection plan/ arboricultural method statement in accordance with BS5837:2012, setting out how retained trees will be protected during proposed works should be required.

21. Officers have noted there are a number of trees on the northern boundary that could be lost to the proposed development. Any potential loss should be mitigated with a high quality landscape scheme containing suitable replacement trees at a ratio of 1:1. Such detail shall be secured by condition.

Conclusion

22. Whilst your officers are not without reservations on the merits of this application, Members will be aware, officers assessment must pay due respect to the Appeal Inspectors decision as detailed above. Therefore on balance, the proposal should be approved in its current form.

Objection	Response
Loss of communal garden	Please see paragraphs 7 and 12
The design of the proposal fails to respect the Character of the Conservation Area	Please see paragraphs 2 and 4
Depreciation of property value	The matters of depreciation of property values do not form a material consideration and therefore can not form a reason for refusal

The increase in traffic and reduction in parking will result in detrimental impact on environmental quality	The development will be restricted to be a 'car free' development
Concern over the number of applications being applied for by Java Properties	The applicants right to submit planning applications can not form a reason for refusal
The proposed building is located too close to the existing block at Thanet Lodge and will therefore result in a loss of light	Please see paragraphs 5 and 7
Loss of light to No 12 Mapesbury Road	Please see paragraphs 5 and 7
Increased traffic congestion	The development will be restricted to be a 'car free' development
The proposal will detract from the established character of the Conservation Area	Please see paragraphs 2 and 4
Consultation has been flawed as residents have not been provided.	The Councils consultation is led by SPG2 and has been carried out in accordance with its guidance.
Quality of work can not be assured - Noise Insulation	Whilst the quality of work is not a material consideration in the assessment of this application, the applicant will be reminded of their due to comply with the Party Wall Agreement.
A number of trees will be lost to the development	Please see paragraphs 2 and 4
Loss of views over mature garden.	Please see paragraphs 19 and 21
The new block will be subject to flooding owing to its low lying nature	The property is not located within a Flood Risk Area as such no objection in principle is raised.
A new pedestrian access is being created contrary to the application form	The creation of a pedestrian access is not considered a reason for refusal
Additional strain on refuse and recycling services	The proposal seeks to have separate refuse and recycling facilities
Loss of garages	No loss of garages are proposed as a part of the current proposal

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

CONDITIONS/REASONS:

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

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

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

1213/TP.45 P4
1213/TP.44 P4
1213/TP.46 P4
1213/TP.48 P3
1213/TP.41 P1
1213/TP.42 P1

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 Thanet Lodge.

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

- (4) Prior to commencement of development, full details of all pre-commencement tree works (Including a protection plan and arboricultural method statement in accordance with BS5837:2012) shall be submitted to and approved in writing by the Local Planning Authority. Any potential loss of trees should be mitigated with a high quality landscape scheme containing suitable replacement trees at a ratio of 1:1. Works shall only be carried out in accordance with the approved details.

Reason: The site benefits from mature trees, hedges and shrubs and this condition is to ensure the ongoing health and vitality of those existing features throughout the duration of the development or their suitable replacement, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

- (5) No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees in the position. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.


- (6) All glazing located on the Northern Elevation of the new house, shall be obscured glazed, fixed closed and permanently maintained as such, unless agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity

INFORMATIVES:

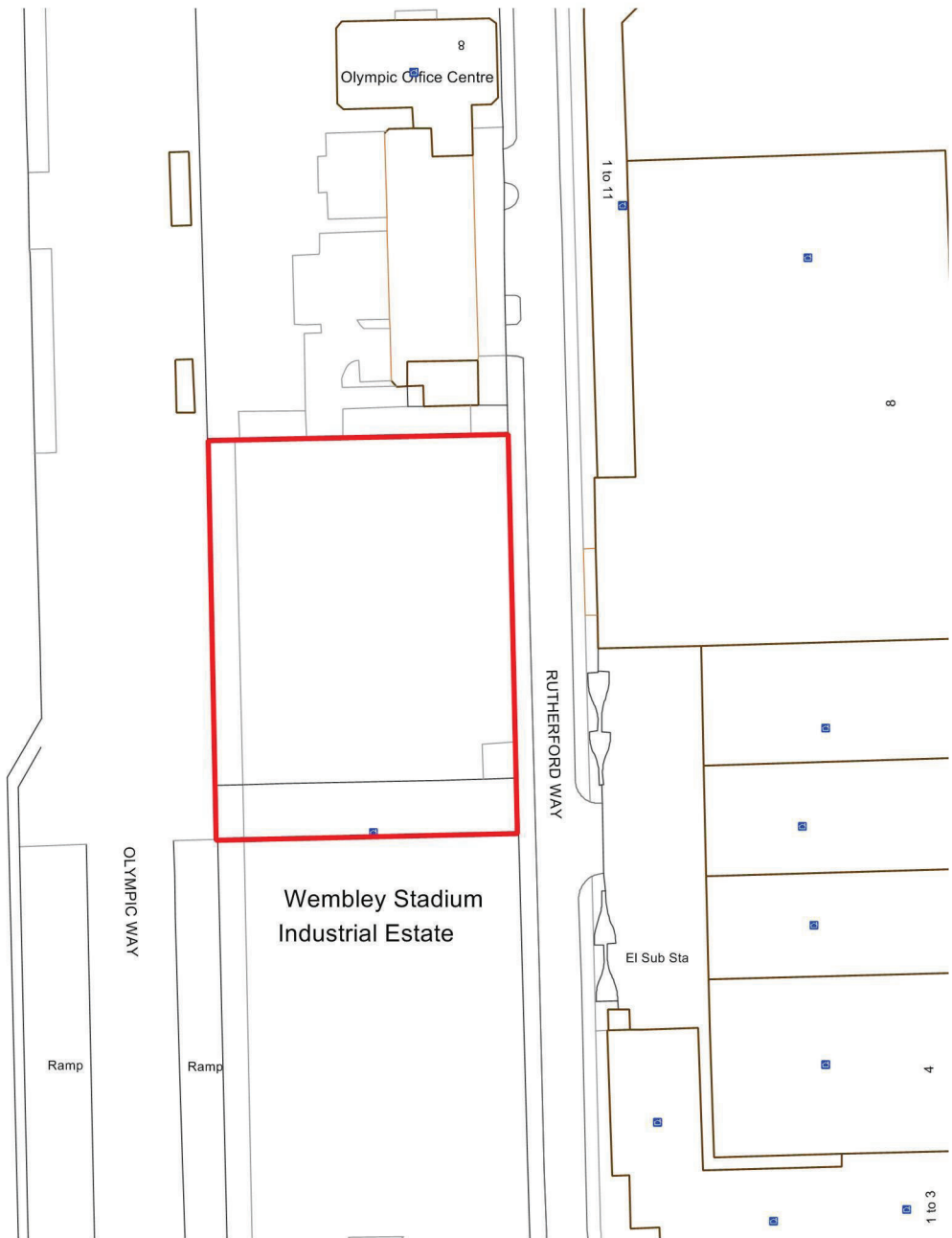
- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained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

Any person wishing to inspect the above papers should contact Tanusha Naidoo, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5245

 **Planning Committee Map**

Site address: Car Park at Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 31 January, 2014

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Car Park at Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU

PROPOSAL: Construction of a part 2-, part 19-storey building comprising student accommodation (704 bedrooms and ancillary facilities) and two Use Class A1/A2/A3/A4/A5 and/or Leisure units at ground and first floor level and associated landscaping, parking, servicing, public realm works and accesses to the highway.

This application has been submitted pursuant to conditions 1 (the Reserved Matters), 9 (car parking), 12 (wind environment assessment) and 30 (student demand assessment) of Outline planning permission reference 13/1522.

Outline planning permission 13/1522 was 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 and subject to a Deed of Agreement dated 24 December 2013 under Section 106 of the Town and Country Planning Act 1990, as amended

APPLICANT: UNITE GROUP PLC

CONTACT: Montagu Evans

PLAN NO'S:
Please see condition 1.

RECOMMENDATION

To approve the submitted details pursuant to conditions 1 (the Reserved Matters), 9 (car parking), 12 (wind environment assessment) and 30 (student demand assessment) of Outline planning permission reference 13/1522.

SECTION 106 DETAILS

The Section 106 legal agreement for this development was secured through the outline planning consent (reference 13/1522). It included provisions relating to sustainability and energy, Travel Plans, Employment Enterprise and Training, Affordable Housing (only relevant if housing is proposed) and a Parking Permit Restriction.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£78,216.91** of which **£3,789,249.11** is Brent CIL and **£695,362.89** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

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 on

the land between the office building and Olympic Way together with the provision of retail/food and drinks units fronting Olympic Way (reference 13/1512) was approved concurrently with the outline planning consent for this 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

Primary Use	Existing	Retained	Lost	New	Net Gain
restaurants and cafes				496	496
shops				496	496
sui generis				17861	17861

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
				18853	18853

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Cluster Flats û Market						4				
Bedsits/Studios & Market	60									

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Cluster Flats û Market										
Bedsits/Studios & Market										

PROPOSAL

See above.

HISTORY

The original outline planning consent:

13/1522: Approved 3 January 2014

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 and subject to a Deed of Agreement dated 24 December 2013 under Section 106 of the Town and Country Planning Act 1990, as amended

Related Planning History: Re-provision of parking on adjoining site with retail/food and drink floorspace fronting Olympic Way:

13/1512: Approved 3 January 2014

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 (parking permit restricted scheme)

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
- 3.8 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

The 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
 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
 EMP4 Access to Employment Opportunities
 SH2 Major Town Centres
 SH10 Food and Drink (A3) Uses
 SH11 Conditions for A3 Uses
 SH19 Rear servicing
 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 sustainability targets were set out within the Section 106 agreement for the Outline planning consent.

The targets were:

How the development will achieve:

- A minimum of BREEAM “Excellent” or other rating as is approved in writing by the Council and is the maximum feasible;
- A minimum score of 50 % on the Brent Sustainability Checklist;
- A minimum CO2 reduction of 25 % from 2010 TER (regulated) including a minimum of reduction of 20 % through on-site renewables.

The applicant has submitted a Sustainability Statement and Energy Statement which proposes that the building meets BREEAM “Excellent” for the Student Accommodation (i.e. the majority of the building) and BREEAM “Good” for the two retail/food and drinks units. A 22.8 % reduction is proposed from baseline CO2 emissions through “be-lean” measures, the use of CHP and 320 sqm of PV panels, which translates to a 2 % reduction through on-site renewables. This is below the target levels. However, the submitted reports specify that the developer expects to meet the 25 % target once a more accurate baseline is established at design stage, at which time the sizing of CHP and PV systems can be finalised to meet the targets. The

submitted TP6 Sustainability Checklist has been scored by the applicant at 57.4% and is above the 50 % threshold.

The submitted reports are still being assessed by consultees and further information will be provided within the Supplementary Report. However, the target levels and timescales for the final approval of the energy and sustainability strategies have already secured through the Section 106 agreement. As such, these matters can be dealt with prior to the commencement of works on-site if the submitted details are not found to be sufficient.

CONSULTATION

Letters sent: 14 February 2014
Site Notices: 14 February 2014
Press Notice: 20 February 2014

Letters were sent to 23 adjoining and nearby owners and occupiers.

No letters of objection were received from third parties.

Internal consultees:

Safer Streets / Environmental Health:

No objections. Matters relating to the CHP emissions, noise and contamination are covered by conditions 20, 21, 22 and 23 and the applicant is reminded that these details must be submitted in due course.

Highways:

No objections. An informative is recommended advising the applicant to contact the Head of Transportation to arrange for the necessary highway works to form the new accesses to the site, including the relocation of bus stops and removal of parking bays to be undertaken at the developer's own cost.

Landscape Design

Landscape initially recommended that more features are incorporated around the building (in addition to trees) and that some alternative plant species were selected. Further details were requested on a number of matters. However, many of those are secured through condition 7 of the outline consent. Revised landscape drawings were submitted and these are currently being considered by the Landscape team.

External consultees:

Thames Water

Thames Water have no observations to make.

REMARKS

Nature of application

1. This application seeks approval of the detailed design of the building (The Reserved Matters) following the grant out Outline Planning Consent at the start of this year. It also includes details relating to condition 9 (car parking), 12 (wind environment assessment) and 30 (student demand assessment) of the outline planning consent.
2. Matters that were approved through the Outline consent, such as the general principle of the proposed uses and the height and location of the building will not be discussed in detail within this report. The plot layout, height and the uses are in accordance with the Outline Planning consent.
3. This proposal includes 704 rooms of student accommodation of which 644 are within "clusters" of up to 10 en-suite rooms which share a living room/kitchen while the remaining 60 are studio units. The total floorspace is within the maximum levels specified within the Outline consent.

Design, layout and landscaping

4. The Reserved Matters proposals were drawn up by the same firm of architects as the original scheme for the outline consent and represent the evolution of the design previously considered by members. The layout of the building has been rationalised, with standardised layouts on many of the floors. This has resulted in some of the variation in the external façade being removed from the scheme. However, following discussions with your officers, projecting Oriel windows have been incorporated into the façade to re-introduce the visual interest that was incorporated into the outline application scheme.
5. The building is underpinned by robust design principles, which break the upper part of the building into

three visually distinct elements. The two projecting retail/food and drink units are located on either side of the main entrance to the student accommodation which is also highlighted by a large entrance feature. A large entrance has been incorporated within the Rutherford Way frontage, which is internally connected to the Olympic Way lobby. This lobby together with two meeting provide activity within the Rutherford Way frontage. The need to incorporate cycle storage, refuse storage and plant reduces the ability to provide visual activity within this frontage. However, your officers consider that this is acceptable given the level of active frontage that is achieved and the siting of the active spaces (within the centre of the elevation). An “activity room” (i.e. gym) and rooms and living rooms of student units are situated on the first floor within this frontage and also provide natural surveillance of the street. The retail/food and drink units together with the main entrance to the student accommodation provide a significant level of activity within the Olympic Way frontage.

6. The design and appearance of the retail/food and drink units is similar to the approach detailed within the outline consent and reinforces the “pocket spaces” approach of small privately owned publicly accessible spaces flanking Olympic Way that are flanked by active uses. The inclusion of the roof terraces for the student accommodation on top of these retail units will provide additional activity along this frontage.
7. The area around the building is to be predominantly hard surfaced, which is considered appropriate given the nature of the area. However, the proposal includes a significant number of trees, predominantly along the sides of the building and within the Rutherford Way frontage. This approach is considered to be acceptable given that a number of trees are already situated within Olympic Way itself and improvements to Olympic Way are also secured through the Quintain “North-west Lands” outline planning consent. In response to comments from our Landscape Design team, creatively designed seating has been incorporated along the southern side of the building to increase its usability.

Accessibility

8. A condition has been attached to the outline planning consent which requires recommended which requires 10 % of the rooms of student accommodation to be provided as Wheelchair Accessible. The Design and Access statement confirms that the appropriate proportion of rooms will be provided and typical layouts have been provided. However, the floor plans do not show the required number (70) of accessible rooms. Revised drawings have been requested from the applicant and this will be discussed further within the supplementary report.
9. The spaces and accesses within and around the building have been designed to meet accessibility requirements.

Highways

10. A 5 m wide service “road” is proposed within the Rutherford Way frontage which is accessed via two 7 m die crossovers, leaving a 1.6 m wide footway within the site immediately in front of the main entrance. Space within this servicing road is shown for servicing and disabled parking. Seven external cycle stands are proposed, providing space for 14 cycles. 4 of these are within the Rutherford Way frontage while the other 3 are adjacent to the Olympic Way entrance to the student accommodation. Bicycle parking (354 spaces on double-height racks) is proposed within a room on the ground floor with a further room shown for refuse storage (14 Eurobins).
11. The outline planning consent included requirements for a Car Park Management Plan and Travel Plan to help to manage parking demand, with future students of the building also being disqualified from applying for on-street parking permits for the Wembley Stadium area Controlled Parking Zone, or any other future year-round CPZ that is introduced in the area. A Student Management Plan was also secured to manage the moving of students into and out of the building across at the start and finish of term.
12. The proposed provision of disabled parking spaces only is considered to be acceptable given the nature of the uses and the location of the site and this is considered to be sufficient to warrant the approval of details pursuant to condition 9 of the outline planning consent in relation to this plot. The proposed number of cycle spaces meets the Council’s parking standards for Student Accommodation (1 space for 2 bedrooms) whilst the provision of 14 spaces is welcomed, being in broad compliance with the requirements for the commercial units. The siting of the waste storage area allows for easy collection from the servicing area. The total capacity is considered to be low for the proposed number of rooms. However, as collection will need to be managed by the private management company so this is considered to be acceptable.
13. The distance from the servicing bay to the rear doors of the retail units is considered to be long (around 35 m). Whilst not ideal, this is considered to be acceptable. The service road is sufficient to

accommodate 10 m rigid vehicles, which is considered to be acceptable, particularly given that the units are likely to be used for food and drink purposes. A Delivery and Servicing Plan was also secured through the Outline Planning consent to address this potential issue.

14. The proposed new vehicular accesses are approximately 12 m wide at their widest point. The northernmost of these proposed accesses conflicts with an existing bus stop and the stop will therefore need to be moved approximately 8 m northwards. The southbound stop may also need to be re-sited so that they don't overlap and changes will need to be made to an existing Traffic Management Order. All works to form the new accesses will therefore need to include the payment of Brent's associated traffic order costs involved in removing and repositioning parking spaces and bus stops. An informative has been recommended regarding this.
15. A Transport Statement has been submitted with this application which specifies that the detailed scheme (as shown within this application) is likely to result in an additional 61 journeys to and from the site in the morning peak hour and 82 journeys in the evening peak hour by all modes, representing a 20-25 % test over the indicative mix that was tested in the outline application. Given that the vast majority of the movements are not expected to take place by car, the marginal increase in vehicular traffic are not considered to be significant enough when set against the scale of the overall Masterplan proposals for the area to warrant any further assessment of junction performance in the immediate area. In terms of non-car trips, Highways consider that the increase in bus and train/tube trips set out in the Transport Statement is also considered to be marginal and not significant enough to warrant further consideration. It is predicted that the increase about the scenario tested in the outline consent will be approximately 4 arrivals/17 departures and 19 arrivals/8 departures in the morning and evening respectively in relation to the train and tube, and 3 arrivals/14 departures and 16 arrivals/7 departures in the morning and afternoon in relation to bus trips.
16. Highways consider the proposals to be acceptable on transport grounds.

Student Housing Demand Assessment

17. London Plan policy requires proposals for Student Housing to demonstrate that there is sufficient demand for the proposed accommodation and a Student Housing Demand Assessment has been submitted with this application. The assessment highlights the return to growth in Higher Education Institution (HEI) applications following a drop in applications in 2011/2012. It is specified that the proportion of students living in purpose built accommodation in London is below proportions in other regions and the average for England, and that the student accommodation that is in the pipeline in London is not sufficient to meet demand. It is suggested that this will have an impact on private rented accommodation. The spatial distribution of the majority of proposed student accommodation is largely concentrated in East and Central London Boroughs rather than west London. The assessment also highlights that the proposal does not result in an exceedance of the policy level set out in the Wembley Area Action Plan. Your officers consider that the assessment provides sufficient reassurance regarding the demand for Student Housing to warrant the approval of details pursuant to condition 30 of the outline planning consent.

Wind environment

18. This application has been accompanied by a "Wind Microclimate Desktop Commentary" report which specifies that no significantly adverse wind conditions are expected on the site of the development or in the adjacent pedestrian environment. The submitted report is considered sufficient to warrant the approval of details pursuant to condition 12 of the outline planning consent.

Summary

19. The submitted reserved matters application represents the evolution of the design of the building that was shown in the original outline planning application, with changes to the internal layout, a rationalisation of the floor plan, associated changes to the façade and a number of other amendments to the layout, design and landscaping. The proposal complies with the parameters set out within the Outline Consent subject to revisions relating to Accessible rooms and the consideration of the Sustainability and Energy submission.
20. Your officers consider the design to be based on robust principles and that the development will add visual interest together with activity to Olympic Way and Rutherford Way. As with most development and in particular, tall buildings, the quality of the external materials will be of paramount importance. The proposal is considered to be acceptable on highways grounds, being in accordance with the Council's standards and only representing a marginal increase in the traffic and non-car trips that were predicted in the indicative scenarios tested for the outline planning consent.

21. The approval of the Reserved Matters and conditions 9, 12 and 30 is recommended.

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

CONDITIONS/REASONS:

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

Site Plan
A(02)100 Rev 01
A(02)101 Rev 01
A(02)102 Rev 01
A(03)110 Rev 02
A(03)111 Rev 01
A(03)112 Rev 02
A(03)113 Rev 02
A(03)127 Rev 01
A(03)128 Rev 01
A(03)129 Rev 01
A(04)001 Rev 02
A(04)002 Rev 02
A(04)003 Rev 02
A(04)004 Rev 02
A(05)005 Rev 02
A(05)006 Rev 02
SK008 Rev 00
SK009 Rev 00
MW-P-012 Rev 00
MW-P-013 Rev 00
Design and Access Statement Parcel B – Reserved Matters Submission 20140325_Rev A
Transport Statement dated October 2013
Olympic Way, Wembley Parcel B – Student accommodation block Sustainability Statement dated December 2013
Parcel B, Olympic Way, Wembley Energy Statement dated December 2013
Olympic Way Wembley Parcel B – Wind Microclimate Desktop Commentary date 17 October 2013
Olympic Office Centre Student Accommodation Need Assessment dated December 2013

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

INFORMATIVES:

(1) The applicant is advised to contact the Head of Transportation to arrange for the necessary highway works to form the new accesses to the site, including the relocation of bus stops, removal of parking bays and any required changes to Traffic Management Orders, which are to be undertaken at the developer's own cost.

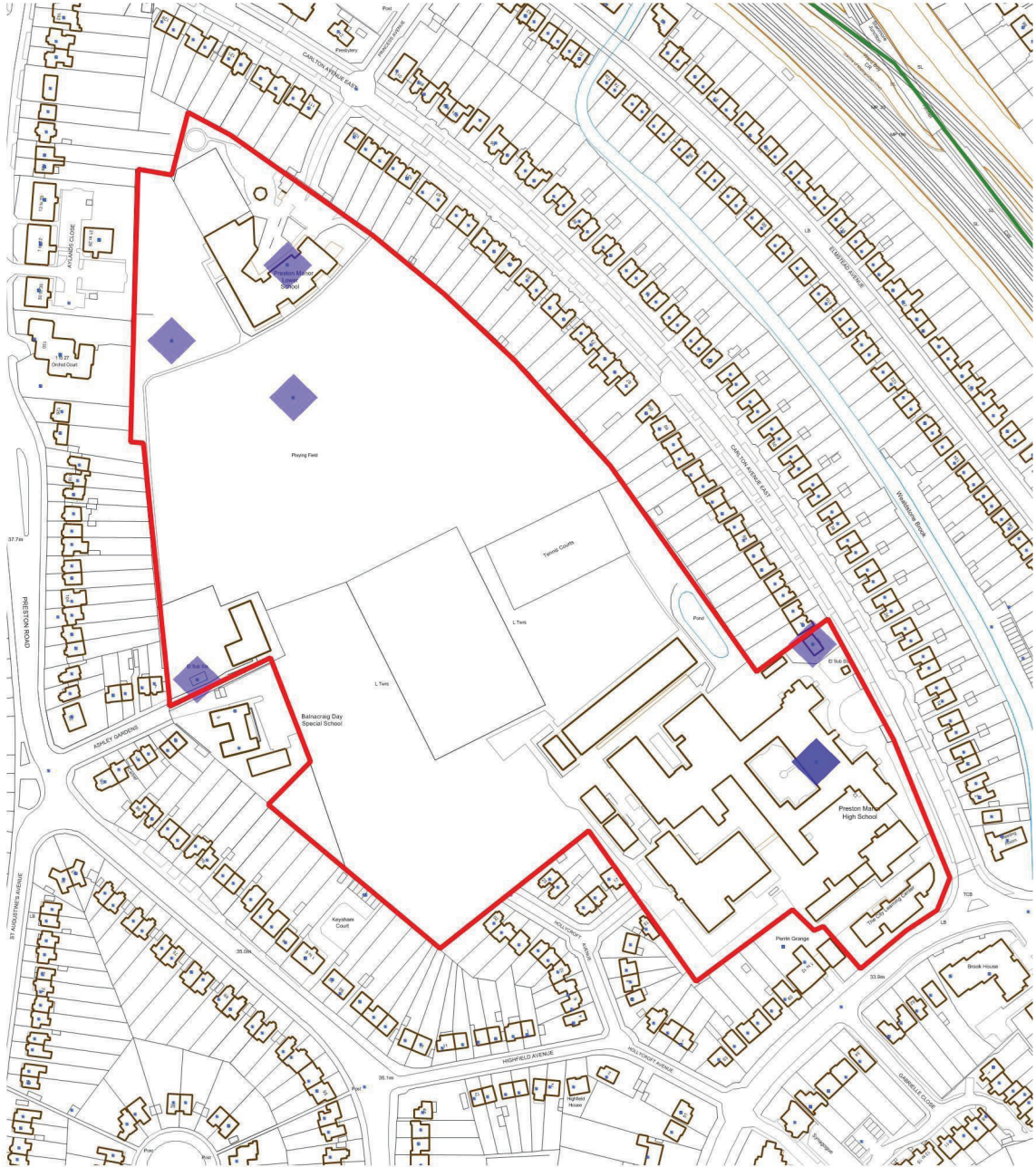
Any person wishing to inspect the above papers should contact David Glover, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5344



Planning Committee Map

Site address: Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 17 January, 2014

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA

PROPOSAL: Removal of two existing modular classroom huts and the erection of a permanent three-storey extension to the side of the existing high school sports hall to accommodate the schools 6th form building.

APPLICANT: On behalf of The Governors

CONTACT: Sampson Associates

PLAN NO'S:
See Condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Sustainability - submission of, and compliance with a revised TP6 Sustainability check-list to ensure a minimum score of 50% is achieved, and 2 months prior to a material start the submission of a detailed BREEAM assessment which demonstrates reasonable endeavours to achieve 'Excellent' rating, or a lower rating as deemed to be appropriate if demonstrated to the Councils satisfaction that this is the maximum level feasible on-site. Following the completion of construction works, appropriate independent evidence (such as BRE Post-Construction Review) would be required to be submitted to the Local Planning Authority to verify this.
- No later than 2 months prior to a material start, submission of a revised Energy Strategy to demonstrate that the maximum feasible carbon reduction target will be met on-site. This shall be targeting a 40% improvement on 2010 Building Regulations unless an alternative level is agreed by the Council as being the maximum level feasible for the development site. Including a reduction through on-site renewable technology.
- Join Considerate Constructors Scheme.
- Compliance with a Construction Management Plan that agrees the construction access point and measures that will be taken to minimise the impact of construction traffic on third parties.

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

CIL DETAILS

This application is not liable to pay the Community Infrastructure Levy (CIL).

CIL Liable?

Yes/No: No

EXISTING

The site comprises the school buildings and playing grounds of Preston Manor High School. The original school dates back to the 1930's and a number of buildings and extensions have been erected since. The site is accessed primarily from Carlton Avenue East, and there is a secondary access via Hollycroft Avenue. The

site is not situated within a conservation area nor is it home to any listed building. Surrounding uses are predominantly residential with residential properties on Carlton Avenue East, Forty Avenue, Hollycroft Avenue, Preston Road and Ashley Garden all sharing a boundary with the site.

A new permanent primary school has been built at the northern end of the site. Known as Preston Manor Lower School this began admitting pupils in September 2011.

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

Primary Use	Existing	Retained	Lost	New	Net Gain
non-residential institutions	13710.8		311.8	1224.2	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	13710		311	1224	

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

PROPOSAL

Removal of two existing modular classroom huts and the erection of a permanent three-storey extension to the side of the existing high school sports hall to accommodate the schools 6th form building.

HISTORY

13/1975 - Granted

Retention of a temporary primary school in the grounds of Preston Manor High School, to be accessed from Ashley Gardens, comprising a single-storey modular building incorporating two classrooms, assembly hall, staff room, medical area and ancillary office and storage space.

11/1822 - Granted

Installation of a new synthetic turf hockey pitch, the erection of six 14.5m high floodlights and 3m high fencing around the pitch, to be located on the existing playing fields adjacent to Preston Manor High School and subject to a Deed of Agreement dated 12th October 2011 under Section 106 of the Town and Country Planning Act 1990, as amended.

10/3203 - Granted

Erection of a one and two storey building to form a permanent primary school in the grounds of Preston Manor High School, with a new access between 109 & 111 Carlton Avenue East, comprising new classrooms, small and large halls, staff room, reception, kitchen and office space, with plant and photovoltaic panels, revised landscaping incorporating car park, a new Multi Use Games Area, (MUGA,) play areas, access paths, external amphitheatre and new trees subject to a Deed of Agreement dated 14th March 2011 under Section 106 of the Town and Country Planning Act 1990.

10/2738 - Granted

Erection of a temporary primary school in the grounds of Preston Manor High School, to be accessed from Ashley Gardens, comprising a single-storey modular building incorporating two classrooms, assembly hall,

staff room, medical area and ancillary office and storage space, as amended.

07/3033 - Granted

Erection of a single-storey block comprising of 14 new classrooms, toilets and office space; the erection of a new sports hall; the relocation of outdoor hard play area and the relocation of 2 existing mobile classroom buildings and removal of 1 mobile as accompanied by Design Statement received 11/10/07; Flood Risk Statements dated 11/10/07 and 28/11/07 addendum and emails dated 21/12/07 and 03/01/08; Traffic Impact Assessment Report received 11/10/07; Sustainability Checklist dated 28/11/07; and Mercian Lighting details received 28/11/07 and subject to a Deed of Agreement dated 10th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

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.

Paragraph 72 of the NPPF states that 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. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools

The London Plan, 2011

Policies 5.2 & 5.7

The London Borough of Brent LDF Core Strategy 2010

CP19 – Brent Strategic Climate Mitigation and Adaptation Measures

CP23 – Protection of existing and provision of new Community and Cultural Facilities

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

BE2- Townscape- Local Context and Character

BE4 - Access for Disabled People

BE5 – Urban Clarity & Safety

BE9- Architectural quality

BE12 – Sustainable Design Principles

EP2 – Noise & Vibration

H22 – Protection of Residential amenity

TRN1 - Transport Assessment

TRN3 – Environmental Impact of Traffic

TRN4 – Measures to make Transport Impact acceptable

TRN11 – The London Cycle Network

TRN22 – Parking standards- non-residential developments

TRN34 – Servicing in New development

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

CF8 - School Extensions

CF10 – Development within school grounds

Supplementary Planning Guidance

SPG17 - Design Guide for New Development

SPG12 – Access for disabled people, designing for accessibility

SPG19 - Sustainable Design & Construction

SUSTAINABILITY ASSESSMENT

Proposed sustainability measures are set out through the Brent Sustainability Checklist, and Renewable

Energy Assessment.

The applicants achieve a self-assessed score on the checklist of 39.1%, normally a minimum score of 50% is expected to be achieved on all new development. Where such a shortfall exists Officers will secure improvements through an obligation, secured through s106 legal agreement that requires submission of, and approval of a revised Sustainability Checklist to demonstrate a score of 50% (see draft Heads of Terms).

It is submitted in the energy assessment that energy efficiency measures are sufficient in isolation to achieve compliance with the 2010 Part L Building Regulations by achieving a 25% improvement on carbon emissions. London Plan (policy 5.2) seeks to secure a 40% reduction in carbon dioxide emissions for the period 2013-2016. On balance Officers consider that opportunities to achieve further improvements should be explored pursuant to this policy. As such it is recommended that the requirement for submission of a revised Energy Strategy is secured through the s106 agreement. Upon submission of this it may become apparent that it is simply not feasible to achieve the level of reduction in CO₂ and to reflect this Officer's consider that the s106 agreement should require that the revised Energy Strategy achieves the maximum feasible level of CO₂ reduction.

In terms of the 'Be green' measures several options have been evaluated for on-site renewables. The proposal does not include a Combined Heat and Power (CHP) source. For CHP to be viable the demand for heat should be relatively stable throughout the year. This is unlikely to be the case here given the daily hours of occupancy and traditional holiday pattern of the school, leading to large periods of non use. Also the building currently sits outside of any existing heat network areas, with no existing potential to link in. Solar thermal has been discounted on the basis that the extension would not have a large enough hot water demand. Wind turbines were discounted on the basis that prevailing wind conditions are not suitable for this to be a viable technology, and because this is a dense built up area surrounded by residential properties. Air source heat pumps, and ground source heat pumps are identified as being potentially viable. Biomass has been discounted because of the implications this would have for air quality and practicalities surrounding fuel supply issues.

It has been concluded that solar photovoltaics (PV) are feasible and most deliverable because of the availability of flat roof, and as this would not be shaded by surrounding structures. It is submitted that this PV array would reduce CO₂ emissions by 10%, after other 'Be lean' and 'Be Clean' measures have been applied.

BREEAM;-

Brent's Core Strategy (2010) does require all non residential major development to achieve a BREEAM rating of 'excellent'. A pre-assessment would normally indicate the BREEAM level expected to be achieved.

Officer's are recommending an s106 clause requiring the submission of a detailed BREEAM assessment which demonstrates reasonable endeavours to achieve 'excellent' rating, or a lower rating as deemed to be appropriate, if demonstrated to the Councils satisfaction that this is the maximum level feasible on-site due to the nature and scale of the development. This approach has been adopted on other sites where the Council acknowledge it may not be possible to achieve 'excellent' and this exercise will need to be carried out prior to a material start on site.

In order to ensure that the development achieves the maximum sustainability credentials feasible the Council's standard section 106 clauses have been agreed with the applicant, including the need to submit a revised Sustainability check-list, submission of a detailed BREEAM assessment which employs reasonable endeavours to achieve 'Excellent' rating is achieved, and to the submission of a revised Energy Strategy to demonstrate the maximum feasible level of CO₂ reduction. This shall be targeting a 40% improvement on 2010 Building Regulations unless an alternative level is agreed by the Council as being the maximum level feasible for the development site.

CONSULTATION

On 17 February 2014 a total of 330 individual properties were notified. This consultation exercise applied to addresses on Carlton Avenue East, Forty Avenue, Hollycroft Avenue, Preston Road and Ashley Gardens.

Site notices were displayed on 17 February 2014.
Press notice advertised on 20 February 2014.

To date 6 individual objections to the proposal have been received. These objections are from addresses on Carlton Avenue East and Hollycroft Avenue.

Summary of objections:

Grounds for Objection	Officer Comment
Extension will generate extra traffic locally	<p>This proposal for an extension will result in a moderate uplift in pupil numbers (20% increase = 60 sixth form pupils). As there is an acceptable accredited Travel Plan in operation for the site which is continuing to be monitored and reviewed the proposal can be supported on transportation grounds.</p> <p>Assuming the proportion of new pupils travelling by car matches that of existing students (i.e. 13%) then it is estimated eight additional car trips would be expected to be generated.</p>
Extension will overlook properties on Hollycroft Avenue and result in loss of privacy to these properties.	<p>Windows within the proposed extension will directly face Hollycroft Avenue properties. Rear windows of no's 23 & 25 are to be 40m away. The Council's adopted guidance for directly facing residential windows is for a minimum of 20m. These windows are in excess of this and considered to be suitably distanced apart not to lead to a loss of privacy (see 'Remarks section for more detailed discussion).</p>
Extension will be harmful to outlook of properties on Hollycroft Avenue.	<p>The proposed extension is in full compliance with both the 30 degree and 45 degree tests, as set out in SPG17 'Design Guide for New Development'. This test is used to ensure the size and scale of development is acceptable without harming residential amenity. By demonstrating compliance and being set well away from the boundary it is not considered this extension would have a detrimental impact to neighbouring properties in terms of loss of light and loss of outlook (see Remarks section for more detailed discussion).</p>
Extension will result in a loss of light to properties on Hollycroft Avenue.	See above comment
The noise and dust during construction will harm local residents amenity.	<p>With any build project there will inevitably be some level of disturbance caused. The modular method of construction to be employed here means that a lot of the construction work is done off-site, and units are delivered on site already fitted out. This reduces the construction period and reduces the associated impact. Details are set out in the Construction Management Plan.</p>
The application does not indicate where site access for construction vehicles will be.	<p>As confirmed in the Construction Management Plan, Hollycroft Avenue will not be used for construction traffic. The school propose to use the main entrance off Carlton Avenue East, with a secondary temporary construction access formed by a track way across the school grounds, this will lead to an exit via Ashley Gardens.</p>

The proposed development is in breach of restrictive covenants.	This is not a planning matter. Legal advice is that the grant of planning permission does not prejudice any decision that the Land Tribunal may wish to make in respect of any application to modify covenants.
There is adequate 6th form capacity within 400m of the site at the Ark Academy (Forty Lane).	The school has an identified need for greater capacity for teaching science and math's at AS and A2 levels. They are oversubscribed in these subjects meaning that pupils are forced to go to colleges outside the borough. This modest expansion will help to meet this shortfall.
The Transport Assessment does not take into account residential developments being built on Forty Lane & Brook Avenue.	Each application is assessed on its individual merit. In respect of this modest expansion Transportation does not see that this will create unacceptable levels of congestion, or increased traffic. (see Remarks section for more detailed discussion).

Brent Transportation:-

As there is an acceptable accredited Travel Plan in operation for the site which is continuing to be monitored and reviewed, this proposal for an extension to the building and moderate uplift in pupil numbers can be supported on transportation grounds, subject to a condition requiring the provision of additional bicycle parking within the site to take the total to at least 64 spaces.

Environmental Health:-

No objection raised.

Landscape Design:-

Have recommended that a total of 6 new trees be planted at a girth of 25-30cm, further details of which will be secured by condition.

Environment Agency:-

No objection raised.

Ward Councillors:-

No responses received.

REMARKS

Introduction:

1. Preston Manor School is an all-through school and was awarded Co-operative Academy status in Feb 2013. The school currently has 1860 pupils on the school roll between the ages of 5-18, 1635 of which are in the Upper School, and 300 of whom are in the sixth form. The school sixth form has been oversubscribed for a number of years with the largest waiting lists for science subjects and there is insufficient provision of science labs and math's classrooms to meet the demands for science and math's to be taught at AS and A2 levels. As a result students often have to take up college places outside of the borough. The reduction in the number of sixth form places at Copland Community School also means there will be even fewer Brent sixth form places for Brent residents.
2. This current application seeks to address the needs of the school's existing sixth form capacity and proposes an expansion of sixth form pupils by 20%, from 300 to 360 pupils. A three storey extension is proposed, built attached to the schools existing sports hall building. This is located towards the south-western part of the site. The extension will provide 7 new classrooms, 2 science labs, study room, common room with some ancillary office and meeting space.
3. The school has secured funding for this project from the Education Funding Agency.
4. The Council's Unitary Development Plan (UDP) emphasises the importance of providing sufficient social infrastructure to meet demand. Policy CF8 in the UDP confirms that in principle proposals are supported

to enlarge a school size where it is necessary to accommodate growth in pupil numbers, subject to any expansion having an acceptable transport impact. The National Planning Policy Framework (NPPF) states that 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.

Siting, layout, design & appearance;

5. The application proposes a 3-storey extension to the south western side of the upper school sports hall building, this will involve the removal of two existing single storey modular classroom buildings. The extension will provide additional much needed classrooms for sixth form pupils to meet the identified demand for more science and math's to be taught at AS and A2 levels. The modular buildings to be removed are 4.7m off the closest residential boundary with 17 Hollycroft Avenue, in comparison to the proposed extension which will be set further away from this boundary at 14.5m.
6. The school have advised they did consider other potential sites around the school buildings. However they are limited for suitable space and they did give consideration to building on top of some of the existing school buildings. This option was discounted for cost reasons, and on the basis it would be impractical, as it would have meant closing off and vacating parts of the school buildings during the construction period.
7. The extension will have a gross floor area of 1536sqm, arranged over three identical sized floors. There are two staircase towers at either end. The removal of the two modular classroom buildings, each approximately 150sqm means that the net floor area gain is 1236sqm.
8. The proposed extension will not be visible from Carlton Avenue East as it is to be screened by existing school buildings. It will be visible from the school playing-field, from properties on Hollycroft Avenue, Preston Road, Ashley Gardens and a small number of Forty Lane properties which share a boundary.
9. The design of the proposed building has one distinct mass. The extension proposed is 12m deep, 37m wide (43m including the staircase towers) and 9m high. It will be set below the height of the existing sports hall building to which it will be attached to, and is considered to be in keeping with the scale and form of existing school buildings. An outdoor terrace and landscaped area is proposed directly outside the building. Within this area six new trees are to be planted, further details of which are to be secured by condition.
10. The sixth form block will be constructed in a mixed palette of materials comprising of facing brickwork, cedar cladding, aluminium cladding with metal projecting eaves panels. The choice of materials of the extension will help to break up the massing and are considered to be appropriate. Further details of the materials will be secured by condition to ensure a good standard of development.
11. The building has been designed to be fully wheelchair accessible with level access and a wheelchair lift which will provide access to the upper floors.

Impact on neighbouring amenity;

12. The proposed location for the 3-storey extension is closest to properties on Hollycroft Avenue, and as such, the impact to rear of these surrounding properties has been duly assessed. There is a group of properties, no's 19 - 25 Hollycroft Avenue which back onto the part of the school site the extension is proposed. A site visit to no's 23 & 25 Hollycroft Avenue was carried out on 20/03/14 and the relationship viewed from both the rear gardens, and both the properties internally.
13. Distances between the closest neighbouring properties and the proposed extension are set out below;-
 - Garden edge of 17 Hollycroft Avenue is 14.5m from nearest point of proposed extension. This house does not directly face the proposed extension, it will be at an oblique angle.
 - Garden edge of no's 23 & 25 Hollycroft Avenue is 24m from nearest point of proposed extension.
 - Rear walls and directly facing windows of no's 23 & 25 Hollycroft Avenue are 40m from nearest point of proposed extension.
14. Section 3 – Design Layout of SPG17 – Design Guide for New Development, sets out guidelines for new development in regards to layout and positioning to protect neighbouring occupiers from loss of light,

outlook and privacy. SPG17 states that "...the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of 2m above floor level" and that "Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m." The proposed extension is in full compliance with both of these requirements due to the generous separation distances that will be maintained away from the site boundary. As such is not considered that this extension would be of a size or scale to have a detrimental impact to neighbouring properties in terms of loss of light and loss of outlook. It is considered to be in accordance with UDP Policy BE9 – Architectural Quality and SPG17.

15. In addition it is considered that the windows on the face of the proposed extension are suitably distanced from the closest garden boundaries (no's 17, 23 & 25), and closest rear windows of properties on Hollycroft Avenue (no's 23 & 25) which directly face the application site. 17 Hollycroft Avenue does not share the same relationship, as referred to above. There are no adopted standards which set out the minimum separation distances required window-to-window, where non-residential windows directly face residential windows. However SPG17 can be used as a means of testing this relationship and reaching a balanced view as to what we would normally expect as a minimum level of separation. SPG17, requires a minimum window-to-window separation of 20m where residential windows are directly facing one another, this standard is applied in order to safeguard against loss of privacy and overlooking. The proposed relationship is to achieve a separation of 40m between directly facing windows, achieving a significantly greater level of separation. Similarly the Councils adopted guidance seeks that residential windows be set a minimum of 10m away from residential boundaries, as referred to above there is no such standard for non-residential windows to boundaries but in this case the extension set far enough away within the site to maintain a separation of 14.5m. This is more generous than the Council would seek to achieve. Furthermore given the presence of existing trees outside of the site in adjoining residential gardens, and the proposal to plant a total of 6 new semi-mature trees in between the extension and these closest gardens, these will further minimise the visual impact of the extension from adjoining rear gardens. It is important also to take account of the daytime operational hours of the school, and on balance it is not considered that there will be a significant detrimental loss of privacy, light or noise pollution to neighbouring occupiers from this proposed extension.

Transportation impacts;

16. A Travel Plan is already in place to assist the school in minimising its transportation impacts on its surroundings, Transportation advise this is operating with success.
17. The school is located on the northwestern corner of the priority junction of Carlton Avenue East (a local residential access road) and Forty Avenue (a local distributor road).
18. The school has three main entrances for vehicles and pedestrians – two onto Carlton Avenue East in front of the main building and a lightly used rear access from Hollycroft Avenue. A separate further access onto Carlton Avenue East is located at the northern end of the site, serving a recently constructed lower school. Access to the school grounds can also be gained from Ashley Gardens (off Preston Road).
19. The High School currently has a school roll of 1578 pupils, with 133 full time staff and 117 part time staff. School hours are 8.40am-3.30pm, with out of hours activities also taking place on Saturdays (8.00am-3.00pm) and Sundays (9.30am-10.30pm).
20. Car parking comprising a total of 108 spaces (54 for staff, 8 for visitors and 2 disabled) is located in various areas to the north and south of the main building, with access via two points off the carriage driveway at the front of the site. A total of 32 bicycle spaces are currently provided.
21. There will be an increase of 3 staff and 60 pupils (all 6th form pupils) as a result of the proposal, taking the school roll to 1638 pupils.
22. The last major alteration to the school to provide a new 14-classroom block was submitted in 2007 (ref: 07/3033) and was approved following the completion of a S106 Agreement requiring the implementation of a School Travel Plan, with targets to reduce the proportion of staff and pupils travelling to and from the site by car to 35% and 15% respectively.
23. The school has thus been operating a Travel Plan during that period, which is currently accredited by TfL with Bronze status. The most recent update for the school for 2014 shows 37.6% of staff travelling to the school along by car (plus 6.7% car sharing) and 13% of pupils travelling by car (plus 2% car sharing). As

such, the targets set in the S106 Agreement from 2007 are being broadly complied with.

24. The school has moderate access to public transport services (PTAL 3), with close access to four bus routes on Forty Avenue and Preston Road and both Preston Road and Wembley Park Underground stations (Metropolitan and Jubilee lines) within reasonable walking distance.
25. On-street parking along Forty Avenue is generally unrestricted (other than on Wembley Stadium event days, when it is prohibited between 8am and midnight), aside from at junctions and bus stops.
26. Parking along Carlton Avenue East is generally unrestricted, but again is limited to residents permit holders only on Wembley Stadium event days. SCHOOL KEEP CLEAR markings in front of the site prevent stopping between 8.15am-9.15am and 2.30pm-4.30pm on weekdays. There are traffic calming features (largely speed humps) along the length of Carlton Avenue East.
27. Car parking allowances for schools are given in standard PS12 of the UDP. The parking requirements for disabled people and bicycle parking requirements are given in standards PS15 and PS16 respectively. The parking allowance for schools permits one space per 5 staff, plus an additional 20% for visitors. With an estimated equivalent full-time staff total of 191, up to 45 standard width spaces would be permitted. The existing on-site parking provision of 108 spaces exceeds this allowance.
28. The small increase in staff arising from this proposal would increase the parking allowance slightly to 46 spaces, bringing it marginally closer to the actual level of parking within the site. It is not considered reasonable to require existing parking to be reduced to comply with standards as part of this application, particularly if the Travel Plan is successfully reducing car use amongst staff.
29. At least 5% of spaces should be widened and marked for disabled parking, giving a requirement for six spaces based on the existing level of parking provision. Only two such spaces are currently provided and this should therefore be increased. In the event that permission is granted it is recommended this be secured by condition.
30. Consideration also needs to be given to the potential impact of the proposal on traffic flow and parking in the area. To this end, the existing School Travel Plan has been updated this year and shows significant reductions in car use amongst both staff (51% down to 37.6%) and pupils (17.8% down to 13%) since first coming into operation in 2008.
31. On this basis, the addition of 60 further pupils on the school roll can be more easily accommodated without having a severe impact on junction operation or parking in the area. Assuming the proportion of new pupils travelling by car matches that of existing students (i.e. 13%) then it is estimated about eight additional car trips would be expected to be generated. The considered view of your Transportation officers is that the modest expansion is not considered to be significant enough to warrant further assessment of local junction capacity.
32. The use of public transport for travel to and from the school by staff and students has correspondingly increased with the reduction in car use. Amongst staff, the percentage travelling by public transport has risen from 24.4% in 2008 to 33.5% in 2014, whilst for pupils the totals have grown from 26.2% to 36.7%.
33. Applied to the additional pupils and staff, about 23 additional public transport journeys would be created before and after school, which amounts to less than one additional passenger per bus/train in the local area, so is not significant enough to cause concern.
34. Walking journeys amongst pupils have remained fairly steady at about 44% of the total, but amongst staff, the proportion has risen from 5.5% to 13.8% since 2008.
35. In conclusion, the Travel Plan has been successful in reducing the proportion of car trips to the site and has been suitably accredited by TfL. Set against this, the proposed marginal increase in pupils arising through this proposal would be considered acceptable in transportation terms.
36. Bicycle parking for the school should include 1 space per 10 staff/students. On this basis, the bicycle parking requirement would rise from 177 spaces to 184 spaces with this proposal. However, the Travel Plan does show that only 17 pupils use bicycles to travel to school at present and only 16 staff cycle to school.
37. Nevertheless, this is sufficient to result in existing cycle parking space being used to its full capacity and it

is therefore essential that further bicycle parking is provided as a condition of any approval. In this respect, it is noted that a total of 48 spaces should have been provided on site anyway through the discharge of condition 11 on the previous school extension (ref: 08/2517), but one of the approved shelters does not appear to have been provided. A condition is therefore recommended requiring these 16 missing spaces to be provided, plus at least a further 16 spaces to meet the needs of the additional pupils and cater for a little more of the shortfall within the site.

38. The new extension does not affect any access or parking areas, whilst the drainage proposal, including rainwater harvesting, are generally acceptable.

Summary:-

39. As there is an acceptable accredited Travel Plan in operation for the site which is continuing to be monitored and reviewed, this proposal for an extension to the building and moderate uplift in pupil numbers can be supported on transportation grounds, subject to a condition requiring the provision of additional bicycle parking within the site to take the total to at least 64 spaces, which can be at the expense of some of the excessive car parking provision.

Construction Management Plan

40. Local residents had expressed concern that Hollycroft Avenue might be used as an access for construction vehicles, as set out in the objections received. Your Transportation officers also deem this an unsuitable point of access due to its width and alignment. It has since been confirmed through the Construction Management Plan (CMP) that no construction traffic will enter the site through Hollycroft Avenue.

41. The CMP breaks down the construction phase into four distinct parts. For the purposes of this a temporary access track is proposed to be installed across the school grounds, leading to an existing exit via Ashley Gardens, located off Preston Road. This is considered to be the route of least disruption to surrounding residents. Not all construction traffic would be able to manoeuvre within the site if accessed from Carlton Avenue East, due to existing school buildings. A similar approach was followed in granting permission for the sports hall and 14 classroom expansion in 2007, the difference here being that the temporary site exit for construction traffic was gained at the far, northern end of the site which is no longer possible due to the newly built lower school.

42. The four distinct build phases will comprise the following:-

- Removal of two existing classroom huts - These modules will be individually mounted onto lorries by mobile crane and driven out of site via the proposed temporary track way. The removal of excavation and demolition material not being re-used on-site is also to be via this Ashley Gardens exit.
- Enabling works and foundations - It is anticipated the new building will be supported on conventional pad foundations cast in concrete by traditional pumping methods. It is proposed that these cement delivery vehicles will take a route via the main school entrance on Carlton Avenue East. Such deliveries would be scheduled to take place outside of school arrival and departure times.
- Delivery and erection of modular units - The majority of the building is to be assembled off-site from factory produced modular units. These will arrive on site ready to be put together and complete with internal finishes. This type of construction is beneficial as it results in much less disruption to the site and surroundings, and the number of individual trades on site and deliveries greatly reduced. These units would be delivered via Ashley Gardens, through the Brent Adult Education Centre car park, and via the temporary track way. The proposed construction comprises 42 individual modules, and it is anticipated that these will be delivered in groups of 5 per day, resulting in a total delivery period of 8-9 days. Individual units will be taken from the delivery lorry and positioned on site using a mobile crane. All deliveries to site will be under supervision of a banksman, and just to reconfirm no construction traffic will come via Hollycroft Avenue. No deliveries to either access point will be scheduled to coincide with school arrival and departure times, and arrival to site will need to be pre-arranged with the contractor.
- Fitting out & finishes - Once the modules are installed works that could not be completed in the factory will be undertaken. This would include works like the installation of external cladding, solar panels, entrance canopies and landscaping.

43. The Construction Management Plan is welcomed as it will minimise disturbance to surrounding properties and reduce the impacts of construction traffic during the build phase. Implementation of this plan will be secured through the s106 legal agreement.

Landscape improvements;

44. There are no trees in the area where the extension is proposed requiring removal, or any soft landscaping features. The proposal does not affect the number of trees on site overall, and in fact the applicants have proposed six new semi-mature trees. These trees will help to help provide a natural screen and buffer between the extension and adjoining properties on Hollycroft Avenue, and they will contribute to local visual amenities.
45. The Council's Tree Officer has recommended that these tree's have a girth of 25-30cm at planting, and the *Tilia Cordata* species is recommended as being suitable for growing to a height that would help screen the extension. Further details of the tree species, size and the tree pit construction details will be secured as a condition of any approval.

Habitat & protected species;

46. The proposed works do not result in the loss of any existing vegetation, hedgerow, trees or dilapidated buildings. All of which could have the potential to support bat roosts or nesting birds. Building works will take place on a part of the site that is already entirely hardsurfaced. In accordance with the standing advice issued by Natural England further detailed surveys are not required.
47. Previous applications for developments on the wider school site have not identified the presence of any protected species. A previous Phase 1 Habitat Survey carried out identified only a potential location for roosts and nesting birds within bordering vegetation, mature trees, woodland belts and dilapidated buildings. None of which were within the area proposed for the extension. No features of this type are to be affected or removed to facilitate this proposed extension. The earlier conclusion reached was that the site has low ecological value in specific relation to protected species and that no protected species were likely to be impacted by earlier development. In any event the grant of planning permission 10/3203 did secure post development improvements and habitat creation through the provision of bat and nesting boxes.

Sports space provision;

48. The proposed development will not result in the loss of any play space/sports pitches.

Flood Risk;

49. The proposed extension is to be sited wholly within Flood Zone 1 (low probability), and is supported by a Flood Risk Assessment. The Environment Agency has been consulted on the proposal. No objection is raised, or detailed comments provided, they advise of the need for good practice for the management of surface water run-off and drainage on site.
50. There is no proposed increase in the total impermeable area of the site. The proposed extension is to be located wholly within an area identified as being Flood Zone 1, and this accords with the sequential test approach for preferential sites in areas at low risk of flooding. This is consistent with the National Planning Policy Framework.
51. The applicants have proposed rainwater harvesting to collect runoff from the roof, this will be re-used within the building. On the basis of this water recycling, and that the proposed extension does not increase the area of surface impermeability of the site it is not considered that this would adversely effect on site drainage, or flooding.

Restrictive covenants;

52. Objectors have submitted that the proposed extension would be in breach of restrictive covenants on the site, and this forms one of their reasons for objecting to the extension. An application to modify restrictive covenants has already been made in respect of the now built, Preston Manor Lower School, as this development constituted a breach. This application has been considered by the Upper Tribunal (Land Chamber) in January 2014. As a result the school is fully aware of its position in respect of restrictive covenants, and acknowledges that this extension, if built, would be built, in part on land that is burdened by restrictive covenants.
53. The school has sought its own legal opinion in respect of the restrictive covenants that exist. Having taken independent legal advice the school's position is that they remain entitled to apply for a development that would be in breach of covenants, even if those covenants burdened the land on which the proposed development is intended to be built. If necessary the school would be entitled to apply to the

Upper Tribunal (Lands Chamber) for an order to modify the restrictive covenants prior to works commencing on site. The applicants anticipate, based on the independent legal advice obtained by them that an application to modify the covenants has a good prospect of a positive outcome. Ultimately this is a decision that will be made by the Upper Tribunal (Lands Chamber).

54. Restrictive covenants on land is not a planning matter and cannot be taken into consideration when determining a planning application. Legal advice given previously is that the grant of planning permission does not prejudice any decision that the Land Tribunal may wish to make in respect of restrictive covenants. The grant or refusal of planning permission will not override any other statutory processes. Members are therefore advised to determine the planning application, which will not prejudice the Upper Tribunal (Land Chamber) findings in relation to future applications submitted to modify the covenants.

Summary: Officers consider the proposed scheme complies with the relevant policies and is in conformity with the National Planning Policy Framework which places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities. This extension will meet the schools sixth form teaching needs, provide improved facilities and will increase the education choices available to pupils. It has been demonstrated throughout this report that the extension is positioned a sufficient distance away from neighbouring boundaries in order to safeguard amenity. and new tree planting proposals are welcomed. The impact of the sixth form expansion on surrounding traffic patterns has been carefully considered and on balance is considered to have an acceptable level of impact. Accordingly your officers recommend planning permission be granted, subject to a number of conditions and completion of a satisfactory s106 legal agreement

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework 2012
London Plan 2011
Brent LDF Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17

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

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

CONDITIONS/REASONS:

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

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

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

13.009/01
13.009/SK04
13.009/SK05
13.009/SK10,revA
13.009/SK11,revA
13.009/SK12,revA
13.009/SK13,revA
13.009/SK14
13.009/SK15,revA
13.009/SK16
13.009/SK17,revA
13.009/SK18

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

- (3) Provision is to be made for not less than 5% of the total existing parking spaces on site to be widened and marked for disabled parking. Such works shall be completed prior to first occupation of the extension hereby approved and shall not be altered except with the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed makes adequate provision for disabled parking in accordance with adopted standards.

- (4) Modular classroom buildings proposed for removal as part of this application shall be fully removed from site prior to work commencing on the extension hereby approved.

Reason; To ensure an acceptable standard of development.

- (5) Further 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 fully in accordance with the approved details 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.

- (6) (a) Further details of tree pit construction details shall be submitted to and approved in writing by the Local Planning Authority before any planting commences on site, and the landscape works to be carried out fully in accordance with such details as may be approved, and completed prior to first occupation of the building hereby approved. A total of 6 trees with a girth of 25-30cm at planting stage shall be planted in the location shown on the approved plans, which shall be *Tilia Cordata* species, unless otherwise approved in writing by the Local Planning Authority.

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.

(b) Details of the means by which existing trees on site are to be protected from damage by vehicles, mobile cranes, stored or staked materials, and building plant or other equipment shall be submitted to and approved, in writing by the Local Planning Authority before any construction work commences on site, and such protection shall be installed and retained, as approved, throughout the period of the work.

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

- (7) Details of the provision of additional secure cycle parking spaces shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of work on site. The additional provision shall take the total number of spaces on site to at least 64 spaces. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained thereafter.

Reason: To ensure satisfactory facilities for cyclists.

- (8) The development hereby approved shall not commence until vehicle wheel washing facilities have been provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: To ensure that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the neighbouring highway.

INFORMATIVES:

- (1) If a protected species is encountered during the course of the development, then works should cease and advice sought from an suitably qualified ecological consultant.
- (2) With reference to condition 6 Brent's Tree Officer has advised that *Tilia Cordata* (small leaf Lime) would be an appropriate species of tree to be planted.
- (3) No construction traffic is permitted to use the Hollycroft Avenue site access, this is deemed unsuitable due to the width and alignment of the highway. All associated construction traffic shall enter and leave the site in accordance with the Construction Management Plan for the duration of the construction period.
- (4) In relation to condition 5 (materials) please note the Council no longer accepts physical samples of proposed materials. Either a detailed schedule should be provided electronically, or a materials board made available to view on site at time arranged with the case officer.

Any person wishing to inspect the above papers should contact Gary Murphy, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5227

This page is intentionally left blank

Received PLANNING Appeals between 1-Feb-2014 and 28-Feb-2014

Planning Committee: 9 April, 2014

Application Number: 13/2712 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 04/02/2014 **Appeal Against:** Refusal of planning permission
Location: 85, 87, 87A, next to 87 & 89 Ealing Road, Wembley, HA0 4BN
Proposal:

Demolition of the existing buildings (85-89 Ealing Road,) and the construction of a 4-storey mixed-use development consisting of ground-floor and first-floor retail/ financial/ professional services/ restaurants (Use Classes A1, A2, A3,) and 9 residential (C3,) on second and third floors, (2 x 1-bed units; 5 x 2-bed units and 2 x 3-bed units) with associated parking and landscaping.

Application Number: 13/2775 **Team:** Southern Team **Application Type** S78 VAR
Appeal Received: 17/02/2014 **Appeal Against:** Refusal of planning permission
Location: 44 High Road, London, NW10 2QA
Proposal:

Variation of condition 5 (opening hours) of full planning permission reference 87/1195 dated 12/01/88 for single storey residential change of use to take-away and restaurant, to allow extension of opening hours from between 08:00 - 23:00 Sunday to 08:00 - Midnight Friday to Saturday, to 07:00 - 05:00 Monday to Sunday.

Application Number: 13/3012 **Team:** Western Team **Application Type** Other CLD
Appeal Received: 17/02/2014 **Appeal Against:** Refusal of planning permission
Location: 47 Paxford Road, Wembley, HA0 3RQ
Proposal:

Certificate of lawfulness for proposed single storey outbuilding to rear of dwellinghouse (Article 4) (2)

Application Number: 13/3016 **Team:** Southern Team **Application Type** S78 PAO
Appeal Received: 05/02/2014 **Appeal Against:** Refusal of planning permission
Location: Ground Floor and First Floor, 383 High Road, London, NW10 2JR
Proposal:

Prior approval for change of use from offices (Use Class B1) to residential (Use Class C3) involving 2 x 2 bed flats and 1

Application Number: 13/3251 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 06/02/2014 **Appeal Against:** Refusal of planning permission
Location: 34 & 35 Burns Road, Wembley, HA0 1JR
Proposal:

Extension and conversion of a House in Multiple Occupation (Use Class C4) and a dwelling house (Use Class C3) to create self-contained flats (1x3-bed & 3x2-bed) at 34-35 Burns Road

Application Number: 13/3254 **Team:** Western Team **Application Type** S78 PAH
Appeal Received: 04/02/2014 **Appeal Against:** Refusal of planning permission
Location: 11 Maybank Avenue, Wembley, HA0 2TG
Proposal:

Prior approval for a single storey rear extension to dwellinghouse, in metres:
 Extending beyond the rear wall of the original house - 5 metres
 Maximum height - 3.8 metres
 Eaves height - 2.7 metres

Application Number: 13/3314 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 05/02/2014 **Appeal Against:** Refusal of planning permission
Location: 6 Chapman Crescent, Harrow, HA3 0TE
Proposal:

Conversion of attached garage into a habitable room to include replacement of garage door with two windows and erect a storey front extension to include a porch to front of dwellinghouse

Received PLANNING Appeals between 1-Feb-2014 and 28-Feb-2014

Planning Committee: 9 April, 2014

Application Number: 13/3400 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 28/02/2014 **Appeal Against:** Refusal of planning permission
Location: 152-158 INC, Roundwood Road, London, NW10 3UG
Proposal:

Erection of two rear dormer windows, 3 front rooflights and conversion of the loft space to create a self-contained studio

Application Number: 13/3872 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 19/02/2014 **Appeal Against:** Refusal of planning permission
Location: 20 Exeter Road, London, NW2 4SP
Proposal:

Retrospective application for retention of hard and soft landscaping and associated alterations to front of dwellinghouse

Received ENFORCEMENT Appeals between 1-Feb-2014 and 28-Feb-2014

Planning Committee: 9 April, 2014

Application Number: E/12/0415 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 05/02/2014

Location: 92 Herbert Gardens, London, NW10 3BU

Description:

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

("the unauthorised development")

Application Number: E/12/0416 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 05/02/2014

Location: 94 Herbert Gardens, London, NW10 3BU

Description:

The erection of a building to the rear of the premises.

("The unauthorised development")

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

Appeal Started: 26/02/2014

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

Description:

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

("The unauthorised development")

Application Number: E/13/0154 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 03/02/2014

Location: 203 High Street, London, NW10 4TE

Description:

Without planning permission, the change of use of the first floor of the premises into a House in Multiple Occupation (H

("the unauthorised change of use")

AND

Without planning permission, the formation of roof terraces at first floor level to the rear and the installation of rooflights premises

("the unauthorised development")

Application Number: E/13/0527 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 10/02/2014

Location: 13 Dyne Road, London, NW6 7XG

Description:

Without planning permission, the unauthorised increase in height of the existing two storey rear projection.

("the unauthorised development")

Received ENFORCEMENT Appeals between 1-Feb-2014 and 28-Feb-2014

Planning Committee: 9 April, 2014

Application Number: E/13/0937 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 06/02/2014

Location: 37 Attewood Avenue, London, NW10 0HD

Description:

Without planning permission, the erection of a new single storey rear extension onto an existing single storey rear extension ("the unauthorised development")

Application Number: E/13/1143 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 14/02/2014

Location: 19 Watford Road, Wembley, HA0 3ET

Description:

Without planning permission, the erection of a rear canopy extension onto an existing extension of the premises. ("the unauthorised development")

Application Number: E/13/1187 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 03/02/2014

Location: 80 Wood Lane, London, NW9 7PA

Description:

The unauthorised erection of a dwelling in the rear garden of the premises. ("the unauthorised development")

Application Number: E/14/0022 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 18/02/2014

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

Description:

Without planning permission, the change of use of the building at the front of the site from two flats into five flats and the storey building at the rear into one self-contained flat

("the unauthorised change of use")

AND

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

("the unauthorised development")

Decisions on PLANNING Appeals between 1-Feb-2014 and 28-Feb-2014

Planning Committee: 9-Apr-2014

Application Number: 13/1179 **PINSRefNo** A/13/2203425 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 26/02/2014

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: 13/1968 **PINSRefNo** D/13/2210061 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 11/02/2014

Location: 67 Woodcock Hill, Harrow, HA3 0JH

Proposal:

Proposed single and two storey side and rear extension and front porch to dwellinghouse

Application Number: 13/1973 **PINSRefNo** **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 03/02/2014

Location: 5 Adams Close, London, NW9 8PT

Proposal:

Erection of two storey side extension behind existing garage to dwellinghouse (revised description).

Application Number: 13/2226 **PINSRefNo** A/13/2209201 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 12/02/2014

Location: 24A Brondesbury Villas, London, NW6 6AA

Proposal:

Full planning permission sought for erection of a single storey timber building for ancillary residential purposes within rear garden. Revised plans.

Application Number: 13/2302 **PINSRefNo** H/13/2208703 **Team:** Southern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 03/02/2014

Location: Street Record, Harrow Road, London

Proposal:

Replacement of one existing externally illuminated 96-sheet advertising hoarding and one existing externally illuminated 48-sheet advertising display units both mounted on a single mono-pole structure, on 252 Harrow Road, NW10.

Application Number: 13/2370 **PINSRefNo** D/13/2210157 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 03/02/2014

Location: 34 Windsor Crescent, Wembley, HA9 9AW

Proposal:

Proposed first and second floor rear extension

Application Number: 13/3358 **PINSRefNo** D/14/2211398 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/02/2014

Location: 31 Chalkhill Road, Wembley, HA9 9DS

Proposal:

Single storey extension to existing detached residential outbuilding

This page is intentionally left blank

Decisions on ENFORCEMENT Appeals between 1-Feb-2014 and 28-Feb-2014
Planning Committee: 9 April, 2014

Application Number: E/10/0057 **PINSRefNo** C/13/2200894 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 20/02/2014

Location: 37 Chalkhill Road, Wembley, HA9 9DS

Proposal:

Without planning permission, the erection of two buildings in the rear garden of the premises

("the unauthorised development")

Application Number: E/11/0624 **PINSRefNo** C/13/2202607 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 20/02/2014

Location: 38 Alexander Avenue, London, NW10 3QS

Proposal:

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/11/0869 **PINSRefNo** C/13/2205279 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 18/02/2014

Location: Flats 1-9, 33-35 High Street, London, NW10 4NE

Proposal:

The change of use of the premises above ground floor level to nine self-contained flats.

("The unauthorised change of use")

Application Number: E/13/0153 **PINSRefNo** C/13/2200526 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/02/2014

Location: 168 Ealing Road, Wembley, HA0 4QD

Proposal:

The erection of a canopy/front extension to the premises.

("The unauthorised development")

Application Number: E/13/0177 **PINSRefNo** C/13/2199107&2199338&2199336 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 28/02/2014

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

Proposal:

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

("The unauthorised development")

Application Number: E/13/0388 **PINSRefNo** C/13/2205414 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/02/2014

Location: 110 Lyon Park Avenue, Wembley, HA0 4EY

Proposal:

The erection of a building in rear garden of the premises

Decisions on ENFORCEMENT Appeals between 1-Feb-2014 and 28-Feb-2014
Planning Committee: 9 April, 2014

Application Number: E/13/0526 **PINSRefNo** C/13/2207980

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 27/02/2014

Location: 15 Bamford Avenue, Wembley, HA0 1NA

Proposal:

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

("the unauthorised development")

**PLANNING SELECTED appeal DECISIONS between
1-Feb-2014 and 28-Feb-2014
Planning Committee: 9 April, 2014**

Introduction

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

Our reference: 13/1179 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 26/02/2014
Team: Southern Team
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

Our reference: 13/2226 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 12/02/2014
Team: Southern Team
Location: 24A Brondesbury Villas, London, NW6 6AA
Proposal:
Full planning permission sought for erection of a single storey timber building for ancillary residential purposes within rear garden. Plans revised by plans.

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8936 3100 or tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

This page is intentionally left blank

**ENFORCEMENT SELECTED appeal DECISIONS between
1-Feb-2014 and 28-Feb-2014**

Planning Committee: 9 April, 2014

Introduction

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. T

Our reference: E/11/0624	Appeal Decision Date: 20/02/2014
Team: Southern Team	Appeal Decision: Appeal Allowed

Location: 38 Alexander Avenue, London, NW10 3QS

Proposal:

Without planning permission, the erection of boundary walls, piers and gates to the front and side of the premises.

Our reference: E/13/0177	Appeal Decision Date: 28/02/2014
Team: Southern Team	Appeal Decision: Appeal Allowed

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

Proposal:

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

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service, 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

This page is intentionally left blank



Appeal Decision

Site visit made on 21 January 2014

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 12 February 2014

Appeal Ref: APP/T5150/A/13/2209201
24A Brondesbury Villas, London NW6 6AA

- 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 Claire Schroeter against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/2226, dated 26 July 2013, was refused by notice dated 4 October 2013.
 - The development proposed is the installation of a sustainable single storey timber building for ancillary residential purposes.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of a sustainable single storey timber building for ancillary residential purposes at 24A Brondesbury Villas, London NW6 6AA in accordance with the terms of the application, Ref 13/2226, dated 26 July 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: Refs: 13.32/PL/01, Rev A, 13.32/PL/02, Rev A and 13.32/PL/03, Rev A.
 - 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include details of the roof planting and indications of all existing trees on the land, and details of any to be retained, together with measures for their protection in the course of development.
 - 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Main Issues

2. The main issues are:

- i) the effect of the proposal on the character and appearance of the Kilburn Conservation Area, and
- ii) the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site consists of the basement flat and rear garden of a semi-detached villa which lies within the Kilburn Conservation Area. I have not been provided with a character appraisal of the conservation area, but from what I saw on my visit, I consider that the significance of the area as a heritage asset lies in the good quality design, materials and detailing of the villas.
4. These qualities are mostly found on the front elevations; the rear of the villas lacks the detail and variety of materials. The rear gardens are not large and whilst they are not important constituents of the significance of the buildings as heritage assets, they nevertheless provide an attractive part of their setting.
5. The appeal proposal is for a flat-roofed detached building of contemporary design, with a sedum roof, to be used as a home office. It would be sited at the rear of the garden and would fill almost its entire width. At 2.6m high, it would be about 0.8m above the height of the rear boundary wall, and somewhat more above the side boundary fences.
6. There are no similar outbuildings in the vicinity of the site. In terms of its contemporary design, I consider that its clean lines and low profile roof would offer a high quality building which would sit comfortably in a garden setting, and would not compete with, or jar against, the much larger scale and contrasting design and materials of the host building.
7. The garden is fairly small and the building would occupy just less than about one fifth of its area. The Council's Supplementary Planning Guidance (SPG) *Building in Gardens in Conservation Areas* advocates that where a garden is between 10-25m in length, structures should not exceed half of the total width of the garden, should not have a depth greater than 1/5 of the total garden depth and should not have a footprint greater than 15 sq.m.
8. The SPG does not carry the weight of the development plan. I have not been told of its date, whether it has been formally adopted or whether it was the subject of public consultation. This limits the weight that I can afford it. Moreover, it applies to all conservation areas, regardless of the characteristics which give an area its significance as a heritage asset, and therefore at best it is a blunt tool, which has to be weighed against the particular circumstances of each proposal.
9. The building would be clearly seen from higher windows of nearby properties, but the main characteristic would be the green roof, which is to be planted with a variety of organic sedums, herbs and succulents. I consider that this would assimilate well with planting elsewhere in the garden and in neighbouring gardens. From lower windows, the low profile of the building would ensure that

it would not project substantially above the existing boundary enclosures, and again, nearby trees would provide the dominant foreground or background feature.

10. Whilst a building of this size is not characteristic of the area, I consider that it would not be intrusive or out of keeping with the garden character, and would at least preserve the character and appearance of the conservation area. It would not conflict with saved Policies BE2, BE9 and BE25 of the adopted Brent Unitary Development Plan (UDP), which respectively deal with townscape, local character and context, architectural quality and development in conservation areas. Whilst it would conflict with some of the advice in the SPG, I do not find this conflict to be compelling, for the reasons I have explained.

Outlook

11. The building would exceed the height of boundary enclosures by less than a metre. It would be separated from the side boundaries by about 0.7m and whilst the separation distance would be slightly less to the rear boundary, there is a double boundary there, providing in total a bigger gap to the garden at the rear. The limited height of the building would be sufficient to ensure that it would not be overpowering when seen either from the gardens or the windows of neighbouring properties.
12. Although it is not a definitive point, the absence of objection from neighbours, coupled with the letter in support from one, strengthens my conclusion that the proposal would not result in material harm to the living conditions of neighbours, or conflict with any of the development plan policies to which I have been referred.

Conditions

13. The Council has suggested a landscaping condition be imposed. I share the Council's reservations about the practicality of planting in the gap between the sides of the building and the boundaries, but it may be possible for some species to become established in such a location. In any event, planting along the boundary near to the front of the building would help to assimilate it, and further details of the roof planting are necessary in the interests of appearance. I shall also impose a condition to require the development to be carried out in accordance with the approved plans in the interests of good planning and for the avoidance of doubt.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR



Appeal Decision

Site visit made on 28 January 2014

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 26 February 2014

Appeal Ref: APP/T5150/A/13/2203425

41A Peploe Road, London NW6

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Chris White against Brent Council.
 - The application Ref TPS/13/1179 is dated 2 May 2013.
 - The development proposed is for the demolition of two adjacent derelict garages and the construction of a single storey two bedroom house.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of two adjacent derelict garages and the construction of a single storey, two bedroom house at 41A Peploe Road, London NW6 in accordance with the terms of the application, Ref TPS/13/1179, dated 2 May 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: S001, S002, S002b, S003, S004, S005, S006, PA02 Rev 0.1, PA03, PA05, PA06 Rev 0.1, PA07, PA08 Rev 0.1, PA09, PA10 Rev 0.1 and PA11.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building 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.
 - 4) No development shall take place, including any works of demolition, until a Construction Method Statement detailing measures to control the emission of dust and dirt during construction has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Preliminary Matters

2. The appellant submitted revised plans with his grounds of appeal that show a reduction in glazing along the south elevation of the room identified as bedroom 02 on the proposed ground floor plan. The plans before the Council at the time that the appeal was lodged showed this elevation to be glazed across its whole width, whereas the revised plans show a central section of brickwork within this elevation, with a vertical window to each side. These revisions seek to minimise the potential of the proposals to compromise the privacy of the occupants residing at 48 Kempe Road. I consider the changes to the design to be minor in nature and as they were submitted with the appellant's grounds of appeal, which has enabled all interested parties the opportunity to comment upon them, I find that no prejudice would be caused as a result of the amendments. I have therefore included these drawings (those annotated as Revision 0.1) within condition 2 above as forming part of the approved scheme.
3. The appeal is against the failure of the council to give notice within the prescribed period of a decision on the planning application, the subject of this appeal. Within its statement the Council sets out the reasons for refusal that it would have cited, had it been in a position to determine the application. These reasons focus predominantly upon living conditions as set out below.

Main Issues

4. The main issues in this case are the effect of the appeal proposal on the living conditions of i) the occupants of neighbouring residential properties, with specific reference to outlook and privacy; and ii) the future occupants of the proposed dwelling, with specific reference to outlook and daylight/sunlight.

Reasons

Living Conditions - occupants of neighbouring residential properties

5. The appeal site currently comprises 2no. garage buildings and an attached store which is situated to the rear of 41 Keslake Road to the north, and 46 and 48 Kempe Road to the south. The site is within an established residential area which is located within the Queens Park Conservation Area. The general character of the Conservation Area (CA) is predominantly of two storey, terraced housing with fine architectural detailing and fenestration. However, the section of Peploe Road within which the appeal site is situated, runs counter to the prevailing pattern of development, and predominantly comprises flank elevations of, and side garden walls to housing fronting Keslake and Kempe Roads, with garaging in between. A modern terrace of single storey garages is situated opposite the appeal site.
6. The buildings on the appeal site are in a poor state of repair with the northernmost garage opening being propped up by a steel support and with its brick work showing signs of serious deterioration. They are relatively imposing within the rear gardens of those residential properties backing onto the appeal site, although it is noted that there is currently mature climbing vegetation to the external walls which enclose the rear garden of 48 Kempe Road to its north and east sides. Notwithstanding this, the subject buildings are in a dilapidated state that require fundamental renovation. Following their demolition, it is proposed to erect a 1.8m garden wall to the northern boundary of No. 48 and a

new blank elevation of a similar height to the existing buildings would run along the eastern garden boundary of that property. This could enable the vegetation to re-establish over time; whilst I am sympathetic to the issues arising from its loss, such an impact could be relatively short lived and does not warrant withholding planning permission.

7. The Council make reference to their Supplementary Planning Guidance (SPG) 17 – Design Guide for New Development which was adopted in 2001. I have not been provided with evidence of any public consultation to which this document has been subjected to and which I note was published before the Brent Unitary Development Plan 2004 (UDP). I can therefore only give the contents therein limited weight. However, notwithstanding this, I note within paragraph 2 of Section 3.3 (Privacy) of the SPG that it states that normally there should be a minimum separation of 20m between directly facing habitable room windows on main rear elevations, unless it can be demonstrated that privacy can be maintained through design.
8. Whilst I acknowledge that the proposed garden wall would be lower than the existing building, it would be of a height that would prevent mutual overlooking at ground floor level between the proposed dwelling and its garden, and those dwellings that surround it. In addition, the amended fenestration details to bedroom 02 would further reduce the opportunities for mutual overlooking between the proposed dwelling and the windows to the rear of No. 48 that are above ground floor level, notwithstanding the 16m window to window distance. In addition, I consider that any views afforded from the proposed rear garden towards the above ground floor windows of No.48 would be oblique by virtue of their difference in height.
9. I note that paragraph 3 of Section 3.3 of the SPG states that the minimum direct distance between habitable rooms on the main rear elevation (not extensions) and the rear boundary, or flank wall of adjoining development should normally be 10m or more. However, I do not find this is directly relevant as the southern elevation of bedroom 02 does not constitute the main rear elevation, but an extension thereto, albeit that it would be constructed at the same time as the main range of the building. With regard to the effect of the proposal upon the occupants of 41 Keslake Road, the flank walls of the proposed dwelling would be in a similar position to the existing structures, with only a marginal increase in height that would cause no substantive harm.
10. The rear garden for the proposed dwelling would be adjacent to the ends of the rear gardens of 43 Keslake Road and 50 Kempe Road, as well as No.48. Taking into account the existing close relationship of these rear gardens I consider that the addition of the proposed garden would not have a materially greater impact upon the living conditions of the occupants of those properties, with noise generated from general living activity being limited.
11. Consequently, I consider that the proposed development, by virtue of its scale and mass, and the introduction of habitable room windows and external garden space to its rear, would not have a materially detrimental effect upon the living conditions of the occupants of adjoining residential properties. The proposals would ensure that the outlook and privacy enjoyed by residents of those surrounding dwellings is maintained. I therefore find that the proposal complies with UDP Policy BE9 which, amongst other things, requires buildings and spaces

to be of a scale, design and relationship to each other, which promotes the amenity of users, and provides satisfactory levels of privacy and outlook for existing residents.

Living Conditions – Future Occupants of the Proposed Dwelling

12. As I have found above, the guidance as set out within the SPG can only be given limited weight and its contents can only be taken as a guide. I note, however, that the Daylight Assessment Report submitted by the appellants demonstrates a high average daylight factor for all habitable rooms, including the kitchen area and I have no reason to doubt its content. All rooms apart from bedroom 01 would achieve a result of 100% of the working plane receiving light from the sky. Therefore, from this basis I conclude that the proposed dwelling would enjoy appropriate levels of daylight. Furthermore, with regard to its orientation, the dwelling and its garden would also receive a good level of sunlight for the duration of a typical sunny day.
13. In addition, the dwelling would be situated within the quite generous space formed by the rear gardens of properties within Keslake Road and Kempe Road. The 1.8m high rear boundary treatment would enable a private living environment to be created as well as a reasonable level of outlook afforded over it. The kitchen area would benefit from the wide high level window that is proposed to the front elevation of the dwelling, also allowing some, albeit limited outlook which I consider acceptable for a predominantly non-habitable space. Consequently, I also find that the living conditions created by the proposal would be in compliance with UDP Policy BE9, in that it would provide for satisfactory levels of sunlight, daylight, privacy and outlook for its future occupiers.

Other Matters

14. The proposed building would be of a contemporary appearance and taking into account the nature of the immediate street scene, which is of a transitory zone between two terraced streets, I consider that such a design approach is appropriate. I note that the Council have not raised any concerns with regard to the visual aspects of the scheme, and I find taking into account the existing dilapidated nature of the garage and store buildings, that the proposal would enhance the character and appearance of the Conservation Area.
15. I note the third party's concerns with regard to the environmental impact of the proposal and specifically the comment that there are nests within the foliage of the climbing hydrangea and ivy. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 whose provisions would be enforced by the appropriate authorities; this is not a determining factor in this appeal.
16. I have considered all other matters raised in relation to this appeal, including the content of the development plan and the National Planning Policy Framework against which I find no conflict. Nothing leads me to any other conclusion.

Conclusion and Conditions

17. For the reasons as set out above, I conclude that the appeal should succeed and that planning permission be granted.
18. Other than the standard time limit condition, the Council has suggested a condition requiring details of materials for all external work to be submitted prior to the commencement of development. In the interests of the character and appearance of the surrounding area, this is an appropriate condition. In addition, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is also imposed.
19. The Council has suggested that a condition be imposed that requires the construction contractor to be a member of the Considerate Constructor's Scheme. I have not been provided with a policy basis for such a condition and therefore I do not consider it to be necessary. However, I note from the consultation response from the Council's Safer Streets Department, that measures to mitigate against the impacts of dust and fine particles generated from the development should be imposed. Taking into account the close proximity of the site to existing residential properties, I consider that this is an appropriate condition to impose, being in compliance with the tests set out within Circular 11/95.
20. In following the advice of the Local Highway Authority (LHA), the Council suggests that a condition be imposed that prevents future occupants of the dwelling from being entitled to residents or visitors parking permits in the interests of highway safety. I note from the submissions that it is acknowledged by all parties that the garages in question have not been used for the parking of motor vehicles for a considerable period of time, having been used for commercial purposes; and that it is unclear whether they ever provided parking facilities for the adjoining dwellings. Therefore their redevelopment would not give rise to a displacement of local resident's cars being parked on the public highway. It is also acknowledged by the LHA that through the removal of the existing garages it would negate the need for their vehicular crossovers and related dropped kerbs.
21. The Council sets out that there is a requirement for 0.7 car parking spaces for a two bedroom dwelling. UDP Policy TRN23 states that on local access roads outside heavily parked streets, parking may be provided on-street, for the frontage of the development only, providing this is safe and sufficient carriageway width remains. Taking into account the fact that this section of road is not recorded as being heavily parked and sufficient space would still enable vehicles to pass and re-pass, I find that the proposal would comply with the thrust of this policy. In this instance, particularly given the circumstances of the site and the minimal effect the new dwelling would likely have upon local parking I consider that it is unnecessary and unreasonable to impose the Council's suggested fourth condition.
22. The Council also suggests that a highway condition be imposed that requires the reinstatement of the two crossovers and amendments to on-street parking bays to be undertaken at the developer's expense prior to occupation of the development. I note that the parking restrictions immediately outside the site

prohibit on-street parking only during the hours of 8.30am to 6.30pm Monday to Friday. I consider such restrictions to be relatively commonplace within built-up areas and whilst it may be desirable to extend the resident permit parking bays, the evidence does not demonstrate that it is essential in the interests of highway safety. I therefore consider that in this instance such a condition would also be unreasonable and unnecessary.

C J Tivey

INSPECTOR



Appeal Decision

Ref: E/11/0624

Site visit made on 18 December 2013

by Miss A Morgan

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

Decision date: 20 February 2014

Appeal Ref: APP/T5150/C/13/2202607 38 Alexander Avenue. London, NW10 3QS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Chris Ford against an enforcement notice issued by London Borough of Brent.
- The notice was issued on 20 June 2013.
- The breach of planning control as alleged in the notice is without planning permission, the erection of boundary wall, piers and gates to the front and side of the premises.
- The requirements of the notice are demolish the boundary walls with railings and gates to the front and side of the premises, remove all materials arising from that demolition and remove all materials associated with the unauthorised development from premises.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the erection of boundary wall, piers and gates to the front and side of the premises at 38 Alexander Avenue. London, NW10 3QS referred to in the notice

Ground (a) and deemed application

Main Issues

2. The main issues are the effect of the development on the character and appearance of the dwelling and the surrounding area and highway safety. There are two elements to this Enforcement Notice; the side boundary wall and the front boundary wall, piers and railings, which are considered below.

Character and appearance

3. 38 Alexander Avenue is a detached house on the corner of Bryan Avenue and Alexander Avenue on the Dobree Estate. The Dobree Estate consists of predominantly large detached dwellings. The majority of the houses are constructed of red brick however there are some white rendered properties similar to 38 Alexander Avenue.

4. Although low boundary features are present at the some of neighbouring properties, it is noted that this is by no means universal. Opposite the appeal site and further down Alexander Avenue the boundary treatments typically consist of brick walls and piers or brick walls and piers with railings. There is a large degree of front garden enclosure. This type of enclosure is also common in the surrounding streets, such as Dobree Avenue and Byran Avenue, where there is a greater degree of regularity and uniformity in the frontage development of houses and their boundaries. This type of boundary treatment is the predominantly character of this part of the estate, although they do vary in height.
5. As you move further away from the appeal property down Bryan Avenue towards Peter Avenue, past Rowden Avenue, the frontages become more open with low walls and planting.
6. The works to the front have resulted in a higher front wall with piers and railings, predominantly constructed from red brick and there is little by way of planting in the remaining garden, where previously on photographic evidence there was a grassed area and the walls were lower with no railings and were rendered to match the dwelling.
7. Unitary Development Plan (UDP) Policies BE2, BE6 and BE7 are design related policies that seek to ensure that proposals should have regard to the local context and make a positive contribution to the character of the locality 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. UDP Policy BE9, amongst other things, requires new buildings to incorporate appropriate design solutions and respect their surroundings and 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, both existing and proposed residents. More detailed guidance is set out in Supplementary Planning Guidance 5 – Altering and Extending your Home.
8. The Council have argued that the boundary treatment is not appropriately designed nor sensitive to the character of the locality. However I note from my site visit when viewed from Bryan Avenue up Alexander Avenue and from the opposite directed down Alexander Avenue the boundary treatment blends with the properties along Alexander Avenue. Given the way the front boundary wall, piers and railings reflect the design of many of the surrounding roads and properties, its relationship with the facing property and the wider visual context it is considered that the development has taken into account the character of the surrounding area and complies with the aforementioned policies.
9. The appeal property is located on a slope that rises up Byran Avenue from Donnington Road, towards Alexander Avenue. Due to levels changes some of the corner properties, whose rear gardens are side onto another street, are characterised by boundary treatments of approximately 1.8-2m in height and some have retaining walls as the levels change. Higher boundary treatments, where the need to protect privacy to corner plots rear gardens, are common place in the surrounding area. In this instance it is considered that the loss of trees along the boundary and that they are new bricks have contributed its stark appearance. However the trees could have been removed at any time by the occupier and the materials will weather over time.

10. With regards to the side boundary, it is considered that a reasonable balance has been struck with the need to protect privacy and the impact on the character and appearance of the street.

Highway Safety

11. The Council have also identified a highway safety issues in their reasons for issuing the Enforcement Notice in relation to the height and location of the front and side boundary wall, railings and gates. The works to the front have resulted in a higher front wall with piers and railings than was there previously to the two retained accesses. The piers are also located directly on the back edge of the footpath whereas previously on photographic evidence they were set back, albeit not necessarily in accordance with the visibility splay requirements of Supplementary Planning Guidance 3- Forming an access onto a road (SPG3).
12. Unitary Development Plan Policy TRN15 and SPG3 seek to ensure adequate visibility is provided and to avoid development where public safety is put at risk. SPG3 indicates in the case of domestic accesses, drivers need to see pedestrians clearly over a defined triangle, with the width of the triangle being 2.4 metres either side of the access and the depth being 2.4 metres from the property boundary in the centre of the access. It is acknowledged by both parties that the development does not comply with that guidance. In addition, the taller piers either side of the accesses cause some visual obstruction. From what I saw at my visit, however, the blind spot for both drivers and pedestrians is minimal due to the gaps between the railings. The Appellant states that the accesses are 0.75m wider than the previous accesses and that the risk from the previous boundary treatment has not changed with the new treatments.
13. In light of the above it is considered that vehicles will be adequately seen by passing pedestrians and cyclists and the risk to their safety arising directly from this boundary wall, piers and railings is minimal. Therefore although the access arrangement conflicts with the specific design guidance in SPG3, it is considered that the development does not conflict with its overall aim in this instance.

Other Matters

14. The appellant refers to the way the enforcement case was dealt with by the Council this is not a matter for consideration at appeal and is a matter between the appellant and the Council.
15. I have taken into account all other matters raised in the written representations, including a third party letter, received in addition to the main issues discussed above.

Conclusion on ground (a) and deemed application

16. For the reasons given above I conclude that the appeal should succeed. I shall quash the enforcement notice and grant planning permission on the deemed application

Miss A Morgan

Inspector



Appeal Decisions

Site visit made on 25 February 2014

by **P N Jarratt BA(Hons) Dip TP MRTPI**

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

Decision date: 28 February 2014

Appeal Refs: APP/T5150/C/13/2199107, APP/T5150/C/13/2199336 and APP/T5150/C/13/2199338

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

- 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 Satish Lakhani, Mr Hasmukh Lakhani and Mr Bharat Lakhani against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E11310177.
 - The notice was issued on 24 April 2013.
 - The breach of planning control as alleged in the notice is the erection of a building used for residential purposes in rear garden of the premises.
 - The requirements of the notice are to demolish the building in the rear garden of the premises, remove all items and debris arising from the demolition and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (d) of the Town and Country Planning Act 1990 as amended.
 - **Summary of Decisions: Appeals allowed and enforcement notice quashed.**
-

Reasons

1. An appeal on ground (d) is that, at the time the notice was issued, it was too late for action to be taken against the matters stated in the notice. In breaches of planning control involving operational development it is necessary for the development to have been substantially completed for a period of four years before the issue of the notice. As the notice was issued on 24 April 2013, the material date is therefore 24 April 2009.
2. The building subject to the allegation is in the rear garden of a dwelling. It is single storey, flat roofed and has a door and two windows facing the rear of the house at No 74/74A. The appellants state that the building was substantially built in 1999 except for the roof but was refused planning permission. The roof was put on the building in 2002 and it was originally used as a laundry and a store but it has been tenanted since 18 July 2005. The appellants have submitted considerable documentation in support of their claim including a copy of the Committee Report for planning application 99/2087 which makes reference to a single storey 4.8 x 7.0 x 3.3m high flat roofed building in the course of construction for use as a store and laundry room at the rear of the application site.

3. Tenancy agreements from 18 July 2005 to 19 May 2013 describe the accommodation as 'use of studio flat at rear of property' and these have been signed by successive tenants: Clement Fernandes (2005-06), Bharti Meggi (2007-2011) and Krzysztof Matejko (2012). The agreements clearly state that electricity, gas and water bills are included within the rent. It also states in the agreement that the landlord is responsible for paying Council Tax.
4. A letter from Capital Boiler Services relates to work carried out to the studio flat at the rear of the property in 2005. A letter from MNR Construction relates to work done to the property and the studio flat since 1997 but does not indicate the date when work was carried out relating to the studio flat.
5. Lake and Company, Chartered Accountants confirm that the studio flat has been rented out since July 2005 and copies of rent sheets provided.
6. Krzysztof Matejko has signed a Statutory Declaration that he resided in Room 3 of No 74 from mid 2005 until May 2012 when he moved into the studio flat previously occupied by another tenant. Clement Fernandes has signed a Statutory Declaration that he resided in the studio flat at the rear of No 74 from 18 July 2006 to 18 July 2007 although this contradicts the tenancy agreements and the statement of his brother, Mr Jose Fernandes, who has confirmed in writing that Clement rented the studio flat at the rear between July 2005-2007.
7. The Council considers that insufficient precise and unambiguous evidence has been submitted by the appellants. In particular, they do not consider that the tenancy agreements cover the relevant period and that they could relate to other flats on the premises. They consider that the tradesmen's letters add to the appellants' case. They draw attention to the property not having been registered for Council Tax, not been subject to 'naming and numbering', and that there are no electoral registration records, utility bills, rent books or tax returns showing income from the dwelling.
8. Where appeals are made on legal grounds, the burden of proof is on the appellant and the standard of proof is on the balance of probabilities. It is not necessary for the appellant's own evidence to be corroborated for it to be accepted¹ but if the Council has conflicting evidence this could indicate that the appellants' case is less than probable. The evidence submitted by the appellants is documented and convincing, notwithstanding the contradiction in Clement Fernandes' declaration. The Council's case is inadequate. It fails to set out the full relevant planning history of the property and the Council does not address or explain the relevance of the 1999 officer's report on the refused application and, in particular, whether the partly constructed single storey building at the rear is the building the subject of this appeal, which I consider it probably is. They have not advanced any substantive arguments why the appellants' case is less than probable. The tenancy agreements are specific, dated and signed; Statutory Declarations have been submitted; and written confirmation about the rent and tax arrangements have been provided by the appellants' chartered accountants.

Conclusion

9. I consider on the balance of probabilities that the building the subject of these appeals was substantially completed sometime before May 2005 when it was first

¹ *Gabbitas v SSE and Newham LBC* [1985] JPL630

tenanted and due to the passage of time , in accordance with section 171B of the Act, it is too late to take enforcement action.

Decisions

10. The appeals are allowed and the enforcement notice is quashed.

P N Jarratt

INSPECTOR

