



Planning Committee

Wednesday 20 August 2014 at 7.00 pm

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

Membership:

Members

Councillors:

Marquis (Chair)
Colacicco (Vice Chair)
Agha
S Choudhary
Filson
Hylton
Kansagra
Mahmood

Substitute Members

Councillors

Chohan, Choudhry, Colwill, Conneely, Duffy, Daly,
Ezeajubdi, W. Mitchell-Murray and BM Patel

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 The minutes of the meeting held on 16 July 2014 are not available and will be submitted to the next meeting of the committee.		
Extract of Planning Code of Practice		1 - 4
NORTHERN AREA		
3. 13-18 Inc and 19-24 Inc Lawns Court, The Avenue, Wembley, HA9 9PN (Ref.14/1168)	Barnhill	5 - 20
4. Byron Court Primary School, Spencer Road, Wembley, HA0 3SF (Ref.14/2382)	Northwick Park	21 - 28
5. Woodfield School, Glenwood Avenue, London, NW9 7LY (Ref. 14/2421)	Welsh Harp	29 - 42
SOUTHERN AREA		
6. Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6 (Ref. 14/1896)	Kilburn	43 - 66
7. 36 & 37 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB (Ref. 14/1412)	Queens Park	67 - 72
8. Pavement on Kilburn High Road, Salusbury Road, Chamberlayne Road, Harrow Road, Station Road, Acton Lane, Craven Park, Bridge Road, Neasden Lane, Dudden Hill Lane, Kendal Road, Parkside & Cricklewood Broadway, London (Ref. 14/1252)	Kilburn	73 - 82
9. 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 - 16 August 2014

SITE VISITS - SATURDAY 16 AUGUST 2014

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
14/1168	13-18 Inc and 19-24 Inc Lawns Court, The Avenue, Wembley, HA9 9PN	3	Barnhill	9.35am	5 - 20
14/1412	36 & 37 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB	7	Queens Park	10.15am	67 - 72
14/1896	Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6	6	Kilburn	10.50am	43 - 66

Date of the next meeting: Thursday 11 September 2014

The site visits for that meeting will take place the preceding Saturday 6 September 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.

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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 **Planning Committee Map**
Site address: 13-18 INC and 19-24 INC LAWNS COURT, The Avenue, Wembley, HA9 9PN
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This map is indicative only.

RECEIVED: 28 April, 2014

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 13-18 INC and 19-24 INC LAWNS COURT, The Avenue, Wembley, HA9 9PN

PROPOSAL: Alterations and replacement of some of the existing windows and erection of a third floor to residential blocks at 13-18 and 19-24 to provide 4 self contained flats (2 x 2 bed at block 13-18 and 2 x 2 bed at block 19-24) (as per revised plans received on 4 July 2014)

APPLICANT: THE AVENUE WEMBLEY

CONTACT: RKA Architects

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant consent subject to conditions as set out after paragraph 33 of this report.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£73,271.33** of which £62,316.96 is Brent CIL and £10,954.37 is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The application site comprises two blocks of flats on Lawns Court known as Nos. 13 to 18 Lawns Court and Nos. 19 to 24 Lawns Court. Lawns Court is designated as a Conservation Area. Lawns Court is accessed from The Avenue.

The surrounding uses are predominantly residential.

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
				297	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
				297	

Monitoring Residential Breakdown

Existing

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

Flats û Market			12								12
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Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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Flats û Market			4							4
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PROPOSAL

Alterations and replacement of some of the existing windows and erection of a third floor to residential blocks at 13-18 and 19-24 to provide 4 self contained flats (2 x 2 bed at block 13-18 and 2 x 2 bed at block 19-24)

HISTORY

Related site history

Nos. 13 to 18 Lawns Court

13/3623: Full Planning Permission sought for alterations and replacement of some of the existing windows and erection of a third floor to provide 2 x 2 bed self-contained flats - **Withdrawn, 17/02/2014.**

Nos. 19 to 24 Lawns Court

13/3631: Full Planning Permission sought for alterations and replacement of some of the existing windows and erection of a third floor to provide 2 x 2 bed self-contained flats - **Withdrawn, 17/02/2014.**

Other sites in close proximity

No. 12A Lawns Court

14/1245: Full Planning Permission sought for demolition of existing building and erection of a single storey 2 bedroom dwellinghouse for use by caretaker - under consideration.

13/3635: Full Planning Permission sought for demolition and replacement of single storey building with a two storey dwellinghouse for use by caretaker - **Withdrawn, 13/03/2014.**

POLICY CONSIDERATIONS

National Level

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was adopted in March 2012. 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. 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.

Section 7 (design) is of particular relevance to this application. The Government recognises that good design is a key aspect of sustainable development. It states that that permission should be refused for development of poor design, that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Regional Level

London Plan

The London Plan 2011 forms the spatial development strategy for London and was adopted in July 2011. Policy 3.5 "Quality and Design of Housing Developments" is considered relevant for this application, and requires developments to incorporate minimum space standards for new developments.

The Mayor's Housing Supplementary Planning Guidance (adopted November 2012)

This guidance relates to the housing policies within the London Plan and covers policies on housing provision and policies on affordable housing. It gives detailed guidance for boroughs on how to develop sites for housing and how to determine housing mix and density for any individual site.

Local Level

Brent's Core Strategy 2010

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

CP17: Protecting and enhancing the suburban character of Brent - Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.

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

Brent's UDP 2004

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

BE2: Townscape - Local Context & Character

Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.

BE7: Public Realm - Streetscape

A high quality of design and materials will be required for the street environment. The following will be resisted (both for existing and new developments) where they would detract from the character of the area :-

- (a) The excessive infilling of space between buildings and between buildings and the road;
- (b) hard surfacing occupying more than half of a front garden area;
- (c) forecourt parking where such parking would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem.

BE9: Architectural Quality

Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

BE25: Development in Conservation Areas - Development proposals in conservation areas shall pay

special attention to the preservation or enhancement of the character or appearance of the area; and regard shall be had for design guidance to ensure the scale and form is consistency.

BE26: Alterations and Extensions to Buildings in Conservation Areas - Alterations to elevations of buildings in conservation areas should retain the original design and materials; be sympathetic to the original design in terms of dimensions, texture and appearance; characteristic features should be retained; extensions should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area; should be complementary to the original building and elevation features.

H12: Residential Quality - Layout Considerations

Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets. It states that proposals should avoid having an excessive coverage of hardstanding and have an amount and quality of landscaped areas appropriate to the character of the area.

TRN10: Walkable Environments

The 'walkability' of the public environment should be maintained and enhanced.

TRN11: The London Cycle Network

Developments should comply with the plan's minimum cycle parking standards (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

TRN23: Parking Standards - Residential Developments

Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.

Supplementary Planning Guidance

SPG17 "Design Guide for New Development"

Supplementary Planning Guidance No. 17 "Design Guide for New Development" (SPG17), adopted by the Council in October 2001, sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

CONSULTATION

Consultation Period: 07/05/2014 - 28/05/2014

Consultation Period on revised plans: 04/07/2014 - 25/07/2014

Site Notice: 07/05/2014 - 28/05/2014 & 04/07/2014 - 25/07/2014

Press Notice: 15/05/2014 - 05/06/2014 & 10/07/2014 - 31/07/2014

73 neighbours consulted - 11 objections received raising the following concerns:

- There is already parking pressures on Lawns Court and there is not enough room on the surrounding roads to accommodate the increase in flats even with the improved car park area to the rear, in particular when events are held in the nearby Sattavis Patidar Centre on the corner of The Avenue and Forty Avenue.
- Unclear how parking within the new area will be available to residents within Lawns Court
- Additional strain on refuse facilities leading to more rodents. Refuse trucks can not currently access the rear service road.
- Application site is located within a Conservation Area and will adversely impact on the Lawns Court Conservation Area and neighbouring Barn Hill Conservation Area
- Extension will be out of keeping with the character of the building and the wider area
- The area already has a high population with a number of flat developments in the locality.
- Proposal will overlook the rear gardens and rear windows of neighbouring properties

- Extension will block sunlight to rear gardens of neighbouring properties
- Loss of views from neighbouring properties
- Construction work will be very disruptive with potential for dust and debris to fall into neighbouring gardens
- Increase noise and disturbance from the new flats
- Lack of consultation
- Freeholder has not consulted owners of the flats in Lawns Court
- Freeholder does not look after the current property effectively (i.e. the rubbish bins are always full with unauthorized people using the bins). More should be done to improve the appearance of the existing buildings.
- Likely to be rented out with high turnover of tenants
- Two bedroom flats are out of keeping with character of surrounding area
- Increased service charges for residents even though no improvements have been done to the existing flats.
- Existing buildings have a number of cracks and therefore may not be structural stable to accommodate the extension
- The hallway to number 14 will lose its sunbreaker/rooflight which lets in light, ventilate and ensure adequate fire exit from the flat
- Flats below could suffer leaks from the kitchens within the extension above and from the terraces.
- Proposal will devalue flats within the block
- Existing residents will live in a building site during the construction works which could lead to a health and safety risk. Planning department should be consulting Health & Safety Executive, Fire Department and structural engineers etc to ensure that health and safety of residents is not compromise.
- Replacement of only some of the windows will have a harmful impact on the appearance of the building
- Damage to trees from building work and machinery

Barn Hill Ward Councillors formally consulted on 7 July 2014. One objection received from Councillor Choudhary raising the following concerns:

- Proposal will overlook gardens and bedrooms on Mayfields Close.
- Car park issues and bins
- No provision of lift access to upper floors.

Internal Consultation

Transportation - Proposal can be supported on transportation ground subject to improvements to the existing rear car park area and provision of cycle parking spaces within the site.

Landscape - Tree survey and construction method statement for the protection of the existing trees to be provided.

Environmental Health - No objections raised.

REMARKS

Site and Surroundings

1. The application site comprises two blocks of flats within Lawns Court. These blocks of flats within Lawns Court are set back from The Avenue, facing the green space in front of Lawns Court. Lawns Court is designated as a Conservation Area and the Barn Hill Conservation Area is located to the east and north.
2. The first block is known as Nos. 13 to 18 Lawns Court and is located at the eastern end of the site and contains 6 flats. Nos. 13 to 18 Lawns Court abuts the rear access road and hardsurfaced area to the rear (eastern boundary) and northern boundary. To the south is 12A Lawns Court which is a single storey residential. The second block is known as Nos. 19 to 24 Lawns Court and is located at the northern end of the site and contains 6 flats. Nos. 19 to 24 Lawns Court abuts the rear gardens of No. 3 to 6 Mayfield Close.

Proposal

3. This application seeks planning permission for a roof top extension to both blocks of flats together with replacement windows to a number of existing flats. The proposal also includes reconfiguration in the layout for Nos. 17 and 22 Lawns Court to allow access to the new flats above and improvements to the existing hardsurfaced area access from the rear service road from Mayfields to accommodate a formal car parking area for residents within Lawns Court. Each aspect of the scheme is discussed below:

Design

4. Both existing blocks are two storeys high with flat roofs. Nos. 13 to 18 Lawns Court has a stepped roof line with part of the building at a lower level but still at two storeys high to take into account level changes across the site. The other blocks within Lawns Court sited next to the application blocks (Nos. 1 to 12a Lawns Court and Nos. 25 to 34 Lawns Court) are up to three storeys high, with the third storey centrally located, with no set back to the front or rear from the floors below. The third floor appears to form part of the original design of these blocks.

5. The proposed roof top extensions to both blocks of flats are set back from the main front wall of the buildings and set in from the side elevations. No set back is proposed at the rear. A minimum set back of 1.2m is proposed from the main front wall of building and a set in of 2.4m is proposed from both side elevations for Nos. 13 to 18 Lawns Court. The stepped roof height will also be replicated. A minimum set back of 0.97m is proposed from the main front wall of building and a set in of 2.4m is proposed from both side elevations for Nos. 19 to 24 Lawns Court. As a result of the set backs from the front and side walls, the roof top extensions to both blocks of flats are considered to be sufficiently subservient to the main blocks and their scale and massing well balanced. The extensions also need to be considered in their landscape context which contain matures trees and soft landscaping within the front forecourt areas of each block and within the open space area to the front of the blocks. This tree belt will also assist in screening the extensions when viewed from The Avenue.

6. The roof top extensions will be rendered and painted white to match the existing blocks. This is considered acceptable. The centrally located chimney stack at Nos. 13 to 18 Lawns Court will be removed but given its limited visibility and contribution towards the character of the building, it is considered there is no objection to its loss. Both the flank wall chimney stacks to both Nos. 13 to 18 and 19 to 24 Lawns Court will be retained. These chimney stacks form an important contribution to the character of the buildings.

Replacement windows

7. A number of windows to the existing flats within both blocks will be replaced as part of this proposal. These flats are in the ownership of the applicant whereas the other flats have long term leaseholders and replacement windows to these flats could not be secured as part of this application. The majority of windows within both the application blocks and the neighbouring blocks have been replaced with aluminium or uPVC windows. These tend to be of poor quality plain casements with uneven sight lines and no replication of existing features. There are no planning records for the replacement windows to any of the flats within Lawns Court.

8. The replacement windows that are to be replaced will be in aluminium and will contain externally mounted glazing bars to replicate the general design and detailing of the original style of window. This design of window is also proposed for the new flats within the roof top extension. It is considered that both the replacement windows (and new windows within the roof top extensions) will enhance the character and appearance of both blocks of flats as the windows will be an improvement to the existing poor quality windows. This will also allow for a template of future windows replacements to the other flats within both blocks so that a uniformity to the elevations can eventually be achieved overtime. It should be noted that flats do not have the benefit of permitted development rights so replacement windows to any of the flats requires the benefit of planning permission.

Quality of accommodation

Unit sizes

9. The proposal includes an additional 2 no. two bedroom flats to each block (a total of 4 x 2 bedroom flats is proposed). All of the proposed units comply with the minimum internal unit sizes as set out in the London Plan. Details of the size of each unit is set out below:

Location	Unit No	Unit Type	Unit Size	External amenity space
Nos. 13 to 18	Flat 16A	2 Bed 4 person	68.4sqm	Up to 30sqm
	Flat 17A	2 Bed 3 person	64sqm	Up to 25sqm
Nos. 19 to 24	Flat 20A	2 Bed 3 person	66sqm	0 sqm
	Flat 22A	2 Bed 4 person	72.6sqm	Up to 25sqm

Outlook and privacy

10. Each unit has dual aspect to allow for good levels of outlook and are not considered to be overlooked by each other or other flats within the neighbouring blocks or other neighbouring sites. Consideration to privacy of neighbouring occupiers is discussed below.

External amenity space

11. Each of the new flats apart from 20A will have access to a private external terrace which exceeds 20sqm as required by SPG17. In addition all units including No. 20A will have access to the existing communal external amenity space to the rear of both blocks. Details on the reasons why No. 20A will not have an external terrace is discussed in paragraph 23 below.

Alterations to existing flats

12. To gain access to the new flats internal alterations are proposed to existing flats Nos. 17 and 22. This will involve swapping the location of the bedroom and kitchens (kitchen currently at the rear and bedroom at the front) and reduction in the size of the front room to allow for internal stair access to the new flats above. Both Flats 17 and 22 will still meet the minimum internal floor space standards for a two bedroom three person flat as set out in the London Plan. As the new flats will need to walk past the front window of the existing flats, the swapping of this room type from a bedroom to a kitchen is considered to be less sensitive in terms of noise and disturbance. As the window is at a different level to the stairs up to the entrance for the new flats loss of privacy is not considered to be significant to warrant a reason for refusal.

13. There is an existing roof light to flat 14 which serves the hallway. This roof light will be removed and replaced with the terrace for the new flat above. Given that the roof light serves a non habitable space (the hallway) there is no objection in planning terms to the loss of the roof light.

Impact on neighbouring properties

Privacy

14. To ensure that sufficient levels of privacy are maintained to neighbouring properties, SPG17 sets out minimum distances that windows should be located from site boundaries. The new flats at Nos. 13 to 18 Lawns Court provide a minimum distance of 32m to the boundary with the rear gardens of the properties on Mayfields and a minimum distance of 55m between directly facing rear habitable room windows. SPG17 requires a minimum distance of 10m from the rear habitable room windows to the rear boundary with neighbouring gardens and a minimum distance of 20m between directly facing rear habitable room windows. This proposal significantly exceeds the minimum distance to the rear gardens and rear habitable room windows with the properties on Mayfields and is therefore not considered to compromise the privacy of occupiers within the houses on Mayfields.

15. There are windows on the flank elevations of the new flats within Nos. 13 to 18 Lawns Court that serve secondary windows to habitable rooms. SPG17 requires these windows to be set in 5m from the boundary. The flank windows to Flat 17A provide a minimum distance of 15m to the rear gardens with the properties on Mayfields Close. A distance of 4.9m is maintained to the boundary with No. 12A Lawns Court. Whilst this marginally fails SPG17 this shortfall is not considered in itself to warrant a reason for refusal. The existing external stairs that provide access to existing Flat 14 are located only 1.45m from the boundary with No. 12A Lawns Court and have the potential to already overlook the neighbouring site.

16. The new flats at Nos. 19 to 24 Lawns Court provide a minimum distance of 10m to the boundary with the rear gardens of the properties on Mayfields Close and a minimum distance of 23m between directly facing rear habitable room windows, thus complying with SPG17. The privacy of the occupiers on Mayfields Close are not considered to be compromised as a result of this proposal.

17. There are also windows on the flank elevations of the new flats within Nos. 19 to 24 Lawns Court that serve secondary windows to habitable rooms. A minimum distance of 5m is provided to the side boundaries, thus complying with SPG17.

Overbearing appearance and light

18. To ensure that a new development is not overbearing when viewed from the neighbouring properties and external amenity areas, SPG17 recommends the following height restrictions:

- New development to sit within a line drawn at 45 degree is measured from the adjoining private garden/private amenity area, measured on the garden edge at a height of 2m.
- New development to sit within a line drawn at 30 degree line is measured from the nearest rear habitable room window of adjoining existing properties measured at a height of 2m above floor level.

19. The roof extensions to both blocks sit well within the 30 degree line from the nearest rear habitable rooms to properties on Mayfields Close and Mayfields.

20. The existing block at Nos. 19 to 24 Lawns Court marginally breach 45 degree line when measured from the external amenity space for Nos. 25 to 34 Lawns Court and the rear garden of No. 3 Mayfield Close. The parapet of the proposed roof top extension will also very marginally breach the 45 degree line, but this breach is considered to be no worse than existing and is not considered to adversely impact on neighbours to warrant a reason for refusal. Likewise, the existing block at Nos.13 to 18 Lawns Court already breaches 45 degree line from the side amenity area to 12a Lawns Court. The roof top extension is sufficiently set in from the side boundary to not make this situation significantly worse.

21. In light of the above, it is considered that the proposed roof extensions will not be overbearing when viewed from neighbouring properties or rear gardens. Furthermore the proposal is not considered to result in significant loss of sunlight to warrant a reason for refusal.

Impact of roof terraces on neighbouring amenity

22. The roof terraces to the new flats within Block 13 to 18 Lawns Court are not considered to result in a loss of privacy to the rear gardens of Nos. This is because a distance of over 10m is maintained. There will be a degree of overlooking to No. 12A Lawns Court but given that there is an existing external stair access (as set out in paragraph 15 above) the degree of overlooking is considered to be no worse than the existing situation. It is not considered to result in It is recommended that further details of the layout and design of the roof terraces to focus activity away from the edges and to reduce overlooking to neighbouring rear gardens are conditioned as part of any forthcoming consent.

23. Whilst the plans are shown a roof terrace to Flat 20A in Block 19 to 24 Lawns Court, given the proximity to the rear gardens of Nos. 3 and 4 Mayfields Close it is recommended that a condition is secured for the plans to be revised to remove the roof terrace and replace the sliding doors with windows. The roof terrace to Flat 22A Lawns Court is considered acceptable in terms of providing sufficient distance from the rear garden with No. 6 Mayfield Close. Whilst there will be some degree of overlooking to the communal garden at Nos. 25 to 34 Lawns Court there is an existing terrace at the floor level which is closer to this amenity area.

Existing Landscaping

24. It is noted that there are a number of significant trees within the application site including the front forecourt areas. Officers in landscape have requested details of protection measures during the construction works to prevent any damage to existing trees. Further details are recommended to be conditioned to any forthcoming consent.

Transportation considerations

Car parking

25. There is an existing hardstanding area and garages to the rear of 1 to 18 Lawns Court which has fallen into disrepair with extensive overgrowth and flytipping. This hardstanding area is accessed via Mayfields and the service road in front of Nos. 19 to 24 Lawns Court. Apart from this area which currently has very limited use, there is no off street parking for the residents of Lawns Court.

26. This application includes the rear hardstanding area and garages and seeks to convert this space into a car park for the existing and proposed residents within Nos. 13 to 18 and 19 to 24 Lawns Court. The maximum parking provision for the overall total of 16 x 2 bedroom flats is 19.2 spaces as set out in Standard PS14 of Brent's UDP 2004. The hardstanding area has capacity to accommodate 19 car parking spaces. Officers in Transportation have advised that the renovation of the car park will eliminate any concerns over potential overspill parking from the site in traffic flow and highway safety. It is recommended that a condition is secured for the allocation of the car parking spaces for residents through a car park management plan.

27. Works will be required to improve the car parking court given its location at the rear of the blocks. This will include repairs to road surfacing, clearance of overgrowth and fly tipping, marking out of bays, provision

of lighting and CCTV camera and revised boundary treatments so that the area is more overlooked. Such details are recommended to be conditioned to any forthcoming consent.

Cycle parking

28. To accord with standard PS16 a secure and covered bicycle store is required to be provided to accommodate the new flats. A total of 4 bicycle parking spaces is required. The bicycle store could be provided within the new car park area. Further details are recommended to be conditioned as part of any forthcoming consent.

Refuse facilities

29. The site location plan shows the location of the existing communal bin store location for Nos. 13 to 18 and 19 to 24 Lawns Court located within the access road next to the service road in front of Nos. 19 to 24 Lawns Court. The application proposes to provide a larger and improved communal bin store for the existing and proposed occupants within Nos. 13 to 18 and 19 to 24 Lawns Court, located within the car park area. This new bin store will relieve pressure on the existing bins which are currently insufficient to meet the demands of the existing residents.

30. Officers in Transportation have requested further details on the collection arrangement of the bins, i.e. whether they will be brought closer to the public highway on collection day or collected from the car park. Details of the access arrangements and tracking for the refuse vehicle is also required. Such details are recommended to be conditioned as part of any forthcoming consent.

Response to objections raised

31. A table setting out the objections raised by local residents and ward councillor is set out below together with a response to the objections raised:

Point of objection	Response
There is already parking pressures on Lawns Court and there is not enough room on the surrounding roads to accommodate the increase in flats even with the improved car park area to the rear, in particular when events are held in the nearby Sattavis Patidar Centre on the corner of The Avenue and Forty Avenue.	This application is seeking to provide a dedicated car parking area for the existing and proposed occupants within Nos. 13 to 18 and 19 to 24 Lawns Court that will assist in relieving over spill parking onto neighbouring streets. Please refer to paragraphs 25 to 27 above for further details.
Unclear how parking within the new area will be available to residents within Lawns Court	The car park is within the red line of the application site and is available for existing and proposed occupants of Nos. 13 to 18 and 19 to 24 Lawns Court . It is recommended that a car park management plan for the allocation of the car parking spaces is secured as part of a planning condition.
Additional strain on refuse facilities leading to more rodents. Refuse trucks can not currently access the rear service road.	An improved refuse storage area for Nos. 13 to 18 and 19 to 24 Lawns Court is proposed. Please refer to paragraphs 29 and 30 above for further details.
Application site is located within a Conservation Area and will adversely impact on the Lawns Court Conservation Area and neighbouring Barn Hill Conservation Area	The extensions are not considered to detract from the character of the existing blocks or wider conservation areas. Please refer to paragraphs 4 to 6 and details of replacement windows within paragraphs 7 and 8 above.
Extension will be out of keeping with the character of the building and the wider area	Please refer to comments above.

The area already has a high population with a number of flat developments in the locality / Two bedroom flats are out of keeping with character of surrounding area	There is no policy requirement for a scheme of this scale to provide family sized units (3 bedroom plus).
Proposal will overlook the rear gardens and rear windows of neighbouring properties / Extension will block sunlight to rear gardens of neighbouring properties	The impact of the extensions has been considered within the main report where it is considered that the proposal will not adversely impact on the amenities of neighbouring occupiers. Please refer to paragraphs 14 to 20 above.
Loss of views from neighbouring properties	The application site is not located within a protected view. Rights to a view is not a planning consideration.
Construction work will be very disruptive with potential for dust and debris to fall into neighbouring gardens/residents living in a building site (health and safety issues)	It is recommended that a construction management plan is conditioned as part of any forthcoming planning consent to minimise disruption to neighbouring occupiers.
Lack of consultation from the planning department	The application was consulted and advertised in accordance with statutory consultation requirements.
Concerns with how the existing freeholder fails to look after the property such as existing cracks in building and increase service charges.	Concerns regarding existing maintenance is not a planning matter and therefore can not be considered as part of this application. Structural considerations of the extension is considered through building regulations rather than planning.
Lack of consultation with other owners within Lawns Court	The application form states that notice has been served on other flats within Lawns Court that are affected by the proposal and have a leasehold interest.
Likely to be rented out with high turnover of tenants	Planning policies are unable to control whether the units are rented out or privately owned
The hallway to number 14 will lose its sunbreaker/rooflight which lets in light, ventilate and ensure adequate fire exit from the flat	The loss of the roof light is acceptable in planning terms as it serves the hallway. Consideration of adequate fire escape will be considered by building regulations.
Flats below could suffer leaks from the kitchens within the extension above and from the terraces.	This matter will be considered through building regulations.
Damage to trees from building work and machinery	Details to protect existing trees are to be conditioned to any forthcoming consent.
Proposal will devalue flats within the block	This is not a planning consideration
No provision of lift access to upper floors.	Lift access is only required for developments which include 5 or more storeys. This is set out in the Mayor's Housing SPG.
Only replacing some windows will adversely impact on the character of the buildings.	The applicant is only able to replace some of the windows as these flats are within their control. The new windows are an improvement in design terms to

replacement windows within the blocks and will provide template for future replacement windows by individual owners in the future.

Conclusions

32. In conclusion it is considered that the proposed roof top extensions are in keeping with the character of the existing blocks and wider conservation areas. They are not considered to have a harmful impact on the amenities of neighbouring occupiers, and a new hardsurfaced area is proposed to accommodate improved parking and refuse facilities for existing and proposed residents within Nos. 13 to 18 and 19 to 24 Lawns Court.

33. The proposal is considered to comply with national, regional and local policies and guidance. Approval is accordingly recommended subject to conditions as set out below.

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
The Mayor's Housing Supplementary Planning Guidance (adopted November 2012)
Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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

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

CONDITIONS/REASONS:

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

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

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

RK/TP/1073/01 Rev A - Block 19 - 24: Site and Location Plans
RK/TP/1073/02 - Block 19 -24: Existing First Floor Plan
RK/TP/1073/03 - Block 19 - 24: Existing Elevations
RK/TP/1073/04 - Block 19 - 24: Existing Elevations
RK/TP/1073/05 - Block 19 -24: Proposed First Floor Plan
RK/TP/1073/06 - Block 19 -24: Proposed Second Floor Plan
RK/TP/1073/07 - Block 19 -24: Proposed Roof Plan
RK/TP/1073/08 Rev A - Block 19 - 24: Proposed Elevations and Sections
RK/TP/1073/09 Rev A - Block 19 - 24: Proposed Elevations
RK/TP/1073/10 Rev A - Block 13 - 18: Site and Location Plans
RK/TP/1073/11 - Block 13 - 18: Existing First Floor Plan
RK/TP/1073/12 - Block 13 - 18: Existing Elevations
RK/TP/1073/13 - Block 13 - 18: Existing Elevations
RK/TP/1073/14 Rev A - Block 13 - 18: Proposed First Floor Plan

RK/TP/1073/15 - Block 13 - 18: Proposed Second Floor Plan
 RK/TP/1073/16 - Block 13 - 18: Proposed Roof Plan
 RK/TP/1073/17 Rev A - Block 13 - 18: Proposed Elevations and Sections
 RK/TP/1073/18 Rev A - Block 13 - 18: Proposed Elevations
 RK/TP/1073/19 Rev A - Block 13 - 18: Proposed Elevations showing new windows
 RK/TP/1073/20 - Block 13 - 18: Proposed Elevations showing windows
 RK/TP/1073/21 Rev A - Block 19 - 24: Proposed Elevations and Sections
 RK/TP/1073/22 - Block 19 - 24: Proposed Elevations
 RK/TP/1073/23 - Block 13 - 18 & 19 - 24 Window Elevations and Cross Sections
 RK/TP/1073/24 - Block 13 - 18: Proposed Elevations showing 45 degree line and sun path
 RK/TP/1073/25- Block 19 - 24: Proposed Elevations showing 45 degree line
 RK/TP/1073/26 - Block 13 - 18 & 19 - 24 Location Plan
 RK/TP/1073/27 - Block 13 - 18: Privacy, overlooking and sun study analysis
 RK/TP/1073/28 Rev A - Existing and Proposed Communal Bin Store
 RK/TP/1073/29 - Block 19 - 24: Proposed Sections showing 45 degree line from gardens
 RK/TP/1073/30 - Block 19 - 24: Privacy, overlooking and sun study analysis
 Design and Access Statement

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

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

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

- (4) The new flats which are the subject of this application shall not be occupied until the replacement windows to existing flats 13, 17, 19, 21, 22 and 23 Lawns Court have been carried out in full accordance with the details approved as part of this application.

Reason: In the interests of the character of the existing blocks and wider area.

- (5) No preparatory work or development shall take place until a scheme for the protection of the existing trees within the front and rear garden areas of Nos. 13 to 18 and 19 to 24 Lawns Court have been submitted to and agreed in writing by the local planning authority. This protection should extend at minimum to canopy spread of each tree, with measures taken to exclude all construction activity. This should comprise hoarding or fixed, braced temporary fence to BS 5837 2012.

The tree protection measures shall be carried out in full accordance with the approved details throughout the construction phases of the development.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees, in the interests of the occupants and general public.

- (6) Prior to commencement of development further details of the car park area at the rear of Nos. 13 to 18 Lawns Court shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (a) details of permeable surfacing materials to reduce surface water run-off from the car park
- (b) details of the marking out of 19 car park bays
- (c) details of lighting including details on design and height of lighting columns and light spillage diagrams
- (d) details of the location and height of CCTV
- (e) details of the boundary fences

The approved car park details shall be shall be constructed and permanently marked out prior to occupation of any of the new flats hereby approved. Such works shall be carried out in accordance with the approved plans and retained thereafter.

Reason: In the interests of the amenity of existing and future occupants.

- (7) Prior to commencement of works, further details of the proposed binstore shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- (a) compliance with the adopted Household Waste Collection Strategy 2010-2014 in respect of external refuse provision
 - (b) details of the external elevations of the bin store.
 - (c) details of access arrangements for the refuse collection vehicle and tracking paths together with any required management arrangements for collection days

The development shall be carried out and completed in accordance with the details so approved prior to occupation, and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

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

- (8) Prior to commencement of works, details of a secure and sheltered bicycle store to accommodate 4 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The bicycle-parking facilities shall be available for use prior to the first occupation of any part of the development and thereafter these parking spaces shall not be obstructed, removed or used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason : To ensure adequate bicycle parking is provided and retained in conjunction with the development and in pursuance of the Transportation policies in the adopted Unitary Development Plan which seek to encourage the use of this mode of transport.

- (9) Notwithstanding the submitted plans otherwise approved a revised second floor plan and accompanying elevation plans for Block 19 to 24 removing the external terrace to flat 20A shall be submitted to and approved in writing prior to commencement of works on site, and thereafter implemented in accordance with the approved details.

Reason: In the interests of the amenities of the neighbouring occupiers.

- (10) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) measures to control the emission of dust and dirt during construction;
 - (v) Resident access during the construction phase.

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

- (11) Details of the management arrangements showing how the car parking spaces within the rear car park area shown on the approved plans will be allocated for each unit within 13 to 24 Lawns Court (including existing and proposed flats), shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved management arrangements shall be implemented prior to the first occupation of any of the flats hereby permitted and thereafter retained.

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

INFORMATIVES:

- (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 Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337

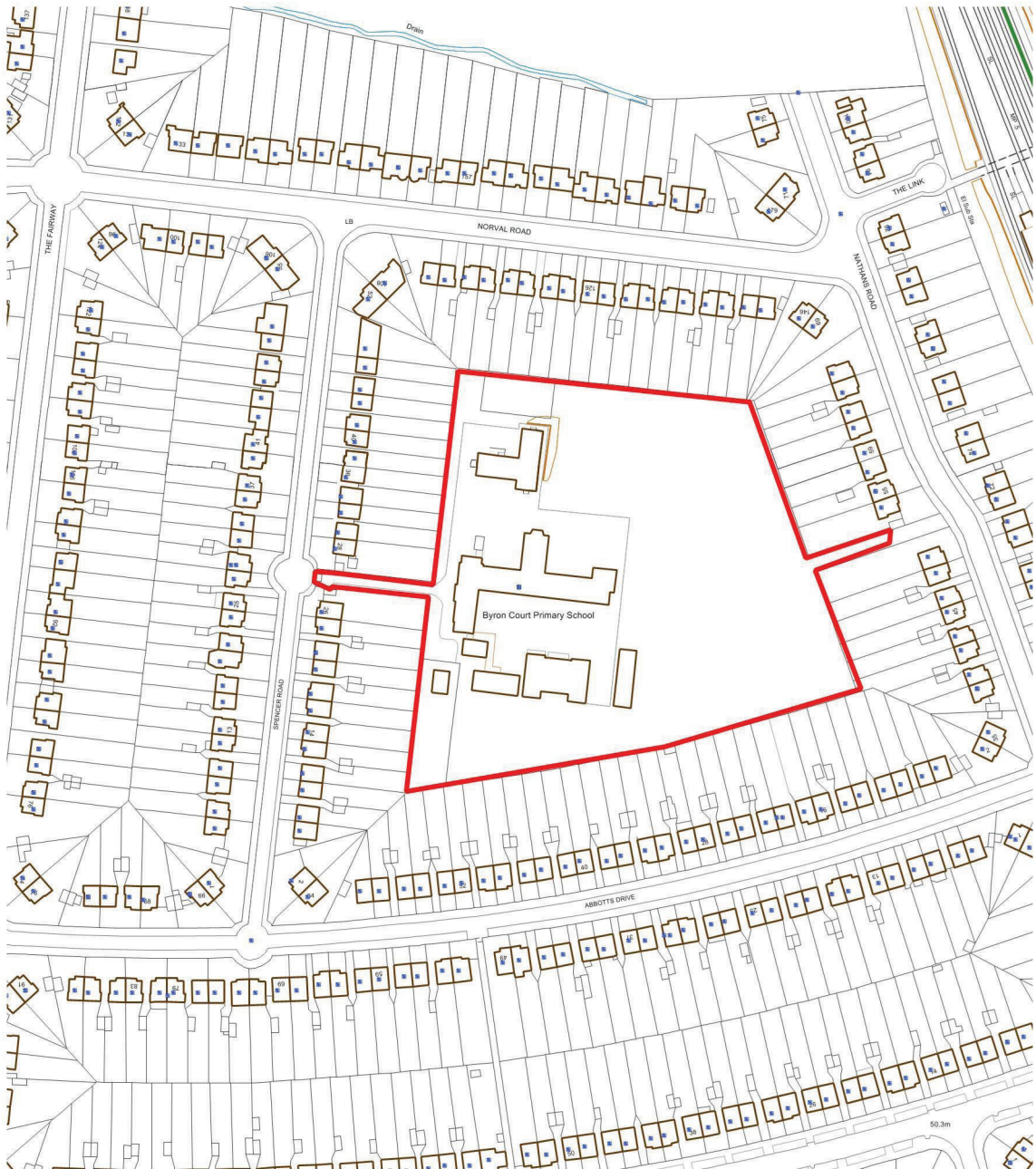
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Planning Committee Map

Site address: Byron Court Primary School, Spencer Road, Wembley, HA0 3SF

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This map is indicative only.

RECEIVED: 18 June, 2014

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: Byron Court Primary School, Spencer Road, Wembley, HA0 3SF

PROPOSAL: Erection of a single storey temporary modular unit for use as classroom within the playground adjacent to the main school building

APPLICANT: Mrs Martine Clark

CONTACT: Watts Group PLC

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant consent subject to conditions as set out after paragraph 13 of this report.

CIL DETAILS

This application is not liable to pay either Brent or the Mayoral Community Infrastructure Levy (CIL) as it relates to an education use (use class D1) and has zero charge (£0).

CIL Liable?

Yes/No: No

EXISTING

The application site relates to Byron Court Primary School. Its main entrance is accessed from Spencer Road. There is a secondary access to the playing field from Nathans Road.

The main school building is 2 storeys high and there are other single storey buildings within the school site. These buildings and the hard play areas are located to the west of the site with the playing fields to the east.

The site abuts residential rear gardens in Abbots Drive, Spencer Road, Norval Road and Nathans Road.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
non-residential institutions				90	90

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
				90	90

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
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PROPOSAL

Erection of a single storey temporary modular unit for use as classroom within the playground adjacent to the main school building.

HISTORY

11/2867: Full Planning Permission sought for temporary staff and visitor car park and installation of air conditioning condenser unit on rear elevation of school - Granted, 23/02/2012.

11/2342: Full Planning Permission sought for first floor extension to rear wing of main building to help facilitate the expansion of the school from 2.5 forms of entry to 3 forms of entry - Granted, 07/12/2011.

11/2079: Full Planning Permission sought for replacement of 45 windows and installation of 4 new windows to school building with aluminium framed windows - Granted, 04/10/2011.

11/1336: Full Planning Permission sought for proposed works to school comprising the enclosure of existing covered passageways, creation of new main front entrance, erection of new fencing and installation of new bicycle stands (amended description) - Granted, 11/08/2011.

08/2897: Full Planning Permission sought for installation of replacement steel-framed, double-glazed windows to all elevations of school main building - Granted, 10/12/2008.

08/2048: Full Planning Permission sought for installation of canopy to classroom block adjacent to Abbots Drive, Wembley - Granted, 12/08/2008.

08/0650: Full Planning Permission sought for conversion of 2 existing ground-floor windows into doors and formation of 2 ventilation louvres to east elevation in connection with internal alterations to school building - Granted, 29/04/2008.

07/1437: Full Planning Permission sought for demolition of derelict shed and erection of replacement single-storey storage shed - Granted, 15/08/2007.

06/2924: Details pursuant to condition 3 (brick and tile samples) of planning permission reference 00/2700 - Granted, 25/10/2006.

04/2314: Full Planning Permission sought for replacement of metal windows to school building with matching white-finished metal, doubled-glazed windows, replacement of timber doors with white-finished metal doors - Granted, 14/09/2004.

00/2700: Full Planning Permission sought for erection of single-storey extension to school building and construction of extension to existing playground - Granted, 23/03/2001.

92/1645: Full Planning Permission sought for retention of single storey classroom building - Granted, 01/12/1992.

LP74036169: Full Planning Permission sought for extension to school - Granted, 15/10/1968.

P2648 2108: Full Planning Permission sought for erection of prefabricated 2 classroom and cloakroom hatted accommodation - Granted, 04/06/1966.

E852 B216: Full Planning Permission sought for extension of playground - Granted.

E852 B150: Full Planning Permission sought for additional classrooms.

POLICY CONSIDERATIONS

Brent's Core Strategy 2010

Objective 5 - meeting social infrastructure needs

Brent's UDP 2004

BE9: Architectural Quality

CF8: School Extensions

TRN22: Parking Standards - Non Residential Developments

PS12 - Non-Residential Institutions

CONSULTATION

Consultation Period: 20/06/2014 - 10/07/2014

Northwick Park Ward Councillors consulted on 03/07/2014 - 24/07/2014

97 neighbours consulted. Objections have been received from 7 neighbours raising the following concerns:

- Increased volume of traffic to a situation that is already severely congested.
- Adverse impact of construction traffic
- Floodlighting
- New building close to residential rear gardens
- Increased noise and disturbance to residential properties
- Loss of privacy to neighbouring rear gardens
- Loss of playing fields
- Expansion in pupil numbers to 1200 is too great
- Building will not be used on a temporary basis

Internal Consultation

Transportation - No objections raised.

REMARKS

1. This application seeks temporary planning permission for a single storey module classroom building to be used in connection with Byron Court Primary School.

Siting and Design

2. It is to be located to the north of the main school building within an existing hard surfaced area located between the school hall and existing Year 3 classroom. The existing hard play areas to the north and south of the main school building will not be affected by the new module building nor will the playing fields.

3. The module building is single storey with a shallow pitched roof at 3.4m high to eaves and 3.6m at its highest point. The external walls will be finished with brick slips to match the bricks of the main school building. A sample of "rustic red charcoal " by Euro Brick has been provided which is considered an appropriate match. The windows and doors will be in uPVC. The module building is not considered to adversely impact on the character of the school or wider area.

Impact on nearby residential occupiers

4. The temporary classroom will be located over 58m from the nearest residential gardens on Norval Road. The existing playground is located between the temporary classroom and residential rear gardens. It is not considered that the temporary classroom will adversely impact on residential amenity either through its design, scale, overlooking concerns or increased noise and disturbance.

Highway considerations - modular building

5. The additional classroom will accommodate up to an additional 30 pupils. Parking Standard PS12 of Brent's UDP 2004 requires consideration to be given to pick up and set down facilities at school sites and the impact of on street car parking on local residents. The school currently uses a voluntary one way system in the morning from northbound on The Fairway and southbound on Spencer Road. The streets are too narrow

to accommodate a two way flow and therefore the voluntary one way system in the morning attempts to alleviate traffic. The afternoon pick up does not follow a one way system with vehicles parked on both sides of the roads, obstructing vehicular movement.

6. The Council's Safety and Travel Planning Team are aware of the situation and are working closely with the school to address these issues. The school has a silver travel plan and have recently renewed their travel plan. Schools can work towards three levels of Travel Plan - Bronze, Silver and Gold. The more schemes and initiatives a school delivers and the greater the changes in behaviour, the higher the STARS accreditation award.

7. Officers in Transportation have advised that the proposed increase in pupil numbers is not a significant increase and that they do not raise objections on the grounds of additional congestion onto surrounding residential streets. The increase in pupils will need to be considered as part of an update to the School Travel Plan.

8. In terms of staff and visitor numbers (total full time equivalent of 62 staff), the Council's parking standards would permit a maximum of 15 car parking spaces for a school of this size. The existing car park accommodates approx. 25 spaces which already exceeds the Council's maximum standards. Increased parking on site is therefore not required.

Highway consideration - construction traffic

9. The design and temporary nature of the proposed modular building has limited construction time for its assembly. The applicant has advised that the modular units will be delivered to the site via Nathans Road with the installation to be completed within one day. Due to the limited size and construction works associated with the modular building there will be no requirement for a large amount of equipment or construction traffic. Nevertheless, to minimise disruption with the operation of the school and surrounding residential properties and local highway network, it is recommended that a construction management plan showing details of access arrangements for construction vehicles are conditioned as part of any forthcoming consent.

Response to objections raised

10. A number of objections from local residents have been received. This includes concerns regarding increased volume of traffic and adverse impact of construction traffic which is considered above. Concerns have also been raised regarding loss of privacy and noise and disturbance to residential properties and gardens which is also considered above.

11. Comments have also been received which refer to a large expansion of the school including the loss of playing fields, flood lighting, new buildings too close to residential rear gardens. These concerns are not applicable to this application which only proposes a small scale module building.

Conclusions

12. The proposed scheme complies with the relevant policies for schools development at national, regional and local level and in particular with the National Planning Policy Framework which places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities. The scheme will not adversely impact on nearby residential properties.

13. Accordingly your officers recommend planning permission be granted, subject to conditions as set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
\$ Central Government Guidance
\$ Council's Supplementary Planning Guidance \$
\$ \$ Conservation Area Design Guide

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

- \$ Built Environment: in terms of the protection and enhancement of the environment
- \$ Environmental Protection: in terms of protecting specific features of the environment and protecting the public
- \$ Housing: in terms of protecting residential amenities and guiding new development
- \$ Employment: in terms of maintaining and sustaining a range of employment opportunities
- \$ Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
- \$ Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
- \$ Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities
- \$ Transport: in terms of sustainability, safety and servicing needs
- \$ Community Facilities: in terms of meeting the demand for community services
- \$ Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
- \$ Park Royal: to promote the opportunities and benefits within Park Royal
- \$ Waste: in terms of the development of waste management facilities
- \$ Design and Regeneration: in terms of guiding new development and Extensions
- \$ Site-Specific Policies

CONDITIONS/REASONS:

- (1) This permission shall be for a limited period of 5 years only expiring on 21 August 2019 when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the building shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The building is of a temporary nature which the Local Planning Authority would not be prepared to approve other than for a limited period, having regard to its construction and/or effect on the visual amenity of the area.

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

120929/AR/BL/PR/002 - Proposed OS Site Plan
120929/AR/BL/PR/002 - Proposed Block Plan
14-16917-01-Rev C - Floor Plans and Elevations
14187.SS.G01 Rev T2 - Site Services
1576 C04 Rev 3

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

- (3) (a) The facing bricks to the temporary modular classroom building hereby approved shall be "Rustic Red Charcoal" by Euro Bricks

or

(b) Prior to commencement of building work, details of alternative materials shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

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

- (4) Prior to commencement of any works on site, a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement

shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) Construction traffic routes to the development site;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) School and nursery access during the construction phase.

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

- (5) Prior to the occupation of the temporary classroom, an updated school travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall reflect the increase in pupil numbers resulting from this development and shall be implemented for the duration of the planning permission.


Reason: In the interests of encouraging non-car modes of transportation.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337

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	Planning Committee Map
Site address: Woodfield School, Glenwood Avenue, London, NW9 7LY	
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This map is indicative only.

RECEIVED: 20 June, 2014

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: Woodfield School, Glenwood Avenue, London, NW9 7LY

PROPOSAL: Retention of the existing temporary classroom and erection of a single storey building comprising new classrooms to provide additional places for pupils with severe learning difficulties (SLD) and Autism Spectrum Disorders (ASD) and associated ancillary spaces and landscaping

APPLICANT: Brent Council

CONTACT: HLM Architects

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant consent subject to conditions as set out after paragraph 36 of this report

CIL DETAILS

This application is not liable to pay the Community Infrastructure Levy (CIL). This is because the application relates to an education use (use class D1) and has zero charge (£0).

CIL Liable?

Yes/No: No

EXISTING

The existing site is approximately 1.9ha in area, and is occupied by a part single-storey, part two-storey secondary school, with associated carparking and outdoor sports facilities.

The site is bounded to the west by a nursery/ garden centre, by the Welsh Harp Open Space to the south, by the Borough boundary shared with Barnet to the east, and to residential properties on Glenwood Avenue to the north. The site is accessed via the north-east corner onto Wood Lane. The western part of the grounds, occupied by playing fields, is designated as Metropolitan Open Land. The site is not within a Conservation Area, and does not contain any listed buildings.

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
assembly and leisure	0		0	0	
businesses / research and development	0		0	0	
businesses and light industry	0		0	0	
businesses and offices	0		0	0	
drinking establishments (2004)	0		0	0	
financial and professional services	0		0	0	
general industrial	0		0	0	
hot food take away (2004)	0		0	0	
hotels	0		0	0	
non-residential institutions	3175		0	640	3815
residential institutions	0		0	0	

restaurants and cafes	0		0	0
shops	0		0	0
storage and distribution	0		0	0

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	3175	3175	0	640	3815

Monitoring Residential Breakdown

Existing

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

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

PROPOSAL

Retention of the existing temporary classroom and erection of a single storey building comprising new classrooms to provide additional places for pupils with severe learning difficulties (SLD) and Autism Spectrum Disorders (ASD) and associated ancillary spaces and landscaping

HISTORY

14/2150: Full Planning Permission sought for Extension to car park at Woodfield School to provide 12 additional spaces to accommodate on site staff car parking, with associated landscaping - under consideration.

13/1288: Full Planning Permission sought for single storey rear extension to school - Withdrawn, 17/07/2013.

10/0901: Installation of a temporary, single-storey, detached classroom to school - Granted, 08/06/2010.

09/2652: Full Planning Permission sought for Retention of and alterations to the external lighting of the school, including wall and soffit-mounted lights to main buildings, and column-mounted lights in car-park adjacent to rear gardens of properties on Glenwood Avenue - Granted, 25/02/2010.

09/2699: Details pursuant to condition 9 (relating to proposed out-of-hours use of premises by external organisations) of full planning permission reference 06/0143 - Allowed on appeal, 15/10/2010.

09/2499: Full Planning Permission sought for Erection of a new single-storey extension, comprising changing-rooms and toilet, to school - Granted, 25/02/2010.

06/0143: Full Planning Permission sought for Erection of 2-storey extension comprising ground-floor 6th-form unit and first-floor mental-health resource for the school's educational use and relocation of car-parking area and associated landscaping buffer zone to adjoining properties (as accompanied by Architects Report 1A dated 17/01/2006) - Granted, 02/03/2006.

97/1576: Full Planning Permission sought for Erection of single-storey side extension to school - Granted, 16/09/1997.

POLICY CONSIDERATIONS

National Planning Policy Framework

Paragraph 72 of the NPPF attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and requires Local Planning Authorities to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

London Plan 2011

3.18 Education Facilities

Brent's Core Strategy 2010

Objective 5 - meeting social infrastructure needs

Brent's UDP 2004

BE9: Architectural Quality

CF8: School Extensions

TRN22: Parking Standards - Non Residential Developments

PS12 - Non-Residential Institutions

OS12: Development on SSSIs and Sites of Metropolitan and Borough (Grade I) Nature Conservation Importance

CONSULTATION

Consultation Period: 30/06/2014 - 21/07/2014

Site Notice: 15/07/2014 - 05/08/2014

33 neighbours consulted - One comment received raising the following points:

- Preference for works to be complete during the summer holidays to allow the project to be built more quickly and less disruptive to the school and local residents.
- No out of hours work
- No trees other than those agreed by the LPA to be removed.
- Consideration to be given to additional coaches as a result of the development
- Building to be built in accordance with the approved plans.

London Borough of Barnet - No objections raised.

Statutory Consultees

Natural England - No objections raised in terms of the proposal adversely impacting on the adjoining Brent Reservoir Site of Special Scientific Interest.

Sport England - No objections raised.

The Environment Agency - No objections subject to condition relating to details of surface water drainage scheme.

Internal Consultation

Transportation - No objections subject to a condition securing details of Travel Plan, Construction Management Plan and set down/pick up of existing and proposed mini buses.

Landscape - Loss of trees as identified within the Tree Survey and proposed protection for retained trees acceptable. Replacement trees required.

Environmental Health - No objections subject to a condition relating to noise for any plant equipment.

REMARKS

Introduction

1. Woodfield School is a secondary school that offers places to pupils aged from 11 to 19 with a wide range of learning difficulties, and has considerable expertise in a range of teaching methods to meet the needs of pupils with Autism Spectrum Disorders (ASD), moderate learning difficulties (MLD) and severe learning difficulties (SLD). It has a specialist school status for PE and ICT. The school was rated as Outstanding by Ofsted in their last inspection in November 2010. It currently has capacity for 128 school places.

2. This proposal relates to a detached building to the south of the site that will provide 5 classrooms with ancillary accommodation. The new classrooms will provide an additional 40 places for pupils with SLD and ASD. The application is also seeking to retain the SLD unit that was granted temporary planning permission in 2010 on a permanent basis.

Education Need

3. The Council's Special Educational Needs (SEN) and Disability services have been facing pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with a national trend due to advances in medical technology and higher survival rates for children with complex needs and increases in medical diagnoses for conditions such as autism. It has also been exacerbated in Brent by increased inward migration.

4. The Council has a statutory duty to provide sufficient school places for children within its area. There will be increased demand for school places as a result of the growing pupil population which will continue to grow rapidly until at least 2020. The school population in Brent has increased by 3151 in less than four years, and correspondingly there is also an increase in demand for special school places. In recent years the Council has had to place pupils in expensive out of borough independent provision as special schools within Brent are full.

5. A table summarising the current projected net requirement for new SEN places for the borough for 2016 and 2020 is provided below:

Type of Provision	Total Additional Requirement		Type of SEN							
			ASD/SLCN		BESD		SLD/PD/PMLD		MLD	
	2016	2020	2016	2020	2016	2020	2016	2020	2016	2020
Special School Places	79	102	24	32	5	7	24	30	22	29
ARP Places	3	4	3	4	0	0	0	0	0	0
Total	82	106	27	36	5	7	24	30	22	29

6. As described above Woodfield School currently has capacity for 128 pupils in SEN. This proposal will provide an additional 40 places to help meet growing demand and achieve considerable educational and financial benefits. These benefits are set out below:

- The expansion will provide 40 of the additional secondary special school places of the 102 projected need by 2020.
- The expansion will increase the availability of good quality special school experiences closer to home in a specialised environment that can meet the needs of ASD/SLD pupils.
- The expansion will reduce travel time to and from school for ASD/SLD pupils and the costs of transport. This will assist in avoiding costs on independent out of borough provision and transport for 40 pupils with ASD/SLD needs.
- The expansion will improve preparation for transition to further education and adult life for pupils with ASD/SLD needs.
- The expansion will align to the Council's strategic objective in its priority of supporting Children and Families in providing organisational efficiency.

Siting and Design of new building

Siting

7. The new classrooms are to be located to the south of the main school building close to the existing SLD building and the boundary with the Welsh Harp Reservoir. The site is at the back of the school with limited function. It can not be used for sporting activities as there are 6 manhole covers in the grass at different

locations that are not at ground level, the area of badly drained and is uneven and sloping and using it for sporting activities could be distributive for the adjoining classrooms.

8. Sport England have reviewed the siting of the new classrooms and have confirmed that the location owing to its size, shape, location and presence of vegetation is not capable of providing a pitch or part of a pitch. As such it meets Exception 3 - Land incapable of forming part of the pitch. No objections have been raised by Sport England.

9. As the classrooms are located at the southern end of the school site they will not adversely impact on the residential properties on Woodfield Avenue. The location of the classrooms is therefore considered an appropriate location and can be supported.

Design

10. The classrooms will be accommodated within existing modular building modules which were formally used as temporary decant accommodation for the Village School in Kingsbury. The temporary school was dismantled after the Village School moved into its new buildings, with around a third of the modules reused within the Kingsbury High School to create permanent legacy Building. The remaining modules have been in storage since August 2013 at Brent House.

11. The module buildings will be single storey with a flat roof. The maximum height is 3.88m taken into account the fall in ground levels to the south of the site. The building is L Shaped with an overall length of approx. 40m and overall depth of approx. 19m. In order to provide a bespoke solution to Woodfield School, modifications will be required to the existing modules including rearrangement of internal partitions to meet new layouts, washrooms to cater for specific ages ranges, new roof and ceilings. The module buildings will have large windows providing good levels of natural daylight to the internal learning spaces.

12. The external elevations will be finished with composite cladding panels and painted white to reflect what has previously been approved at Kingsbury High School. Part of the northern and eastern elevation will contain an area of treated timber cladding. The external appearance of the module building is considered to be appropriate in its appearance and can be supported.

External areas

13. A secure external 'cool down' space is provided adjacent to each classroom. This external area needs to be enclosed with 2.4m high wire mesh fence. This is so that they can be secure due to the risk of pupils running off from cool down areas. It is recommended that a condition is secured for the fencing to be finished in a green colour.

Permanent retention and alterations to existing SLD building

14. The existing SLD building was granted temporary planning permission in 2010 for a three year period. Temporary consent was granted given the temporary nature and external appearance of the building. This application is seeking to retain this building on a permanent basis. To improve its external appearance it will be finished with composite cladding panels and painted white to match the 5 new classrooms. This approach has been taken at Kingsbury High School and is considered acceptable for this site to allow the SLD building to be retained on a permanent basis.

15. Improved access ramps are also proposed between the SLD building and the existing sixth form building.

Ecological Considerations

16. An Ecological Report has been commissioned which advises that the school site itself is of low ecological value. The site however abuts a Site of Metropolitan Importance for Nature Conservation (SMINC) and the Welsh Harp SSSI to the south of the site. As the works will be taking place within the existing school site it is not considered that the adjoining SMINC or SSSI will be adversely impacted by the proposal. This has also been confirmed by Natural England.

17. It is recommended that a condition is secured for details of external lighting to ensure that any lighting does not adversely impact on protected spaces such as bats which could be located within the nearby Welsh Harp Reservoir. It is also recommended that conditions are secured for enhancement opportunities for nature conservation including further details of soft landscaping within the site to include native species together with

provision of invertebrate and bird boxes.

Existing Trees within the site

18. A Tree Survey has been undertaken which identifies trees within the site. The highest quality trees (known as Category A) trees are located along the northern boundary and will not be affected by this proposal. Two hawthorn (identified as G7 on the tree survey) will be removed as part of this proposal. The Tree Officer has confirmed that the loss of these trees is acceptable. Two replacement trees will be planted to the south east of the new building. Further details are recommended to be conditioned. They should be native trees with a minimum stem girth should be 12-14cm and trees should be double staked with rubber ties.

19. There is an English Oak (known as T8 in the tree survey) which is located within the Welsh Harp but partly overhangs the school boundary. Pruning and crown lifting is proposed to this tree to facilitate the construction. The Tree Officer has confirmed that the works are acceptable.

20. Details of protected fencing around T8 and T9 (Silver Birch) and T10 (Horse Chestnut) which are located to the west of the module building has been provided. These details are considered acceptable by the Tree Officer.

Flood Risk

21. Whilst the site is located in a low flood risk zone (Zone 1) as the overall site is over 1 hectare in size a Flood Risk Assessment is required to be submitted. The Flood Risk Assessment has been reviewed by the Environment Agency who have advised that details of surface water management scheme for the site is acceptable but in order to meet the requirements of NPPF further details of surface water drainage scheme for the site is required to be conditioned to any forthcoming consent.

Highway considerations

22. The school is located close to the junction of Wood Lane and Cool Oak Lane. Wood Lane branches off into a cul de sac which only serves the school. The site has very low access to Public Transport services, PTAL 0, with access to two different bus routes but no train stations within walking distance.

23. The school operates 08.35-15.00 Monday to Friday and has after school activities on Tuesday and Thursday.

School car parking

24. The school has an existing car park that accommodates 27 car parking spaces (including 2 disabled) and 2 mini bus parking spaces. Based on current school capacity which is 128 pupils and 60 staff members out of which 20 are teachers and 40 support staff, a maximum of 12 car parking spaces is required as set out in PS12 of Brent's UDP 2004.

25. This proposal will increase the number of pupils by 40 to a total of 168 pupils with an additional 17 staff. Amendments are proposed to the existing car park layout to retain 27 car parking spaces for staff (including 2 disabled bays), a pick up and drop off point, two mini bus parking spaces and a bus pick up drop off area next to the Multi Use Games Area. Two parking bays will be used as pick up drop off bays at the start and end of the day and as visitor parking throughout other times. Officers in Transportation have advised that the general car park layout and number of spaces is acceptable but further details on how the drop off and pick up system operates should be conditioned to any forthcoming consent.

Trip generation and method of travel to the school site

26. Given that the school serves children with special education needs, the majority of the pupils are dropped by a school bus due to the needs of the children and the distance they travel. This includes 1 x 50 seater bus and 7 x 24 seater buses a day. The mini buses park within the northern part of the playground and the pupils are escorted by staff to the playground or Sixth Form Block. A small number of pupils are dropped off and picked up by taxis, parents or are independent and able to use public transport.

27. The increase in pupil/staff will result in more trip generations to and from the site. Overall, an additional 8 vehicle trips will occur in the morning and an additional 5 vehicle trips will occur for departures. This is assuming that most pupils will travel by minibus and most staff will have single occupancy cars. The number

of mini buses within the site will increase from 8 to 10 per day.

28. Officers in Transportation have advised that the overall capacity of the car park is sufficient to meet future demand within the site, however the minibus parking provision is only 2 spaces. It is recommended that further details on the management arrangements for the drop off and pick up of the other mini buses within the site taken into account the increase in pupil number and additional mini bus on the school premises during the drop off and pick up times is conditioned. This is to ensure that this can be safely accommodated within the site.

Cycle Parking

29. The school currently has 10 cycle parking spaces to the west of the main entrance and the proposal will result in an increase in the number of staff/pupils. The transport statement indicates that only 4 members of staff use the cycle parking and therefore the existing cycle parking satisfies Policy PS16.

Construction Traffic

30. Construction Management Plan has been submitted which shows the location of the site compound and construction site compound. The site compound will be within the existing tennis courts with direct access to the construction site. Both of these areas will be divided off from pupils during the construction of the new classrooms.

31. Construction vehicles will enter and leave the site via the school playground. The construction management plan advises that the construction vehicles will not arrive/leave at the same time as peak school arrival/departure. Officers in Transportation have requested further details on how construction vehicles enter and leaving the site will be managed (including 3 car parking spaces for construction staff). This is to ensure that any minibuses bringing pupils to the site during this period are catered for, by retaining adequate parking facilities on the site, and how the construction works will work alongside the school given that construction vehicles need to cross the playground.

School Travel Plan

32. A Travel Plan has been submitted and reviewed by officers in Transportation. They have advised that having assessed the travel plan using the attrubte tool, it has failed as the travel plan as it did not provide all relevant information to achieve a PASS rating. It is recommended that a revised Travel Plan is conditioned to any forthcoming consent.

Other considerations

Location of plant to classrooms

33. A new plant room is proposed next to the new modular building for heating and cooling the new classrooms. Officers in Environmental Heath have advised that given that the existing location of very quiet with low background noise, the plant has potential to cause nuisance. It is recommended that a noise assessment is conditioned to address concerns with noise nuisance.

Archaeological Considerations

34. An Archaeological Desk-Based Assessment has been submitted. This concludes that the site is judged to be of low archaeological potential. The proposed modular units will not require extensive groundworks, foundations or footings. The impact of the proposed development is judged to be minimal and unlikely to affect any surviving archaeological remains, if present. No further assessment is required.

Response to comments raised

Comment	Response
Preference for works to be complete during the summer holidays to allow the project to be built more quickly and less disruptive to the school and local residents.	The Local Planning Authority is unable to control the time of the year when construction works take place. However to minimise disruption to the school and neighbouring properties a

	Construction Management Plan is required.
No out of hours work	The applicants attention will be drawn to the hours that noisy works can take place as part of an informative
No trees other than those agreed by the LPA to be removed.	Details of trees have been provided in the tree survey and protection plans for retained trees has been provided
Consideration to be given to additional coaches as a result of the development	This matter has been considered within the highway section of the main report
Building to be built in accordance with the approved plans.	Details of approved plans have been conditioned as part of condition 2

Conclusions

35. The proposed scheme complies with the relevant policies for schools development at national, regional and local level and in particular with the National Planning Policy Framework which places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities. The scheme will not adversely impact on the adjoining Welsh Harp Reservoir.

36. Accordingly your officers recommend planning permission be granted, subject to a number of conditions as set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
London Plan 2011

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
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

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

Drawings:

14042/L(PA)001 Rev P1
14042/L(PA)002 Rev P1
14042/L(PA)101 Rev P2
14042/L(PA)102 Rev P1
14042/L(PA)103 Rev P1
14042/E(PA) 001 Rev P1
14042/E(PA) 002 Rev P1
14042/E(PA) 101 Rev P1
14042/E(PA) 102 Rev P1
14042/L(PA)103 Rev P1
14042/L(PA)104 Rev P2
14042/L(PA)201 Rev P3
14042/L(PA)202 Rev P2
14042/S(PA)001 Rev P1

Design and Access Statement dated June 2014

Statement of Educational Need

Civic & Structural Engineering Design Statement - Planning Stage, prepared by Doran Consulting

Construction Management Plan prepared by Henry Brothers

Ecological Constraints Report prepared by AECOM dated May 2014

Noise Survey prepared by AECOM dated May 2014

Archaeological Desk-Based Assessment prepared by Archaeological Solutions Ltd dated June 2014

BS5837 Arboricultural Method Statement prepared by AECOM dated July 2014

BS5837 Tree Survey Report prepared by AECOM dated May 2014

Mechanical and Electrical Strategy Statement prepared by AECOM

Transport Statement prepared by AECOM dated June 2014

School Travel Plan prepared by AECOM dated June 2014

Flood Risk Assessment prepared by AECOM dated June 2014

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

- (3) (a) The external materials for the new modular building and the existing SLD unit shall be carried out in accordance with the external materials as specified in Drawing Nos: "14042/E(PA)101 Rev P1 and 14042/E(PA)102 Rev P1".

or

(b) Prior to commencement of building work, details of alternative materials shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

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

- (4) The protection of the retained trees shall be implemented in full accordance with the approved details set out in the "BS5837 Arboricultural Method Statement prepared by AECOM dated July 2014" prior to commencement of any preparatory work or development and retained throughout the duration of the construction works.

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

- (5) The development shall not be occupied until the car-parking layout and cycle parking facilities has been provided in accordance with the approved details shown in the Transport Statement prepared by AECOM and these shall be retained thereafter for the lifetime of the development.

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

- (6) No external lighting shall be installed on the new module classroom building or "Cool Down" area or existing SLD unit without the prior submission to the Local Planning Authority. This shall include the specification, manufacturer, lux level, model, direction and the siting of each lamp. Thereafter the lights shall be installed and operated in accordance with the details so approved.

Reason: In the interests of protected species in the nearby Welsh Harp Reservoir SSSI.

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

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

- (8) The wire mesh fencing around the "Cool Down" areas shall be finished in dark green unless an alternative colour is otherwise agreed in writing by the Local Planning Authority.

In the visual interests of the locality.

- (9) Prior to commencement of any works, including any preparatory works, an updated version of the Construction Management Plan to incorporate details of the management of construction traffic in relation to the arrival and departure of school mini buses and use of the playground during school time shall be submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: To and ensure the development does not have an adverse impact on the highway and to ensure the safe operation of the school during the construction phase.

- (10) The development hereby approved shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) produced by AECOM dated 17 June 2014 has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

- (11) Prior to first occupation of the module classroom building hereby approved further details on the management of the set down/pick up of mini buses and taxis to the school shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the agreed management arrangements.

Reason: In the interests of the safety of the adjoining highway and pupils within the school.

- (12) Prior to installation of the proposed plant equipment, an assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to and approved in writing by the Local Planning Authority. Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be at least 10dB below the measured background noise level when measured at the nearest noise sensitive premises. The method of assessment shall be carried

out in accordance with BS4142: 1997. It should be assumed that each item of plant incurs +5dB(A) penalty to account for tonal qualities, unless it can be demonstrated that tonal qualities do not apply.

The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To protect acceptable local noise levels.

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

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

- (14) Within three months of the date of commencement of works on site, further details of soft landscape works as shown in Drawing No: L(PA)102 -P1 shall be submitted to and approved in writing by the Local Planning Authority. Such landscaping work shall be completed within six months of first occupation of the development hereby approved or by any other timetable agreed.

Such scheme shall include:

- (a) Details of all planting including species, size, density and numbers incorporating native species as recommended in the Ecological Constraints Report
- (b) Details of bird and invertebrate boxes as recommended in the Ecological Constraints Report
- (c) Details of 2 replacement trees to the south east of the new modular classrooms which are native species. The trees should have a minimum stem girth should be 12-14cm and trees should be double staked with rubber ties.

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.

INFORMATIVES:

- (1) The applicant is advised that in order to discharge the surface water condition (condition 10 above), the following information must be provided based on the agreed drainage strategy:
- (a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - (b) Confirmation of the critical storm duration.
 - (c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - (d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods., calculations showing the volume of these are also required.
 - (e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
 - (f) Calculations should demonstrate how the system operates during 1 in 100 chance in any year critical duration storm event, including an allowance of climate change in line with the "Planning Practice Guidance: Flood Risk and Coastal Change". If overland flooding occurs in this event, a plan should also be submitted detailing the location of the overland flow paths and extent and depth of ponding.

- (2) The applicant is advised that noisy works shall only take place between the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 Saturdays. No noise works shall take place on Sundays or Bank Holidays.

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337

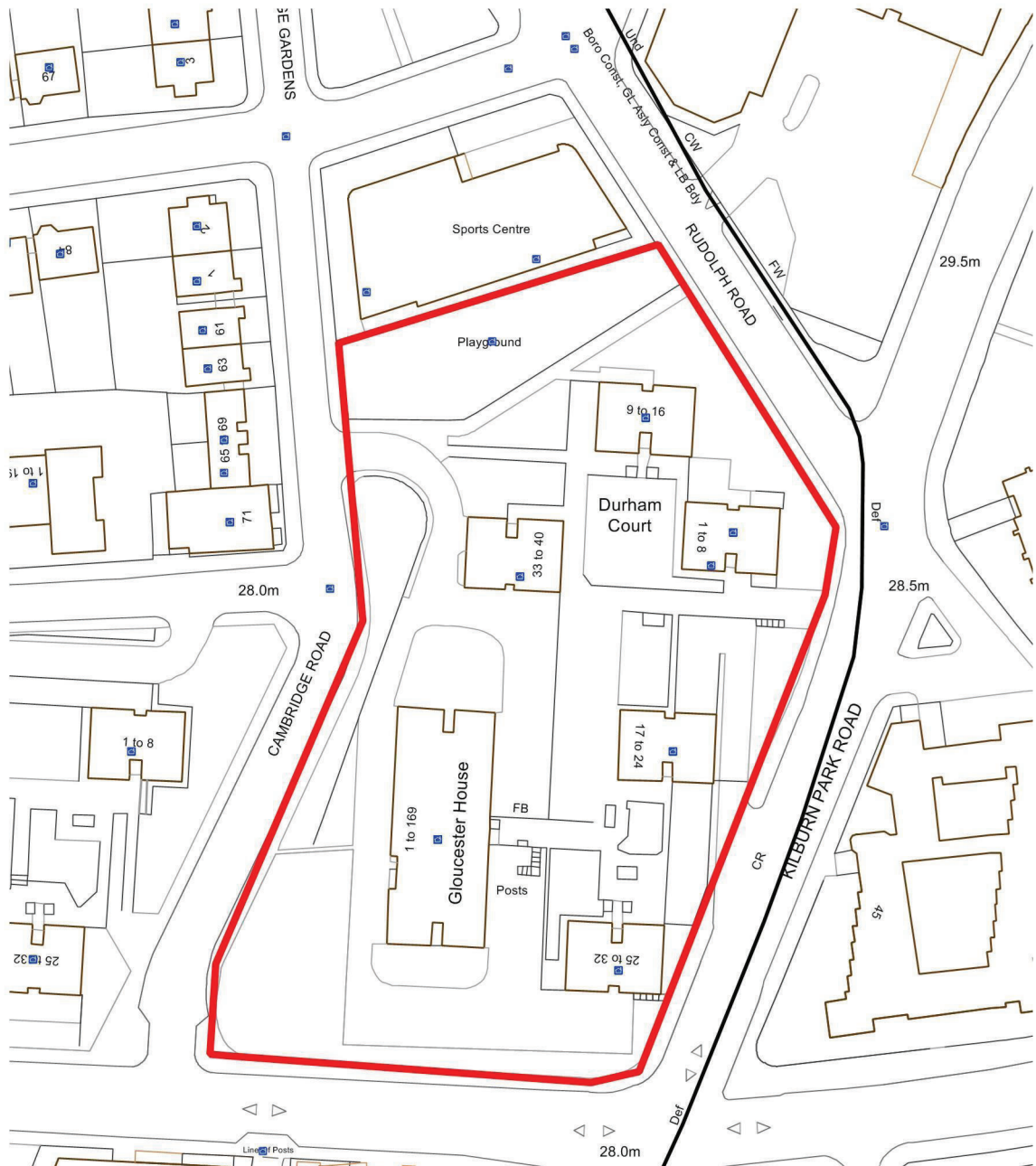
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Planning Committee Map

Site address: Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6

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This map is indicative only.

RECEIVED: 9 May, 2014

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6

PROPOSAL: Demolition of 209 existing dwellings and garages at Gloucester House and Durham Court and erection of 4-8 storey blocks comprising of 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, provision of replacement public play space and stopping up of existing public footpath between Cambridge Road and Kilburn Park Road.

APPLICANT: The London Borough of Brent

CONTACT: Feilden Clegg Bradley Studios LLP

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the conditions and reasons set out after paragraph 56 and completion of a satisfactory Section 106 or other legal agreement in accordance with the Heads of Terms set out below 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
- 43% Affordable Housing (102 units at social rent, 35x1-bedroom, 35x2-bedroom, 31x3-bedroom 1x4-bedroom)
- A contribution of £849,600 (£3600 per unit), index-linked from the date of Committee, to provide connections to the Decentralised Energy Network and allow future connection of the site to any Decentralised Heat / Energy Network.
- Energy - achieve a minimum 40% reduction in regulated Carbon emissions on the target emission rates set out in the Building Regulations 2010 (or a 35% reduction on the 2013 Building Regulations)
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4 in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Tree survey upon Material Start, 5:1 replacement of trees within the site and adjoining roads prior to Occupation for any reduction in the number of Trees.
- Join and adhere to the Considerate Contractors scheme.

- A framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation. Adherence with the approved Travel Plan.
- Prior to Material Start, submit and gain approval for an Employment and Training Action Plan to deliver a total of fifteen (15) Education Links, Apprentices/Local Labour and Workforce Development to be delivered.

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.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£2,041,729.23** of which **£1,736,482.14** is Brent CIL and **£305,247.09** is Mayoral CIL.

Following the grant of any permission it may be possible for the applicant to claim social housing relief from CIL to exempt the payment of CIL on any eligible affordable housing within the scheme. This would result in a reduction to the CIL liability indicated above.

CIL Liable?

Yes/No: Yes

EXISTING

The subject site has an area of 1.3ha and is bound by Carlton Vale to the south, Cambridge Road, to the west, Kilburn Park Road to the east and the St Augustine's School Sports Hall to the north. The site is currently occupied by Gloucester House, an 18-storey tower block comprising of 169 residential units, located towards the south-western side of the site, and Durham Court, a series of five 4-5-storey blocks comprising of 40 residential units, which are arranged around the eastern and northern side of the site. The areas around these residential buildings comprise of a podium access deck with garages underneath, surface car-parking and landscaped areas. The site also includes the existing children's play area, located to the north of Durham Court and the south of the adjacent St Augustine's Sports Hall.

The site is located adjacent to the borough boundary with Westminster which runs along Rudolph Road and Kilburn Park Road to the east of the site.

There are a significant number of heritage assets both on, and in close proximity to, the site. The northern edge of the site, which is currently occupied by a children's play area, is located within the South Kilburn Conservation Area. Within the South Kilburn Conservation Area, on the opposite (western) side of Cambridge Gardens, there are four residential villas which are Grade II Listed Buildings. The South Kilburn Conservation Area extends towards the areas to the north and west of the site and is characterised by similar Grade II Listed villas to those located close to the site on Cambridge Gardens.

Towards the east, within Westminster, stands St Augustine's Church which is a Grade I Listed Building. Within the grounds of St Augustine's Church also stands the memorial of Richard Carr Kirkpatrick with is a Grade II Listed Building.

Other notable buildings within the vicinity of the site includes the recently completed development on South Kilburn regeneration site 3C (the former roundabout site). Along the southern edge of Carlton Vale this residential development is predominately 7-storeys in height. Towards the west lies Hereford House and Exeter Court which are a similar form of development to Gloucester House and Durham Court, comprising of a large tower block and a series of smaller mid-rise blocks. Exeter Court and Hereford House are also identified for redevelopment within a later phase of the South Kilburn Regeneration programme.

PROPOSAL

See description above.

HISTORY

In March 2009, planning permission (ref. 08/3293) was granted for the erection of the St Augustine's Sports Hall which now stands to the north of the site. The development of the sports centre also included the

reprovision of the existing children's play area which is now located on the subject site. This play area was provided to replace a former play area which was lost due to the reconfiguration of the site that was required to deliver the sports hall.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF) & National Planning Practice Guidance (NPPG)

The NPPF was published on 27th March 2012 and replaced Planning Policy Guidance and Planning Policy Statements as the planning policy framework for England. 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. The NPPG supplements the NPPF and provided further guidance on the interpretation on the policies contained within the NPPF.

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

London Plan 2011 (with 2013 Alterations)

The London Plan sets out the strategic planning framework for Greater London. Local plans and local planning decision are required to have regard to the London Plan. The following policies are considered to be of particular relevance to the current application.

- 2.14 Area for Regeneration
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples's Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.14 Existing Housing
- 5.2 Minimising Carbon Dioxide Emissions
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.9 Overheating and Cooling
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight
- 7.3 Designing out Crime
- 7.5 Public Realm

Mayor's Housing SPG 2012

The Mayor's Housing SPG sets out design guidance and standards for new residential development.

Brent's Local Development Framework Core Strategy 2010

The Council's LDF Core Strategy sets out the Council's strategic vision for delivering sustainable growth within the borough. The following policies are considered to be of particular relevance to the current application.

- CP1 Spatial Development Strategy
- CP2 Housing Growth
- CP5 Placemaking
- CP6 Design and Density in Place Shaping
- CP9 South Kilburn Growth Area
- CP15 Infrastructure to Support Development
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21 A Balanced Housing Stock

Brent's Unitary Development Plan 2004

The UDP contains more detailed policies which seek to shape development proposals to deliver the Council's objectives. The following policies are considered to be of particular relevance to the current application.

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
BE28 Open Space in Conservation Areas.
EP3 Local Air Quality Management
H12 Residential Quality – Layout Considerations
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

The following supplementary planning guidance is considered to be relevant to the application.

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

Supplementary Planning Guidance 19:- 'Sustainable Design, Construction and Pollution Control s106 Planning Obligations Supplementary Planning Document (July 2013)

SUSTAINABILITY ASSESSMENT

ENERGY ASSESSMENT

The proposed development would involve the delivery of a Decentralised Energy Centre which would power a district energy network for South Kilburn. This network would result in significant carbon emission savings not only for the proposed development but all developments that connect to the network. Further discussion on the Decentralised Energy Centre is contained within the remarks section of this report.

The submitted energy statement sets out that the development would achieve 51% reduction in regulated carbon emissions on the baseline requirements of the Building Regulations 2010. This saving is achieved through the use of passive measures (approximately 10%) and connection to the energy centre (approximately 41%). This exceeds the requirements of the London Plan which sets a minimum reduction of 40% on the 2010 Building Regulations. It is recommended that compliance with the London Plan standard is secured through a s106 planning obligation.

CODE FOR SUSTAINABLE HOMES & SUSTAINABILITY CHECKLIST

The application is accompanied by a Sustainability Statement which includes a completed Brent Sustainability Checklist, Code for Sustainable Homes pre-assessment report and a Sustainability Action Plan.

The reports conclude that the following is achievable:

- Achieves the Code for Sustainable Homes Level 4, meeting the requirement in the Core Strategy Policy CP19 for growth areas..
- Achieves sustainability checklist list scoring of 55%.

Officers recommend that compliance with these standards is secured through a s106 legal agreement.

ENVIRONMENTAL IMPACT ASSESSMENT

The screening opinion was provided having taken account of the Government's guidance on the types of case in which an EIA is likely to be required. This is contained within Annex A of Circular 2/99, Environmental Impact Assessments.

It is clear from this that only where potential impacts are judged to be significant, especially very large schemes in particular circumstances, require an EIA. Section A18 states that:

“EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use or the types of impact are of a markedly different nature...”

The guidance provided by section A19 is even more pertinent which states that:

Development proposed for sites which have not previously been intensively developed are more likely to require EIA if:

*the site area of the scheme is more than 5 hectares; or
it would provide a total of more than 10,000 m² of new commercial floorspace; or
the development would have significant urbanising effects in a previously non, urbanised area
(e.g. a new development of more than 1,000 dwellings*

As the proposal is for the redevelopment of an existing housing site which will result in only a modest increase in dwellings, then this proposal, even when taken cumulatively with permissions already granted in South Kilburn, is unlikely to give rise to the level of impact where it is considered that an EIA is necessary.

DRAINAGE & FLOODING

The entirety of the subject site is located within a Flood Risk Zone 1 area where the probability of flooding due to its proximity to any waterway is at its lowest. As the site area of 1.3ha hectares triggers the requirement for a Flood Risk Assessment (FRA) an assessment has been submitted as part of the application documents. This concludes that the proposed development does not increase flood risk on site or off-site. The Environment Agency have been consulted and have raised no objections to the proposal subject to securing proposals within the FRA by condition.

CONSULTATION

PUBLIC CONSULTATION

Given the scale of the proposed development the planning application has been subject to widespread public consultation. Consultation letters, dated 29th May 2014, were sent to 1855 local residents, within both Brent and Westminster. Letters were also sent to Kilburn Ward Councillors, Westminster Councillors in the adjacent Ward, the Acorn Residents Association, the Queen's Park Residents Association and the Paddington Waterways & Maida Vale Society.

The application was also advertised by way of a number of site notices erected around the site on 30th May 2014. These notices advertised the application as being in the public interest, affecting a Conservation Area and affecting the setting of a Listed Building. A local press notice publicising the application was also published on 5th June 2014.

In response 28 letters of objection and 15 letters with comments on the proposals were received. This included letters of objection from representatives of the Acorn Residents Association, St Augustine's Church and St Augustine's School. The following issues were raised by the objectors.

Impact on St Augustine's Church

The proposed development would harm the structural stability of the St Augustine's Church (Grade I Listed). Residents of the new development may complain about the bells ringing at St Augustine's Church. St Augustine's Church will suffer a loss of earnings during construction as noise, vibration, dust and fumes will mean that recordings and concerts cannot be held.

Disturbance associated with the construction of the development will interfere with Church services, including weddings and funerals.

The scale, siting and design of the development will harm the character and appearance of St Augustine's Church.

Impact on School and Sports Hall

The proposed development would reduce light into the St Augustine's Sports Hall.

Construction works would cause disturbance to users of the sports hall, particularly when examinations are taking place.

The proposed development would overbear the nearby school playground.

Energy Centre

The Energy Centre Flue will obscure the church spire
The Energy Centre will cause, and concentrate, air pollution within the vicinity of the site.
What guarantees are there about energy prices
The Energy Centre would harm the character of the Conservation Area
Are there more appropriate locations for the energy centre?
Concerns that there might be more appropriate locations for the energy centre
Concerns as to whether air quality will be monitored and the results published.
Concerns over what would happen if there are technical problems with the energy centre

Impact on Conservation Area

The development would overshadow and harm the setting of the Grade II Listed Buildings on Cambridge Gardens.
The proposed development would harm the character of the South Kilburn Conservation Area.
The proposed development would result in the loss of important trees on Cambridge Gardens.
The submitted Heritage Statement incorrectly assumes that there is no adopted Character Appraisal for the South Kilburn Conservation Area.

Play Area

The proposed development would result in the closure of the existing children's playground to the rear of St Augustine's Sports Hall
The proposed replacement play area would not be of the same quality of as the existing playground.

General Concerns

The provision of a basement car-park will increase traffic within the vicinity of the site.
Concerns that local amenities are insufficient to accommodate the density of development proposed.
The proposed development involves the demolition of affordable housing.
The site address on the consultation letters was partially incorrect.

INTERNAL

TRANSPORTATION - The Council's Transportation Unit raise no objection to the proposals subject to a number of conditions and obligations. Further details are contained within the remarks section of the report.

ENVIRONMENTAL HEALTH - The Council's Environmental Health Officers have considered the proposals in terms of air quality, noise and disturbance, and land contamination. Environmental Health officers have not raised any objection to the proposals in principle but have recommended a number of detailed conditions to be attached to any permission to ensure that any impacts from the development are suitably controlled.

LANDSCAPE - In general, landscape officers have no objections to the proposal other than serious concerns about the loss of trees in the Conservation Area on Cambridge Road. (discussed in the 'remarks' section). A number of conditions have been recommended.

STREETCARE - No response received.

STATUTORY CONSULTTEES

MAYOR OF LONDON/TfL - As the proposed development would involve the erection of more than 150 flats the application is referable to the Mayor of London. The Mayor has issued his stage 1 report which sets out that whilst the proposal is broadly acceptable in strategic planning terms further information is required to demonstrate that the proposal is in full compliance with the London Plan. The areas where further information is required include affordable housing, sustainable energy and transport.

ENGLISH HERITAGE - English Heritage support the proposals and recommend that the application should be determined in accordance with local and national policy guidance.

WESTMINSTER CITY COUNCIL - No response has been received.

ENVIRONMENT AGENCY No objection subject to a condition requiring a detailed surface water drainage scheme.

THAMES WATER - No objections subjects to recommended conditions relating to water and sewerage infrastructure.

METROPOLITAN POLICE - No response received.

REMARKS

ENERGY CENTRE

1. Proposals to deliver a district wide combined heat and power network have been a long term aspiration of the Council and the South Kilburn Regeneration programme. The proposals have also been supported by the GLA. The purpose of the network is to provide heat and power to new developments across South Kilburn in a more efficient and sustainable way than can be achieved by conventional power networks.

2. The proposed decentralised energy scheme for South Kilburn will incorporate one energy centre generating heat through a district-wide combined heat and power (CHP) plant. Electricity is also generated through capturing usable heat that is produced in this process. To meet heating demand at peak times especially in winter, centralised gas boilers are also installed in the energy centre. The hot water generated is pumped through super insulated pipes in the ground to each building (this is referred to as the primary heat network). Heat exchange units are also installed within the buildings to enable the heat to be taken from the network. Each property drawing heat from the heat pipe is metered for heat consumption (for hot water and central heating) and the occupant pays for this heat accordingly. As part of the decentralised energy supply scheme, an Energy Services Company (ESCo) will be formed to install, manage and maintain the system and deliver heat to all the properties developed by the Council as part of the regeneration of South Kilburn. The ESCo will deal with billing and collection of payments from residents. The Council are currently in the process of procuring the ESCo for South Kilburn which will be operated by a private company.

3. An air quality assessment was undertaken in December 2011 by the Council's Environmental Health Officers which confirmed the preferred location for the energy centre, in air quality impact terms, as being within the Gloucester House and Durham Court development site. As such, the proposed development now incorporates the provision of an area of 491sqm within the basement of the proposed development that would be used to accommodate the energy centre for the proposed decentralised energy network. As the proposed energy centre will be located primarily at basement level, the main external sign of its existence would be the flue that would run up through the building before projecting through the roof of the tallest 8-storey element on the south-western side of the proposed development. The proposed flue has been designed as an integral part of the building, being located within the envelope of the building until it projects from the roof. The proposed flue would project 4m above the finished level of the roof but as the roof would have a 1.1m parapet wall around its edge leaving 2.9m of the flue exposed above this parapet wall. The proposed flue would be approximately 6.75m in width and 1.7m in depth, measured externally, and would be set back by approximately 8.5m from the southern elevation onto Carlton Vale and 9m from the western elevation on to Cambridge Road, limiting short views of the flue. Furthermore, the proposed flue would be clad externally with brickwork to match the proposed building which would help integrate its appearance into the development and reduce its visual impact on the surrounding area. Whilst some emission may be seen rising from the flue this is unlikely to be particularly excessive or visually obtrusive given the height and limited size of the flue. It is also noted that the proposed flue is on a part of the development located away from the nearby South Kilburn Conservation Area and Grade I Listed St Augustine's Church. Overall, within the context of the development, the proposed flue is considered to have a relatively minor visual impact on the character and appearance of the surrounding area.

4. In terms of air quality impacts, the site is located within an Air Quality Management Area, and therefore careful consideration of the likely impacts is required. The energy centre is currently proposed to be fuelled on natural gas, Nitrogen Dioxide (NO₂) will be the main emission. An Air Quality Assessment has been submitted as part of the application and this includes dispersion modelling which considers the air quality impacts associated with both the construction and operation of the proposal. The assessment finds that the magnitude of change for long term concentrations of air pollutants across the site results in an imperceptible to small increase, which subsequently results in a 'negligible impact during the operation of the energy centre, in accordance with Environmental Protection UK significance criteria for annual mean NO₂. This assessment has been reviewed by the Council's Environmental Health Officers who have raised no objection to the proposal. However, it is recommended that any permission be subject to conditions requiring the CHP and gas boilers within the energy centre to be tested for compliance with the standards set out in the air quality assessment prior to the full operation of the energy centre.

HOUSING ISSUES

AFFORDABLE HOUSING

5. The proposed development would involve the demolition of 209 existing units and the creation of 236 new dwellings, a net gain of 27 dwellings. The existing units to be demolished consist of 187 social rented

properties and 22 private units that have been bought out by leaseholders. The proposed development would involve the creation of 102 affordable units which equates to approximately 43% of the scheme. Although the proposed development would result in the net loss of 85 affordable units this lost should be considered within the wider Masterplan for South Kilburn that aims to reprovide all of the social housing that currently exists within South Kilburn.

6. An affordable housing statement has been submitted in support of the application. This sets out the position to date on affordable housing within the wider context of the South Kilburn regeneration programme. In terms of the developments that have either been completed or are under construction these will deliver 517 affordable units and 426 private units. Having reviewed the planning consents for these schemes it appears that so far 419 affordable units have been demolished (include 39 bedsit units within Gordon House) resulting in a net addition of affordable housing of 98 units at the current time. The current scheme would erode this increase but the overall position would still be a net addition of 13 affordable units across the regeneration scheme and therefore officers consider that the current scheme would not result in a loss of affordable housing. However, the GLA have requested further information from the applicant including the projected affordable housing figures for future phases of the regeneration programme and details of the position on affordable housing by habitable room and floorspace.

7. The London Plan seeks to achieve the maximum amount of affordable housing on sites, subject to viability. The Council's Core Strategy seeks to achieve 50% affordable housing which is predicated on the former London Plan policy target. Whilst, when considered in isolation, at 43% the proposed development falls short of providing 50% affordable units, regard should be given the viability of the wider South Kilburn Regeneration programme. To date the regeneration programme has delivered an overall proportion of 54% affordable housing across the programme. If the current proposal for Gloucester and Durham goes ahead this figure would still stand at 52.5% affordable housing across the programme, in excess of the Council's 50% target.

8. In order to demonstrate that the current application is delivering the maximum viable amount of affordable housing the applicants have submitted a financial appraisal of the scheme. Officers consider that the appraisal adequately demonstrates that the scheme will provide the maximum quantum of affordable housing,

9. It should also be noted that the proposed development would contribute towards the wider rebalancing of the affordable unit mix across South Kilburn where the aim is to provide a greater proportion of larger, 3-bedroom, units. Only 16% of the existing affordable housing on site has 3-bedrooms, whereas 31.4% the proposed affordable housing would have either 3 or 4 bedrooms. The demand for larger family sized units is specifically identified in policy CP21 of the Core Strategy.

10. The affordable dwellings will be 100% social rented as the decanting needs of the existing tenants within the South Kilburn area outweigh the demand for intermediate housing. Within the context of the regeneration programme this is considered acceptable.

UNIT MIX

11. The proposed development would consist of the following unit mix.

Property Size	Affordable	Private	Total
1 bed flat	35 (34%)	57 (42.5%)	92 (39%)
2 bed flat (3 person)	7 (7%)	11 (8%)	18 (7.6%)
2 bed flat (4 person)	28 (27.5%)	39 (29%)	67 (28.4%)
3 bed flat	28 (27.5%)	21 (16%)	49 (20.8%)
3 bed maisonette	3 (3%)	0	3 (1.3%)
4 bed flat	1 (1%)	0	1 (0.4%)
4 bed maisonette	0	6 (4.5%)	6 (2.5%)

The proposal is considered to respond to Brent's wider housing needs, including the desire for larger family sized units. as set out in policy CP21 of the Core Strategy. 25% of all new dwellings (59 in total) will have 3 bedrooms or more with the majority of these units (32 in total) providing affordable housing.

RESIDENTIAL QUALITY

12. The proposed units, both affordable and private, have been designed to comply in all respects with the standards set out in the Mayors Housing SPG 2012. Whilst the South Kilburn SPD 2005 sought larger flat

sizes than the Council's standards set out in SPG17, in previous schemes in South Kilburn this has rarely been achieved due to impact of these larger units on the density and viability of development. The space standards set out in the Mayors SPG still constitute an significant increase on the standards set out in SPG17 but are considered to strike a more appropriate balance between residential quality and the viability of development than those contained in the SPD. The units within the proposed development have been designed to meet or exceed the space standards set out in the Mayors SPG and, on balance, this is considered acceptable. All of the units would have an acceptable layout and sufficient forms of outlook and light.

ACCESSIBILITY

13. All of the proposed units will be constructed to be Lifetime Homes compliant. 10% of all units will be designed to be wheelchair accessible, or easily adaptable, and will be provided on the following mix of units/tenures

	1-bed	2-bed	3-bed	Total
Market	10	3	1	14
Affordable	2	2	6	10
Total	16	5	7	24

All of the proposed wheelchair units will be within the southern half of the development in order to be located in close proximity to the provision of disabled parking spaces which are located within the basement car-park.

HERITAGE

14. The subject site is located partially within the South Kilburn Conservation Area, which is predominantly characterised by a number of Grade II Listed residential villas, and in close proximity to the Grade I Listed St Augustine's Church, which also has a Grade II Listed memorial of Richard Carr Kirkpatrick within its grounds. The impact of the proposed development on these heritage assets requires careful consideration and the applicant has submitted a Heritage Statement as part of the application. When considering the impact of the proposed development on the setting of these heritage assets regard should be given to the impact of the existing buildings on site to the setting. English Heritage have been consulted on the proposals and indicated their support for the application.

THE CHURCH OF ST AUGUSTINE

15. The Church of St Augustine lies approximately 30m towards the east of the site on the opposite side of Kilburn Park Road within Westminster. The church was designed by the architect John Loughborough Pearson and was built between 1870 and 1877, with the spire completed in 1898. It is notable as the church with the tallest spire in London, at 254 feet, and for the richness of decoration and complexity of the internal space. The church has been described as Pearson's best work, as one of the best examples of its type and age in the country, and as a work of genius. A memorial to Richard Carr Kirkpatrick, (priest, founder of St Augustine's Church and its first vicar from 1870 to 1907) that stands about 10 yards to north-west of church is grade II listed.

16. The proposed development seeks to respect the setting of these important heritage assets both through its scale and siting. The proposed central public square/play area has been designed to address the church and open up new direct views of the church along Granville Road. Some views of the church spire, which is an important element of the character of the church, are currently obscured by the 18-storey tower block on site and the proposed development seeks to address this issue by reducing the overall height of development on site. In particular, the height of the proposed development along Kilburn Park Road, opposite the church, would be set at 6-storeys. This would result in a development of a similar height to the main body of the church but would not compete with the church spire. Whilst, it is noted that in general the proposed development would be located closer to the church than the existing blocks of Durham Court, this would help to create a more defined street edge and an more legible streetscape around the area in front of the church. The general architecture of the blocks opposite the church is of a simple yet high standard and would be treated with sensitive materials. Overall, it is considered that the architecture of the block responds appropriately to the Listed Buildings and does not seek to compete or dominate the streetscene.

17. Concerns have been raised regarding the impact on the church during construction, both in terms of structural stability and in terms of noise and disturbance. Issues relating to the structural impacts of development are normally beyond the remit of planning as these would normally be considered to be a civil matter, if any damage were caused during construction. However, it is also noted that the church stands approximately 35m from the nearest part of the site. In terms of noise and disturbance it is inevitable that any

large scale construction project will cause some degree of disturbance. However, officers are recommending conditions to be placed on any permission to ensure that any disturbance is kept to reasonable levels (see para 38-39).

SOUTH KILBURN CONSERVATION AREA AND LISTED BUILDINGS

18. The northern edge of the site, which is currently occupied by a children's play area lies within the South Kilburn Conservation Area. The conservation area is located in South Kilburn's historic quarter and is part of the historic Kilburn Park estate that dates from 1861-1873. The significance of the area stems from its origins as part of the historic development of this part of London, in the second half of the 19th century. The area contains many fine examples of 19th century villas and represents a high quality area of historic townscape. Architecturally, it is the overall quality and intactness of the formal, mid 19th century villas that is of the greatest significance.

19. In wider townscape terms it is considered that the proposed development constitute a significant improvement over the existing buildings on site and that this would have some benefit to the setting of the Conservation Area. In more localised terms, the proposed development would have its greatest impact on the setting of the Conservation Area in the northwest corner of the site where a 4-storey block would be erected along Cambridge Road. This block would sit opposite the Grade II listed villas at 61-63 Cambridge Road.

20. The proposed 4-storey blocks would result in the removal of two London Plane trees within the existing children's play area which forms part of a more established run of trees along this side of Cambridge Road. The loss of these trees is discussed in more detail below (see para 27), but in general the loss of these trees in their own right is considered to detract from the streetscene. However, the proposed block would form a new street edge of a scale that is compatible with the existing buildings on the opposite side of Cambridge Road. The architecture of the block would also seek to respect the local heritage assets through its materiality, proportions and detailing. As such, on balance, it is considered that the proposed 4-storey block would maintain an acceptable setting for the Grade II Listed Buildings on Cambridge Road and the South Kilburn Conservation Area.

URBAN DESIGN

LAYOUT & ACCESS

21. The proposed development generally comprises two perimeter blocks set on either side of a central public square and play area. The use of perimeter blocks means that residential entrances are located directly onto the street or the new public square. Although separate cores would be provided for affordable and private housing, the entrances to these blocks would be of a similar quality in terms of design and access. The general form of the developments would help to re-establish the street edges within the main streetscenes along Cambridge Road and Kilburn Park Road.

SCALE & MASSING

22. The overall scale of the development is predominantly between four and six storeys with the exception of an 8-storey element which is located on the south-western corner of the site, at the junction of Carlton Vale and Cambridge Road. As such, the majority of the development is in accordance with the guidance contained in South Kilburn SPD which sets out that developments will be predominantly 4-6 storeys. The 8-storey element, which contains the flue of energy centre flue and therefore benefits from being at a higher level, has to be considered on its merits within the context of the surrounding area. Carlton Vale is one of the major routes through the South Kilburn Regeneration Area and its importance is reflected in its width in comparison to other side streets within the locality. This width allows a taller building to sit more comfortably within the streetscene, reducing the sense of enclosure that would otherwise be created. A similar effect would be created on Cambridge Road due to the proposed build out of the footpath in front of the 8-storey element. The proposed 8-storey element would also be located opposite the recent development on the former roundabout site which is 7-storey in height.

ELEVATIONAL DETAIL

23. The blocks within the proposed development have been designed by three separate architects which adds an element of variety and interest to the architecture of the scheme. However, the design approaches are not radically different and there is a reasonable degree of commonality between the blocks, in terms of materiality and proportions, that results in a series of cohesive elevational treatments across the development. Overall, the elevations are considered to be well proportioned and detailed in an architectural style that would complement both the nearby new developments within the regeneration programme but also

the existing buildings in the surrounding area.

24. The elevations will be predominantly finished externally with yellow/buff brickwork. The TBS Mystique brick with a lime mortar has been presented by the applicant as the preferred option for the development and this appears to be of suitable quality to ensure a high quality finish to the development. This material would be used without preventing any external differentiation in quality between the affordable and private blocks.

OPEN SPACE

PLAY SPACE & FOOTPATH

25. The northern edge of the site is currently occupied by a public children's play area and a public footpath running east-west through the site. This children's play area was formed following the construction of the adjacent St Augustine's Sports Hall (see 'History'). The proposed development would result in the demolition of the existing play area and the stopping up of the footpath. A new replacement play area and public route would be provided as part of the development. The proposed public route is considered to have a similar utility to the existing.

26. The existing play area is of a reasonable standard comprising of grassed areas with inter dispersed pieces of play equipment throughout that generally cater for smaller children. In order to justify the proposed redevelopment it is important that the replacement facility is of a significantly improved quality. In terms of overall provision of play area, the existing play area has an area of 985m² and the proposed play area would have an area of 986m², and therefore there would little difference in terms of quantum. However, it is worth noting that the proposed play area would sit at the centre of a new public square and that in total the public square and play area would have an area of 1163m². Detailed proposals for the landscaping of the proposed children's play area have been submitted as part of the application. The proposed public square would include area designated for play for the under 5's but also areas designated for play by 5-11 year olds. Other areas would include general amenity areas with seating and a hard public space at the eastern end opposite the church. Overall, the proposals appear to be of sufficient quality to justify the redevelopment of the existing play area and inconvenience that will be caused during construction when no play area will be provided. Given the importance of the quality of the play area and public space it is recommended that this be secured through condition.

TREES

27. The proposed development will require the removal of 20 of the 25 trees throughout the site. The trees to be removed are of varying quality and these proposals have been reviewed by the Council's Tree Protection Officer and the loss of the existing trees is generally accepted, subject to suitable replanting, except for the two large London Plane trees which are located at the western edge of the existing children's play area, close to the boundary with Cambridge Road. These trees, which are Category B trees, form one end of a run of similar mature trees that are planted just inside of the children's play area and the adjacent sports hall, which collectively contributes to the an attractive tree line along Cambridge Road/Gardens. Originally, the development proposals had included the retention of these trees. However, following site investigations which confirmed the exact location of a large sewer which was known to run beneath the site, the proposals were revised by the applicant to move forward the block at the northern end of Cambridge Road to avoid building over the sewer which would require an agreement with Thames Water. It is this relocation of that block which now results in the loss of the two trees. Planning officers had advised the applicant that the loss of such prominent trees would not normally be supported and recommended that alternative options be explored. However, despite lengthy discussions on this issue with the applicant the development has not been amended and the proposal remains to remove these trees.

28. The Council's Tree officer and planning officers do not support proposals to remove the trees from the site. However, in making a recommendation to Members officers are required to make a balanced decision taking into account all relevant facts and issues associated with the proposals. On this basis, officers do not consider that the loss of the trees as an isolated issue would provide sufficient grounds to recommend refusal.

29. The application includes a replacement tree planting strategy which proposes to plant 5 trees for everyone removed, which equates to 100 new trees. The strategy identifies locations where these trees can be planted, taking into account existing services within the ground. However, despite the robustness of this tree planting strategy it is recommended that replacement tree planting be secured as part of a s106 planning obligation and that this obligation include a mechanism for securing mitigation in the form of other suitable landscaping if any of these trees cannot be provided.

AMENITY SPACE

30. The landscaping strategy sets out that amenity space for the development would consist of private balconies/terraces to all upper floor units, private gardens to the ground floor units and two central communal gardens, one for each perimeter block. Each of the communal gardens would include a children's play area for under 5's. Both of these communal courtyards would be shared between residents of both the affordable and private units. Landscaping would also be provided throughout the development, along frontages and within the public realm.

31. In terms of overall, quantum, the guidance contained in SPG17 would require a total amenity provision of 5560m². Taking into account all of the private and communal gardens, terraces and balconies across the scheme the provision of amenity space would be 5005sqm, a deficiency of 555m². However, the development would also include 1163m² of public open space, and whilst public space would not normally be taken into account when calculating amenity standards, it is acknowledged that these public spaces would be easily accessible to residents of the proposed development and would make a positive contribution to the standard of amenity available. As such, on balance, it is considered that the proposed standards of amenity space would be generally acceptable.

32. The landscaping strategy has been examined by the Council's Landscape Design Team and is considered to be generally of a good quality that would provide improved amenity and aid local biodiversity. . A condition securing the details of the proposed landscaping works for the site is recommended

PHYSICAL AND ENVIRONMENTAL IMPACTS

33. There are a number of properties and buildings within the area surrounding the subject site. The following sections consider the physical and environmental impacts of the development on the surrounding area.

DAYLIGHT/SUNLIGHT

34. The applicant provided a daylight/sunlight report as part of the submission. However, the original report focused on the daylight/sunlight standards for the proposed development and lacked detail in terms of assessing the impact of the development on the daylight/sunlight of existing buildings surrounding the site. A revised report has now been submitted which provided the necessary detail. The assessment methodology for daylight and sunlight is based on the Building Research Establishment (BRE) guidelines on "Site Layout Planning for Daylight & Sunlight"

35. The daylight/sunlight study predominantly focuses on the impact on residential habitable room windows. To this extent the report focuses on the impact on residential windows on Cambridge Road, Carlton Dene and the new development on the former roundabout site. The report finds that in terms of the daylight/sunlight impacts the proposed development would be in accordance with the BRE standards in terms of the impact on the properties on Cambridge Road and Carlton Dene. In terms of the impacts of the new development on the former roundabout site, the report finds that whilst there are unlikely to be any significant sunlight impacts due to the proposed development being located towards the north, that there may be some loss of daylight to between 12 and 25 of the 100 windows located on the northern elevation of this building, The reports sets out that the limited daylight to these windows is predominantly due to their locations beneath balconies or overhangs. The affected windows appear to mainly serve bedrooms within units which have an alternative aspect to the living/dining kitchen areas. Whilst this does not fully overcome the impact on daylight to the affected windows, on balance, it is considered that the overall impacts on daylight would not be so severe to outweigh the benefits of the development which are set out in this report.

PRIVACY & OUTLOOK

36. The relationships between the proposed development and neighbouring residential properties are between the front elevations rather than the rear. SPG17 advises that acceptable distances between front elevations should normally be determined by the character of road widths in the area. The distances between the site boundary and residential frontages on the opposite side of the road are generally between 17-18m and therefore, the frontage to frontage distances would slightly exceed this. In terms of privacy between front elevations, which are naturally less private than rear elevations, this is considered to be sufficient to ensure reasonable levels of privacy for existing and future residents is maintained. These distances are also considered sufficient to ensure reasonable outlook is maintained from neighbouring residential windows.

37. Window to window relationships within the development are in general accordance with the guidance contained in SPG17 and therefore reasonable standards of privacy and outlook will be provided for future

occupiers of the development.

NOISE

38. The applicants have submitted an Acoustic Reports as part of the current planning application which aims to assess the likely impacts of noise both on occupiers of the proposed development and on the surrounding area. The assessments use various means of acoustic modelling to provide a summary of the likely impacts. These reports and their results have been inspected by the Council's Environmental Health Unit and it is considered that it is unlikely that the development would result in any significant increase in instances of unacceptable noise disturbance.

39. In respect of any noise that may be produced by the proposed energy centre, the submitted acoustic report sets out noise level targets that are to be met. The Council's Environmental Health Officers agree that the proposed targets are acceptable and it is recommended that compliance with these targets be secured through a planning condition.

40. Concerns have been raised that occupiers of the proposed development may complain about the ringing of the bells at the Church of St Augustine. The Council's Environmental Health Officer have confirmed that they would have a duty to investigate any complaint should one be made by a Brent resident. However, the likelihood of Environmental Health taking action is dependant on a number of factors such as frequency, duration and type of noise. In determining whether an issue is a nuisance Environmental Health would also take into account the impacts on those complaining, including undertaking a visit to their property at the time they are affected, to establish whether there is a significant impact on daily life and activities such as watching TV and sleeping. Therefore, if the ringing is not a nuisance and is conducted within reasonable hours the Environmental Health are unlikely to take the matter further. Environmental Health have confirmed that they have no record of any complaints regarding the ringing of the bells from residents of Gloucester House and Durham Court, or any other residents. A condition has been recommended to ensure that the new residential units are sound insulation to a suitable standard.

41. In terms of construction works, it is acknowledged that a temporary increase in noise and vibration is often an inevitable consequence of any significant building work. However, it is important that these impacts are mitigated to ensure that any disturbance is kept to a minimum. As such, it is considered that any permission should be subject to the submission of and compliance with a Construction Method Statement to be secured by way of condition. It is also recommend that permission should be subject to a s106 requirement to join and adhere to the Considerate Contractors scheme.

AIR QUALITY

42. The impact of the proposed development on air quality within the context of the proposed energy centre is discussed above. However, the submitted air quality assessments also consider the impacts on air quality associated with any additional traffic generated by the development. This has been reviewed by the Council's Environmental Health officers and it is not considered that the development will generate a traffic impact that would result in a significant change in local air quality.

43. It is recognised that, in the absence of suitable mitigation, construction and demolition works can give rise to high levels of dust. The applicant has set out suitable mitigation measures within the submitted air quality assessment and it is recommended that these measures be secured by planning condition.

TRANSPORTATION

CAR PARKING

44. The subject site is located within Controlled Parking Zone "K", operational between 8am and 6.30pm Monday to Fridays. The site is also located within an area which has very good public transport accessibility (PTAL 6) and therefore reduced maximum parking standards of 0.7 spaces per 1/2 bedroom unit and 1.2 spaces per 3+ bedroom unit would apply to the proposed development. Under the maximum standards up to 194 car parking spaces would be allowed for the proposed development. Therefore proposals to provide 91 on-site parking spaces at basement level beneath the southern block, which is equivalent to the existing provision of parking on the site, would comply with the Council's parking standards.

45. These 91 spaces are all to be allocated to residents in the southern half of the development, with 46 spaces to be allocated to residents of the 78 private housing units and the remaining 45 allocated to residents in the 74 social rented housing units. This ratio of spaces between private and affordable units is considered appropriate, and further details of how the spaces will be allocated to individual properties and managed have

been provided in a framework Car Park Management Plan. It is recommended that any permission be subject to a condition requiring the submission and adherence to a finalised Car Park Management Plan to ensure that the proposed car-parking spaces are allocated and managed in an efficient way.

46. Although parking is proposed for the development at the ratio of 0.4 spaces per unit, Policy TRN23 requires consideration to be given to the impact of any overspill parking on the free and safe flow of traffic in the area and to ensure that any amount of overspill parking is kept to an acceptable level. To ensure that the impact of overspill parking is properly controlled it is recommended that a 'permit-free' agreement be applied to the majority of the development, restricting future occupiers of the development from applying for on-street parking permits. This will help to prevent excessive demand for the on-street spaces within the vicinity of the site, which could jeopardise the parking provision for future phases of the South Kilburn development.

47. Although the majority of the development would be 'permit-free', it is recognised from the submitted parking surveys that Cambridge Road and Rudolph Road do offer some spare parking capacity along the site frontage, where there would be some 18 on-street spaces, so there is scope to allow some of the units in this development to apply for permits. The Transport Assessment therefore proposes that the 31 flats in Blocks 5.3 and 5.4 (which do not have access to basement parking) be exempted from the car-free agreement, allowing occupants to apply for on-street parking permits. This is considered to be acceptable and will approximately match the supply of spaces to the likely demand generated by these flats.

48. Standard PS15 requires at least 10% of the proposed parking spaces for the affordable units and 5% of the spaces for the private units to be widened and marked for disabled parking. A total of 24 wide disabled spaces have been indicated within the basement, which is sufficient to provide one allocated space to be provided for each of the designated wheelchair accessible units. The concentration of the wheelchair units within the southern half of the development also means that they each have easy access to their allocated parking via lift. The proposed headroom within the basement is sufficient to accommodate 'high-top' conversion vehicles, thus ensuring spaces are accessible to all disabled drivers.

49. The Transport Assessment states that electric vehicle charging points will be provided in line with London Plan standard, although they have not been marked on the basement parking layout. Further details should therefore be sought as a condition of any approval.

SERVICING

50. With regard to servicing, refuse stores are located alongside entrance cores at the front of all of the blocks. This generally allows easy access by refuse vehicles standing on the adjoining highway, with dropped kerbs to be provided in appropriate locations. Blocks 4.1 & 5.3 front the central pedestrian-only route through the site though, making access by refuse vehicles more difficult. To address this, the refuse stores have been positioned as close to the Cambridge Road highway boundary as possible (some 20-25m wheeling distance) and the relaxation to normal maximum wheeling distances has been accepted by Brent Waste & Recycling service. Entrance cores to all units are easily accessible from the adjoining roads for fire access and deliveries of other goods.

51. Servicing of the energy centre is proposed to take place from the basement. The Council's Transportation Unit have confirmed that the basement layout is generally acceptable, with dimensions of spaces and aisle widths meeting standards. Supporting columns have not been shown and these will need to be carefully positioned so as not to obstruct access to spaces. The access ramp is shown to an acceptable width and whilst the proposed gradient is steep, transition lengths have been indicated at either end to reduce the risk of vehicles grounding.

52. The proposed basement access onto Cambridge Road is also acceptable in terms of junction spacing from Carlton Vale and sightlines, with the gates set well back from the highway boundary to allow vehicles to stand whilst they are opened. The two existing site accesses which will become redundant will need to be reinstated to footway and parking bays along Cambridge Road will need to be amended to suit the new access arrangements. These works can be secured by condition.

STOPPING UP

53. The proposed development would involve the stopping up of an existing pedestrian footpath running from east to west through the site, adjacent to the existing children's play area. The new central pedestrian route through the site will provide a replacement for the existing footpath. Discussions have been held between Transportation officers and the applicant regarding the potential adoption of the new route as public highway and Transportation officers have confirmed that this would be acceptable, provided it does not include the

central playspace. A S38 Agreement (or suitable internal transfer of liability between Council departments) will be required for the footpath adoption.

TRAVEL PLAN

54. The applicant has submitted a Travel Plan as part of the current planning application which seeks to promote the use of sustainable methods of transportation by potential occupiers of the proposed development. The Travel Plan has been assessed by the Council's Transportation Unit using TfL's ATTrBuTE program but has failed to score pass rating. To score a pass rating the Travel Plan will need to set out clearly how on-site car parking will be managed (even though a permit system is currently used) and how this (along with the car-free agreement) will be communicated to future residents, as well as providing more detail on the level of subsidy to be provided for membership of local Car Clubs. As it is reasonable to assume that the applicant will be able to address these issues it is recommended that the Travel Plan and its exact terms are agreed by way of a s106 legal agreement.

CYCLE STORAGE

55. A total of 290 residential cycle storage spaces are proposed in storerooms alongside each entrance core to the blocks, thus ensuring that parking is secure, covered and convenient. A further ten publicly accessible bicycle parking spaces for visitors are also proposed in the area of open space in the centre of the site, which is also welcomed. The provision of cycle parking for the proposed development complies with both local and London Plan standards.

CONSIDERATION OF OBJECTIONS

56. The following table sets out the concerns raised by objectors and how they are addressed through the report.

Issue	Officers Response
Impact on St Augustine's Church	
The proposed development would harm the structural stability of the St Augustine's Church (Grade I Listed)	See para 17
Residents of the new development may complain about the bells ringing at St Augustine's Church	See para 40
St Augustine's Church will suffer a loss of earnings during construction as noise, vibration, dust and fumes will mean that recordings and concerts cannot be held.	See paras 17, 41. In addition the developer will be required to join and adhere to the Considerate Constructors scheme as part of the s106 agreement.
Disturbance associated with the construction of the development will interfere with Church services, including weddings and funerals.	As above.
The scale, siting and design of the development will harm the character and appearance of St Augustine's Church	See para 15-16
Impact on School and Sports Hall	
The proposed development would reduce light into the St Augustine's Sports Hall.	The daylight/sunlight report referred to in paras 34-35, does not refer to impact on light on St Augustine's Sports Hall as the BRE assessment is only for residential premises. No residential buildings are generally sensitive to daylight and sunlight issues. It is noted that the sports hall has clerestory glazing on both the north and south façades and therefore should still receive reasonable levels of daylight. It is also assumed that the sports hall is normally lit by some form of artificial lighting as well as through natural light.
Construction works would cause disturbance to users of the sports hall, particularly when examinations are taking place	See paras 41. In addition the developer will be required to join and adhere to the Considerate Constructors scheme as part of the s106 agreement.
The proposed development would overbear the nearby school playground.	The school playground is approximately 20m from the proposed development. Officers do not consider that the proposed development would be overbearing or would it have a significantly detrimental impact on the use of the school playground.

Energy Centre	
The Energy Centre Flue will obscure the church spire	See para 16.
The Energy Centre will cause, and concentrate, air pollution within the vicinity of the site.	See para 4
What guarantees are there about energy prices	The issue of energy price is a largely a matter for the Council's procurement process. Officers understand that it is the Councils to negotiate a discount price (to the equivalent cost of gas) against and standard charges during the ESCo procurement process.
The Energy Centre would harm the character of the Conservation Area	See para 3
Are there more appropriate locations for the energy centre?	See para 3
Concerns that there might be more appropriate locations for the energy centre	See para 3
Concerns as to whether air quality will be monitored and the results published.	See para 4. Conditions will be placed on the proposal requiring the energy centre equipment to meet Environmental Health standards.
Concerns over what would happen if there are technical problems with the energy centre	The energy centre has back up gas boilers.
Impact on Conservation Area	
The development would overshadow and harm the setting of the Grade II Listed Buildings on Cambridge Gardens.	See paras 18-20
The proposed development would harm the character of the South Kilburn Conservation Area.	See paras 18-20
The proposed development would result in the loss of important trees on Cambridge Gardens.	See paras 20, 27-29
The submitted Heritage Statement incorrectly assumes that there is no adopted Character Appraisal for the South Kilburn Conservation Area.	Members may be aware that the Council undertook a character appraisal of the South Kilburn Conservation Area in 2006. This document appraised the character of the Conservation Area but it does not constitute a formal guidance.
Play Area	
The proposed development would result in the closure of the existing children's playground to the rear of St Augustine's Sports Hall	See paras 25-26
The proposed replacement play area would not be of the same quality of as the existing playground.	See paras 25-26
General Concerns	
The provision of a basement car-park will increase traffic within the vicinity of the site.	The basement car-park provide no more parking spaces than are available on the site. The traffic impact of the development is covered in the submitted transport assessment. The Council's Transportation Committee and TfL have confirmed that there would be no significantly adverse traffic impact as a result of the development. Traffic issues during construction will need to be addressed within the Construction Method Statement which will be required by condition.
Concerns that local amenities are insufficient to accommodate the density of development proposed.	The proposed development will be attract a Community Infrastructure Levy. The purpose of the Levy is to fund the infrastructure required to support sustainable development.
The proposed development involves the demolition of affordable housing.	See paras 5-6
The site address on the consultation letters was partially incorrect.	The initial site description contained a typographical error which described the site as "Durham Court and Garages, Kilburn Park Road, London, NW10 2JG & Gloucester House and Garages, Cambridge Road, London, NW10 2JG" (emphasis). This has since been corrected. It is considered that this is a minor error and that consultees would have been aware of the location of the development, particularly as the postcode for Kilburn Park Road is correct. It is confirmed that there is no Cambridge Road in NW10.

CONCLUSION

56. The principle of the redevelopment of the site for new housing is considered to be acceptable in policy terms. The proposed development is considered to provide an interesting series of buildings in an highly accessible location which provides a key opportunity to provide a good quality sustainable development. The site is one of the key opportunities to provide an impetus to the wider proposals for the South Kilburn regeneration area and it can play a key role in instigating the regeneration of the South Kilburn area. Although the proposals result in the loss of two significant trees and the existing children's play area, the proposals for the public realm and a new children play area and public square will provide a long term benefit to the area and its residents. Overall, it is therefore considered that the proposals are considered to be in general accordance with the policies set out within Brent's LDF Core Strategy 2010, UDP 2004 and supplementary guidance and on this basis, it is recommended that planning permission is granted, subject to the Heads of Terms, as set out in the s106 details, and planning conditions recommended below..

RECOMMENDATION: Grant Consent subject to Legal agreement

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

LDF Core Strategy 2010
 Brent Unitary Development Plan 2004
 Council's Supplementary Planning Guidance 17
 Council's Supplementary Planning Guidance 19
 Council's s106 Planning Obligations SPD

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

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

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 and documents:

1713 - P - 001 - PL1	1713 - P - 009 - PL1	1713 - P - 010 - PL1	1713 - P - 018 - PL1
1713 - P - 031 - PL1	1713 - P - 040 - PL1	1713 - P - 041 - PL1	1713 - P - 099 - PL1
1713 - P - 101 - PL1	1713 - P - 102 - PL1	1713 - P - 103 - PL1	1713 - P - 104 - PL1
1713 - P - 106 - PL1	1713 - P - 107 - PL1	1713 - P - 108 - PL1	1713 - P - 200 - PL1
1713 - P - 300 - PL1	1713 - P - 301 - PL1	1713 - P - 302 - PL1	1713 - P - 303 - PL1
1713 - P - 305 - PL1	1713 - P - 401 - PL1	1713 - P - 402 - PL1	1713 - P - 403 - PL1

1713 - P - 412 - PL1	1713 - P - 413 - 1 - PL1	1713 - P - 413 - 2 - PL1	1713 - P - 422 - PL1
1713 - P - 452 - PL1	1713 - P - 453 - PL1	1713 - P - 454 - 1 - PL1	1713 - P - 454 - 2 - PL1
1713 - P - 462 - PL1	1713 - P - 463 - PL1	1713 - P - 464 - 1 - PL1	1713 - P - 464 - 2 - PL1
1713 - P - 472 - PL1	1713 - P - 473 - PL1	1713 - P - 474 - 1 - PL1	1713 - P - 474 - 2 - PL1
SKR / 10 - 01 - J	SKR / 10 - 02 - I	SKR / 10 - 03 - I	SKR / 10 - 04 - I
SKR / 10 - 05 - I	SKR / 10 - 07 - I	SKR / 20 - 01 - E	SKR / 20 - 02 - E
SKR / 30 - 10 - F	SKR / 10 - 52 - I	SKR / 10 - 53 - I	SKR / 10 - 54 - I
SKR / 10 - 51 - I	SKR / 10 - 57 - I	SKR / 10 - 58 - I	SKR / 10 - 59 - I
SKR / 10 - 55 - I	SKR / 10 - 62 - I	SKR / 10 - 63 - I	SKR / 10 - 64 - I
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SKR / 10 - 66 - I			
2365_A_00_101_F	2365_A_01_102_D	2365_A_02_103_D	
2365_A_03_104_D	2365_A_05_106_E		
2365_A_06_107_D	2365_A-XX-0151_E	2365_A-XX-0152_E	
2365_A-XX-0153_E	2365_A-XX-0154_E		
2365_A-XX-0155_E	2365_A-XX-0156_E	2365_A_01_2001_B	
2365_A_01_2002_B	2365_A_01_2003_B		
2365_A_01_2004_B	2365_A_01_2005_B	2365_A_01_2006_B	
2365_A_01_2007_B	2365_A_00_2008_B		

Design & Access Statement
 Transport Assessment
 Air Quality Assessment
 Wind Desktop Study
 Flood Risk Assessment
 Archaeological Assessment
 Affordable Housing Statement
 Planning Statement
 Heritage Statement
 Sustainability Statement
 Ventilation and Extraction Statement
 Utilities Statement
 External Lighting Statement
 Building Services Engineering Report
 Structural Report
 Fire Strategy Report
 Acoustic Report
 Ecology Report
 CDMC Report
 EIA Screening Opinion
 Site Investigation Report
 Daylight and Sunlight Addendum

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

- (3) During all demolition and construction works associated with the development the site specific mitigation measures, to mitigate the impacts of dust and fine particles generated by the construction and demolition works, set out in section 7 of the "Air Quality Assessment" report prepared by Buro Happold dated 8 May 2014 (Ref.N.031990) shall be implemented in full.

Reason: To minimise dust arising from the operation.

- (4) During demolition and construction works associated with the development the following standards shall be adhered to:

- The best practical means available in accordance with British Standard Code of Practice BS5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
- The operation of the 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 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
- Vehicular access to adjoining and opposite premises shall not be impeded;
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
- A barrier shall be constructed around the site, to be erected prior to demolition;

Reason: To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance and pollution

- (5) All vehicular crossings that become redundant as part of the development, hereby approved shall be returned to kerb and channel, and new on-street parking bays provided where possible, prior to the occupation of the development.

Reason: To ensure the efficient provision of on-street parking bays for those residents of the development that are entitled to apply for on-street parking permits.

- (6) All parking spaces, turning areas, access roads and footways indicated on the approved plans shall be constructed and permanently marked out prior to the first occupation of the approved development unless otherwise agreed in writing by the Local Planning Authority.

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

- (7) The District Heat and Power system installed shall meet or improve upon the emissions standards and technical details described in the Brent “South Kilburn Energy Centre Air Quality Assessment” report dated 21 December 2011 (Ref.N.11228/2). Prior to the commencement of the use of the energy centre further details of tests undertaken on the installed unit to demonstrate that the emissions standards and exit velocities have been achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the unit shall be maintained in such a way to ensure that these standards continue to be met.

Reason: To protect local air quality in accordance with Brent Policies EP3 and EP4 and to ensure that users of the surrounding area do not suffer a loss of amenity by poor air quality

- (8) The communal gas boiler units installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment. Prior to the commencement of the use the applicant shall submit details of tests undertaken on the installed units to demonstrate that the emissions standards have been met and these details shall be approved in writing by the Local Planning Authority. Thereafter the units shall be maintained in such a way as to ensure that these standards continue to be met.

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

- (9) All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr)

Prior to the occupation of the development results of a test to show that the required internal noise levels have been met shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To obtain required sound insulation and prevent noise nuisance

- (10) a) Prior to the operation of the energy centre an assessment of the expected noise levels from any plant or associated ancillary equipment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the rated noise level from all plant and ancillary equipment shall be at least 10 dB below the measured background noise level when measured at the nearest noise sensitive premises. The method of assessment should be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. It should be assumed that each item of plant incurs a +5dB(A) penalty to account for tonal qualities. The plant shall thereafter be installed and maintained in accordance with the approved details.

b) Prior to the operation of the energy centre results of a post completion test shall be submitted to and approved in writing by the Local Planning Authority. The results should demonstrate that 50 dB LAeq is not exceeded at one metre from the grilles of the energy centre facing the internal Courtyard of the development, and a noise level of 55 dB LAeq is not exceeded at one meter from the grilles facing Cambridge Road.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy EP2

- (11) a) Prior to the commencement of construction works, a site investigation shall be carried out by competent person 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 on the Investigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works. The report shall include 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.

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

b) Any soil contamination remediation measures required within the details approved under part a) of this condition shall be carried out in full. A verification report stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for its end use shall be submitted to and approved in writing by the Local Planning Authority prior to any occupation of the development.

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

- (12) No construction works shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

- (13) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage and water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage and water utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- (14) The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) 'South Kilburn

Regeneration Phase 2b, Gloucester House and Durham Court, Flood Risk Assessment, 031990, rev 2, 6th May 2014' has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include green roofs and a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To ensure compliance with Policies 5.11 and 5.13 of the London Plan and EP13 of your Unitary Development Plan Saved Policies.

- (15) Details of materials for all external work, including samples where required, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

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

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

- (17) Prior to any construction works on site finalised landscaping and tree planting proposals, in general accordance with those proposals contained within section 7 of the approved Design and Access Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development or in accordance with a programme to be agreed within the approved details.

Reason: To ensure a satisfactory standard of amenity, public realm and children's play for future occupiers of the development and local residents.

- (18) An Arboricultural Method Statement, containing details of tree protection works to be undertaken in accordance with BS5837:2005 'Trees in Relation to Construction', in relation to trees to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition or construction works on site. The development shall be carried out in accordance with the approved details.


Reason: To ensure that existing trees are safeguarded where they are to be retained.

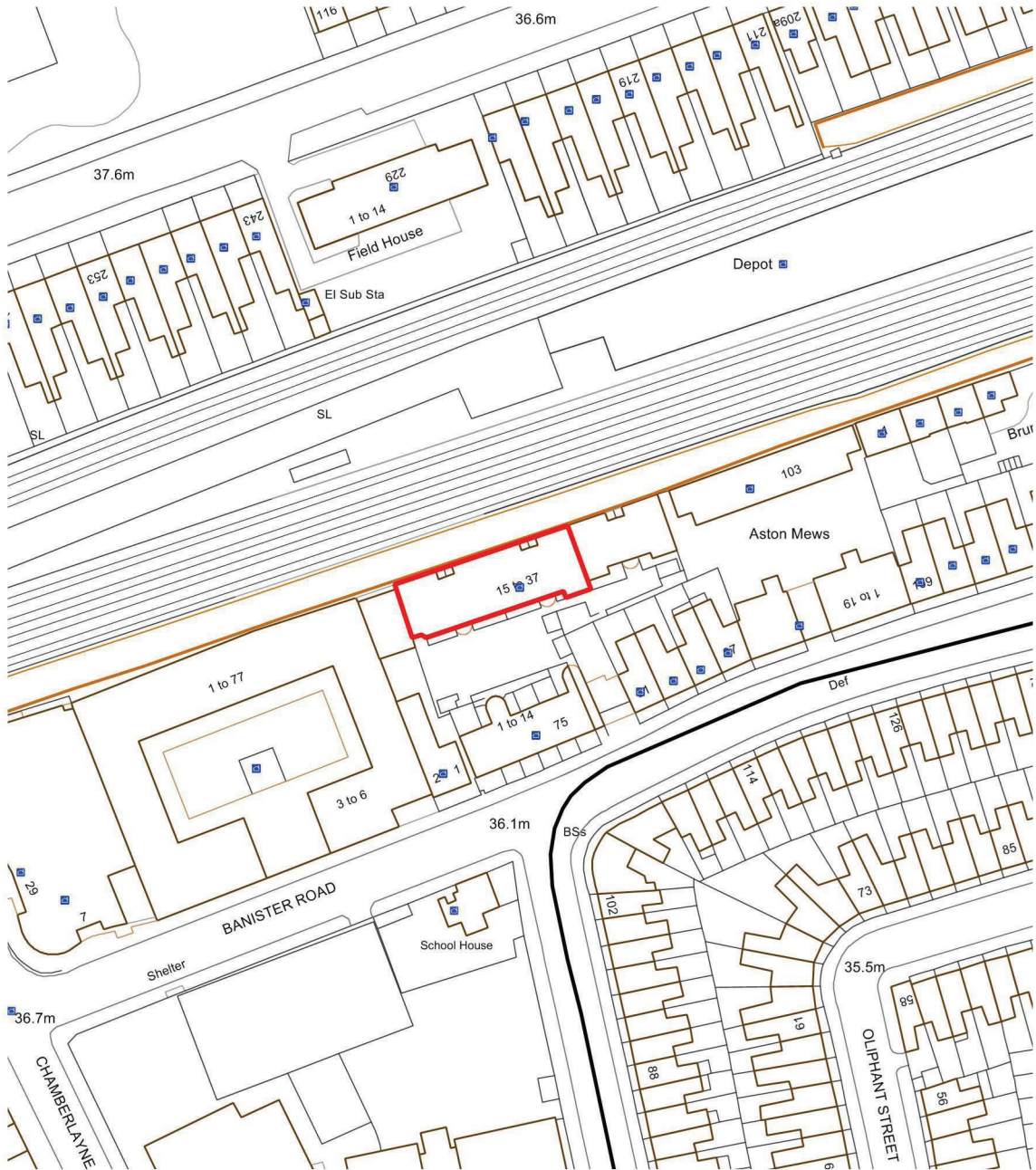
INFORMATIVES:

- (1) The additional land contamination investigation is required to quantify the extent of the identified asbestos contamination and investigate areas that were inaccessible due to the presence of buildings. Please note that the quality of any imported soil must be verified by means of in-situ soil sampling and analysis. The Council's Environmental Health Officers do not accept soil quality certificates from the soil supplier as proof of soil quality.
- (2) The developer should be made aware that asbestos fibres were detected in the soil during the site investigation. Furthermore, asbestos may be present in the structures that are to be demolished. The applicant must comply with the appropriate asbestos regulations and follow an asbestos management plan to protect site workers and the resident in the vicinity of the development during construction and demolition works.
- (3) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Any person wishing to inspect the above papers should contact Ben Martin, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231

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 **Planning Committee Map**
Site address: 36 & 37 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB
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This map is indicative only.

RECEIVED: 25 March, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 36 & 37 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB

PROPOSAL: Extension to roof of existing four storey building to provide additional living space for two third floor flats and installation of proposed south facing roof terraces on third and fourth floor.

APPLICANT: Mr Jonny & Mr Dezzi Barret & McCauseland

CONTACT: Design ACB Ltd

PLAN NO'S:

135_PLN_001RevB
135_PLN_002RevB
135_PLN_003RevB
135_PLN_004RevB
135_PLN_010RevB
135_PLN_100RevB
135_PLN_002RevB
135_PLN_200RevB
135_PLN_300RevB
135_PLN_301RevB
135_PLN_400RevB
135_PLN_401RevB
135_PLN_402RevB

RECOMMENDATION

Refuse, for the reasons set out at the end of the report after paragraph 12.

EXISTING

The existing properties are two top floor flats within Regal Building, a part three part/four storey block which forms the rear part of a development completed in 2007/8 to provide six maisonettes, 8 self-contained flats and 23 Work/Live Units.

It is not a listed building nor is it within a Conservation Area. Flat 37 received planning consent for conversion from Work Live to residential in 2011 while flat 36 has demonstrated that the property has been used solely as a residential unit for a continuous period of 4 years or more, which means that the change of use from Work Live is immune from enforcement action. the proposal is, therefore, submitted on the basis that the two application properties are self-contained flats.

PROPOSAL

See dscription above.

HISTORY

11/2208. Full planning permission sought for proposed change of use of 3rd floor unit in rear block of Regal Building from Work/Live unit (use class B1/C3) to self contained bedroomed residential flat (use class C3). Granted 28/12/2011

10/1543. Full planning permission sought for erection of 2 third floor extensions to create 3 flats (2 one bedroom and 1 two-bedroom) to existing block at rear of 75 Kilburn Lane. Refused 11/08/2010 for the following reasons:

1. *The proposed third-floor extension located on the western end of the existing building, by reason of its proximity to the site boundary, overall height and overbearing appearance, would be detrimental to the outlook and amenity of neighbouring occupiers at 1-2 Banister Road, contrary to policies BE9 and H15 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development"*
2. *The proposed third-floor extension located on the eastern end of the existing building, by reason of its overall height, scale and siting of habitable-room windows in relation to habitable-room windows at the rear of 91-97 Kilburn Lane, would be detrimental to the outlook, privacy and amenity of neighbouring occupiers at 91-97 Kilburn Lane, contrary to policies BE9 and H15 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".*
3. *The proposed development, by reason of its failure to provide sufficient amenity space for occupiers of the new flats, would result in unsatisfactory living conditions for potential residents and would be harmful to the amenities of occupiers of the existing flats, who already suffer from a lack of amenity space. The proposal is therefore contrary to policies BE6 and H12 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".*
4. *In the absence of any evidence to the contrary, the layout of the proposed flats and their proximity to the nearby railway lines would be likely to result in unacceptable levels of noise and vibration which would prejudice the living conditions of potential occupiers, contrary to saved policy EP2 of the London Borough of Brent Unitary Development Plan 2004 and the guidance set down in PPG 24: "Planning & Noise".*
5. *The proposed development would result in an increase in the number of units on site, beyond that approved under planning permission 04/1276, without demonstrating adequately that the scheme can make no additional contribution towards meeting the aims of the Borough and the London Mayor regarding affordable housing provision, contrary to policy CP2 of the adopted London Borough of Brent Core Strategy 2010 and policies 3A.9 & 3A.10 of the London Plan (consolidated with alterations since 2004).*
6. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area, increased pressure for the use of existing open space, without contributions to enhance open space, increased pressure on local sports facilities, without contributions to improve local sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies CP14 and CP15 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Document: "S106 Planning Obligations".*
7. *In the absence of a legal agreement to control the matter, the proposed development would generate an increased demand for on-street parking that cannot be accommodated within the locality, which is heavily parked, without being detrimental to the safe and free flow of traffic, contrary to saved policies TRN23 and TRN24 of the London Borough of Brent Unitary Development Plan 2004.*

04/1276. Demolition of existing buildings on the site and construction of 6 residential maisonettes, 8 self-contained flats, 23 live/work units, 18 associated car-parking spaces and 4 underground loading-bays. Granted 27/04/2004.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE6	Public Realm: Landscape Design
BE9	Architectural Quality
H12	Residential Quality - Layout Considerations
H15	Backland Development
TRN23	Parking Standards - Residential Development

**Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Document:- s106 Planning Obligations
London Plan (Consolidated with alterations since 2004)
PPG24 Planning and Noise**

CONSULTATION

All neighbouring properties and Network Rail have been consulted. 8 representations in support have been submitted and 4 representations of objection have also been submitted.

The letters of support are on the following grounds:

1. The proposed development is of a small scale compared to the neighbouring 'Gold Building'
2. Development will raise the profile of the building
3. The space will provide for a growing family
4. There will be no further requirement for parking.
5. The applicant has demonstrated at a pre-planning consultation that the proposed development will have to be signed off by a structural engineer.
6. There is no concern regarding rights of light.
7. There will be no overlooking or loss of light.

The objections have been made on the following grounds:

1. The proposals are changing the character of the existing building which was originally proposed as work-live units.
2. Increased height of the building will result in loss of outlook and loss of daylight and sunlight for neighbouring property at 97a Kilburn Lane.
3. The proposal will set a precedent for buildings to continuously grow in size.

At the time of preparing this report Network Rail were still reviewing the information and have not provided any comments. Members will be updated at the meeting.

REMARKS

Principle

1. This application involves the extension of the rear block of a modern development consisting of two 3/4 storey blocks six maisonettes, eight self-contained flats and 23 Work/Live units. The proposed extension would result in the extension of the two existing third floor flats effectively creating two maisonettes to replace the existing flats. Members will note that a proposal to extend the building in a similar fashion in order to create additional flats was refused permission in 2010. The main planning considerations for this application are:
 - Whether the proposed extension would be in keeping with the character and appearance of the existing property.
 - Whether the proposed development would have an acceptable impact on the amenity of neighbouring residents

Character and Appearance

2. The proposed development is considered to be backland development as it is situated behind the main frontage development on Kilburn Lane/Bannister Road. As such the relevant planning policies for considering new development include policies BE9 and H15 of Brent's UDP 2004 and the guidelines set out in SPG17 Design Guide for New Development. Policy BE9 states that new development should be of a scale, massing and height appropriate to their setting, civic function and/or townscape and should respect and preserve the character of existing neighbouring developments while H15 states that special regard will be paid to certain criteria where backland development is proposed. The special criteria include the height of the proposal being subsidiary to the frontage housing and this is a consideration that has been fairly consistently applied by Officers over time.
3. The proposed development includes the addition of an additional floor on top of the existing 4 storey section of the rear block so that it is 3m higher than the existing roof of this section and 4m above the

height of the highest point of the main frontage development. This would make this building higher than all neighbouring properties to the side and front. This height and prominence would be out of keeping with the setting of the building within the wider built environment. At present the built form gradually steps up from the smaller scale terraced housing on Kilburn Lane to the 3/4 storey Regal Building, 4 storey NOKO building to the 8 storey landmark City Heights building on the corner of Bannister Road with Chamberlayne Road. The creation of a 5 storey rear block higher than both neighbouring properties would be visible when viewed from further down Kilburn Lane.

4. To the rear is the railway line where the central depot and sidings combined with the distance from the rear elevations and amenity space serve to ensure that there is no detrimental visual impact from Harvist Road on the opposite side of the tracks. However, the harm caused by the additional storey in relation to the surrounding built environment to the front and side on Kilburn Lane is considered to be unacceptable, as explained above, and is a reason for refusal here.
5. As such the proposed development is of a size and scale which fails to be suitably subsidiary to the existing frontage development as such it fails to comply with the requirements of policies BE9 and H15 of Brent's UDP and the guidelines set out in SPG 17: Design Guide for New Development.

Residential Amenity

6. The proposed additional storey is set back 2.5m from the edge of the existing third floor roof and 5m from the edge of the second floor roof from the frontage of the building. To the rear the proposed extension will have a rear wall flush with that of the existing building adjacent to the railway line. The proposed extension will add approximately 2.5m in height onto the existing recessed third floor of the building.
7. The nearest residential units are the flats within the frontage building of the same development site and the dwellinghouse at Nos 1 and 2 Bannister Road. the dwelling house at No's 1 and 2 Bannister Road has a two storey rear projection situated 18m from the proposed roof terrace at the upper floor level and 15m from the proposed terrace on the existing 3rd floor.
8. The rear elevation of the main frontage block (which includes lower ground floor accommodation) is approximately 20m from the proposed terrace at the third floor level and 24m from the proposed terrace at the fourth floor level.
9. To limit the effect of overlooking the applicants are proposing to have a 2m high boundary timber screen to restrict overlooking. This has already been installed on the existing terraces at third floor level and this would physically restrict any overlooking of neighbouring habitable room windows.
10. However in increasing the physical barrier to prevent overlooking the proposed boundary treatment and additional storey would fail to comply with the 30 degree line assessment used to prevent overlooking from a height of 2m at the rear wall of the neighbouring properties. SPG 17 suggests that where the proposed development is close to a neighbouring building the 30 degree line be used to assess whether the proposed development would be over dominant and have an unacceptable relationship with neighbouring properties. The original development of this two block scheme would have been carefully designed in order to take account of these sorts of considerations, but the changes proposed here mean that the development would now not comply with this guidance in relation to the habitable room windows at the lower ground floor level or the ground floor level rear habitable rooms in the rear projection of no's. 1 and 2 Bannister Road.
11. The proposed development, on balance, is considered to have an unacceptable impact on the amenity of neighbouring residents in terms of the overbearing appearance and restricted outlook contrary to planning policy BE9 of Brent's UDP 2004 and the guidelines set out in SPG 17.

Conclusion

12. The proposed additional storey with roof terraces at third and fourth floor level would be over dominant when viewed from neighbouring properties and would fail to be suitably subservient to the frontage development on Kilburn Lane contrary to planning policies BE9 and H15 of Brent's UDP 2004 and the guidelines set out in SPG 17.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed erection of an additional storey, with roof terraces at third and fourth floor level, would by reason of its size, bulk and siting, result in an over dominant and overbearing form of development when viewed from neighbouring properties. Furthermore, the extension, by reason of its height when considered in relation to what is around would fail to be suitably subservient to the frontage development on Kilburn Lane. As a result, the proposal would have a detrimental impact on the visual amenity of neighbouring residents and would also be out of keeping with the character and appearance of existing developments, contrary to planning policies BE9 and H15 of Brent's UDP 2004 and the guidelines set out in adopted SPG 17 "Design Guide for New Development".

INFORMATIVES:

None Specified

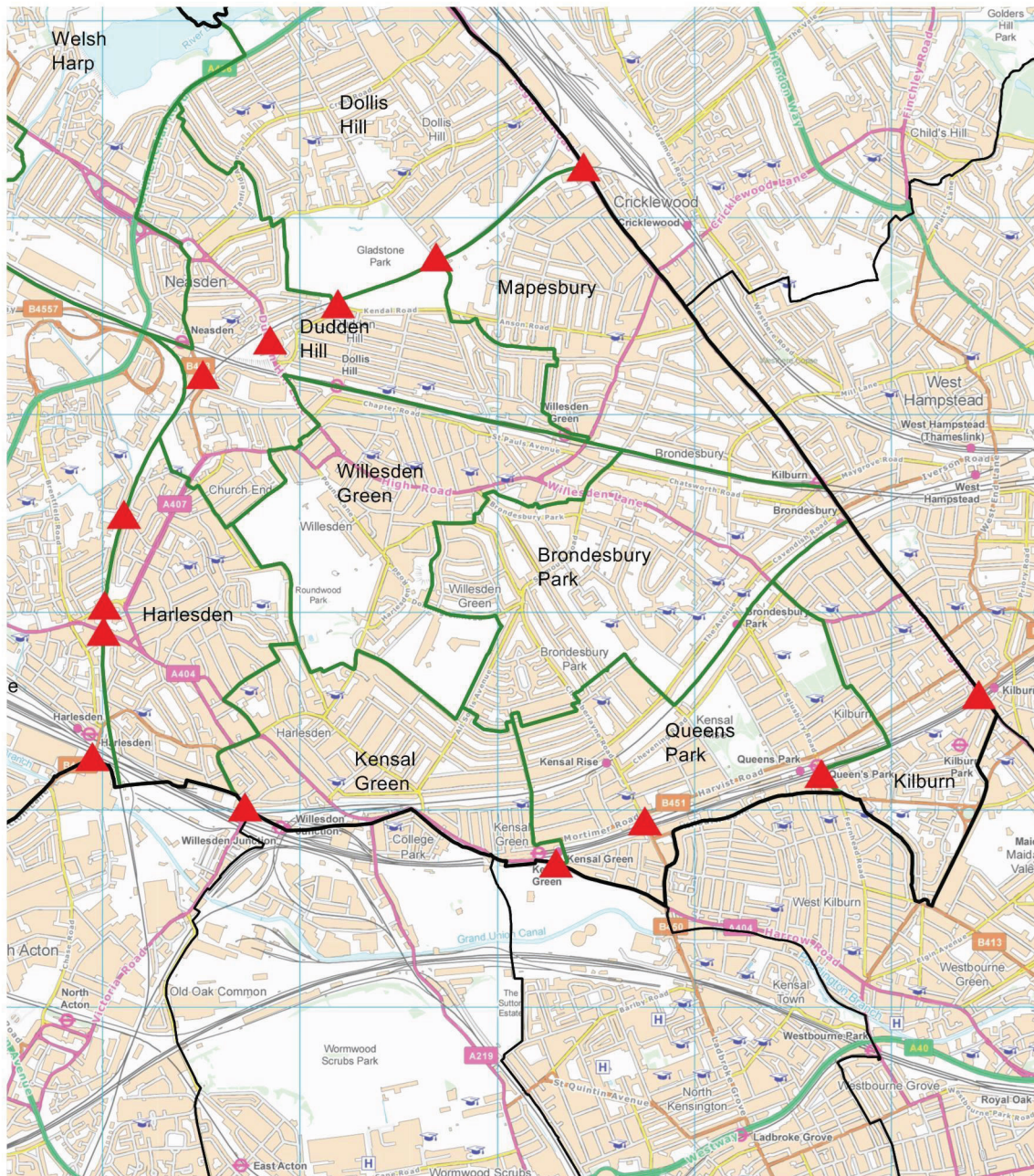
Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: Pavement on Kilburn High Road, Salisbury Road, Chamberlayne Road, Harrow Road, Station Road, Acton Lane, Craven Park, Bridge Road, Neasden Lane, Dudden Hill Lane, Kendal Road, Parkside & Cricklewood Broadway, London

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This map is indicative only.

RECEIVED: 7 April, 2014

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Pavement on Kilburn High Road, Salusbury Road, Chamberlayne Road, Harrow Road, Station Road, Acton Lane, Craven Park, Bridge Road, Neasden Lane, Dudden Hill Lane, Kendal Road, Parkside & Cricklewood Broadway, London

PROPOSAL: Installation of 0.5mm clear nylon wire spans between poles in 14 locations within the London Borough of Brent (and additional ones in adjacent boroughs) to complete a notional 'enclosure' (as defined in Jewish law) so as to ease Sabbath observance for non-ambulant persons and their carers -- locations in Brent are indicated in the schedule of pole locations and circled in red on the 1:10,000 Brondesbury 'Eruv' site plan 870_01

APPLICANT: BRONDESBURY PARK SYNAGOGUE

CONTACT: Rosenfelder Associates

PLAN NO'S:

See Condition 2.

RECOMMENDATION

Grant Permission, subject to the conditions set out at the end of the report after paragraph 11.

EXISTING

The application site comprises 14 separate locations in the south east of the Borough, as well as 16 other locations in adjoining boroughs, which collectively form the proposed Brondesbury Eruv (the concept of an Eruv discussed in further detail below). These sites generally comprise a series of twinned locations on either side of a road or footpath adjoining an existing boundary wall or fence. Within Brent, the sites form part a broadly circular route which follows the Dudden Hill and Bakerloo LUL railway lines to assist in the provision of a means of enclosure.

PROPOSAL

The proposal relates to the erection of pairs of poles and wire 'gateways' around the Brondesbury area of North West London to form an Eruv. In total there will be 14 separate locations in Brent, although four of these locations include pairs of poles where one of the poles is within an adjoining borough (as set out in table below).

An Eruv is a symbolic boundary designed in accordance with Jewish Law. Jewish Law prohibits Orthodox Jews from carrying or transporting on the Sabbath day, but carrying is permitted within the defined boundary of an Eruv, as is the use of pushchairs and wheelchairs. This means that disabled members and parents of very young children cannot walk within the Orthodox Jewish community and are restricted to their homes on the Sabbath. Although symbolic, an Eruv boundary has to have a physical continuity. It is formed by utilising continuous local features such as fences or walls alongside roads, railways or terraced buildings. However, where this continuity is breached, e.g. by roads or footpaths, then such a gap must be closed by the erection of a notional 'gateway'. A gateway can consist of poles linked on top by a wire crossing the highway usually at a height of 5.5 metres in order to clear all vehicle traffic. Where the wire only crosses a pedestrian footpath the height of the wire is typically 2.5 metres.

The 'gateways' proposed under this application will consist of galvanized mild steel poles with a diameter of 75mm. The majority of the poles would be 5.5m high, however, other poles are 3m and 1m in height and the

height and position of each pole is provided below. The wire will be used to bridge between the poles to form the gateway which will be attached to the top of the pole. The wires in question would be 0.5mm monofilament fishing line which is visually imperceptible.

Maintenance and upkeep of the gateways will be the sole responsibility of the Brondesbury Park Synagogue, who have submitted this application. The applicant would need to approach Brent Council's Transportation Unit to obtain a licence under S181 of the Highways Act 1980 for the installation of apparatus in the public highway and permission under S178 of the Highways Act 1980 for the stringing of a wire across the public highway. The licence will need to address (amongst other things) future on-going maintenance responsibilities and provide a clear undertaking that any costs involved in removing the poles and wires and restoring the highway to its original condition upon the expiry of the licence will be borne by the applicant.

Pole No. (Drawing No 870_001)	Location	Description
4	Kilburn High Road	A 5.5m grey pole adjoining the flank wall of 6/7 Kilburn Bridge (with the wire linking a pole outside Kilburn High Road station on the Camden side of the street).
5	Salisbury Road	Two 5.5m grey poles adjoining and opposite southern flank wall of Queens Park station ticket hall.
6	Chamberlayne Road	Two 5.5m grey poles adjoining the southern flank walls of nos. 37 and 52 Chamberlayne Road.
7	Harrow Road	A 5.5m grey pole on the northern footway of Harrow Road about 35m east of its junction with College Road (with the wire linking to a pole adjacent to Kensal Green cemetery on the Kensington & Chelsea side of the street).
9	Station Road	A 5.5m grey pole on the eastern footway of Station Road about 22m south of its junction with Tubbs Road (with the wire linking to a pole adjacent to the retaining wall to the Metroline bus garage on the Ealing side of the street).
10	Acton Lane	Two 1m black poles adjoining the eastern edge of the Dudding Hill freight line railway bridge between the junctions with Winchelsea Road and Minet Avenue (no wire is proposed at this location).
11	Craven Park	A 5.5m grey pole on the northern side of Craven Park at the boundary of nos. 13 & 15 and a 5.5m high grey pole on the western footway of Park Road, set 6m south of the kerb edge of Craven Park.
12	Craven Park	A 5.5m grey pole on the northern side of Craven Park at the eastern end of the parapet wall for the bridge over the Dudding Hill railway line (with the wire linking to a pole on the eastern side of the privately maintained Craven Park Mews, set 8.5m south of the kerb edge of Craven Park).
13	Taylor's Lane	Two 1m black poles adjoining the eastern edge of the Dudding Hill freight line railway bridge, one on the footway on its north side and one on the kerb line of the carriageway edge (n.b. no wire is proposed at this location, but mention is made of the fixing of a clear Perspex panel to the existing guardrailing at this location)
14	Neasden Lane	Two 1m black poles adjoining the southeastern edge of the Dudding Hill freight line railway bridge (no wire is proposed at this location).
15	Dudden Hill Lane	Two 5.5m grey poles on either side of Dudden Hill Lane, about 30m north of the centre line of the junction with Burnley Road.
16	Kendal Road	two 3m green poles on either side of the foot of the steps to the pedestrian footbridge over the Dudding Hill freight railway line.
17	Parkside	Two 3.5m green poles on either side of the northern side of the pedestrian bridge over the Dudding Hill freight railway line, within Gladstone Park approximately 45m south of the end of the Parkside cul-de-sac.
18	Cricklewood Broadway	A 1m black pole adjoining the southern edge of the Dudding Hill freight line railway bridge (southern spur) on the western footway (a similar pole is proposed in the eastern footway on the Barnet side of the road).

HISTORY

There have been no planning applications for an Eruv in Brent previously. There are a number of established Eruvs elsewhere in North West London, including 3 within Barnet and one at Bushey (within Hertsmere) of which the Council is aware.

The poles in the London Borough of Barnet which form part of this proposal (the Brondesbury Eruv) received planning permission on 6 June 2014 (Barnet Ref: F/01941/14). The poles which are within the London Borough of Camden are still subject to determination. It is not clear whether applications have been made to the London Boroughs of Ealing and Hammersmith & Fulham.

POLICY CONSIDERATIONS

The London Plan

Policy 3.1 Ensuring Equal Life Chances for All
Policy 3.16 Protection and Enhancement of Social Infrastructure
Policy 6.10 Walking
Policy 7.1 Building London's Neighbourhoods and Communities
Policy 7.2 An Inclusive Environment
Policy 7.5 Public Realm

Brent Core Strategy 2010

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

Brent UDP 2004

Policy BE2 Townscape: Local context & Character
Policy BE7 Public Realm: Street scene
Policy BE9 Architectural Quality
Policy TRN3 Environmental Impact of Traffic

CONSULTATION

Neighbour Consultation

A total of 240 letters were sent to neighbouring properties on 2 June 2014 which share a boundary with the application site. In addition site notices were displayed near each of the proposed locations on 16 June 2014 and a notice was advertised in the press on 26 June 2014. The Council's is only statutorily bound to consult those neighbours which adjoin the proposed location of the erection of a pole and wire. Thus, erecting site notices in all 14 locations and issuing a press notice was above and beyond the LPAs statutory duty.

The Council received 62 representations in support and 15 representations in objection to the proposal. It is noted that a number of representations in support of the proposal appear to have been received from addresses outside of the Borough. However, these addresses have North West London post codes and therefore would be relatively local to the application site.

Ward Councillors

Letters were sent to Councillors of Brondesbury Park, Dollis Hill, Dudden Hill, Harlesden, Kilburn, Kensal Green, Mapesbury and Queens Park on 20 June 2014. A response from Cllr Shaw (Brondesbury Park) was received in support of the proposal.

Local Amenity Groups

Queens Park Area Residents Association: No response received.
Kensal Rise Residents Association: Object.
Kensal Triangle Residents Association: Object.
Aylestone Park Residents and Traders Association: No response received.

Adjoining Boroughs

Consultation letters were sent to:
Barnet: No objection.
Camden: No response received.
Ealing: No objection.
Hammersmith & Fulham: No response received.
Kensington & Chelsea: No response received.

Westminster: Objection on the basis of questioning whether religious need is a material planning consideration and if so impact on community cohesion (if this is also a material planning consideration). Further objection on the basis of the proliferation of street clutter.

Internal Consultation

Transportation: Object to location at Taylors Lane Bridge (pole No. 13) and on the basis of the creation of street clutter.

A summary of the proposed comments are as follows:

Comment	Officer Response
Separating multi-cultural society into religious zones with visible markers would be counter-productive to encouraging understanding, harmony and diversity.	Whilst the proposal utilises 75mm poles and 0.5mm nylon wire to physically mark the boundary of the Eruv, in reality the enclosure would not be readily perceptible to members of the public. As such it is not considered that the proposal would be divisive amongst different members of Brent's communities. There is no evidence from other Eruvs resulting racial tensions.
The proposal should use existing landmarks which would avoid the need posts on the street.	Use of existing features within the street has been utilised and it is noted that the proposal follows existing railway lines. However, poles are necessary where the wire crosses a road or footway.
Proposals for development which relate to religious groups should not be approved on the public highway which should remain a secular space.	In absence of any identified harm as a result of the proposal, the policy or legislative context does not preclude development within the public highway for proposal which relate to religious proposals.
The proposal would result in additional street clutter.	The presence of additional street furniture is not considered harmful (see Para 2.1-2.5)
Support has been received from people who do not live close to the application site or within the Borough.	The majority of representations have been made from people that live within the Borough. Representations have been received from neighbouring areas outside of Brent and limited weight is attached to these representations.
Planning permission has been granted for similar proposals elsewhere in London.	Noted, however, each planning application is assessed on its own merits.
Proposal would be of particular benefit to disabled and young members of the Jewish community.	Noted, (see report Para 1.1-1.4).
The proposal would not be readily perceptible because of the slender nature of the poles and type of wire used which is demonstrated through other examples elsewhere in London.	Noted, (see report Para 2.1-2.5).

REMARKS

Key considerations

The key considerations of this proposal are as follows:

- (1) Principle of development
- (2) Impact on townscape
- (3) Impact on highways safety

1. Principle of development

1. As a symbolic boundary which only has spiritual significance, the Eruv itself is not a structure which requires planning permission and therefore the main matters for consideration are considered to be the tangible impacts of the poles and wires on local townscape and highways safety (discussed below). Nevertheless, the creation of an Eruv enclosure would have a definite benefit for one part of the local (Jewish) community, and to that extent support in principle, would be given by the London Plan policies set out above, in particular Policies 3.16 & 7.2 as well as Core Strategy Policy CP23.

2. The potential impact of the proposal on persons with characteristics that are protected by the Equality Act 2010 under Section 149 have been taken into consideration in the determination of the application. It is noted that Section 149 of the Equality Act places a general duty on public bodies to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, religion or belief, gender and sex and to foster good relations between different groups when discharging its functions.

3. It is not considered that any one group would be disadvantaged by the Eruv, however, those Jews who observe Jewish law against carrying on the Sabbath would stand to benefit from the proposal. As such there would be benefits to groups with protected characteristics, including parents and grandparents of young children, the disabled and elderly as well as their families. It is considered that the benefit to these protected groups, would outweigh any potential harm to members of other protected groups outside of the Jewish community. Further weight is added to this in the absence of any evidence to suggest other such proposals elsewhere in London have had an adverse impact on community cohesion. Furthermore, given that the Eruv would not display Jewish or any other religious symbols that would allow them to be identified as being of religious significance the proposal would be a prominent feature within the townscape.

2. Impact of townscape

4. Policy BE7 of the UDP states that a high quality of design will be required for the street environment and the design and provision of all important street elements will be coordinated, wherever possible, to make a positive contribution, avoid unnecessary street clutter, and ensure a safe, informative and attractive environment.

5. Each pole is either 5.5m, 3m or 1m in height. The steel poles would have a diameter of 75mm. This is slimmer than a typical street light and telephone pole/mast, which are key features within the street scene. The wire will be attached to the top of the pole and the wires are less than 0.5mm mono filament fishing line which is visually imperceptible and in most circumstances the wires would not be visible unless one made the point of looking for them.

6. In many locations the poles will be located near to and/or seen against either end of walls of houses and/or hedges and trees. There are also many locations where there is an existing run of other street furniture among which, without creating excessive clutter, the poles would appear entirely in keeping. As a result, in the majority of the proposed locations, the poles will be less intrusive than other street furniture, e.g. telegraph poles and street lampposts.

7. Where the poles are to be sited in relatively more exposed positions and/or where there is little other existing street furniture, the poles could appear more prominent. These locations tend to be in positions where the quality of the existing townscape is poor. Nevertheless, it is considered that the benefit of the proposal to the local orthodox community outweighs the limited potential visual impact of the development.

8. The colour of the poles has been considered by the applicant, with appropriate colours chosen (either grey, black or green) depending on the location. It is noted that none of the poles would be within a conservation area, although it is noted that the Chamberlayne Road poles are within close proximity to the Queens Park conservation area, these poles are not considered to be sufficiently prominent as to affect its setting.

3. Impact on highways safety

9. The Transportation department has been consulted on the proposed and they have confirmed that because each of the poles is to be sited to the rear of the footway, they will not unduly obstruct the highway. Whilst concern was raised in relation to a 1m post on the southern side of the Taylors Lane railway bridge (where there is neither a footway nor a highway margin within which the post can be safely sited), this pole has been re-sited to a location suggested by Transportation.

10. Concern was raised in relation to street clutter, however, for the reasons identified above it is not considered that this would be sufficiently harmful as to warrant refusal of the proposal on this basis. Further comment was made in relation to the finishing of the posts in black, however, whilst this is proposed in some locations, the painting in black in others would result in the poles being overly prominent. The proposed colour, is considered appropriate for each of the proposed locations.

4. Conclusion

11. The proposed Eruv would meet the needs of one of Brent's communities without having any demonstrable harmful impact on other groups. In absence of any demonstrable harm to the built environment, residential amenity or highways safety, the proposal is considered to be acceptable in planning

terms.

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 Core Strategy 2010
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
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):

870_001, 870_51, 870.04, 870.05, 870.06, 870.07, 870.09, 870.10, 870.11, 870.12, 870.13, 870.14, 870.15, 870.16, 870.17, 870.18 and Design & Access Statement.

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

- (3) Any poles or wires erected and any site used for the erection of the poles and wires shall be maintained in a clean, tidy and site condition to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interests of visual and residential amenities.

INFORMATIVES:

- (1) The applicant will need to approach Brent Council's Transportation Unit to obtain a licence under S181 of the Highways Act 1980 for the installation of apparatus in the public highway and permission under S178 of the Highways Act 1980 for the stringing of a wire across the public highway. Any licence that is granted will be subject to annual administration charge. The applicant will need to satisfy Brent Council that any party that is to be employed to undertake the works to install the poles and wires is competent to work within the public highway. Suitable notice will also need to be given to all statutory undertakers of these works prior to entering into the public highway. The licence would also need to provide indemnity for Brent Council in the event of any accident claims relating to the installations and confirm that suitable insurance is in place for the applicant in respect of any such claims. The licence will also need to address future on-going maintenance responsibilities and provide a clear undertaking that any costs involved in removing the poles and wires and restoring the highway to its original condition upon the expiry of the licence will be borne by the applicant.
- (2) The applicant is advised that in the case of Poles 7 and 9 as shown on Drawing 870_001 (Brondesbury Eruv Locations Plan) that these one of poles of these pairs fall within two different Boroughs. In the case of Pole 7, the southernmost pole of this pair lies within the

Royal Borough of Kensington and Chelsea. In the case of Pole 9 the westernmost pole lies within the London Borough of Ealing. Planning applications should be made to these Borough;s for their siting. This decision relates only to the poles within the London Borough of Brent.

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657

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