



Planning Committee

Wednesday 10 December 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, A Choudry, Conneely, Duffy,
Ezeajughi, W Mitchell Murray and M Patel

Councillors

Colwill 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 6.00pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting held on 12 November 2014		1 - 8
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
NORTHERN AREA		
3. Kingsland Hotel, Kingsbury Circle, London, NW9 9RR (Ref.14/2901)	Kenton	13 - 28
SOUTHERN AREA		
4. PERFECT EXPRESS, 100 High Street, London, NW10 4SL (Ref.14/1719)	Kensal Green	29 - 36
5. Building rear of 48 Haycroft Gardens, London (Ref.14/2761)	Kensal Green	37 - 46
6. Land rear of 40-42 Okehampton Road, London (Ref.14/2761)	Queens Park	47 - 54
7. 24 Windermere Avenue, London, NW6 6LN (Ref.14/2970)	Queens Park	55 - 64
8. 123 Chevening Road, London, NW6 6DU (Ref.14/3443)	Queens Park	65 - 72
9. 62 College Road, London, NW10 5ET (Ref.14/3550)	Queens Park	73 - 80
10. 36 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB (Ref.14/4024)	Queens Park	81 - 86
11. College of North West London Willesden, Dudden Hill Lane, London, NW10 2XD (Ref.14/3841)	Dudden Hill	87 - 96
12. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visits - Saturday 6 December 2014

SITE VISITS – SATURDAY 6 DECEMBER 2014

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
14/2901	Kingsland Hotel, Kingsbury Circle, London, NW9 9RR	3	Kenton	9:45am	13-28
14/3841	College of North West London Willesden, Dudden Hill Lane, London, NW10 2XD	11	Dudden Hill	10:20am	87-96
14/2970	24 Windermere Avenue, London, NW6 6LN	7	Queens Park	10:45am	55-64
14/2761	Land rear of 40-42 Okehampton Road, London	6	Queens Park	11:10am	47-54
14/3550	62 College Road, London, NW10 5ET	9	Queens Park	11:35am	73-80
14/2928	Building rear of 48 Haycroft Gardens, London	5	Kensal Green	12:00pm	37-46

Date of the next meeting: Tuesday 13 January 2015

The site visits for that meeting will take place the preceding Saturday 10 January 2015 at 9.30am when the coach leaves the Civic Centre.



Please remember to switch your mobile phone to silent during the meeting.

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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 12 November 2014 at 7.00 pm

PRESENT: Councillor Marquis (Chair), Councillor Colacicco (Vice-Chair) and Councillors Agha, S Choudhary, Filson, Kansagra and Mahmood

Also present: Councillors Carr and Pavey

Apologies for absence were received from Councillors Hylton

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

4. 37 Lydford Road, London NW2 5QN

All members declared that they had received email correspondence from the applicant and the Mapesbury Residents Association (MAPRA) but would consider the application with an open mind except Councillor Colacicco who declared a prejudicial interest that she had been actively involved with the application and would therefore withdraw from the meeting room when the application was being considered after she had addressed the Committee.

5. Former Cricklewood Library, 152 Olive Road NW2 6UY

Councillors Colacicco and Choudhary declared prejudicial interests and stated that they would withdraw from the meeting room during consideration of the application and take no part in the discussion and voting. Councillor Colacicco indicated however that she would address the Committee.

2. **Minutes of the previous meeting held on 15 October 2014**

A speaker from the previous meeting had raised a concern that his representations had not been recorded in full in the minutes. This was discussed by the committee and it was agreed that the minutes should stand as the speaker's representation had been taken into consideration had been taken into consideration at the meeting. It was noted that the minutes were not supposed to be a full account of each speakers' comments, but a summary of the points they had raised.

RESOLVED:-

that the minutes of the previous meeting held on 15 October 2014 be approved as an accurate record of the meeting.

3. 15 Summit Close, London NW9 0UL (Ref.14/2690)

PROPOSAL:

Sub-division of the site to provide a detached 2-storey three bedroom dwelling house to include a new vehicular crossover, provision for off-street car parking, bin stores and associated landscaping, and alterations to existing dwelling house (15 Summit Close) involving demolition of existing side garage and erection of two storey side extension, single storey rear extension, rear dormer window, alterations to existing vehicular crossover and landscaping to the frontage (as amended).

RECOMMENDATION: Grant planning permission subject to conditions listed after paragraph 35 of the report.

With reference to the supplementary report, Stephen Weeks (Head of Planning) clarified the issues raised by members at the site visit. He informed members that the proposed dwelling would respect the established building line along the established patterns of development of Summit Close whilst maintaining sufficient amenity space for both the existing house and the proposed dwelling. He submitted that the development would not be out of character or cause harm to the borough's suburban character. He continued that the level of parking (2 off-street spaces for the existing dwelling and 1 off-street space for the proposed dwelling) and access arrangements were supported by the Council's Transportation officers as they accorded with Brent's Domestic Vehicle Footway Crossover Policy (2008). The Head of Planning also confirmed the distances of the proposed dwelling to the existing house and the boundary treatments as set out in the supplementary report. He added that the issue about the applicant's future intentions for the development was not a material planning consideration.

Members noted that the neighbour who had requested to speak in objection did not attend the meeting.

Derrick Harrison (applicant's representative) and Rupert S (architect) were in attendance to respond to members' queries. Members heard that the parking provision for the new property was reduced on advice of Transportation officers in order to minimise impact and that an accurate survey and measurement of the site were undertaken. The architect continued that following a tree survey and in order to maintain the character of the area, key trees would not be removed except for one small apple tree. He clarified that the applicant's intention was to enhance habitable space and there was no intention to submit an application in future for conversion of the dwellings into flats.

In response to member's questions as to development of a garden area and whether the proposal would be overbearing and out of character, the Head of Planning advised that in the specific circumstances where there was an unusually large side garden with a street frontage and retention of a garden reflecting the size of the adjoining house, and where side gardens were not a characteristic of the street scene, that as the application complied with the Supplementary Planning

Guidance (SPG), and in also taking into account its design, the proposal was considered acceptable. He added that a condition had been recommended which would restrict future permitted development rights for the two sites.

DECISION: Granted planning permission as recommended.

4. 37 Lydford Road NW2 5QN (Ref. 14/2952)

PROPOSAL:

Demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwelling house erection of a boundary treatment and associated hard and soft landscaping

RECOMMENDATION: Grant planning permission subject to the conditions listed after paragraph 25 of the report as amended in condition 2 and as set out in the supplementary report.

Andy Bates (Area Planning Manager) in response to a query raised by Mapesbury Residents Association (MAPRA) about the correct number of objections recorded in the report stated that since the report was published, an additional objection had been received, bringing the total to 89. He added that the additional objection raised no new issues. He drew members' attention to the plan numbers as set out in the supplementary report which amended condition 2.

In accordance with the Planning Code of Practice, Councillor Colacicco stated that she had been approached by members of MAPRA in connection with the application. Councillor Colacicco stated that the proposed development would detract from the character of Mapesbury Conservation Area, resulting in a detrimental impact on the area. In urging members to refuse the application, Councillor Colacicco requested members to have regard to the existing Conservation Area Design Guide for Mapesbury. She also referred to chapter three of the Local Development Framework which stated that "boundary treatments should be retained where they form an integral part of the character or appearance of a Conservation Area" and BE27 which states that "Consent will not be given for the demolition of a building... in a conservation area unless the building, or part of the building, positively detracts from the character or appearance of the Conservation Area."

Councillor Colacicco then left the meeting room and took no part in the ensuing discussions and voting on the application.

David Gee (Secretary MAPRA), an objector, by reference to the Committee report stated that only minor changes had been made to the proposed development which would have a fundamental impact on the conservation area. He added that the proposal would be inconsistent with, and contrary to, the design guide policy which sought to resist any development that resulted in garden impact. He stressed the importance of the gardens to the character of the conservation area. He also stated that the proposal would not enhance or preserve the character of

the area and would set a dangerous precedent for future undesirable developments within the conservation area. In response to a member's question, David Gee clarified that the site was a garden which was converted to a builders' yard and therefore the proposal should be viewed as a back garden development.

Eric Cliff of MAPRA circulated a paper which highlighted the Council's successes in appeals to the Planning Inspectorate relating to sites within the conservation area. He urged members to refuse the application and offered the full support of MAPRA if the applicant chose to lodge an appeal.

Darren Stewart and one other neighbour (Marcia) of Teignmouth Road spoke in similar terms adding that the proposed development which they considered to be out of character would obstruct their garden views without enhancing or preserving the conservation area.

In accordance with the Planning Code of Practice, Councillor Carr stated that she had been approached by members of MAPRA in connection with the application. Councillor Carr objected to the proposed development on the grounds that it would not preserve or enhance the status of Mapesbury Conservation Area. She emphasised the need to preserve and enhance the conservation area.

Peter Benda, a supporter stated that the proposed development, which would be sited on a builders' yard, would enhance and improve the conservation area. He added that 89 objections received to the application was not significant relative to the number of residents in the area. He also stated that he was a member of MAPRA, but did not oppose the application. Peter Frank echoed similar views adding that most of the residents were unconcerned about the development as it would not result in any detriment.

Christopher Campbell (applicant) informed members that the scheme had been revised to ensure that it complied with the Conservation Area Design Guide, preserved and enhanced the conservation area. He added that the scale and massing had been reduced and that a new landscaped area would be created which would preserve the open character of the area. The applicant continued that the proposal, which would replace a builders' yard, would enhance the conservation area. In response to members' questions, David Campbell stated that the proposal which incorporated improved design and accorded with local planning and national policies, would be used as single family dwelling. He clarified that he did not incorporate a pitched roof so as to preserve the openness of the development and reduce its impact and that by condition 4, the brick selected would match the brick that is prevalent in the Mapesbury Conservation Area.

In response to a question raised, the Head of Planning confirmed that the house erected on the other side of the road dated from the 1980's prior to the declaration of the conservation area.

DECISION: Granted planning permission as recommended in the supplementary report.

5. 152 Olive Road, London NW2 6UY (Ref.14/2548)

PROPOSAL:

Demolition of former Cricklewood Library building and erection of a four storey building comprising 6 self-contained flats (1 x 1 bed, 4 x 2 bed and 1 x 3 bed) and 187m² of D1 (multi-functional community) floor space, with provision for bike and bin stores, associated landscaping and temporary retention of site hoarding for site security (to be removed on completion of development).

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

With reference to the supplementary report, Andy Bates (Area Planning Manager) reported that the applicant had reconfirmed their intention that the Friends of Cricklewood Library (FoCL) would occupy the community floor space and that significant pre-application discussions had been held with the FoCL to influence the size and layout of the community space.. He understood that the FoCL had submitted an outline business plan to the applicant, a condition precedent to the offer of a lease to the FoCL.

In accordance with the provisions of the Planning Code of Practice, Councillor Colacicco declared that she had been working with the FoCL on the library. Councillor Colacicco spoke in support of the application and welcomed the offer of ground floor space for community use. She then withdrew from the meeting and took no part in the discussion or voting.

Councillor Carr, ward member, indicated her support for the application.

Sally Long (Chair and Edward Lazarus (Finance Director) of FoCL spoke in support of the application, adding that the FoCL were in a position to run the library using the ground floor D1 space which they considered most suitable as a hub for the community to meet. In response to members' questions, Edward Lazarus stated that the FoCL were still negotiating on the annual service charge of £2,500, however, this would not pose a significant problem as FoCL had access to grant giving organisations to fund the project.

Mandip Sahota (applicant's agent) informed members that the ground floor D1 community use had been arrived at following consultations with community groups including FoCL. He confirmed that the applicants had notified FoCL that the space would be let out to them. He continued that the scheme had the support of residents and the general community and that the residential flats also complied with space standards. Mr Sahota then invited the applicant's architect to respond to members' questions on technical aspects of the scheme. The architect stated that an amended elevation which would ensure additional daylight was provided had been submitted since the report was published. He clarified that the ground

floor D1 use had been given a stronger presence and that the residential element had been set back appropriately.

In respect of the bin store and waste management, members' attention was drawn to condition 3 as set out in the main report. The Head of Planning advised against a member's suggestion for an informative on FoCL as the preferred tenant adding that this was best captured in the Section 106 legal agreement.

DECISION: Granted planning permission as recommended.

Notes:

Councillors Colacicco and Choudhary having declared prejudicial interests in the application at the start of the meeting took no part in the discussion or voting.

After the consideration of the above applications, the Councillor Marquis (Chair) had to leave the meeting. The remainder of the meeting was chaired by Councillor Colacicco (Vice-Chair).

6. 1-25 New Crescent Yard, London NW10 (Ref. 14/1309)

PROPOSAL:

Erection of metal railing adjacent to boundary between Shrine of Our Lady of Willesden Church and New Crescent Yard

RECOMMENDATION: Grant planning permission subject to the conditions listed after paragraph 8 of the report and as amended in condition 2 and as set out in the supplementary report.

Andy Bates (Area Planning Manager) informed members that the Church had withdrawn their objection to the scheme. He clarified that the proposed perspex screen to the railings would be transparent and would only be installed to a small section of the railings. Andy Bates drew members' attention to revised plan numbers which amended condition 2 as set out in the supplementary report.

In approving the application, members added a condition for the material selected to be maintained in clean condition.

DECISION: Granted planning permission as recommended subject to additional conditions on maintenance and that the screen on the railings be transparent.

7. 58 Brondesbury Road, London NW6 6BS (Ref.14/2026)

PROPOSAL:

Conversion of existing hostel into 4 self-contained flats (3 x 2 beds and 1 x 3 bed) involving excavation and alterations to existing partial basement level, lightwell to the front and sunken patio to the rear, blocking up and alterations to some of the existing windows and doors and front garden changes to include provision for single car parking space, bin storage and new hard and soft landscaping.

RECOMMENDATION: Grant planning permission subject to the conditions listed after paragraph 19 of the report as amended in condition 3.

Andy Bates (Area Planning Manager) in reference to the supplementary report informed members that the scaling of the front garden was correct and that the proposed arrangement showing one car parking space, enhanced landscaping and bin storage could be accommodated on the site. He reported that although the applicant had confirmed that the outbuilding would be removed, he recommended an amended condition 3 as set out in the supplementary report. He continued that other than the excavation of the rear patio level for the lower ground floor flat, the applicant did not propose to make any change to the ground level of the site.

In response to members' questions, the Head of Planning stated that the proposal did not constitute an overdevelopment of the site and that there was no extension proposed into the garden. Members heard that there was an approach to limit to the size of lightwells in the conservation area and that condition 4 which required that the person carrying out the works was a member of Considerate Constructors Scheme (CCS) would minimise construction noise.

DECISION: Granted planning permission as recommended and a condition that the windows overlooking the garden have permanent obscured glazing.

8. Any Other Urgent Business

None.

Note: At 9.15pm the meeting was adjourned for 2 minutes.

The meeting ended at 9.47pm

S MARQUIS
Chair

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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

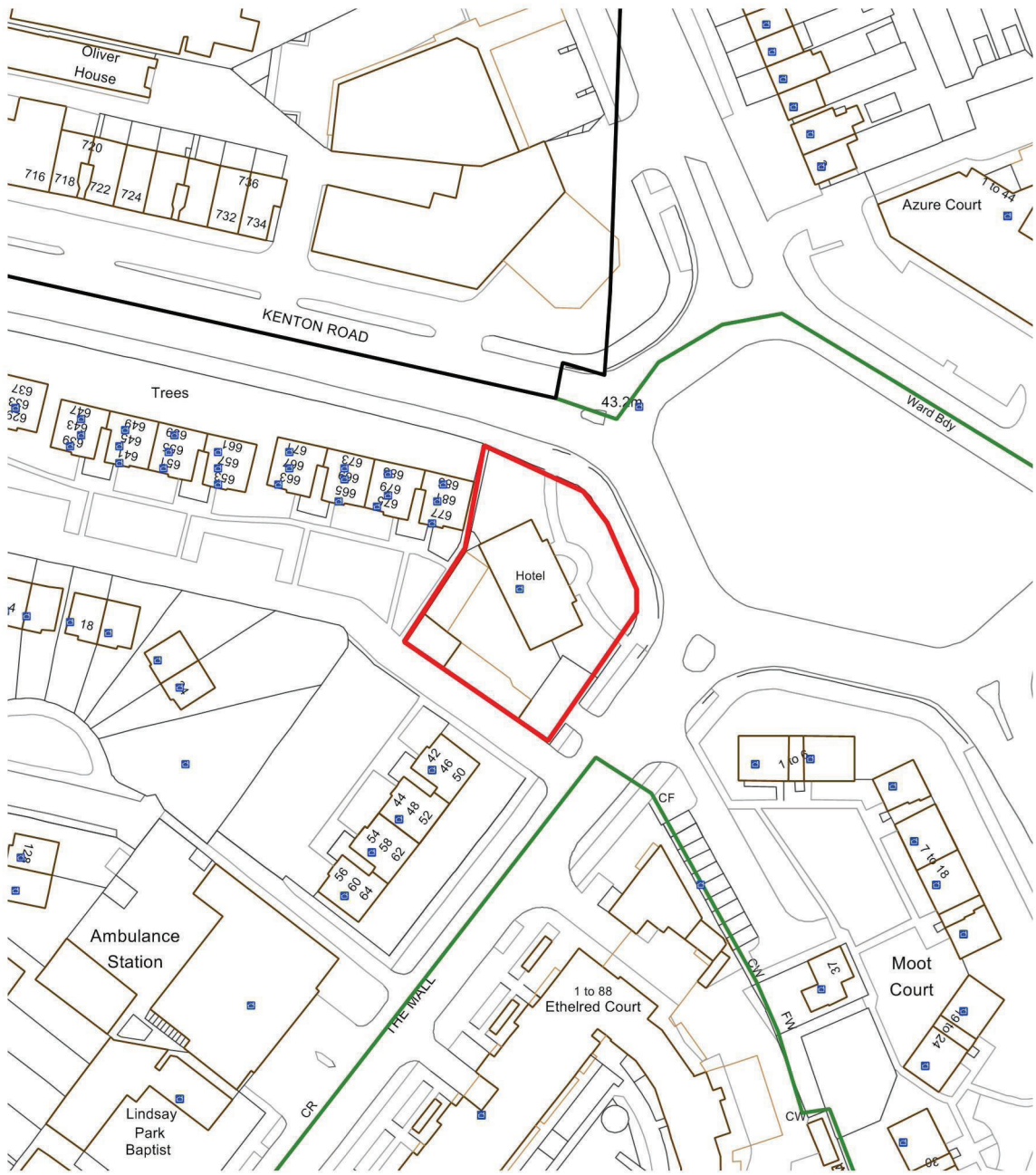
- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions 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: Kingsland Hotel, Kingsbury Circle, London, NW9 9RR
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This map is indicative only.

RECEIVED: 22 July, 2014

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Kingsland Hotel, Kingsbury Circle, London, NW9 9RR

PROPOSAL: Outline planning application for demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage (matters to be determined: access, appearance, layout and scale)

APPLICANT: JAYHEMS LIMITED

CONTACT: CgMs Consulting

PLAN NO'S:
Refer to Condition 3

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and subject to conditions listed after paragraph 48, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

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

1. Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
2. A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to the piling of foundations for the development hereby approved. This shall demonstrate:
 - a. How the development will achieve BREEAM Excellent;
 - b. How the indicated Brent Sustainability Checklist measures will be implemented within the scheme (or other such measures approved by the Council which meet a level of at least 50%).
 - c. How the scheme will achieve a minimum CO2 reduction of 35 % from 2013 TER (regulated) including a minimum of reduction of 7% through on-site renewables (after "be lean" and "be clean" measures have been applied) or other such revised measures as approved by the Council which achieve the same levels of CO2 reduction;
3. The applicant shall implement the approved Sustainability Implementation Strategy and shall thereafter retain those measures.
4. On completion, independent evidence (through a BRE Post-Construction Review and completion certificates) shall be submitted on the scheme as built, to verify the achievement of BREEAM Excellent
5. If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required:

- a. the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - b. the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough.
6. To implement the Travel Plan from first occupation of the development, (incorporating coach management arrangements) with targets to be based on a suitable baseline survey of the existing hotel within 3 months of signing the agreement;
7. Join and adhere to the Considerate Constructors scheme
8. Training and employment
- a. To prepare and gain approval of a Employment Enterprise and Training Plan prior to commencement and to implement the Plan
 - b. To offer an interview to any job applicant who is a resident in Brent and meets the minimum criteria for the job
 - c. To use reasonable endeavours to: achieve 1 in 10 of the projected construction jobs to be held by Brent residents and for every 1 in 100 construction jobs to provide paid training for a previously unemployed Brent resident or Brent school leaver for at least 6 months
 - d. From material start, to provide monthly verification of the number of Brent Residents employed or provided training during construction and if the above targets are not being met, to implement measures to achieve them
 - e. Prior to occupation, verify to the Council the number of Brent Residents employed during construction and unemployed/school leavers who received training.

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the London Plan 2011, Brent's Core Strategy and 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 **£363,134.75** of which £268,676.34 is Brent CIL and £94,458.41 is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The application site comprises a three storey building with accommodation in the roof space on Kingsbury Circle between The Mall and Kenton Road. It was originally built as an office building but has since been converted to a hotel in 1997. The site is not located within a conservation area nor is it a listed building. Kenton Road is a London Distributor Road and The Mall is a Local Distributor Road.

There is a mixture of uses within the vicinity of the site. These include three storey residential developments along Kenton Road, The Mall and Fryent Way. On the eastern side of The Mall is more recently constructed five storey residential buildings.

On the opposite side of Kingsbury Circle is Kingsbury Road which contains the primary and secondary shopping frontages of Kingsbury District Centre. These building are two and three storeys in height, comprising retail and other town centre uses at ground floor and predominantly residential use on the upper floors. Directly opposite the application site is Azure Court, a five storey development, which contains Tescos at ground floor and residential flats above. Planning permission was granted for this development in February 2006 (LPA Ref: 05/1204). The opposite side of Kenton Road falls within the ownership of the London Borough of Harrow. It comprises three storey terraced buildings and close to the roundabout a two storey flatted roof supermarket.

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
hotels	780		780	3341	2561

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	780		780	3341	2561

PROPOSAL

Outline planning application for demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage (matters to be determined: access, appearance, layout and scale)

HISTORY

Relevant planning history

10/3262: Full Planning Permission sought for demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey, 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage and subject to a Deed of Agreement dated 6th October 2011 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted, 14/10/2011.

POLICY CONSIDERATIONS

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

- 4.5: London's Visitor Infrastructure
- 5.2: Minimising Carbon Dioxide Emissions
- 5.6: Decentralised Energy in Development Proposals
- 5.7: Renewable Energy
- 8.3: Community Infrastructure Levy

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 hold considerable weight.

CP19: Brent Strategic Climate Mitigation and Adaptation Measures

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), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

- BE2: Townscape - Local Context & Character
- BE5: Urban Clarity & Safety
- BE6: Public Realm - Landscape Design
- BE9: Architectural Quality
- BE12: Sustainable Design Principles
- BE20: Advertisements on Buildings
- EP2: Noise & Vibration
- EP3: Local Air Quality Management

TRN1: Transport Assessment
TRN4: Measures to Make Transport Impact Acceptable
TRN14: Highway Design
TRN22: Parking Standards - Non Residential Developments
TRN30: Coaches and Taxis
TEA6: Large-Scale Hotel Development

Supplementary Planning Guidance

Mayor's Town Centres Supplementary Planning Guidance (SPG) adopted July 2014
SPG17: Design Guide for New Development adopted 2001

CONSULTATION

Consultation Period: 12/08/2014 - 02/09/2014

Additional consultation period: 27/10/2014 - 17/11/2014

Site Notice: 13/08/2014 - 03/09/2014

Press Notice: 14/08/2014 - 04/09/2014

333 neighbour consulted - Three letters of objection raising the following concerns:

- Site should be used by residents to do their shopping
- Existing parking pressures on neighbouring roads due to nearby school and other developments. A larger hotel with less parking will make the situation worse.
- Coach parking on road is likely to cause traffic congestion on heavily used roads - measures required to ensure coach follows management plan
- Unlikely that visitors will use public transport to access the hotel due to heavy luggage
- Will the hotel be used by standard guest hotel or for temporary social housing.
- Concern with anti social behaviour from visitors travelling to Wembley Stadium
- Increase in air pollution and rubbish in the area - this development will add to these concerns

External Consultation

London Borough of Harrow - Objections raised on the following grounds: The new hotel by reason of its excessive height and visual bulk would appear unduly prominent and would not relate satisfactorily to its immediate surroundings and to the built form of the adjacent part of the London Borough of Harrow.

Councillor Colwill (Kenton Ward and Deputy leader of the Conservative Group) - Objections raised on the grounds that the scheme is an overbuild and will create even more stress on an already very busy roundabout (Kingsbury Road - Fryent Way - The Mall - Kenton Road).

Internal Consultation

Transportation - No objections subject to a Travel Plan (including coach management arrangements) to be secured within the Section 106 Agreement and a condition requiring an amendment to the proposed site access to provide 4m kerb radii.

Environmental Health - No objections such to conditions in relation to air quality, plant noise and contaminated land.

REMARKS

Background

1. Full planning permission was granted on 14 October 2011 to demolish the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey, 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage (LPA Ref:10/3262). This application was subject to a Deed of Agreement dated 6th October 2011 under Section 106 of the Town and Country Planning Act 1990, as amended. This planning permission has not been implemented and has now expired.

2. This application seeks planning permission for a similar development as described above. The difference between the current application and the previous scheme from 2010 is that outline planning permission is

now being sought rather than full planning permission. Outline planning permission is seeking to agree the principle of development, without providing details of all elements of the proposal. In this case, the application is seeking for the Local Planning Authority to consider access, appearance, layout and scale at this stage and for landscape details to be reserved for future approval.

3. When assessing the current application, regard has to be had to any changes in policy since the previous approval. The London Plan has been updated since the previous approval, and such changes to have implications on the number of wheelchair accessible bedrooms and sustainability requirements for the new building. The Mayor has also introduced a Supplementary Planning Guidance on Town Centres which provides further guidance on wheelchair accessible rooms and Accessibility Management Plan. These matters are discussed below in further detail.

4. Both Brent's Core Strategy 2010 and Unitary Development Plan 2004 are saved policies and are still material considerations for the assessment of the current application. There has since been the introduction of both Mayoral Community Infrastructure Levy (CIL) on 1 April 2012 and Brent's CIL on 1 July 2013. The introduction of CIL does have implications on the Heads of Terms for the Section 106 Agreement and this is discussed in further detail below in paragraph x below. The CIL replaces the standard charges within Brent's Section 106 Planning Obligations Supplementary Planning Document

Principal of Development

5. Policy TEA6 permits a large scale hotel where the site is located within a town centre or edge of centre subject to the proposal not having an unacceptable traffic impact and complying with the Council's policy on taxi and coach parking; not having a significant adverse impact upon the residential amenity or character of the area; and not resulting in the loss of land or accommodation that can best be used, with or without adaption, for permanent residential purposes.

6. The site is located on the edge of Kingsbury District Centre. As the site already contains a 28 bedroom hotel, the principle of a hotel use is already established on the site. Therefore, a larger 92 bedroom hotel is acceptable subject to it not having an unacceptable traffic impact and complying with the Council's policy on taxi and coach parking; not having a significant adverse impact upon the residential amenity or character of the area. These aspects are discussed in further detail below:

Design, massing and scale

7. The existing hotel is three storeys in height with rear dormer windows to accommodate additional bedrooms within the roof space. In terms of the relationship with the adjoining properties, the existing building is up to 1.2m higher than the neighbouring residential blocks on The Mall and Kenton Road, which are also three storeys in height. The hotel has a footprint of approx. 245sqm and has a total floor area of 780sqm. It is sited at an angle within the plot, set in from the western boundary by approx. 1.6m at its closest point, the front boundary (fronting Kingsbury Circle) by 7.5m at its closest point and the southern boundary by approx. 12m at its closest point. An established landscape area is provided along the frontage.

8. The proposed hotel building is to be six storeys in height with a basement (overall height 19.5m) and has a floor area of 3341sqm. In the vicinity of the site there are a variety of buildings of differing scale and design. Of particular relevance is Azure Court on the opposite side of Kingsbury Circle (this building contains the Tesco store at ground floor), which is five storeys in height. The proposed hotel building would be the tallest building in the immediate locality, however, whilst the proposed building is an additional storey in height when compared to Azure Court, it is only approx. 0.5 higher overall due to the different floor to ceiling heights for the respective uses. It is also noted since the previous approval, that a new residential development of up to five storeys in height has been built at Ethelred Court (formally known as 1 to 3 The Mall - LPA Ref: 09/2650) on the eastern side of The Mall. Given the context of the site, it is considered that the principle of a taller building can be supported subject to being an appropriate design and having an acceptable relationship with the neighbouring properties.

9. The building has been designed to relate to the form of the smaller buildings by incorporating two brick panels that are intended reflect the elevations of the residential blocks on The Mall and Kenton Road. The fourth and fifth storey is proposed to be set in at both sides to take account of the height of the adjacent buildings; the proposed building will be four storeys next to the residential properties on The Mall and no higher than the ridge of the roof of the residential properties on Kenton Road. The sixth storey is proposed to be set in at both the sides and set back from the front elevation to reduce the overall bulk and prominence of the top storey. The footprint of the building will follow the line of the site, providing a curved front facade, allowing space for some landscaping; the building is aligned with the adjacent building lines on The Mall and

Kenton Road.

10. Design detailing has been provided within the elevations to break up the mass and bulk of the building. Such features include:

- The two upper floors are articulated into three elements “reducing their scale” (two wings and central section). This has been achieved with the central element in coloured panels up to the fifth floor, and the wings in brick work (fourth floor) and glazed (fifth floor). The roofline has also been articulated to break up the skyline
- An expressed joint line between the third and fourth floors
- Use of facing brick for the fourth floor so that it heavier in appearance. The brick work will be patterned to differentiate it from the floors below. This will assist in reflecting the scale of the neighbouring buildings
- Fifth floor to be lighter in appearance incorporating more glazing with oversailing eaves
- A more pronounced entrance to the hotel through the use of a canopy

11. Whilst it is acknowledged that the proposed building will exceed the height of other buildings in the locality, on balance, it is considered that this prominent site can support a taller building. It is considered that the building is of an appropriate design, taking account of the surrounding context with a elements of the adjoining buildings reflected in the elevational treatment. The same design of building was approved in 2011, and in policy terms there have been no changes to design policies since the previous approval.

Wheelchair accessible units and Accessibility Management Plan

12. In line with the requirements of policy 4.5 of the London Plan 2011, 10 of the hotel rooms will be wheelchair accessible, accounting for over 10% of rooms. The location of the wheelchair accessible rooms have been annotated on the floor plans and a supplement to the Design and Access Statement has been provided that discusses disabled rooms and facilities within the hotel. This meets the objectives of policy 4.5 of the London Plan 2011.

13. The application is also accompanied by an Accessibility Management Plan. The purpose of this document is to consider the management and operation of accessible rooms from the outset of the design. Such details have been set out within the Accessibility Management Plan (AMP) but as the application is outline only, full details have not been agreed with the hotel operator. It is therefore recommended that further details are conditioned to any forthcoming consent with a review mechanism secured to review the AMP on a yearly basis.

Impact on neighbours

14. To the west and south of the site lies the three storey residential blocks of flats on Kenton Road and The Mall. The residential blocks on Kenton Road are separated from the development by a footpath that provides access from Kenton Road to both the entrances of these residential blocks and a vehicular access road that runs parallel with Kenton Road from The Mall to Preston Hill. The residential block on The Mall is separated from the development by the vehicular access road that runs parallel with Kenton Road from The Mall to Preston Hill.

Overbearing appearance and outlook

15. Due to the unusual relationship of the building with the neighbouring properties, the proposal does not directly face the rear habitable room windows of the surrounding residential properties or adjoin private amenity/garden areas, and thus the guidance as outlined in SPG17 is not directly applicable. However, your officers consider that the principles of SPG17 should be considered to assist in the assessment of the impact on the amenities of surrounding neighbouring properties. The applicant has demonstrated in the Design and Access Statement that the height of the main body of the development is within a line drawn at 45 degrees measured from the amenity space of the properties in Kenton Road. This amenity space is informal and not private, fronting onto the access road and is more of a landscaped space. The measurement is taken where the development faces directly onto the amenity area. However, as the building is curved within the plot, not all of the building would meet the 45 degree guidance. Your officers are of the view that given that the development is at an oblique angle in relation to the amenity space and only the angled part would not fully comply with the guidance, the impact is not considered, on balance, to be so significant as to warrant a reason for refusal.

16. The development is separated from the private amenity space of the properties on The Mall by the

vehicular access road. Whilst part of the development fails the 45 degree angle when measured from this amenity space, given the visual separation provided by the access road and compliance with 2:1 guideline (again not directly applicable but a useful too), it is considered that the development would not harm the amenity of neighbouring properties to an unacceptable degree. In addition, due to the orientation, there will be no significant loss of sunlighting as a result of the development impacting on the useability of the amenity space.

17. The oblique angle, projection of the development from the rear habitable room windows of the flats within The Mall and Kenton Road, and curved angle of the building, allows for an acceptable level of outlook to be maintained for the occupants of adjoining residential properties.

Daylight and Sunlight

18. A Daylight and Sunlight Assessment has been submitted. This concludes that the affect of the development upon the daylight to habitable rooms in adjacent properties will be negligible.

19. Sunlight to the habitable rooms for the residential blocks on Kenton Road and The Mall will not be significantly affected by the development. The report does identify that sunlight to the front windows of the property in Kingsbury Circle will be affected, however this is largely because these habitable room windows face in a northerly direction, and already receive limited sunlight. These rooms would already fail guidance levels and any further reduction would also fail, though it is not considered the reduction would be to an unacceptable degree. As such, this is not considered so significant to warrant refusal.

20. Whilst it is noted that the landscaped area in between the residential blocks on Kenton Road and the vehicular access road will experience a reduction in the amount of sunlight received, this will only be for a limited part of the day (early morning). As referred to above, due to the orientation, there will be no significant loss of sunlighting as a result of the development impacting on the useability of the amenity space for the residential blocks on The Mall.

21. It should be noted that the relationship of the new hotel building to neighbouring residential properties is the same than the previous approval, and that there have not been any changes in policy terms in respect of consideration neighbouring amenity.

Noise

22. The applicants have submitted an Environmental Noise Assessment which outlines the noise emission levels that would need to be met by plant and services at the hotel to be likely to not cause a nuisance to neighbouring properties. Your officers in Environmental Health have reviewed this document and recommend that a condition is secured as part of any forthcoming planning consent to require the cumulative noise level from any plant, together with any associated ducting, be at least 10dB below the measured background noise level when measured at the nearest noise sensitive premises. This is to ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason for noise nuisance from plant and machinery.

Transportation

23. The site has moderate access to public transport (PTAL 3), with Kingsbury Underground Station and five bus services within 640 metres (8 minutes walk). On street parking around the site frontage is prohibited at all times. Unrestricted parking is available on The Mall, and on street parking is also available along Kenton Road to the west outside of peak hours. These roads are generally well parked during the day, due to the amount of commercial activity in the area, but less so at night.

24. The existing hotel has a car park and service yard at the rear of the site, providing 15 to 20 car parking spaces. The car park is accessed via a 4.8m wide crossover with 2.5m kerb radii from The Mall. A rising barrier is located at the highway boundary. The new hotel will provide seven car parking spaces (including 4 disabled bays) at the rear of the site. These spaces will be made available to disabled hotel guests and staff. No general parking will be provided for the guests. Access will still be provided from The Mall, but via a widened 5.5m crossover and driveway with 450mm margins through a 4.5m high archway through the building. A rising barrier is retained at the highway boundary. Pedestrian access remains a footpath across a landscaped area to the front of the building.

25. The scale of this proposal is such that careful consideration must be given to the local transport network. Therefore in accordance with policy TRN1 the applicants have provided a Transport Statement. The finding

of this report are discussed in further detail below.

Car and coach parking

26. Car parking allowances for hotel uses are set out in standard PS11 of the UDP. This permits up to one car parking space per five bedrooms, plus one space per five staff, giving a total maximum allowance of 21 spaces. Seven parking spaces (including four disabled bays) are proposed for this development. These will be for use by disabled guests and staff members of the hotel. No general guest parking is proposed and guests will be notified at the time of booking that no parking is available on site. Your officers in transportation have considered that shortfall and the likely impact of overspill parking from the site, and have advised that there is generally on-street parking spaces available along The Mall and Kenton Road in the evenings and pay and display parking along Kingsbury Road, which can together safely accommodate overspill parking from the site without the need for guests to park in nearby residential streets.

27. Parking standard PS11 also required a coach parking space to be provided for the hotel as it contains more than 50 bedrooms. Given the constrained nature of this site, it is not practical to provide a permanently marked coach parking space. It is therefore proposed to cordon off spaces within the rear car park whenever a coach is pre-booked, which would allow the coach to enter and turn within the site, before parking along the driveway, which has sufficient width to allow cars to pass a parked coach. As a large coach party would occupy a large proportion of the hotel rooms, this system should not cause too much disruption to other guests. It is therefore recommended that as part of the Travel Plan for the site, details of the management arrangements for the coaches including the use of a concierge service whereby guests will be required to leave their vehicle keys with hotel staff to allow the cars to be manoeuvred so that the area can be made available in advance of the coach arriving, is recommended to be secured as part of the Section 106 Agreement for this scheme. This management arrangement was secured as part of the Travel Plan for the previous scheme.

Servicing

28. Standard PS21 as set out in the UDP requires hotels to be serviced by 8m rigid vehicles. This size of vehicle can enter and turn within the site without any parking spaces needing to be taken out, thus satisfying servicing requirements.

Bicycles

29. There is no particular standard for bicycle parking, but the proposed provision of a secure store of eight bicycles is considered acceptable, providing one staff for every two staff.

Alterations to access on The Mall

30. The driveway and crossover are to be retained in their current position, accessed off The Mall, but slightly widened to accommodate service vehicles and coaches. In addition to increasing the width of the crossover to 5.5m, your officers in transportation have requested that the existing kerb radii will also need to be increased to at least 4m. It is recommended that these alterations are secured by condition.

Impact of the proposal upon the local transport network

31. The applicants have submitted a Transport Statement to accompany the application. As discussed above, the proposed hotel will not provide any general parking for hotel guests. Management arrangements will be secured through a Travel Plan as part of the Section 106 Agreement and guests will be notified at the time of booking that no on site parking is available. Officers in Transportation have advised that any overspill parking can be safely accommodated on the surrounding streets without needing to park in the residential roads.

32. The Transport Statement has considered the likely number of trips generated by the proposal hotel in the morning and evening peak hours, based on comparisons with data held for other hotels across London with similar levels of public transport accessibility (PTALs). This estimated trips by all modes totalling 18 arrivals/44 departures in the morning peak (8-9am) and 31 arrivals/22 departures in the evening peak hour (5-6pm), of which 5 arrivals/8 departures in the am peak and 10 arrivals/4 departures in the pm peak would be by car. The traffic figures represent less than 1% of the existing flow on the adjacent roads, and your officers in transportation have advised that this is not considered to be significant enough to warrant any further junction capacity assessment in the area. Similarly, the impact on local bus and rail services is not considered to be significant. However, the development will add to pedestrian movements in the vicinity of the

site and there is a need to improve crossing facilities on the Fryent Way arm of Kingsbury Circle roundabout (i.e. replacing the zebra crossing with a pelican crossing), thereby improving safety between the site and Kingsbury Underground station. The previous scheme secured sustainable transport provisions in the vicinity of the site as part of the Section 106 Agreement. As Brent has now adopted it CIL such contributions need to be provided as part of the monies obtained from Brent's CIL.

33. In addition, as the proposed hotel exceeds the threshold set out in TfL's Guidance for Workplace Travel Plans of 50 bedrooms, a full Travel Plan is required to be produced. This is recommended to be secured through the Section 106 Agreement for this scheme, with a requirement to undertake a baseline survey of the existing hotel within three months of the signing of the agreement and to submit and approval a full Travel Plan prior to occupation of the development.

Sustainability

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

Compliance with Brent policies

35. In support of the objective of satisfying Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures*, a BREEAM Pre Assessment Report has been submitted predicting the development would achieve a score of 71% which gives a rating of Excellent. This is to be secured as part of the section 106 agreement.

36. Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control 2003* require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of over 50% can be achieved. The Sustainable Development Checklist is to be secured as part of the section 106 agreement.

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

Compliance with London Plan 2011

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

39. The application is supported by an Energy Strategy. In summary, the proposal meets the criteria of London Plan policy 5.2 for 35% improvement on Part L 2013 Building Regulations. A total reduction of 37% is proposed. Such measures are to be secured as part of the Section 106 Agreement.

- Lean measures

The buildings will be constructed using a range of passive design features to meet building regulations, including higher fabric specification and improvement over building regulations air permeability target. Efficient building service systems are proposed including efficient lighting, mechanical ventilation and heat recovery where feasible.

- Clean measures

The proposal will incorporate a Combined Heat and Power System (CHP).

- Green measures

The scheme proposes to install Photovoltaic Panels, accounting for 7% renewable energy. . Whilst this is less than the minimum requirement of 20% renewable energy requirement set out in policy 5.7 of the London Plan, given that the overall scheme achieves a carbon reduction of at least 35% improvement on Part L 2013 Building Regulations and achieves BREEAM Excellent, this shortfall is not considered in itself sufficient to warrant a reason for refusal.

Air Quality

40. The proposed development is within an Air Quality Management Area, so extra care needs to be taken during the demolition and construction phases to prevent dust emissions. It is recommended that a Construction Method Statement is conditioned to any forthcoming consent to control dust, noise and other environmental impacts of the development.

41. It is also noted that the scheme proposes a Combined Heat and Power plant (CHP). Such a heating system was proposed as part of the previous approval. As CHP has the potential to impact on local air quality, your officers in environmental health have recommend that a condition is secured for an air quality impact assessment to be submitted prior to commencement of the development.

Landscaping

42. As part of the outline planning consent, landscape is to be reserved to a later stage. A site plan has been provided that indicatively shows the areas of landscaping, which are predominantly contained to the front of the hotel incorporating a pedestrian pathway to the entrance. A landscape strip is also provided along the rear boundary with a new boundary wall. A green/brown roof proposed. Full details of landscaping will be secured at the reserved matters and will include tree planting within the frontage and a living roof implemented on the roof. It is also recommended that SUDS are to be incorporated.

Section 106 Agreement and Community Infrastructure Levy

43. The previous approval was subject to a Section 106 Agreement that secured a number of clauses. A number of these clauses will be provided in the Section 106 Agreement to this scheme including the Travel Plan with coach parking management arrangements, Considerate Contractors Scheme and sustainability measures (although the sustainability requirements have been updated to reflect current policy - see paragraphs 34 to 39 above).

44. As discussed above, standards charges have been replaced with Brent's CIL. The previous consent secured a financial contribution of £719 per additional bedroom (£46,016) to be utilised by the Council towards the provision and/or improvement of all or some of the following measures:

- (a) Employment training opportunities in the local area
- (b) Sustainable transport in the local area
- (c) Sport and/or open space in the area
- (d) Environmental improvements in the local area.

It also required the hotel to offer a contract of paid training and employment for a period of not less than one year to two unemployed or school leaver residents living in the Council's area. If this obligation was not complied with an additional £281 per additional bedroom would be required for the measures as set out above. This would bring the overall contribution to £64,000.

45. As Brent has adopted its CIL a standard contribution can no longer be applied. The Brent CIL contribution for this scheme is £268,676.34 which will go towards improvements in the area such as sustainable transport in the local area, sport and/or open space in the area and environmental improvements in the local area. In line with the Council's Planning Obligations SPD, the current Section 106 Agreement requires the owner to enter into a Training and Employment Programme which will include the approval of an Employment Enterprise and Training Plan. This will seek to achieve 1 in 10 of the projected construction jobs to be held by Brent residents and for every 1 in 100 construction jobs to provide paid training for a previously unemployed Brent resident or Brent school leaver for at least 6 months. The overall amount of local employment will be greater than 2 employees as set out in the previous Section 106 Agreement.

Response to objections raised

46. Objections have been received during the consultation period, raising a number of concerns. These are set out below:

Point of objection	Response
Site should be used by residents to do their shopping	The site is already in use as a hotel. As discussed in paragraphs 5 and 6 above, a larger hotel is considered acceptable in this location.

Existing parking pressures on neighbouring roads due to nearby school and other developments. A larger hotel with less parking will make the situation worse.	The parking requirements and consideration of overspill parking onto surrounding streets is discussed in paragraphs 26, 27, 31, 32 and 33 above.
Coach parking on road is likely to cause traffic congestion on heavily used roads - measures required to ensure coach follows management plan	Management arrangement for coaches will be secured as part of the Travel Plan for the site as part of the Section 106 Agreement. This is discussed in further detail in paragraph 27 above.
Unlikely that visitors will use public transport to access the hotel due to heavy luggage	The site has moderate access to public transport (PTAL 3), with Kingsbury Underground Station and five bus services within 640 metres (8 minutes walk). The scheme will be subject to a Travel Plan that will encourage alternative modes of transport to private cars.
Will the hotel be used by standard guest hotel or for temporary social housing.	The new building will be used for the purpose of a hotel falling within use class C1.
Concern with anti social behaviour from visitors travelling to Wembley Stadium	This is a matter that is outside the control of planning.
Increase in air pollution and rubbish in the area - this development will add to these concerns	Consideration of air pollution is discussed in paragraphs 40 and 41 above. Details of refuse facilities of the new hotel will be conditioned to any forthcoming consent.
Scale and visual bulk of the building excessive and poorly relates to its surroundings	The design, scale and massing of the new hotel is discussed in paragraphs 7 to 11 above.

Conclusions

47. In conclusion, it is considered that this site can support a large scale hotel as it is located on the edge of Kingsbury District Centre. The report has considered the traffic impact of the proposal and the impact on the amenity of surrounding residential properties, whereby it is not considered to cause significant harm. It is considered that the scale and design of the building is appropriate for this prominent site that respects the character of the area.

48. Approval is accordingly recommended subject to the completion of a satisfactory Section 106 Agreement and planning conditions as set out below.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan 2011 (adopted July 2011) and Revised Early Minor Alterations to the London

Plan published on 11 October 2013
Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 "Design Guide for New Development"
Mayor's Town Centres Supplementary Planning Guidance (SPG) adopted July 2014

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
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

CONDITIONS/REASONS:

- (1) In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
- (i) the expiration of three years from the date of this permission; or
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

- (2) Details of the reserved matters for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on the development and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied. Such details shall include:

(a) landscaping

NOTE - Other conditions may provide further information concerning details required.

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

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

001 Rev A - Site Location Plan
002 Rev A - Existing Site Plan
003 Rev A - Demolition Plan
004 Rev A - Existing Elevations AA, BB and CC
005 Rev A - Existing Elevations DD and EE
010 Rev C - Proposed Site Plan
011 Rev C - Proposed Floor Plans Basement, Ground and First to Third
012 Rev C - Proposed Floor Plans Fourth, Fifth and Roof
018 Rev A - Parking Management Plan for Coach Access
020 Rev C - Proposed Elevations AA, BB and CC
021 Rev C - Proposed Elevations DD and EE
023 Rev C - Proposed Sections AA and BB
SK008 Rev B - Location of Accessible Rooms

Supporting Documents

Transport Statement prepared by Peter Brett Associates LLP
Design and Access Statement prepared by Shephard Epstein Hunter
Design and Access Supplement - Accessible rooms and facilities
Report on the availability of Natural Daylight prepared by Calford Seaden
Supplementary Design Report 2 prepared by Shephard Epstein Hunter
Environmental Noise Assessment prepared by WSP
Accessibility Management Plan
Energy Statement prepared by Pick Everard

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

- (4) All of the parking spaces proposed in the rear car park, as shown on drawing no: 011 Rev C, shall be constructed and permanently marked out prior to first occupation of hotel hereby approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, other than for coach parking, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (5) The proposed cycle parking facilities and refuse storage facilities shall be provided in accordance with the details as shown in drawing no: 011 Rev C prior to the first occupation of the proposed hotel, and thereafter retained in accordance with such approved details unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to provide adequate facilities for cyclists.

- (6) Prior to commencement of any works on site including demolition, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The CMS shall include measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be carried out in full accordance with the approved details.

Reason: to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance from noise, dust, odour.

- (7) Prior to commencement of any works on site, an air quality impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The air quality assessment shall demonstrate that the development and proposed Combined Heat and Power unit shall have no more than an imperceptible impact on local air quality and neighbouring residents, and thereafter implemented in accordance with such approved details.

Reason: To safeguard future and current residents from poor air quality.

- (8) Prior to commencing any works on site, a scheme shall be submitted to and approved in writing by the local highway authority to provide the vehicular access onto The Mall to be widened to 5.5m with 4m kerb radii.

The works shall be carried out at the applicants expense and the hotel hereby approved shall not be occupied until the above works have been completed in full accordance with the above points.

Reason: In the interest of highway and pedestrian safety.

- (9) Prior to commencement of any works on site, further details of all exterior materials including samples (to be prearranged to be viewed on site) and/or manufacturer's literature shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, roof tiles;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens

The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of the visual amenities of the locality.

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

- (i) areas of hard landscape works including details of location, materials and finishes. These shall have a permeable construction;
- (ii) details of proposed boundary treatments including screening, walls and fencing, indicating materials and dimensions;
- (iii) details of all planting including location, species, size, density and number including tree planting incorporated for the frontage;
- (iv) The location of and details of any external lighting, including details of light spillage
- (v) details of the living roof to be implemented on the roof including a cross section showing the depth of the soil and details of all planting including location, species, size, density and number
- (vi) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

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

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

- (11) The Combined Heat and Power unit installed shall meet or improve upon the emissions standards and technical details described in the approved Air Quality Impact Assessment. Prior to first occupation of the hotel hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority that provide details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met and shall maintain the unit thereafter so as to ensure that these standards continue to be met.

Reason: To protect local air quality.

- (12) The development hereby approved shall not be occupied until an Accessibility Management Plan which details how the continuing management of the hotel will ensure the accessible rooms are maintained and managed has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full.

Reason: To ensure an accessible development.

- (13) Prior to first occupation of the hotel hereby approved, an assessment of the noise level from

any installed plant (such as air handling units, generators, ventilation/extraction systems) together with any associated ducting, achieving 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises, shall be undertaken and submitted to the Local Planning Authority for approval. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. It shall be assumed that each item of plant incurs a +5dB(A) penalty to account for tonal qualities, unless it can be demonstrated that tonal qualities do not apply. If the predicted noise levels of the plant exceed those specified within this condition, then a scheme of insulation works to mitigate the noise shall be included. The recommendations provided within the noise assessment together with any required mitigation measures shall be carried out in full accordance with the approved details prior to first use of the plant equipment hereby approved.

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

- (14) Further details of the proposed signage, including details of location, materials, design and illumination, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the hotel hereby approved. The signage shall thereafter be fully implemented in accordance with the approved details unless the prior written approval of the Local Planning Authority has been obtained.

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

INFORMATIVES:

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

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



Planning Committee Map

Site address: PERFECT EXPRESS, 100 High Street, London, NW10 4SL

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This map is indicative only.

RECEIVED: 27 May, 2014

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: PERFECT EXPRESS, 100 High Street, London, NW10 4SL

PROPOSAL: Change of use from retail (Use class A1) to coffee shop/restaurant (Use class A1/A3), installation of new shop front, erection of a single storey rear extension with air conditioning units mounted onto the roof and installation of extract duct to the rear elevation

APPLICANT: Cuppacoff Ltd

CONTACT: Barton Wilmore

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approve, subject to the conditions after paragraph 14.

EXISTING

The site is occupied by a three storey building on the southern side of High Street within Harlesden Town Centre. Until early 2014 there was a dry cleaners located on the ground floor although that business ceased to occupy the building when the lease expired. There is residential accommodation located on the floors above.

It is located within the Harlesden Conservation Area and is also within a designated Primary Shopping Frontage, as defined in the Brent UDP.

PROPOSAL

See above.

HISTORY

13/2325 - change of use from A1 to A3. Refused on 7 March 2014 on the grounds of loss of vitality in the Primary Shopping Frontage and also lack of detail relating to any proposed extract system.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

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

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

UDP 2004

BE25 - Development in Conservation Areas.
SH6 - Non-retail Uses Appropriate to Primary Shopping Frontages
SH7 - Change of Use from Retail to Non-retail
SH10 - Proposed food and drink uses
EP2 - Noise and vibration
TRN22 Parking Standards non residential development
TRN34 Servicing in new Development

SPG7-Shopfronts.

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

A total of 20 neighbouring owner/occupiers were consulted about this application on 1 July 2014. In addition, a Notice was placed in a local newspaper on 10 July 2014 and a site notice displayed on 1 July 2014 advertising the fact that the development was within the Harlesden Conservation Area.

To date a petition signed by over 23 signatures appearing to include neighbouring owner/occupiers and local businesses has been received. A further separate letter of objection has been received from the current occupier of the premises. The main two points raised are as follows;

- Premises is currently used as a service shop providing dry cleaning, alterations, shoe repair, key cutting which are all vital to the residents, businesses and visitors in Harlesden. This is the only shop of its kind in the Harlesden High Street and nearby areas.
- Harlesden High Street and the surrounding roads are full of coffee shops, take away's and restaurants.

The current applicant has written once again (26 November) on finding out that it is recommended that planning permission be granted. He repeats many of the points raised previously, in terms of the need in the area for his business as compared to the proposed use, but also states that by granting consent he will lose his source of income to close.

Please see the "Remarks" section below to respond to these points.

Internal

Environmental Health Officers consulted and have no objection to the application on the basis that no extract duct is now proposed. It is suggested that a condition be attached to any consent along the following lines:

This permission does not grant consent for the erection of any external extract system. No system shall be installed prior to obtaining written confirmation from the Local Authority detailing the precise type of extract system to be installed with specific regard to noise, vibration and odor attenuation.

REMARKS

Introduction

1. This submission follows the refusal of a similar change of use application to convert the property from an A1 premises in use as a dry cleaners to an A3 restaurant earlier this year. It was refused on grounds of loss of vitality in the primary frontage and lack of detail relating to the extract system. Although at that time it is evident that there was much local concern about the role that the dry cleaners played within Harlesden and demands that the use be retained there is no planning policy that protects a specific retail use ahead of any other within the Use Classes Order and so no objection was raised to that particular aspect of the scheme. In any event, under permitted development the use could change to any other use falling within the A1 use class without the need for planning permission (as could any other A1 use in Harlesden).

2. Immediately prior to submitting the new planning application the unit was vacated as the tenant who ran the dry cleaning business defaulted on the tenancy, failing to pay the rent. There was, therefore, a period where the unit was vacant, however, that same tenant is now back in the shop under what is called a 'tenancy at will', meaning that he is allowed to keep the dry cleaners trading from the property until a new tenant can be found. For the information of Members, the status of the "tenancy at will" means that vacant possession

can be provided at any time.

3. This resubmission includes a number of elements. In addition to the proposed change of use from retail (Use class A1) to coffee shop/restaurant (Use class A1/A3) mentioned above, the proposal also includes the installation of new shop front, the erection of a single storey rear extension, with air conditioning units mounted onto the roof, and the installation of extract duct to the rear elevation. For the avoidance of doubt, the applicant has made it clear that they do not need any such extract system given the activities that they carry out within their business but have provided details in order to demonstrate how someone who did need such a system could provide one on the site. A condition is proposed to indicate that any future extract system would need planning permission in its own right and the applicant is content with this condition.

Principle of Change

4. The commercial parade in which the premises is located is in a designated Primary Shopping Frontage. As a result, saved Unitary Development Plan policy SH7 is the key local plan policy here stating, as it does, that non A1 (retail) uses in these Frontages will only be permitted where the proportion of non-A1 uses does not exceed 35% of the total frontage. This figure does rise to 50% of the Frontage where there is 10% or more vacancy rate within the Frontage to encourage occupation. It is evident that this is not the case in Harlesden and that the vacancy figure is not high enough in order to justify allowing an increased amount of non-retail floorspace

5. When the previous refusal on this site was refused the decision was based on the most up to date statistics available and they indicated that the non-A1 uses in the Primary Frontage comprised 35.4% of the total frontage. Whilst the assessment was marginal it was, as a matter of fact, the case that the proposed change of use here would have increased the amount of non-retail floorspace in a Frontage that already had effectively too much according to the adopted UDP. It was, of course, accepted that the consideration in quantitative terms was a marginal one.

6. The applicants have made a number of comments that they feel should be taken into account and (should have been taken into account when the first application was refused) which they say should weigh in favour of approving the change of use. These include the fact that the relevant UDP policy SH7 does indicate that the proportion of non-retail uses in a frontage "should not generally" increase to over 35%, that the NPPF seeks to "promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of town centres" and that the application proposal (which is for a Costa coffee shop) does propose what is effectively a hybrid A1/A3 use given the way that it operates rather than a clear A3 non-retail use.

7. All of these points are noted by Officers, although looking back at the earlier refusal it is still considered that the decision was the correct one. What has changed here is that a survey of Harlesden Town Centre has revealed that changes have taken place within the Centre meaning that the change of use proposed could take place and the amount of retail floorspace would remain in excess of that which is set down in policy SH7. In these circumstances, the point about the hybrid A1/A3 use reinforces the recommendation rather than justifying it in its own right.

8. For the information of Members the November 2014 survey work confirmed that 66.2% of the primary frontage is in A1 use meaning that an additional 1.2% of the frontage could be lost before the policy SH7 limit is breached. The total A1 frontage is 929.9m and 1.2% of this is 11.16m. The application site frontage at No.100 High Street is only 5.7m so the change of use would be acceptable in policy terms and would not harm the vitality and viability of the retail based offer in Harlesden Town Centre. The applicants have argued that the proposed occupier would actually enhance the offer.

Highway Considerations

9. Car parking standards for A3 units are set out in policy PS9 of the UDP-2004, at a maximum of 1 space for units up to 400sqm. The existing and proposed uses also have the same servicing requirements. Under policy PS20 an A3 use should be able to be serviced by a "Transit" sized vehicle. There is no dedicated servicing bay available, with the only option for servicing off High Street, which is obviously not ideal in Highway terms, but these arrangements are not uncommon in town centres.

Air conditioning/ventilation system

10. The submitted plans include details of the air conditioning system located on the roof of the proposed rear extension at the end furthest away from the rear facing windows in the flats above the application site. Whilst

this will inevitably have a visual impact on these rear facing windows in the context of this busy town centre location it is considered to be an, on balance, location as far as views of it are concerned. In terms of possible disturbance arising from the noise generated by the air conditioning units, the applicants have submitted an Acoustic Assessment which confirms that there are a couple of locations where they could be sited (including the one on the roof) where residential amenities could be successfully protected. Officers are considering this point further and will update Members in due course. For the avoidance of doubt, there a number of possible locations all of which would be acceptable subject to certain controls. In terms of any proposed extraction system relating to cooking on the premises the applicants have emphasised that they have no intention, or need, for such a system to be installed given the way that their business operates and the range of food that they serve within the building. It is acknowledged that this particular use will operate more as a cafe use where there is unlikely to be cooking taking place. However, the upper floors here are residential so the potential implications for the amenity of these occupiers as a result of an extract flue does need to be taken into account and this is why indicative details have been submitted showing how such a system could be installed here.

11. Nevertheless, the applicants have stated that this is not going to be required. The details do show that such a system could be provided but, as explained above, a condition will be attached to this consent emphasising that the permission does not apply to any such system.

Impact on Conservation Area

12. The proposed single storey extension would be sited to the rear of the unit in a commercial setting behind this frontage. The environment here follows no distinct pattern or character and is made up of irregular extensions and the boundary between properties is not clearly defined. The proposed flat roof extension would extend almost the full depth of the rear yard and in terms of design would not detract from neighbouring amenity (there are no neighbouring ground floor residential uses) or the character and appearance of the Conservation Area. The extension does have a door on the western elevation and the applicant has confirmed that the door opens out into what is effectively a shared yard. It is shown as an alternative means of escape in the event that one is necessary because of the distance from the front door to the back-of-house area but there are no proposals to utilise the rear yard for the applicants operations.

Shop Front Design

13. In accordance with SPG7, the Council raises no objection to the shopfront design. The current proposal would change the existing shopfront to reflect the proposed change of use. The existing shopfront is not in a very good state of repair and many of the original features have been lost. The proposal would be to install a new shopfront which is considered acceptable within the context of the Harlesden Conservation Area and in general the proposed alterations would be sympathetic to the architectural quality of the building.

Response to grounds of objection

Objection	Response
Premises is currently used as a service shop providing dry cleaning, alterations, shoe repair, key cutting which are all vital to the residents, businesses and visitors in Harlesden. This is the only shop of its kind in the Harlesden High Street and nearby areas.	See para 1.
Harlesden High Street and the surrounding roads are full of coffee shops, take away's and restaurants.	See para's 6-8.

Conclusions

14. Although the application results in further non retail use in this Primary Shopping Frontage the restrictions set down in saved UDP policy SH7 are not breached and, in these circumstances the application is recommended for approval. The supporting statements made by the applicants are noted and the fact that the use would be a hybrid A1/A3 use reinforces the conclusions that Officers have reached. The existing use, whilst continuing to operate, appears not viable as an ongoing business and the proposal would significantly improve the state of the building whilst also bringing a national business into the Harlesden Town Centre.

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

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

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):

- A203013/01P, 02P, 04P, 05P.
- Neo Johnson Acoustic Consultants Acoustic Assessment.
- Barton Willmore Planning Statement.

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

- (3) The premises shall not be used except between the hours of:-

0700 hours and 1930 hours Mondays to Saturdays
0800 hours and 1830 hours Sundays and Bank Holidays without the written consent of the Local Planning Authority.

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

- (4) 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.

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

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

- (6) This permission does not grant consent for the erection of any external extract system relating to the cooking and preparation of food within the ground floor unit. No system shall be installed prior to obtaining written confirmation from the Local Authority detailing the precise type, and

appearance, of extract system to be installed with specific regard to noise, vibration and odor attenuation.

Reason: In the interests of residential amenity and the character of the area.

- (7) All plant machinery and equipment (including air conditioning systems) to be used by reason of this approval shall be so installed, maintained and operated as to prevent the transmission of noise and vibration into any neighbouring residential premises.


Reason: To safeguard the amenities of the adjoining occupiers.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

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

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	Planning Committee Map
Site address: Building rear of 48, Haycroft Gardens, London	
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This map is indicative only.

RECEIVED: 24 July, 2014

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Building rear of 48, Haycroft Gardens, London

PROPOSAL: Demolition of existing garage to the front and gym block to the rear and erection of a 3 bedroom bungalow on land to the rear of 48 Haycroft Gardens, NW10, with associated access, provision for car and cycle parking, bin stores and landscaping

APPLICANT: Mr Aaron Fuest

CONTACT: Drawing and Planning Ltd

PLAN NO'S:

See Condition 2.

RECOMMENDATION

Grant Permission subject to the conditions listed after paragraph 14.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£19,242.98** of which **£16,366.07** is Brent CIL and **£2,876.91** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

This site is located on the southern side of Haycroft Gardens (a local residential access road), about 210m west of its junction with Furness Road and close to the end of this cul-de-sac. The application site would have originally been part of the curtilage of the semi-detached house at No.48 that was converted into two 2-bedroom flats in 2008 under planning reference 08/0530.

At the same time planning permission was sought for the retention of a martial arts complex known as a 'Dojo' to form a separate planning unit (Brent Ref: 08/1810 - see 'History' below) to the rear of the site. This consent was granted at the Council's Planning Committee with a number of controls about the intensity of the use. The Dojo has clearly not been used for some time and is in a poor state of repair with the remainder of the site overgrown. It is this part of the site which is the subject of this application to create a new single storey two bedroom dwellinghouse.

The site lies within Controlled Parking Zone "HW", operational between 8am-6.30pm Mondays to Saturdays. On-street parking is generally restricted to residents' permit holders during these times and there is a residents' parking bay in front of the property. The road is not noted in Appendix TRN3 of the UDP as being heavily parked and recent overnight parking surveys from 2013 suggest that is still the case. Public transport access to the site is poor (PTAL 1), with just one bus service within 640 metres (8 minutes' walk).

PROPOSAL

See above.

HISTORY

The relevant planning applications in relation to this proposal are as follows:

2008: Retention of the existing 'Dojo' building

Retention of single storey outbuilding to R/O 48 Haycroft Gardens for use as a Dojo (which is a building

where martial arts training takes place). Granted 8 October 2010 subject to a number of conditions controlling the use:

Condition 3 states:

The maximum number of persons present at any time in association with the use shall not exceed 4 people.

Condition 4 states:

This permission allows the use of the application premises by Mr Aaron Fuest only and cannot be transferred with the land or used by any other person or persons obtaining an interest in it.

2008: Conversion of 48 Haycroft Gardens into two self-contained flats

08/0530: Conversion of the dwellinghouse into 2 self-contained flats, including the erection of a single storey rear extension. Granted 25 June 2008

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

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

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

The development plan for the purpose of S38 (6) The Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, Core Strategy 2010 and the London Plan 2011. Within those documents the following list of policies are considered to be the most pertinent to the application:

London Plan 2011

Policy 3.5 Quality and Design of Housing Developments

Brent Core Strategy 2010

- CP 2 Population and housing growth
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 17 Protecting and enhancing the suburban character of Brent
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

Brent UDP 2004

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.

- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses

Brent Supplementary Planning Guidance

SPG17 Design Guide for New Developments

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

CONSULTATION

Letters were sent to neighbouring properties on 6 August 2014 and Ward Councillors on 26 August 2014. 17 objections have been received on the following basis:

Objection	Officer Response
Development within back garden contrary to the suburban character of the area and local urban grain (Policy H15).	See Paras 5-8.
Increased noise and disturbance associated with occupancy of the site as a dwelling (Policy H6).	See Paras 10-11.
Impact on local parking conditions	See Para 13.
Previous reasons for refusal for an application in 1994 are still valid.	Refer to site history section, which shows that previously two dwellings were approved (compared to 4 which were refused).
Foot print larger than a terraced house and larger than existing 'Dojo'.	Whilst the footprint may be larger than other houses in the area (given its single storey nature) this would not be demonstrably harmful and would be smaller than the 'Dojo'.
Increased security risk	The proposal would increase natural surveillance of the area and would have a boundary treatment.
Existing restrictions on the use of the 'Dojo' building to reduce impact on neighbours.	Noted but not materially more harmful than existing (see Para 10-11).
Loss of habitats	There are no biodiversity designations applicable to the site or no evidence of existing habitats of significance on the site.
How would the site be serviced in the event of a fire?	See Para 14.
Loss of Privacy to 48 Haycroft Gardens as a result of increased overlooking from the rear	Disagree, proposal complies with SPG17 (see Paras 10-11).

facing windows of Dairy Close.	
Loss of existing vegetation would result in loss of visual amenity and privacy.	Acknowledge, but high quality replacement would be secured (see Para 12).
What restrictions will be placed on the future development of the site?	Restrictions would be placed on permitted development rights to control future development of the site.

Transportation: No objection

Landscape and Design: Support the landscaping scheme, subject to minor amendments

London Fire Brigade: No objection, subject to further details of a horizontal dry riser.

REMARKS

Background

1. A number of changes have been requested by Officers since the proposal was initially submitted in order to reduce the impact on neighbouring properties and enhance the quality of the development to make the proposal acceptable in planning terms. A summary of these changes are:

- A reduction in the number of bedrooms from three to two (and a decrease in the overall footprint of the building);
- Reduction in the number of parking spaces from two to one (as a result of the decrease in the number of bedrooms);
- The submission of an arboricultural assessment in order to properly assess the quality of the trees to be removed; and
- The submission of an enhanced landscaping scheme in the interest of residential amenity.

Key considerations

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

- (1) Principle of development
- (2) Design, Layout & Impact on Street Scene
- (3) Standard of accommodation
- (4) Impact on neighbouring amenity
- (5) Landscaping
- (6) Parking & access
- (8) Servicing by the London Fire Brigade

1. Principle

3. The sub-division of the application site from the original property, 48 Haycroft Gardens, was established in 2008 when permission was granted for the existing 'Dojo' building, albeit on a personal basis to the current applicant and with controls over the occupancy of the building in order to give the Council substantial control over the future use of the site. Prior to this permission had been granted for a pair of two storey semi-detached houses which clearly was never implemented. In any event, this decision is not considered to be material to the current proposal as it was made twenty years ago and since this time there has significant changes national planning policy and the Council's development plan. However, the existence of the Dojo building in a sub-divided piece of land to the rear of the Haycroft Gardens properties is a significant material consideration in the discussion as to whether, or not, this current proposal is acceptable.

4. With reference to the general character of the area the proposal has a number of characteristics of 'backland' development whereby the development is proposed in a former back garden within the setting of adjoining residential back gardens. As such protection is offered by policy CP17 of the Core Strategy which seeks to protect the suburban character of the Borough and through policy H15 of the UDP which seeks to ensure such proposals are sensitively designed to respect the character and appearance of the area. Thus the context of the site and, in particular, its relationship with surrounding residential properties is a sensitive one (which has been highlighted through numerous representations) However, the policy context does not preclude a development of this nature and the merits of the proposal are discussed below.

2. Design, Layout & Impact on Street Scene

5. The proposed dwelling would be single storey in nature, containing two bedrooms (reduced from the three bedrooms that were originally proposed in the larger building that was originally submitted here). The footprint of the replacement building would be smaller than the existing building and the overall height would be slightly reduced compared to the existing situation. The building would be of a simple, contemporary domestic design being constructed in facing brick work (Thames multi stock), aluminum framed windows, timber

panelled cladding and louvers as well as a mono pitch green roof. It is noted that the proposed dwelling would not be a prominent feature within the local townscape, on this basis the general approach of the design of the building is considered acceptable subject a condition to secure details of the materials to secure a quality finish to the proposal given its simple appearance.

6. It is acknowledged that the proposal would not replicate exactly the prevailing pattern of development, however, in this instance this is not considered to be harmful given that the proposal would not be largely visible from the public realm. What would have been the original garden space of No. 48 Haycroft Gardens is much larger in terms of its width than surrounding gardens which offers the opportunity for a sensitive development that would not be present in surrounding gardens. Furthermore for the purposes of policy H15 the density and height of the proposal would be subservient to frontage housing on Haycroft Gardens and would retain sufficient gardens space so as to maintain the spaciousness of the area.

7. To the front of the site the existing garage (associated with the 'Dojo') would be demolished and an area of hardstanding created for the parking of one vehicle and soft landscaping. It is acknowledged that the occupiers of the property would need to walk approximately 50m from the parking space to the front of the door. However, the submitted plans demonstrate that this would be safe and attractive given the enhanced landscaping proposed.

8. It is suggested that Permitted Development rights are removed from the house so that any future extensions to it would need formal planning permission from the Council and the impact of those additions can then be fully assessed. It is considered that this restriction is needed in this case given the delicate balance between building and outside space on the site which forms the basis of this positive recommendation.

3. Standard of accommodation

9. The size of the unit and rooms would comply with the guidance in the Mayor's Housing SPG. The rooms would look onto the garden space of the development which exceeds the recommended size in SPG17. The garden would be the subject of a comprehensive landscaping scheme so as to provide a good outlook to the habitable rooms of the development. Overall the proposal would provide a good quality residential environment in accordance with policy BE9 of the UDP.

4. Impact on neighbouring amenity

10. In terms of the physical impact of the replacement building, this would be smaller than the existing building whereby the overall footprint and height has been reduced than the existing structure. In any event the building would be set below a 30 degree line from neighbouring habitable room windows and 45 degree from adjoining garden areas in accordance with the SPG17 guidance. The building would be at least 13m from neighbouring properties to the rear on Dairy Close and at least 29m from the nearest residential property on Haycroft Close. This complies with all of the relevant SPG17 criteria in respect of privacy (even though the proposal is single storey in nature). Significant concerns have been raised in relation to general noise and disturbance from the proposal and officers have sought to reduce the number of bedrooms within the dwelling to two so that the number of persons present within the site would be similar to the 'Dojo' which was restricted to four persons by condition. It is noted that the vehicular parking would be restricted to the front of the site adjacent to existing parking for other properties as such no vehicles would enter the rear part of the site. Thus given the separation distances between neighbouring properties it is not considered that the development would have a materially harmful impact on noise and disturbance to neighbours given the general pattern of development elsewhere.

11. The relationship between existing and proposed forms of development would be different from what might normally be found in the Borough, but the report explains why that is the case and in the very specific circumstances here it is considered that it would be difficult to argue that existing residents would have their amenity impacted upon to an unacceptable degree by the creation of this single storey two bedroomed house. The removal of permitted development rights would allow future control over building extensions and outbuildings in the interests of residential amenity.

5. Landscaping

12. The existing site benefits from substantial soft landscaping, however, this is currently overgrown but it does serve to provide a verdant setting to surrounding residential properties. The proposal would result in the removal of the existing landscaping including some trees to facilitate the development. However, the Tree Officer has confirmed that the proposed trees to be removed are not of a sufficient quality to warrant their retention subject to mitigation through an appropriate landscaping scheme. Given the sensitivity of the site which is surrounded by back gardens, Officers consider that it is essential that any landscaping scheme is of a high quality to support the development. The Landscape & Design team have confirmed that the amended,

enhanced landscaping scheme is of an excellent quality (subject to some minor alteration which can be secured by condition). In particular, the proposed trees would provide screening and a setting to the proposed dwelling and would also bring the existing landscaping under good management.

6. Parking & access

13. Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site does not have good access to public transport services, the full allowance set out in the main table of the standard applies. The proposed 2-bedroom house at the rear of the site will generate a requirement for 1.2 spaces. The proposed plan shows parking for a single vehicle in compliance with the standards and no alterations will be required to the existing vehicular crossover onto Haycroft Gardens. A storage area for the bins is shown within 20m of the highway and cycles could be stored within the garden if required.

7. Servicing by the London Fire Brigade

14. Given the distance from the footway the London Fire Brigade (in connection with the Council's Building Control department) have been consulted on the proposal. Given the distance from the public highway and the inability of a fire appliance to enter the site, LFB have requested that a horizontal dry riser be installed. A horizontal dry rise is a pipe buried beneath the ground which connects to the existing fire hydrant in the street and runs into the site. In the event of a fire LFB would be able to connect their hose to this pipe enabling them to extinguish any fire.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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

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

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):

HYCGRD_D201 Rev A; HYCGRD_D202 Rev A; HYCGRD_E201 Rev A; HYCGRD_E202 Rev A; HYCGRD_E203 Rev A; HYCGRD_E204 Rev A; HYCGRD_E205 Rev A; HYCGRD_L201 Rev A; HYCGRD_P201 Rev A; HYCGRD_P202 Rev A; HYCGRD_S201 Rev A; Design & Access Statement; Landscaping Plan - JN659 x3 (prepared by PBA consulting); and Tree Report (prepared by PBA consulting).

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

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.

Reason: The further extension of this dwelling or erection of detached building requires

detailed consideration to safeguard the amenities of the surrounding area.

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

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

- (5) Notwithstanding the information shown on the submitted landscaping plan, all areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved. Such scheme shall also indicate details of proposed walls and fencing, indicating materials and heights and a revised hard landscaping treatment for the vehicular parking area. 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.

- (6) Prior occupation of the dwelling hereby approved further information shall be submitted to and approved in writing by the local planning authority of a horizontal dry riser which shall be installed in full accordance with the approved details prior to occupation of the dwelling and permanently retained at all times thereafter unless otherwise agreed in writing.

Reason: In the interests of the safety of the occupier of the proposed dwelling in the event of a fire.

- (7) No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant is advised to contact the Building Control department on 020 8937 5210 to understand the full requirements for the provision and installation of the required horizontal dry riser.
- (3) The applicant is advised to refer to the case officer's email dated 27.11.14 in respect of the details required pursuant to the landscaping condition.

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

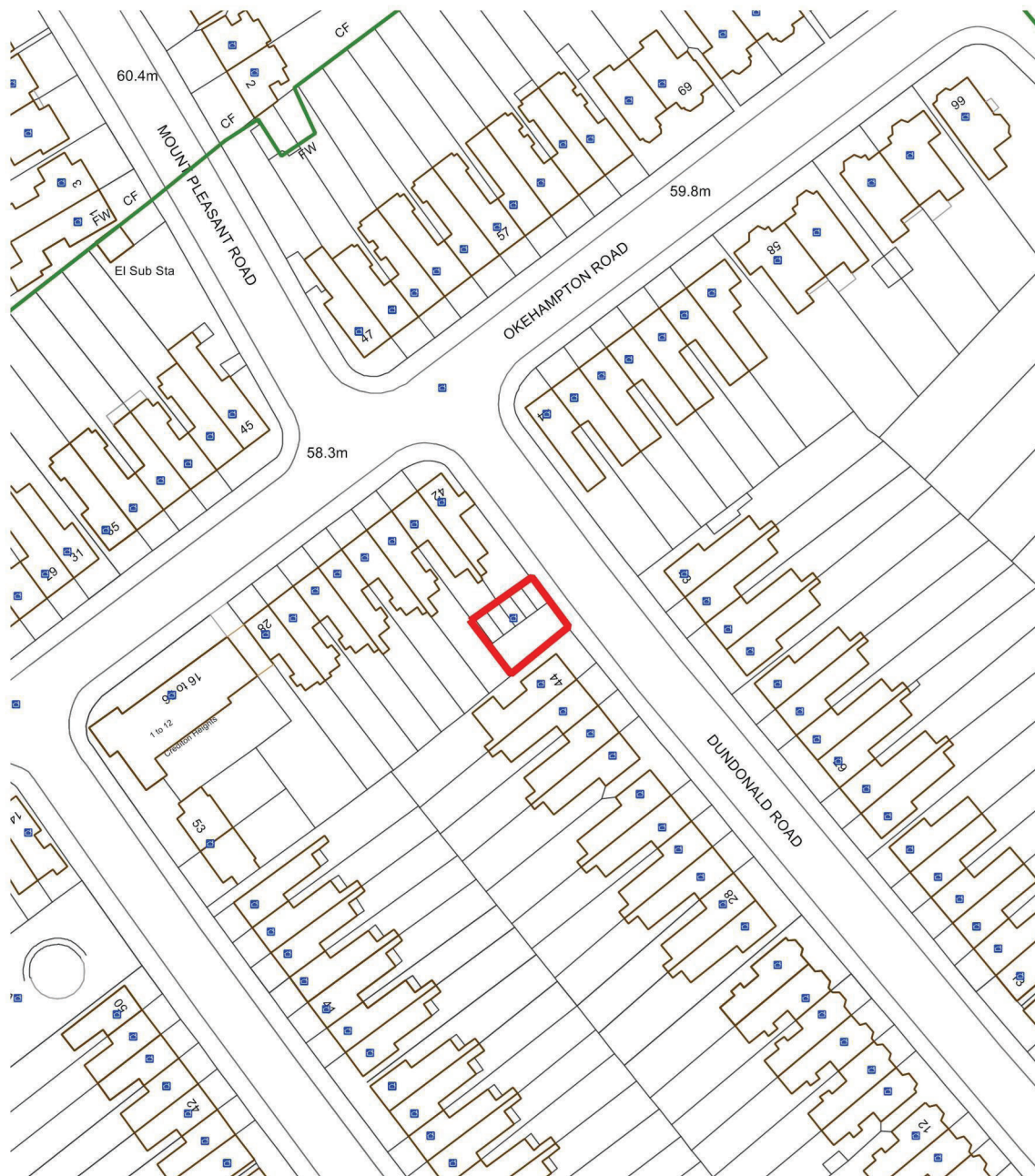
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Planning Committee Map

Site address: Land rear of 40-42, Okehampton Road, London

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This map is indicative only.

RECEIVED: 31 July, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Land rear of 40-42, Okehampton Road, London

PROPOSAL: Demolition of 4 garages and erection of a two-storey, 3/4-bedroom dwellinghouse with basement containing habitable rooms, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space

APPLICANT: Rayner Estates & Investments Limited

CONTACT: ROH Architects

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval subject to conditions set out below paragraph 15.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£34,227.93** of which **£29,110.71** is Brent CIL and **£5,117.22** is Mayoral CIL.

The existing garages have not be taken into account when calculating the CIL liability as they appear to have been out of use for some time. The onus would be on the applicant to demonstrate that the garages had been in lawful use for a continuous period of 6 months over the past 3 years in order for the existing floor space within the garages to be considered.

CIL Liable?

Yes/No: Yes

EXISTING

The site is located to the rear of Nos. 40 and 42, Okehampton Road, but is accessed off Dundonald Road and abuts the flank wall of No. 44 Dundonald Road. The site is bounded to the rear by the garden of No. 38 Okehampton Road.

The site is currently 4 disused garages, formerly associated with Nos. 40-42 Okehampton Road.

The site is located within an Area of Distinctive Residential Character, as designated in the Council's Unitary Development Plan 2004.

PROPOSAL

As above

HISTORY

Planning permission (ref 07/2012) was approved on 02/10/2009 for the "Demolition of existing 4 garages and erection of a 2-storey 2-bedroom dwellinghouse, 1.8m high, timber fencing to boundary, installation of 0.8m high, vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow the existing vehicular access, with provision of 1 car-parking space, refuse and recycling store".

Planning permission (ref.10/0310) was approved on 24/12/2010 for the "Demolition of 4 garages and erection of a two-storey, two-bedroom dwellinghouse with basement, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space and subject to a Deed of Agreement dated 16th December 2010 under Section 106 of the Town and Country Planning Act 1990, as amended".

The main difference between the 2009 permission and the 2010 permission was the introduction of an area of basement beneath the proposed dwelling to be used as storage.

The current application proposes a similar form of development to that approved under the previous permissions.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

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

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

London Plan 2011 (as amended)

Mayors Housing SPG 2012

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

BE2	Townscape: Local Context and Character
BE3	Urban Structure: Space and Movement
BE7	Public Realm: Streetscape (a)
BE9	Architectural Quality
BE29	Areas of Distinctive Residential Character
H12	Residential Quality – Layout Considerations
H16	Frontage Redevelopment
TRN11	The London Cycle Network
TRN23	Parking Standards – Residential Developments

Supplementary Planning Guidance 17:- Design Guide For New Development

CONSULTATION

Consultation letters, dated 18th August 2014, were sent to 26 neighbouring owner/occupiers. 10 letters of objection have been received in response.

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

- The contemporary design of the dwellinghouse would be out of keeping with the locality and would harm the character and appearance of the surrounding area which is an Area of Distinctive Residential Character.
- The proposal would result in the loss of trees
- The proposed basement could cause subsidence.

REMARKS

Differences between approvals 07/2012 & 10/0310 and the current scheme.

1. As indicated above, this application is similar to proposals that have previously been granted planning permission on the site in both 2009 and 2010. Although these permissions have since expired, where planning policy has remained broadly consistent, they are material planning considerations in the determination of the current application. The main difference between the most recent 2010 approval and the current proposal is that the applicants are now seeking to increase the area of basement accommodation underneath the dwelling to provide habitable space and are introducing a rear lightwell to allow light and outlook to the basement. There are some other minor external changes proposed but overall, the appearance of the proposed dwelling, particularly when viewed from the street, would be consistent with the 2010 permission. A basement was originally introduced as part of the proposals under the 2010 permission although this was smaller (approx 39sqm) and was to be used solely for storage. The basement now proposed would have a floor area of 49sqm and the rear lightwell would have an area of 15sqm.

2. Given the differences between the current proposal and the previous permissions, it is considered that the main issues that these changes raise are whether the basement accommodation and lightwell would maintain a suitable standard of residential amenity for future occupiers and whether the increased size of the proposed accommodation would be likely to result in any other significant transport or amenity impacts on the surrounding area. It is not considered that the changes significantly alter the proposal in terms of the other impacts that were considered under the previous permissions. However, for completeness the proposed development is considered in its entirety below.

Principle of development

3. The application site is currently occupied by 4 vacant garages in a single block which were originally within the ownership of the associated properties on Okehampton Road. It is fairly evident that it is some time since they were used for the parking of vehicles, and in any event do not provide a particularly attractive or practical environment for the keeping of cars. In this respect they are no different to a number of other examples of such garage courts throughout the Borough that have become unused.

4. The principle of redeveloping this site for residential development, therefore, needs to be assessed on the matter of the loss of the garages. They are not currently in use, and have not recently been used, for parking cars. The Okehampton Road households have had to rely on parking on-street for some time and the proposed house would have its own off-street provision. As such, it is considered that there would be little justification for requiring the retention of the existing garages and that the principle of residential development on the site can be supported.

Basements

5. Although the concerns of the objectors relating to the structural impact of the proposed basement are acknowledged and understood, the principle of including a basement within the development has been established under the previous permission. Whilst there has been no change in planning policy that would resist the principle of a basement as part of the development, the Council have since introduced further requirements for applicants to include a level of technical detail within applications for basements that demonstrate reasonable consideration of the likely structural and construction impacts of the proposed development. This additional detail has been submitted with the current proposal and therefore, whilst the proposed basement would be larger than that previously approved, there is greater comfort that the likely impacts will be suitably mitigated. Any approval should be subject to a condition requiring the developer to join and adhere to the Considerate Constructors Scheme and to adhere to the submitted construction method statement.

Design

6. The main issue raised within the objections received relates to concerns regarding the contemporary design of the proposed development and impact that this may have on the character and appearance of the surrounding area, which has been designated as an Area of Distinctive Residential Character. The external appearance of the proposed dwellinghouse is broadly the same as those which received permission in 2009 and 2010. Under the previous applications, the impact of these proposals on the character and appearance of the surrounding area were assessed against the relevant design policies within the Council's Unitary Development Plan 2004 and the development was found to be acceptable in design terms. These saved UDP policies, which are considered to be compliant with the NPPF, are still the relevant local policies against which the proposal should be assessed and therefore it is considered unlikely that there would now be sufficient grounds to resist the proposal on the basis of design.

7. Whilst acknowledging that the style of architecture proposed would be different to that of the existing neighbouring properties, the proposal has an innovative contemporary design, using a combination of vertical cedar timber boards and a metal standing seam roof. The proposed dwellinghouse has a true two storey element to the front with a roof that gradually slopes away to the rear of the site. It incorporates a single storey element to the rear of the house. The height of the building would be significantly below that of the adjacent No.44 Dundonald Road but would be sited forward of the main front wall of properties on this side of the road. They do have two storey bay features and the proposed house would be no nearer to the footpath than those. The design is considered to represent a high quality building based on well composed elevations, high quality architectural detailing and has an acceptable palette of materials.

Impact on residential amenity

8. The proposal has been designed in accordance with the guidance contained within SPG17. The bulk is limited in order to minimise the potential to have an overbearing impact, with the submitted drawings indicating how the building would relate to adjacent sites. It is considered that a combination of the distance between the building and the site boundaries and the height of the building itself means that the relationship with adjacent sites would be acceptable in terms of the impact on light and outlook. At first floor level windows are limited to the front elevation and consequently privacy issues do not arise. There are two rooflights to the rear within the metal standing seam roof but these would not result in unacceptable overlooking.

Quality of residential environment for future occupiers

9. The proposal provides 2 bedrooms at first floor level, with the potential to provide two further bedrooms, one at ground floor level and one at basement level. As a result, it is considered to be a family sized dwelling, with its internal floor area needing to be a minimum of between 106-113sqm in order to meet the minimum standards of the Mayors Housing SPG. The proposal provides approximately 143sqm which is significantly above the minimum guidance. Furthermore, all of the habitable rooms on the ground and first floor have an outlook from them and allow adequate light to them meaning that the quality of environment for residents will comply with the standards the Council sets for residential development.

10. In terms of the basement accommodation the habitable rooms, comprising of a bedroom/study and a kitchen diner, would be served by a lightwell to the rear of the property. The lightwell is 3m long and 5m wide and is orientated towards the western side of the building. Outlook from habitable rooms would be in both directions across the lightwell and given the dimensions of this space this would be limited. Considered in isolation the outlook from these two basement rooms would be below what would be normally considered appropriate for new development. However, as the majority of the habitable rooms would be located on the ground and first floor, and would enjoy sufficient daylight and outlook, it would be difficult to justify the refusal of planning permission on the basis of the limited outlook to these two rooms.

11. SPG17 would require the provision of 50sqm of amenity space for occupiers of the dwellinghouse. The proposed dwelling would have a courtyard within the lightwell (15sqm) and a garden to the side and front of the property. Front gardens are not normally taken into consideration when assessing amenity space and therefore the area of garden to the side of the property would be in the order of 32sqm, taking the overall provision to 47sqm, 3sqm below the guidance in SPG17. However, SPG17 sets out that a shortage of amenity space can be off-set by providing larger internal areas and, as set out above, the proposed dwellinghouse is significantly above the minimum standards. A landscaping scheme for the garden space has been submitted and is considered to provide a good standard of amenity for future occupiers. This should be secured by condition.

Transportation Issues

12. The application site is located on the western side of Dundonald Road, a local access road which is defined as being heavily parked (as is Okehampton Road). It lies within a CPZ which operates between 0800 and 1830 on Monday to Fridays. It is classed as having moderate accessibility to public transport with a PTAL of 3.

13. The issue on the loss of the garage court is discussed earlier in this report. In terms of the proposed house, the provision of a single off-street car parking space meets the policy PS14 standards. In addition, the proposal involves reducing an existing vehicular crossover into the site from 5.5 metres in width to 3.0 metres, increasing the amount of on-street parking available. The reduction in the crossover will be the subject of a condition and will need to be implemented at the applicants expense.

14. Refuse and recycling storage will be provided in a storage area to the front of the property which is

considered acceptable. This can be secured through condition.

Consideration of Objections

15. The following table addresses the concerns raised by the objectors

Objection	Officers Comments
The contemporary design of the dwellinghouse would be out of keeping with the locality and would harm the character and appearance of the surrounding area which is an Area of Distinctive Residential Character	See paras 6-7
The proposal would result in the loss of trees	The is only one tree on the site, a small Elder Tree, which unfortunately would be removed to enable the development. However, a replacement tree is proposed within the landscaping proposals for the site which is considered suitable mitigation for loss of the existing tree.
The proposed basement could cause subsidence	See para 5

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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

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

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

CONDITIONS/REASONS:

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

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

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

Plans

- LOC 01
- P-100
- P-200
- P-201
- P-300
- S-100
- J-100
- A [21] 01 Rev B1
- A [21] 02 Rev B1
- A [21] 17 Rev B1

Document

Construction Method Statement

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

- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development within Classes A, B, C, D or E of Class 1, Schedule 2 to the said Order shall be carried out to the dwellinghouse hereby permitted, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason : To enable the Local Planning Authority to maintain control over future extensions and works to the property in the interests of the visual amenities of the locality

- (4) The existing vehicular crossover shall be reduced to 3.0 metres in width prior to the first occupation of the dwelling and that part of the crossover rendered redundant by the development shall be made good, and the kerb reinstated, at the expense of the applicants, also prior to the first occupation of the development.

Reason: In the interests of highway safety and in order to allow the Council to secure proper control over the development.

- (5) No development shall be carried out unless the person or company carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- (6) The refuse/recycling store, as indicated on approved plan P-100, shall be constructed prior to first occupation of the development hereby approved.

Reason: To ensure suitable facilities for the storage of refuse/recycling.

- (7) Prior to the occupation of the development, the site shall be landscaped in accordance with the details set out on approved drawing J-100.

Reason To ensure a suitable setting for the development and in the interests of the amenity of future occupiers of the development.

- (8) The development, hereby approved, shall be carried out in accordance with the Construction Method Statement (ref 14013) which forms part of the application.

Reason: To ensure reasonable mitigation of the impacts of works on the amenity of the surrounding area.

- (9) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details. Samples of materials shall be made available for inspection on reasonable request.

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

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 Ben Martin, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: 24 Windermere Avenue, London, NW6 6LN

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This map is indicative only.

RECEIVED: 6 August, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 24 Windermere Avenue, London, NW6 6LN

PROPOSAL: Creation of a basement level to include lightwells to the front and rear garden of dwellinghouse

APPLICANT: Mr & Mrs HOPKINS

CONTACT: STUDIO CAD PROJECTS

PLAN NO'S:
See Condition 2

MEMBERS CALL-IN PROCEDURE

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

Name of Councillor

James Denselow

Date and Reason for Request

24 October 2014. Local residents have objected to this basement proposal and Councillors have taken up their concerns

Details of any representations received

- The disruption caused by the building works
- The risk to other properties in the street. I understand that properties sharing a wall can be insured but in streets (like this one) where houses are fairly close together residents feel that this is far from adequate.

Name of Councillor

Eleanor Southwood

Date and Reason for Request

24 October 2014. Local residents have objected to this basement proposal and Councillors have taken up their concerns

Details of any representations received

- The disruption caused by the building works
- The risk to other properties in the street. I understand that properties sharing a wall can be insured but in streets (like this one) where houses are fairly close together residents feel that this is far from adequate.

Name of Councillor

Cllr Neil Nerva

Date and Reason for Request

24 October 2014. Local residents have objected to this basement proposal and Councillors have taken up their concerns

Details of any representations received

- The disruption caused by the building works
- The risk to other properties in the street. I understand that properties sharing a wall can be insured but in streets (like this one) where houses are fairly close together residents feel that this is far from adequate.

RECOMMENDATION

Approval with conditions set down after paragraph 17.

CIL DETAILS

This application is not liable to pay the Community Infrastructure Levy (CIL) as the total amount of extended floor space is less than 100sqm.

CIL Liable?

Yes/No: No

EXISTING

The property is a two storey mid-terrace dwellinghouse located on the south side of Windermere Avenue. The area is predominantly residential in character. The site is within the Queens Park Conservation Area; and is not a listed building.

Neighbouring properties: To the east of the application site is no. 22 Windermere Avenue which is not extended to the rear wall or at basement level; but has a rear dormer window which has the benefit of planning permission 00/0971. To the west of the application site is 26 Windermere Avenue, which has not been extended to the rear.

PROPOSAL

See above

HISTORY

06/2722 - *Granted*, 13/11/2006

Certificate of lawfulness for a existing single storey rear infill extension to dwellinghouse

02/3056 - *Granted*, 16/01/2003

Rear dormer window and front roof-light to dwelling house

Of relevance are 2 other basement applications approved on Windermere Avenue:

13 Windermere Avenue: 07/3043 - Granted by Committee on 17/01/2008. The proposal entailed the 'Excavation to create a basement level with lightwells to front and rear elevations of dwellinghouse, and new hard and soft landscaping to front garden'

32 Windermere Avenue: 09/1770 - Granted by Committee on 17/09/2009. The proposal entailed the 'Erection of single-storey side infill extension and rear dormer window, installation of 1 rear and 1 front rooflights, creation of basement cellar and replacement of windows to front of dwellinghouse'

POLICY CONSIDERATIONS

National Planning Policy Framework (2012)

All development has a presumption in favour of sustainable development. Brent's planning policies are found to be compliant with the NPPF

London Plan (2011)

For the purposes of Section 38 (2) of the Planning and Compulsory Purchase Act 2004, the statutory spatial development strategy for the area is the London Plan, which was formally adopted in 2011.

The following policies within the London Plan are relevant to this decision:

Policy 7.1 Building London's neighbourhoods and communities - Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.

Policy 7.6 Architecture - Buildings and structures should be of the highest architectural quality and be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.

Local Policy

For the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the statutory development plan for the area is the Unitary Development Plan (UDP), which was formally adopted in 2004, and the Core Strategy, adopted in 2010.

Core Strategy 2010

CP17 - Protecting and Enhancing the Suburban Character of Brent

Brent UDP 2004

BE2 - Townscape: Local context & Character

BE7 – Public Realm: Street scene

BE9 – Architectural Quality

BE25 - Development in Conservation Areas

BE26 - Alterations and Extensions to Buildings in Conservation Areas

Queens Park Conservation Area Design Guide (2013)

Generally, basement applications to create additional space for an existing house or flat can be supported where they are considered to have minimal visual impact. Design principles include the placement of light wells to the rear of the property; and where they are required to the front of the property, the light well should project no more than 800mm from the front elevation or measure no more than half the length of the front garden. On bay fronted houses, the light well is required to follow the profile of the bay and be no wider than the bay or windows above.

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

Dated: 06 Aug 2014

Site Notice: 08/08/2014

Press Notice: 18/08/2014

Mr Richard, Johnson, Queens Park Area Residents' Association (East), 21 Carlisle Road, London, NW6 6TL

1. The Owner / Occupier, 21 Hopefield Avenue, London, NW6 6LJ
2. The Owner / Occupier, 23 Hopefield Avenue, London, NW6 6LJ
3. The Owner / Occupier, 25 Hopefield Avenue, London, NW6 6LJ
4. The Owner / Occupier, 19 Windermere Avenue, London, NW6 6LP
5. The Owner / Occupier, 20 Windermere Avenue, London, NW6 6LN
6. The Owner / Occupier, 21A Windermere Avenue, London, NW6 6LP
7. The Owner / Occupier, 21B Windermere Avenue, London, NW6 6LP
8. The Owner / Occupier, 22 Windermere Avenue, London, NW6 6LN
9. The Owner / Occupier, 23 Windermere Avenue, London, NW6 6LP
10. The Owner / Occupier, 24 Windermere Avenue, London, NW6 6LN
11. The Owner / Occupier, 25 Windermere Avenue, London, NW6 6LP
12. The Owner / Occupier, 26 Windermere Avenue, London, NW6 6LN
13. The Owner / Occupier, 27 Windermere Avenue, London, NW6 6LP
14. The Owner / Occupier, 28 Windermere Avenue, London, NW6 6LN

Dated: 01 Sep 2014

Neighbours/Representees:

15. The Occupier, 18 Windermere Avenue, London, NW6 6LN
16. The Occupier, 16 Windermere Avenue, London, NW6 6LN
17. The Occupier, 30 Windermere Avenue, London, NW6 6LN
18. The Occupier, 32 Windermere Avenue, London, NW6 6LN

9 objections received including 2 from QPRA.

Objection	Officers Response
The proposal is contrary to design policies for Queens Park	The Queens Park Design guide does allow for basement construction; within specific parameters

These properties were never designed or built for the level of development proposed	This issue is commonly raised and is covered through the Party Wall Act(1996), not Planning legislation. Nevertheless, the council does require further information about basement developments. As such, plans drawn by an engineering firm have been submitted to illustrate correct underpinning for the property. The plans have been considered acceptable by an officer in the council's building control team
The light well will alter the appearance of the house	The proposed light wells, the one to the front in particular, is within design principles for set out for Queens Park and is consistent with other approvals in the road. The front lightwell will be covered with a grille
Long term harmful damage to neighbouring properties may occur in relation to the water table, trees and soil; as well as unknown consequences as a result of the basement	This issue is commonly raised with basement applications but is not a conventional planning considerations. Nevertheless, there have been a number of basement applications within the borough and in other London boroughs; but as of yet there is no evidence which states that basement developments cause problems with the water table,trees and soil.
The construction will result in noise, dirt and damage which affect the quality of life of local residents. It is important that the peaceful occupation of homes is ensured whilst work is implemented.	Building developments do create noise, dust and can be a general nuisance to neighbouring occupiers. There are specific times at which building works can take place which is set under <i>s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4</i> . The Planning Decision Notice will set these times out for the applicant to abide with. Additionally, the applicant will need to join the Considerate Contractors Scheme to ensure neighbouring amenity is protected as far as possible from building works.

REMARKS

Summary and proposal description

1. Previous decisions for basement applications that were approved by Planning Committee essentially looked at the practical matters surrounding their construction and issues of their design and visual impact to the conservation area. These include:

- Disturbance from the construction process, assurance of structural stability in relation to adjoining properties, impacts to drainage etc. which are applicable to any development of this nature across London; and
- The design of the basement, particularly where a front lightwell is to be constructed. It is required that a front lightwell have a ground level treatment to screen its visual presence within the conservation area and from neighbouring outlook.

2. To help assuage these two key issues, the council has produced a *Basement Practice Guide (2013)* which sets out detailed requirements for a planning application; and the *Queens Park Conservation Area Design Guide (QPCADG)* has stipulated a ground level treatment for front lightwells in particular, to minimise visual impacts.

3. The proposal entails creation of a basement space to provide a play room/TV room to the rear, a bathroom and a bedroom to the front. Access to the basement will be from under the existing internal staircase of the house. Access to the rear garden will also be provided by way of a rear stairwell. In relation to proposed 'users' of this development, the basement is to provide extra space to the existing dwellinghouse and as such will constitute an ancillary space for the existing property. The proposal will involve:

- *Excavation:* The basement proposal will span the existing footprint of the whole house as currently extended to a depth of approx. 2.75m below ground. Plan 14038/101 Rev P1 indicates underpinning along party walls, front and rear building lines. To the front face of the basement two glazed doors will be placed in profile to the shape of the bay window with sash windows to the sides. To the rear face of the basement, glazed sliding doors will be placed.
- *Front light well:* This will project 800mm around the profile line of the bay window and will have a walkable grille placed above for safety reasons. This is similar to the feature introduced elsewhere in Windermere Avenue. The depth of the lightwell will be 2.7m below ground. The front garden has a depth of approximately 3.5m and an existing mature privet hedge to the front of the house is to be retained. Plans also indicate 50% of the hardstanding will be landscaped in line with the QPCADG.
- *Rear light well:* This will project 1m from the main rear building line of the house and will have a grille placed above for reasons of safety.
- *Rear stairway:* This will facilitate access to the rear garden from the basement space. It will be placed along the western side of the basement light well along the shared boundary with no. 26 Windermere Ave, but not abutting the boundary. The steps will have a length that projects a total of 4.220m from the main rear building line of the house.

Key Considerations

4. The main issues in relation to this development are considered to be:

- Principle of basement developments in the Queens Park Conservation Area (QPCA)
- Whether the proposal preserves or enhances the Queens Park Conservation Area
- Whether the proposal has an acceptable impact on neighbouring amenity

Principle of basement developments in the Queens Park Conservation Area

5. As members may be aware, there is currently no adopted, or emerging, policy or guidance that discourages the development of basements.

6. The *Queens Park Conservation Area Design Guide* sets out that basement applications to create additional space for an existing house or flat are supportable where they are considered to have minimal visual impact. Design principles include the placement of light wells to the rear of the property; and where they are required to the front of the property, the light well should project no more than 800mm from the front elevation or measure no more than half the length of the front garden. On bay fronted houses, the light well is required to follow the profile of the bay and be no wider than the bay or windows above. It is also required that screening be provided in the form of landscaping to the front garden.

7. As such, the principle of developing a basement in the QPCA is considered acceptable, but must also be assessed on their individual merits.

Whether the proposal preserves or enhances the Queens Park Conservation Area

8. There is understandably a sensitivity with which Officers treat basement extensions in terms of the emphasis placed on measures to mitigate the impact on the established street character given the location within the conservation area.

9. The revised plans show the front lightwell projecting 800mm from the front of the bay window within the forecourt area. The maximum depth of the front lightwell will be 2.7m from the base of the bay window wall. Two glazed door panels will be placed centrally along the basement profile bay area with sash windows to the flank of the bay. A walkable grille over the front lightwell is proposed, set flush with the existing ground level and following the profile of the bay window at the front. Officers find that these aspects are in keeping with the property and also as set out below, the front garden will effectively screen the lightwell from the street.

10. Currently the front garden does not comply with the QPCADG or UDP(2004) policy BE7 because of the extent of hard surfacing that is present; but it does contain a front boundary hedge which is well maintained at a relatively high height and which screens the bins. It is acknowledged that the front gardens of properties along Windermere Avenue are not large (3.5m depth), but are similar to other properties where front lightwells have been approved both by Officers and at Planning Committee (eg: similar schemes at Nos.32 and 14 Creighton Road). As such, it is inevitable given the restricted depth of the front garden that the potential impact of a front lightwell will, relatively speaking, be increased when compared to a larger plot,

11. Nonetheless, proposed plans do indicate the reinstatement of 50% soft landscaping to the forecourt as

well as retention of the existing hedge. As such, Officers feel that the proposal will mitigate the visual impacts of the front lightwell and grille to the conservation area and will fulfil the purposes of the QPCADG and policy BE7. A condition requesting further details for the 50% landscaping will be added to the decision notice to ensure a quality landscaping scheme that successfully mitigates visual impacts is to be implemented.

12. Given the above, your Officers consider that the proposed basement will comply with the design principles set out in the QPCADG and as such will enhance and preserve the quality of the QPCA.

Whether the proposal has an acceptable impact on neighbouring amenity

13. Excavation to any property in a street can have an unintentional impact to neighbouring sites, particularly if there are adjoining properties. As such, the council requires an applicant to demonstrate that from the outset of a basement proposal, consideration has been made towards the structural stability of their proposal. Members will be aware of the Council's *Basement Practice Guide (2013)* which in relation to neighbouring amenity, requests suitable detail of the construction and structural stability of a basement proposal. In this case, 24 Windermere Avenue is a mid-terrace building having shared walls with nos. 26 and 22 Windermere Avenue.

14. *Construction stability:* The applicant has submitted structural information in the form of a plan prepared by a suitably qualified Structural Engineer which illustrates points about stability. The submitted plan, *14038/101 Rev P1*, is considered to adequately demonstrate that the stability of the building and adjoining structures has been considered and can be safeguarded. Furthermore, the submitted plan shows that the foundation work will be carried out entirely within the applicant's land.

15. *Construction process:* Neighbouring occupiers have expressed concern about the construction work which can be disruptive to the whole street in terms of noise from machinery and mess from soil excavation which can affect quality of life on the street. A planning condition will be attached to the decision notice requiring the applicants builder to be a member of the Considerate Constructors Scheme. This should provide sufficient comfort for neighbouring residents to ensure that the impact of the construction works will be minimised as far as possible.

16. *Stairwell:* The proposed back garden stairwell that will allow access from the rear of the basement directly to the back garden and will be sited along the shared boundary with no.26 Windermere Avenue. There will be a set-in of approximately 0.6m from the shared boundary, but since the stairs do not project higher than the existing ground level, it is not considered that there will be a problem with overlooking and that the existing boundary treatment will suffice to prevent issues related to neighbouring amenity. For example, in relation to outlook and views from the rear 1st floor neighbouring habitable room windows, it is unlikely that the stairwell will be viewed as an unsightly addition given its will mostly be below existing garden level and will not be on full view to neighbours. As such, the stairwell is considered unlikely to have a significant impact on neighbouring amenity.

17. Overall, the applicant has shown consideration to the construction and building process of the basement in relation to neighbouring amenity and as such is considered unlikely to have a significant impact to the amenity of adjoining neighbours.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Queens Park 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
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):

14038/101 Rev P1;
2140406-1 Rev A.

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 proposed basement hereby approved shall not be used as a self contained residential unit. Any change, or intensification of use, will require planning permission. The works 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.

- (5) No development shall be carried out until the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- (6) Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the occupation of the premises. Such details shall include:

- (i) planting of the front garden area with shrubs;
- (ii) the retention of existing hedges and shrubs;
- (iii) waste and recycling storage facilities;

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the Queens Park Conservation Area

INFORMATIVES:

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

Section 60 and 61 of the Control of Pollution Act 1974, and the British Standard Codes of practice 5228:1997 Parts 1 to 4. In particular, building work that is audible at the boundary of the site shall only be carried out between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all


- (3) The application has demonstrated that appropriate consideration in terms of build methodology in relation to the basement has been undertaken by the qualified Engineer in accordance with the Councils Good practice guidance for basement construction. The Council has used its best endeavours to determine this application on the basis of the information available to it, however the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

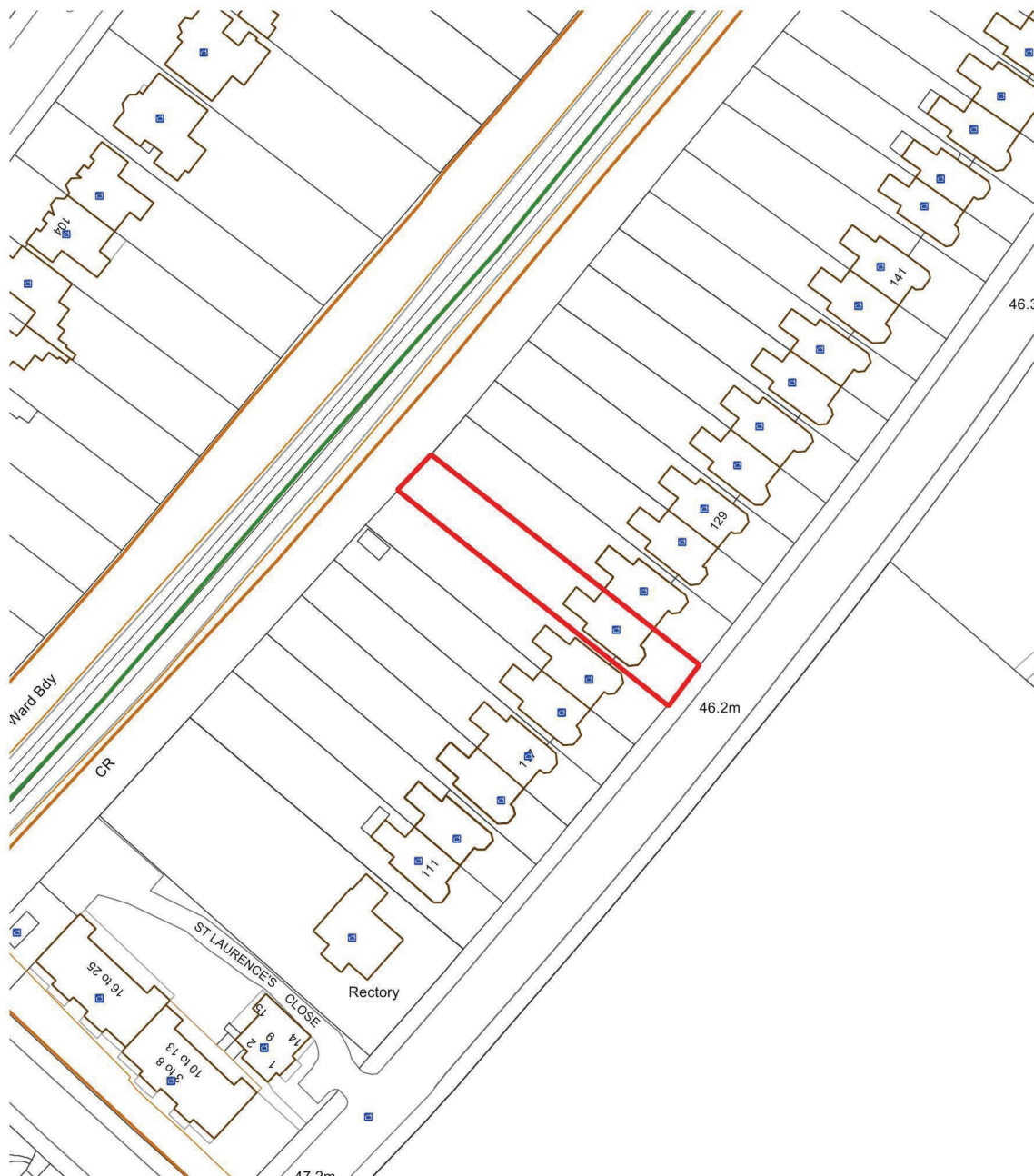
REFERENCE DOCUMENTS:

Queens Park Conservation Area Design Guidance

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

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	Planning Committee Map
Site address: 123 Chevening Road, London, NW6 6DU	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

RECEIVED: 1 September, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 123 Chevening Road, London, NW6 6DU

PROPOSAL: Construction of basement to include light-wells at front and rear of property and enlargement of flank wall window to dwellinghouse.

APPLICANT: Mr Zein

CONTACT: Cross Harris Architects

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval with conditions set down after paragraph 14 of this report..

CIL DETAILS

This application is not liable to pay the Community Infrastructure Levy (CIL) as the total amount of extended floor space is less than 100sqm.

CIL Liable?

Yes/No: No

EXISTING

The subject site is a two storey semi detached dwellinghouse located on the northside of Chevening Road. The area is predominantly residential in character. The site is within the Queens Park Conservation Area and is not a listed building.

The property is currently undergoing extensive renovation work with the main house gutted for refurbishment. A basement structure has already been excavated under the premise that it was permitted development until a subsequent planning application, 14/2356, was refused for reasons of the basement being larger than the original footprint of the house and the development being implemented with other works that did not constitute permitted development (granted under permission 13/2805). The rear stairway to the basement is outside of the foot print of the original house.

Neighbouring properties: To the north of the application site is the adjoining semi no. 125 Chevening Road which remains unextended to the rear. To the south of the application site is no. 121 Chevening Road which exists as 2 flats..

PROPOSAL

As above

HISTORY

14/2356 - *Refused*, 12/08/2014

Construction of front and rear basement light-wells, and enlargement of window to the ground floor side elevation to dwellinghouse

Reason for refusal: *"The proposed basement extension includes areas outside the original footprint of the house and the submitted plans and supporting information indicate that the works will be carried out as a single operation. This would therefore require planning permission and the failure to include these aspects in the development description prevents public consultation and a full assessment of the planning issues relating to the proposal and, in particular, the external design implications and their potential impact on the Queens Park Conservation Area."*

13/2805 - *Granted*, 14/11/2013

Erection of two single storey rear extensions to either side of outrigger of dwelling house and installation of rooflight (light tube) to side roof of rear outrigger

13/0986 - *Refused*, 10/06/2013

Demolition of existing conservatory and single storey rear extension, creation of new single storey side to rear infill extension to dwellinghouse

08/2088 - *Granted*, 22/09/2008

Rear dormer window, 1 side and 1 front rooflight to dwellinghouse

89/0734 - *Granted*, 25/07/1989

CoU of 1 bed flat to dental surgery

POLICY CONSIDERATIONS

National Planning Policy Framework (2012)

All development has a presumption in favour of sustainable development. Brent's planning policies are found to be compliant with the NPPF

London Plan (2011)

For the purposes of Section 38 (2) of the Planning and Compulsory Purchase Act 2004, the statutory spatial development strategy for the area is the London Plan, which was formally adopted in 2011.

The following policies within the London Plan are relevant to this decision:

Policy 7.1 Building London's neighbourhoods and communities - Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.

Policy 7.6 Architecture - Buildings and structures should be of the highest architectural quality and be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.

Local Policy

For the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the statutory development plan for the area is the Unitary Development Plan (UDP), which was formally adopted in 2004, and the Core Strategy, adopted in 2010.

Core Strategy 2010

CP17 - Protecting and Enhancing the Suburban Character of Brent

Brent UDP 2004

BE2 - Townscape: Local context & Character

BE7 – Public Realm: Street scene

BE9 – Architectural Quality

BE25 - Development in Conservation Areas

BE26 - Alterations and Extensions to Buildings in Conservation Areas

Queens Park Conservation Area Design Guide (2013)

Generally, basement applications to create additional space for an existing house or flat can be supported where they are considered to have minimal visual impact. Design principles include the placement of light wells to the rear of the property; and where they are required to the front of the property, the light well should project no more than 800mm from the front elevation or measure no more than half the length of the front garden. On bay fronted houses, the light well is required to follow the profile of the bay and be no wider than the bay or windows above.

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

Dated: 15 Sep 2014 -

Site Notice: 16/09/2014

Mr Richard Johnson, QPRA(East), 21 Carlisle Road NW6 6TL

Neighbours/Representees:

1. The Owner / Occupier, 121 Chevening Road, London, NW6 6DU
2. The Owner / Occupier, 121A Chevening Road, London, NW6 6DU
3. The Owner / Occupier, 125 Chevening Road, London, NW6 6DU

One objection received.

Objection	Officers response
The building work has already begun. Why was work allowed without planning permission?	Building work has begun for a separate permission for infill extensions to the property (see planning history). The agents have been advised by the council to stop work on the basement. There are specific times at which building works can take place which is set under <i>s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4</i> .
Unsightly situation	The hoardings around the site are temporary and will be removed once the development is completed.
The existing house is large enough, as such there is no need for a basement. The council should reconsider their policy on basements given the distress it causes to neighbours	The Design guide for Queens Park does allow basement construction. The new DG underwent considerable public consultation and it was accepted that basement construction be supported, subject to controls.

REMARKS

Summary and proposal description

1. Past basement applications approved by Planning Committee have essentially looked at the practical matters surrounding their construction and issues of their design and visual impact to the conservation area. These include:

- Disturbance from the construction process, assurance of structural stability in relation to adjoining properties, impacts to drainage etc. which are applicable to any development of this nature across London; and
- The design of the basement, particularly where a front lightwell is to be constructed. It is required that a front lightwell have a ground level treatment to screen its visual presence within the conservation area and from neighbouring outlook.

2. To help assuage these two key points, the council has produced a *Basement Practice Guide* (2013), which sets out detailed requirements for a planning application; and has stipulated ground level treatment for front lightwells in particular, to minimise visual impacts, see paragraph 7 of this report.

3. To reiterate, this basement proposal is for a semi-detached dwellinghouse and as such, the footprint of this basement will not abut the curtilage of neighbouring sites.

4. The proposed development is to accommodate a new living room to the front section of the house; a utility room, bathroom and a bedroom to the rear. A rear stairwell will be present leading to the back garden. There will be access to the basement from the main house as well as from the rear garden. A planning condition will be added to the decision notice to ensure the basement must be used as part of the main house and not as a separate residential unit.

5. In summary, the proposal will comprise:

- *Excavation* : This involves the space beneath the original footprint of the house and that to the southside (towards 121 Chevening Rd) underneath a side infill extension. A depth of approx. 2.5m will be excavated to allow for sufficient head room.
- *Front light well*: This will project 800mm around the profile line of the bay window and will have a steel grille placed above and painted black. The front garden has a depth of approximately 8m when measured from the bay window, and contains a fig tree and other soft landscaping features that will be retained.
- *Rear stairway*: This will facilitate access to the rear garden from the basement space. It will run along side the southern side of the rear conservatory (towards no. 121 Chevening Road). A glass balustrade is to be placed alongside the stairwell.
- *Flank wall window*: An existing small window to the side of property is to be enlarged with 3 timber casements that will match the profile of those above. The replacement windows will be timber framed.

Key considerations

- Principle of basement developments in the Queens Park Conservation Area (QPCA)
- Whether the proposal preserves or enhances the Queens Park Conservation Area
- Whether the proposal has an acceptable impact on neighbouring amenity

Principle of basement developments in the Queens Park Conservation Area

6. Members will be aware that there is no adopted, or emerging, policy or guidance that discourages the development of basements in the QPCA.

7. The Queens Park Conservation Area Design Guide (QPCADG) sets out that basement applications to create additional space for an existing house or flat are supportable where they are considered to have minimal visual impact. Design principles include the placement of light wells to the rear of the property; and where they are required to the front of the property, the light well should project no more than 800mm from the front elevation or measure no more than half the length of the front garden. On bay fronted houses, the light well is required to follow the profile of the bay and be no wider than the bay or windows above. All front lightwells must be finished with a horizontal metal grille or flush glazing. No vertical balustrades are allowed.

8. As such, the principle of developing a basement in the QPCA is considered acceptable, but must also be assessed on their individual merits.

Whether the proposal preserves or enhances the Queens Park Conservation Area

9. There is understandably a sensitivity with which Officers treat basement extensions in terms of the emphasis placed on measures to mitigate the impact on the established street character. In this case, the depth of the front garden (8m) and its existing mature planting, including a fig tree, is considered to provide adequate screening to the front lightwell. Plans indicate retention of the existing landscaping and if any were to be changed in terms of landscaping coverage, planning permission would be required to do so because of the Article 4 Direction. Nevertheless, a Condition will be attached to the decision notice to ensure the existing planting is maintained and if any landscaping is damaged, it will be replaced with a similar plants of a similar maturity.

10. The proposed basement plans illustrate a front lightwell that complies with design principles set out in the QPCADG (see paragraph 7). And with the retention of the forecourt landscaping, the proposal is considered unlikely to have a significant impact to the conservation area and will preserve its character and appearance.

Whether the proposal has an acceptable impact on neighbouring amenity

11. In relation to its adjacent neighbouring properties, nos. 121 and 125 Chevening Road, the basement will be set-away from the shared boundaries with these sites. In relation to the adjoining semi, no. 125, there will be a 2.15m set-in from the party wall with this neighbouring property. Overall, the proposal is considered unlikely to have a significant impact to the amenity of occupiers at these neighbouring sites because there will be no projecting structures above 1m from ground level that will obscure light or outlook to neighbouring habitable room windows, nor will it affect neighbouring privacy by way of overlooking. The proposed garden stairs will not project above existing ground level and the 1m high glass balustrade will be visually discreet within the rear garden. As such it is unlikely that views from rear 1st floor neighbouring windows will be affected.

12. In relation to the proposed 'users' of the basement, the proposal is to provide ancillary space to the

existing dwellinghouse and as such will constitute an ancillary space for the existing property. It is noted that the basement could be used as a separate unit to the main house because of the side gate to the house and rear basement stairwell. However, a condition will be added to the decision to restrict the use of the basement as a separate residential unit.

13. *Construction process:* Planning conditions requiring the applicants builder to be a member of the Considerate Constructors Scheme should provide sufficient comfort for neighbouring residents to ensure that the impact of the construction works will be minimised as far as possible.

14. *Structural stability:* The applicant has submitted construction plans prepared by Ecos Maclean which address the points required by the Councils Basement Practice Guide. Overall, these plans are considered to adequately demonstrate that the stability of the building and adjoining structures has been considered and could be safeguarded.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Queens Park 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
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):

PLB00;
PLB01;
PLB02;
PLB03 Rev A;
PLB04;
PLB05;
PLB06;
PLB07;
PLB08 Rev A;
PLB09 rev A;
PLB10 rev A;
PLB11;
PLB14 rev A.
C01 rev 01;
C02;
C03 rev 01-
C04 rev 01-
C08.

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 proposed basement hereby approved shall not be used as a self contained residential unit. Any change, or intensification of use, will require planning permission. The works 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.

- (5) The existing forecourt layout shall be maintained with its existing coverage and proportion of hardstanding to soft landscaping and retention of trees.

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

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the character and appearance of the Queens Park Conservation Area.

- (6) No further development shall be carried out until the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) You are advised that that construction and demolition work is controlled by the Council under Section 60 and 61 of the Control of Pollution Act 1974, and the British Standard Codes of practice 5228:1997 Parts 1 to 4. In particular, building work that is audible at the boundary of the site shall only be carried out between the following hours:
- Monday to Friday - 08.00 to 18.30
Saturdays – 08.00 to 13.00
Sundays and Bank Holidays – No noisy works at all
- (3) The application has demonstrated that appropriate consideration in terms of build methodology in relation to the basement has been undertaken by the qualified Engineer in accordance with the Councils Good practice guidance for basement construction. The Council has used its best endeavours to determine this application on the basis of the information available to it, however the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

REFERENCE DOCUMENTS:

Queens Park Conservation Area Design Guide (2013)

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

	Planning Committee Map
Site address: 62 College Road, London, NW10 5ET	
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This map is indicative only.

RECEIVED: 10 September, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 62 College Road, London, NW10 5ET

PROPOSAL: Change of use from retail (Use class A1) to a 1 x1 bedroom residential flat (Use class C3) on the ground floor

APPLICANT: Mr Patel

CONTACT: London Interiors

PLAN NO'S:

See Condition 2.

RECOMMENDATION

Grant Permission subject to the conditions listed after Paragraph 7.

CIL DETAILS

This application is not liable to pay the Community Infrastructure Levy (CIL) as the proposal does not involve the creation of additional residential floorspace.

CIL Liable?

Yes/No: No

EXISTING

This site is located on the southeastern corner of the crossroads junction of College Road, Clifford Gardens and Bathurst Gardens (three local access roads). The site is currently occupied by a retail unit (80m²) at ground floor level, with a 2-bed flat on two floors above. The site is not within an identified local centre, however, the Council has identified a Local Centre approximately 200m north of the application site. Kensal Rise District Centre is approximately 400m east of the application site. The applicant has stated that the existing lease on the shop expires in 2015.

A 3m crossover from Clifford Gardens to the rear provides access to a garage/storage unit (2.6m x 6.9m) set immediately behind the highway boundary. The site lies within Controlled Parking Zone "KL", operational between 8.30am-6.30pm on weekdays. Being located at a road junction, on-street parking is restricted along the site frontage, but three permit holders' bays are located along the Clifford Gardens flank of the site, with a loading bay located on College Road just to the south of the property. The adjoining roads are all noted in Appendix TRN3 of the adopted UDP 2004 as being heavily parked at night and Transportation Officers have reconfirmed this by recent overnight parking surveys from 2013. Public transport access to the site is good (PTAL 4), with Kensal Green (Bakerloo and London Overground lines) and Kensal Rise (London Overground line) stations and six bus services within 640 metres (8 minutes' walk).

PROPOSAL

This application seeks permission to convert the retail unit to a one-bedroom flat, with the upper floor flat also rearranged internally to provide additional kitchen/dining space at the expense of one of the bedrooms. Bicycle and refuse storage is shown along a side passage to the site, with the rear outbuilding shown retained for storage.

HISTORY

There is no site specific history of relevance to this proposal, however, it is noted that planning permission was granted in 1998 to change the use of the ground floor of the building opposite (85 College Road) the application site to residential (Ref: 97/2482).

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

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

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

The development plan for the purpose of S38 (6) The Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, Core Strategy 2010 and the London Plan 2011. Within those documents the following list of policies are considered to be the most pertinent to the application:

London Plan 2011

Policy 3.5 Minimum unit sizes

Brent Core Strategy 2010

CP 2 Population and housing growth

Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought

Brent UDP 2004

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- TRN3 Where an application would cause or worsen an unacceptable environmental impact of traffic it will be refused.
- TRN4 where transport impact is unacceptable measures will be considered which could acceptably mitigate this.
- TRN11 Developments should comply with the plan's minimum cycle parking standard.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses
- PS16 Cycle parking

CONSULTATION

Letters were sent to neighbouring properties on 8 October 2014.

The proposal has generated significant public opposition whereby 357 OBJECTIONS have been received from local residents.

One comments has been received which states that there are other empty premises from which the current shop keeper could operate. The majority of the objections have been made on the following basis

Objection	Officer Response
Loss of a valuable community facility (in addition to loss of Kensal Rise library).	See Paras 1-3. Community floor space has been re-provided as part of the approved application for the former Kensal Rise library.
The shop keepers are friendly and offer a very good service to the local community.	The personal nature of the current shop keepers are not a material planning consideration.
Important local facility for disabled persons.	See Para 3.
Conversion to a residential use would signal an area which is in decline.	Providing the treatment of the front elevations are treated sensitively (a condition requested further detail is proposed), it is considered that the proposal would represent a viable alternative option for the site.
Contrary to Core Strategy policies to protect local shops and draft policies in the 'Development Management Policies' plan protects the loss of isolated shop units.	The site is not within an identified shopping parade, see Para 1. Very limited weight can be attached to emerging policy in the 'Development Management Policies' plan.
Proposal would result in additional demand for 'on-street' parking.	The proposal would result in a small decrease in the parking standards for the site.
Small local convenience stores contribute to the character of the area and London more generally.	Acknowledged, however, there is a local centre and district centre within 400m of the application site.
Current shop provides 'active surveillance' to the surrounding area.	Acknowledged, but a residential use would also have a similar presence.
No need for further flats.	The need for further residential accommodation is established in Policy CP2 of the Core Strategy.

In addition objections have been received from the following Councillors:

- Cllr Nerva (Queens Park);
- Cllr Hector (Kensal Green);
- Cllr Southwood (Queens Park);
- Cllr Davidson (Brondesbury Park); and Cllr Kelcher (Kensal Green).

REMARKS

Key considerations

The key considerations of this proposal are as follows:

- (1) Principle of development;
- (2) Standard of accommodation;
- (3) Impact on Street Scene; and
- (4) Parking & access.

1. Principle

1. The application proposes to change the existing retail to a residential use, with associated development to facilitate the conversion. The relevant policies of the development plan are set out above, however, the provisions of policy SH18 (Other Shopping Parades) are salient to the principle of this proposal as the application site contains a shop which is not within an identified centre. Policy SH18 states:

"In shopping parades outside the primary and secondary areas and protected local parades identified in Appendix SH1, change of use to appropriate alternative use will be permitted. Priorities for alternative use are set out in Policy STR1"

2. Policy STR1 which promoted housing development outside of employment areas is no longer 'saved',

however, residential use is still considered an appropriate alternative use within the context of other policies contained in the development plan and National Planning Policy Framework (NPPF). Whilst the proposal is acceptable in accordance with policy SH18, it is noted that the shop appears to be a viable business amongst a parade of other commercial uses, all of which appear to be trading well. Furthermore, the strength of support for the existing use (see 'Consultation' above) shown through the public consultation exercise is of relevance. In this respect, it is useful to reiterate the statutory requirement upon local planning authorities contained in Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"

3. Officers consider that the ability of the local community to meet its day-to-day needs is a material planning consideration for the purposes of the planning Acts and both the NPPF paragraph 70 and London Plan policy 3.1 state local planning authorities should guard against the loss of facilities where this would reduce the community's ability to meet its day-to-day needs. In considering to what extent the shop at 62 College Road is required to meet the needs of the community an audit of current local provision has been undertaken. It was observed that a convenience store and Post Office incorporating a newsagent's are located less than 200m north of 62 College Road (which is less than a 10-minute walking distance for an able-bodied person). As alternative provision is in close proximity, it is not considered that it could be argued the loss of this shop would impact on the communities ability to meet its day-to-day needs. For this reason and given the policy context provided by policy SH18 it is considered that the principle of the conversion of the property to a residential use is acceptable in principle. Whilst a number of representations have made reference to the personal character of the current shop keepers this is not a relevant planning consideration which must be made on the basis of land use planning principles.

2. Standard of Accommodation

4. The size of the unit at 70sqm comfortably exceeds the minimum standards contained within the London Plan and the size and layout of the rooms would also comply with the Mayor's Housing SPG. All of the habitable areas of the proposed unit would benefit from good levels of daylighting and would have a good outlook onto the surrounding streets and in the case of the kitchen onto the rear garden. The applicant has confirmed (at the request of officers) that the existing storage building will be removed and it is proposed to secure a condition to ensure the rear of the site is suitably landscaped so that the proposal would be provided with its own amenity space in excess of the Council's standards in SPG17. The proposal would comply with the 'stacking' criteria contained in policy H18 of the UDP to minimise noise transmission between the proposed and existing first floor unit.

3. Impact on Street Scene

5. The proposal would retain the existing fascia board, pilasters and corbels of the existing shop front and would replace the display windows with timber sliding sash windows. This would reflect the design and position of the existing first floor windows. Given the sensitivity of developing existing shopfronts to a residential use further details will be sought by condition to ensure that this is undertaken in a sensitive manner that would be appropriate to the local townscape. It is noted that the unit opposite the application site (No. 85 College Road) has been converted to a residential use following a planning approval in 1998, but the exterior of the property has not been treated particularly sensitively. Therefore the imposition of planning condition to secure detailed information (in addition to the retention of the shop front) would ensure that the conversion could be undertaken to a higher standard.

4. Parking & access

6. Car parking allowances for the existing and proposed uses of the site are set out in standards PS7 and PS14 of the adopted UDP 2004. As the site has good access to public transport services and is located within a CPZ, reduced residential parking allowances apply. The existing shop is therefore permitted up to one off-street parking space, with the 2-bedroom flat above permitted 0.7 spaces (total 1.7 spaces). The proposed conversion of the building into 2 x 1-bed flats will marginally reduce the total allowance to 1.4 spaces, whilst also reducing servicing requirements for the building. With no more than one off-street parking space available, the proposal would continue to comply with the parking standards. As the existing vehicular crossover would no longer be required as part of the development, the Transportation department have confirmed this should be returned to footway at the developers expense prior to occupation of the development and the parking bays along Clifford Gardens extended across the access, as a condition of any approval.

7. Standard PS16 requires the provision of a secure bicycle parking space for each flat. Suitable secure provision for two bicycles is shown along the side wall of the building, in line with requirements. Refuse

storage is also shown along the side passage to the building, allowing easy access for refuse collection staff.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

National Planning Policy Framework
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
Housing: in terms of protecting residential amenities and guiding new development
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

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):

PR14-085A; PR14-085B Rev 02; PR14-085C; and PR14-085D

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

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

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

- (4) No building or use hereby permitted shall be occupied or the use commenced until the existing vehicular access on Clifford Gardens to the development site has been permanently stopped up, the footway reinstated and the parking bays along Clifford Gardens extended across the access at the developer's expense.

Reason: In the interests of pedestrian safety.

- (5) The bin and cycles stores shown on the approved plans, shall be built of brick (to match existing brick work of the building or garden wall as appropriate), roofed and fitted with ledged, braced and battened doors and shall be permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance, adequate standards of hygiene and refuse collection and suitable cycle storage facilities.

- (6) The storage building shown to be removed on the approved plans shall be completely removed from the site prior to occupation of the unit hereby approved and the area suitably landscaped in accordance with the details agreed as part of this permission.

Reason: In order to provide residential accommodation of a suitable quality.

- (7) Details of materials for all external work including (but not limited to) the proposed brick, decorative lintels and entrance door 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.

INFORMATIVES:

- (1) The removal of a crossover fronting Clifford Gardens including the reinstatement of the public footpath shall be carried out by the Council as the Local Highway Authority at the applicant's expense. Such application should be made to the Council Highway Consultancy. The grant of planning permission, whether by the Local Planning Authority or on appeal does not indicate that consent will be given under the Highways Act.

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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	Planning Committee Map
Site address: 36 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

RECEIVED: 14 October, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

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

PROPOSAL: Rooftop extension and internal alterations to provide additional living accommodation to 2 x existing third floor residential properties.

APPLICANT: Mr Dezzi McCausland

CONTACT: Design ACB Ltd

PLAN NO'S:

See Condition 2.

RECOMMENDATION

Grant Permission.

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 above.

HISTORY

14/1412. 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. Refused (at committee) 21.08.14

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".*

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

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
TRN24	On-Street Parking
EP2	Noise and Vibration

Supplementary Planning Guidance 17:- Design Guide For New Development
London Plan (Consolidated with alterations since 2004)

CONSULTATION

All neighbouring properties and Network Rail have been consulted. 9 representations in support have been submitted and 2 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:

Objection	Officer Response
The use the roof between the two properties resulting in noise and disturbance.	There is an existing roof terrace on the flat roof of the apartment below. This was not previously a reason for refusal at the August committee.
Loss of light and outlook to rear facing kitchen and bedroom windows to 14 Regal Building.	In respect of the flats within the Regal Building, the proposal would fully comply with the Councils 30 degree assessment when measured from the rear facing habitable room windows of this property as such there would be no material loss of light or outlook to this property (see Para 8).

Network Rail: No objection subject to a condition.

REMARKS

Background

1. This is a revised proposal following a similar application that was refused at the August Planning Committee. Since this time the application has been amended as follows:

- Increased set back from the building below by 1 (from 2.5m to 3.5m);
- Reduction in the width of the extension by 1.2m; and
- Minor reduction in the overall height of the extension.

Principle

2. 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. A proposal to extend the building in a similar fashion in order to create *additional* flats was refused permission in 2010. As the proposed seeks to enlarge existing units only, 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; and
- Whether the proposed development would have an acceptable impact on the amenity of neighbouring residents.

Character and Appearance

3. 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 consistently applied by Officers over time.

4. To the rear is the railway line where the central depot and sidings, which 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. Given the small reduction in the height and the reduction in the width as well as the increased set back from the front elevation of the host building, the proposal would no longer result in any material harm to the surrounding built environment when viewed from Kilburn Lane. As such the proposed development is considered to be of a size and scale which would be suitably subsidiary to the existing frontage development as such it complies 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

5. The proposed additional storey is set back 3.5m from the edge of the existing third floor roof (whereas 2.5m was previously proposed) and 6m 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 2.7m in height onto the existing recessed third floor of the building (a reduction of 0.25m from the previous proposal).

6. The nearest residential units are the flats within the frontage building of the same development site and the dwellinghouse at No.'s 1 and 2 Bannister Road. The dwelling house at No's 1 and 2 Bannister Road has a two storey rear projection situated 19m from the proposed roof terrace at the upper floor level and 15m from the proposed terrace on the existing 3rd floor.

7. 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. 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.

8. The revised plans demonstrate that the extension would comply with the 30 degree guidance contained in SPG17 in respect of the rear facing windows of the frontage building. With respect to 1-2 Bannister Road, whilst it is not noted that it would not comply with the guidance it is not considered that the extension would be materially harmful than the existing visual relationship between this property and the application proposal given the 3.5m set back described above. 1.5m high privacy screens are proposed to the terrace areas and these have been factored into 30 degree line assessment above. As such the proposal would not be materially harmful to residential amenity in accordance with policy BE9 of the UDP.

Conclusion

9. The previous proposal was considered to be materially harmful to residential amenity and the character and appearance of the area. The changes outlined above have addressed the harm previously identified so that this is now within an acceptable tolerance so as not to have a significant harm on the character and appearance of the area and residential amenity. It is noted that there have been 9 representations received in support of the proposal. Therefore, on balance, the revised proposal is considered acceptable for the reasons outlined above.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

135_PLN_001; 135_PLN_002 Rev E; 135_PLN_003 Rev D; 135_PLN_004 Rev D;
135_PLN_010 Rev D; 135_PLN_100 Rev G; 135_PLN_200 Rev G; 135_PLN_300;
135_PLN_301 Rev G; 135_PLN_400 Rev G; and Planning Statement (Rev B).

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

- (3) Details of materials for all external work (including the proposed privacy screens) 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.

- (4) No development shall take place until details of a Risk Assessment and Method Statement (RAMS) has been submitted to and approved in writing by the Local Planning Authority. The RAMS shall demonstrate that the works on site do not impact the safety, integrity, operation or performance of the railway and any future maintenance works can be undertaken wholly within the developer's land ownership and must not encroach onto Network Rail land or over-sail Network Rail air-space.


Reason: In the interests of railway safety.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- (3) Network Rail is concerned that there is potential for works to encroach onto the operational railway itself and its air-space, this is of concern as there are overhead electrified lines along the line, and there is the potential for induced voltages up to 20m from the overheads themselves. The applicant is advised to submit a risk assessment and method statement (RAMS) to the Network Rail Asset Protection Team prior to applying to discharge condition 4. Any access to Network Rail land must be requested via the Network Rail Asset Protection Team and the developer would be liable for all costs (including any asset protection presence on site, any look-out costs and any possession costs). The RAMS should also be submitted to AssetProtectionLNWSouth@networkrail.co.uk at least 8 weeks before works commence on site and no works are to commence until the Asset Protection team has approved the RAMS. In addition Network Rail have advised that a Basic Asset Protection Agreement (BAPA) may be required.

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

 **Planning Committee Map**

Site address: College Of North West London Willesden, Dudden Hill Lane, London, NW10 2XD

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This map is indicative only.

RECEIVED: 1 October, 2014

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: College Of North West London Willesden, Dudden Hill Lane, London, NW10 2XD

PROPOSAL: Proposed redevelopment of Edison Building and erection of a new 5 storey building for educational use.

APPLICANT: College of North West London

CONTACT: HKS Architects

PLAN NO'S:
See condition number 2

RECOMMENDATION

Grant planning permission subject to the conditions listed after paragraph 20 and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of 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
- Confirmation that the development upon completion has achieved BREEAM Excellent.
- A score of at least 50% on Brent's sustainability checklist

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

The development is not liable to pay CIL to Brent or to the Mayor as it is an educational establishment and in any event results in a reduction in floor area.

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£0.00** of which **£0.00** is Brent CIL and **£0.00** is Mayoral CIL.

CIL Liable?

Yes/No: No

EXISTING

The subject site is located in the College of Northwest London Dollis Hill campus, the campus has the jubilee and metropolitan line to the north, Dudden Hill Lane to the east, Denzil Road to the south and Selbie Avenue to the west.

The subject site is the southeastern corner of the campus fronting Dudden Hill Lane and contains the 5-storey Edison building. The building is vacant and is due to be demolished shortly for which the applicant has secured prior approval from the council.

The building is separated from the corner of Dudden Hill Lane and Denzil Road by a triangular area of open space which is in the council's ownership.

The site is prominent on Dudden Hill Lane and is very accessible in close proximity to Dollis Hill tube station.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

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	5410	5325	85	0	5325
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
	5410	5325	85	0	5325

Monitoring Residential Breakdown

Existing

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

Proposed

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

PROPOSAL

See description above.

HISTORY

14/4190 Raise No Objection, subject to the Health & Safety Plan and the Construction Logistics and Methodology Plan.

Prior approval application for demolition of the 5 storey building known as "The Edison Building" located on the grounds of the College of North West London Willesden

06/2572 Granted

Erection of new 4-storey technology building and associated storage compound to be located at the western end of the site, the refurbishment and re-planning of the front entrance to the College and new parking arrangements along Denzil Road (incorporating a Design Statement dated August 2006 and as clarified by letter and plans received on 26/09/2006 and further information on sustainability dated 17/10/2006), subject to a Deed of Agreement dated 22/01/2007 under Section 106 of the Town and Country Planning Act 1990 (as amended)

POLICY CONSIDERATIONS

UDP 2004

BE2 Townscape: Local Context & Character
BE5 Urban Clarity & Safety
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
TRN10 Walkable Environments
TRN11 The London Cycle Network
TRN22 Parking Standards - Non-Residential Developments
TRN35 Transport Access for Disabled People & Others with Mobility Difficulties

Core Strategy

CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures
CP23 Protection of Existing and Provision of New Community and Cultural Facilities

SPG17: Design Guide for New Development

The London Plan

SUSTAINABILITY ASSESSMENT

The proposed college development, in order to comply with the Core Strategy policy CP19, should achieve BREEAM Excellent. The proposed submission, though including detailed information about the sustainable approaches being proposed, only achieves Very Good. Proposed measures include:

- PV panels and air source heat pumps
- Brown roof

The applicant has explained that this is due to its funding limitations and has set out which Excellent points would be targeted if the funding were to become available. However viability is not explicitly set out in CP19 as an exception from achieving the target and, as a result, officers remain of the view that BREEAM Excellent needs to be achieved.

Officers do however propose to seek further guidance from sustainability consultants to review this situation and will provide an update to Members in a supplementary report.

The proposal will achieve at least 50% on Brent's sustainability checklist.

CONSULTATION

A site notice and press notice were both published and neighbouring occupiers were consulted on 6th October 2014. One objection has been received raising the following concerns:

- Impact on light/outlook to the residential properties to the south of the site on Denzil Road
- Impact on the privacy of residential properties on Denzil Road

Internal

The following comments have been received:

Highways - As the floor space does not increase, parking allowances are assumed to remain unchanged. A small area of 10 parking spaces will be lost to create a more attractive pedestrian access from Dudden Hill Lane, this marginal reduction will bring the campus slightly more in line with standards and is supported. Further details of cycle storage and disabled parking are required.

Environmental Health - Recommended conditions regarding NOx emissions and noise from any plant. Seek further information regarding Air Quality.

REMARKS

Introduction

1 The subject site is the most prominent and visible part of the Dollis Hill Campus because of its position on Dudden Hill Lane. As well as proposing a building which is fit for purpose, in redeveloping this prominent site the college is also seeking to establish a new and attractive modern image.

2 The applicant has advised that the development will be funded through the revenue from the sale of the college's former Kilburn building.

Comparison of existing and proposed building

3 Both the existing and proposed buildings are 5 storeys in height, the proposed building would be 1.8m higher than the existing building's parapet (and 0.8m lower than the highest part of the existing building which is the northwest stair core).

4 The existing building is orientated to face almost due east. The new design has a curved front elevation and is proposed to be re-orientated to address Dudden Hill Lane more directly and therefore is angled slightly to the southeast. In total, the floor area over the 5-storeys is proposed to slightly reduce from 5410sqm to 5325sqm

5 There is no in principle concern with any of these proposals, the relationship with neighbouring buildings and the external appearance of the development is discussed in more detail below, and the proposed building is considered to be a considerable improvement to the site and to the college.

Layout

6 The proposed building is to become the main entrance to the campus. The landscape plan/proposed site plan demonstrates the intention to create an open frontage to the site with the front building line and fencing to either side of it forming the secure front boundary of the site. The area to the front would be publicly accessible and would be landscaped with the existing trees retained. This is considered to be a significant improvement to the existing situation which is dominated by palisade fencing which runs along the front boundary of the site.

7 The publicly accessible frontage is designed to create a welcoming environment but also to meet the needs to particular 'service' related courses run by the college such as catering and hairdressing. A cafe and health & wellbeing area at ground floor would form part of this.

8 The new Edison building would not be physically connected to the Duncan building (to the rear) as it is at present by a 'spine of corridors' however the ease of movement between the buildings is important. One existing difficulty within the campus is the range of ground levels and the proposed building is establishing a ground level which, it is intended, will over time become the consistent ground level throughout all of the separate buildings in the campus. To the rear of the new Edison building ramps and a set of stairs will provide access to the higher entrance level of the Duncan building.

Design

9 The proposed elevational treatment of the building consists of alternating strips of brick piers and glazing, the floor to ceiling window openings have a brick's depth reveal which is shown on the detailed drawings. A prominent entrance feature is proposed which consists of glazing 3-storeys high and a canopy, this adds a point of interest to the building and makes it very easily legible for visitors.

10 The rear elevation is similar but is more practical and has less design interest as it faces into the campus. It consists again of brick and floor to ceiling windows with casement openings. The openable windows to the front elevation are small to guard against noise and air pollution on Dudden Hill Lane, the openable window to the rear are more generous.

11 The road level rises steeply to the north over the train line so while the elevation does not form a prominent part of the immediate streetscene it is prominent from a distance on Dudden Hill Lane (beyond the rail bridge to the north). Travelling south from the rail bridge to the site the building is currently largely screened by a hoarding and trees. The northern elevation is proposed to be rendered and the sign on the existing building is proposed to be reclaimed and reinstated on this elevation. The drawings state that the college intends to advertise on this elevation, some form of advertising may be acceptable but this would be subject to separate advertisement consent which would need to be considered on its merits by the council at the appropriate time.

12 The southern elevation faces Denzil Road and the proposed treatment is brick and glazing with the same detail as the rear elevation. The elevation is currently about 24m from the site boundary on the north side of Denzil Road and the proposed footprint would bring this 6m closer the elevation itself however is about half of the width of the existing flank wall which would reduce its prominence in the residential road. There are 2

windows proposed at each level in this elevation. In design terms this elevation is considered to be acceptable however a neighbour has expressed concern about impact on residential amenity, this is discussed below.

Neighbouring amenity

13 A daylight/sunlight report has been submitted assessing the potential impact of the development on residential neighbours on Denzil Road and Dudden Hill Lane. The Dudden Hill Lane properties are either opposite the Currie Building/Brunel Building to the north of the subject site or are separated from the development by open space. The light consultants conclude that given the minor difference in the overall building height and position of the building there would be no noticeable difference in daylight or sunlight.

14 The properties on Denzil Road have more of a direct view of the proposed extension and the footprint of the existing and proposed buildings is proposed to alter more noticeably than to the north of the site so a preliminary desktop analysis was undertaken. As the properties are facing within 90 degrees of due north sunlight is not a material factor. A vertical sky component test was undertaken for no. 131 and 133 as the closest properties. The assessment found that the ground floor windows would exceed the BRE guidelines maintaining high VSC levels. The curved bay windows apparent on Denzil Road also allow for good daylight distribution.

15 At its closest point the building will still be about 35m from residential neighbours. While the appearance of the building will differ, the height and footprint are not significantly different enough to result in a materially different impact on residential amenity.

16 The southern elevation will partially be screened by trees, a streetview image submitted by the architect shows the highest point of the proposed windows and the trees in front of them. However as the proposed building is set well in from its boundary as noted above, the distance is considered significant enough to prevent any direct and serious conflict of privacy.

Highways

17 As the proposed building would not increase the floor area and the proposal does not suggest that there would be an increase in staff or pupil numbers there is no proposal and no requirement to provide additional parking capacity, it is noted that the existing provision of 300 parking spaces actually exceeds current standards. An existing parking area is labelled, on the landscape plan, as a disabled parking zone, this would be supported however a condition requiring more details is recommended.

18 Bicycle parking requirements as set out in standard PS16 of the UDP 2004 require at least one space per ten staff/pupils, giving a requirement for at least 108 spaces just for this building (let alone the remainder of the campus). With only 50 spaces stated as being available at present, it is important that a significant increase in bicycle parking provision is made. This is acknowledged in the submitted Transport Statement, but further details need to be provided on the site layout plan as a condition of any approval.

19 A transport statement has been submitted which, as there is no increase in floor area, finds that there will be no adverse impact associated with the development. Details from the monitoring of the existing travel plan identify that targets are being met.

Conclusion

20 The proposed building is considered to be an enhancement to the site and will have a positive impact on the streetscene and campus. However the development is not currently proposed to achieve the sustainability target required of it by Brent's Core Strategy, this matter requires further consideration which will be undertaken by Brent Energy Solutions and an update will be provided in a supplementary report.

Comment	Response
Concern that there will be significant changes to the sky view and light to Denzil Road properties. The report doesn't state that there will be no impact but that it will be within BRE guidelines and that the DAS is misleading on this point.	The streetview images do show that the appearance of the building will change and the footprint will also change on Denzil Road however there remains a significant distance between it and residential neighbours on the south side of the road. The preliminary light report has found that, of the measurement appropriate to north facing windows, the closest properties will easily exceed BRE

	guidelines. Officers acknowledge that this doesn't mean that there will be no change but that the guidelines of BRE which seek to maintain a good quality of residential amenity will be achieved.
Privacy has not been considered in the D&A. The existing south elevation has some windows obscured by trees. The trees will not obscure the new 3rd and 4th floor and the height of the windows will mean students will see out to neighbours windows.	The southern elevation will partially be screened by trees, a streetview image submitted by the architect shows the highest point of the proposed windows and the trees in front of them. However as the proposed building is set well in from its boundary as noted above, the distance of at least 35m is considered significant enough to prevent any direct and serious conflict of privacy.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

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

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):

CNWL-A-L-00-X01 Rev 1
 CNWL-A-L-00-X02 Rev 1
 CNWL-A-L-00-X03 Rev 1
 CNWL-A-L-00-X04 Rev 1
 CNWL-A-L-00-X05 Rev 1
 CNWL-A-L-00-X06 Rev 1
 CNWL-A-L-20-001 Rev 12
 CNWL-A-L-20-101 Rev 11
 CNWL-A-L-20-201 Rev 10
 CNWL-A-L-20-301 Rev 10
 CNWL-A-L-20-401 Rev 10
 CNWL-A-L-20-601 Rev 5
 CNWL-A-L-20-X01 Rev 9
 CNWL-A-L-20-X02 Rev 10
 CNWL-A-L-20-X03 Rev 9
 CNWL-A-L-20-X04 Rev 5
 CNWL-L-L-90-001 Rev 3
 CNWL-A-L-92-X01 Rev 2
 511/M/04/200 Rev I1
 511/M/R/200 Rev I1

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

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

- All hard materials, type/colour/finish
- All storage, street furniture, boundary treatment and lighting, type/colour/finish
- All plant species/pot size/position/quantity
- Tree planting along the Dudden Hill Frontage should be reinforced and new trees should be proposed to enhance the setting of the new building.
- Sustainable drainage (SUDS) and construction techniques should be implemented
- Biodiversity enhancement measures should be incorporated into the landscape design where appropriate as per section R2 of the ecological report
- Landscape management and maintenance plan in exhibiting improved tree care in particular

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.

- (4) No development shall be carried out until such time as the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- (5) A full set of external design details, including but not limited to window design and reveal, details of all plant on the roof, samples of all external materials etc., shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (6) Details of the construction of the green/brown living roof shall be submitted to and approved in writing by the LPA before the development commences.

Reason: To ensure the proposed development achieves ecological improvements for the site.

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

Reason: To ensure satisfactory facilities for cyclists.

- (8) Further details of the parking area labelled 'disabled parking zone' shall be submitted to and approved in writing by the LPA and the approved details shall be implemented prior to the occupation of the hereby approved building.

Reason: To ensure that there is sufficient and convenient parking for disabled visitors to the college in accordance with Brent's UDP 2004 and the London Plan 2011.

- (9) Details of PV panels, minimising impact on the external appearance of the building, shall be submitted to and approved in writing by the LPA prior to the commencement of the building work. The development shall be completed in accordance with the approved details.

Reason: In the interest of the visual amenity of the site.

- (10) Prior to the commencement of the use the applicant shall provide details of all boilers installed demonstrating that the rated emissions of Oxides of Nitrogen (NO_x) do not exceed 30 mg/kWh, in writing for the approval of the Local Planning Authority

Reason: To protect local air quality, in accordance with Brent Policy EP3

- (11) Condition: 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 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. An assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to The Local Planning Authority, in writing, for approval. The plant shall thereafter be installed and maintained in accordance with the approved details

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

INFORMATIVES:

- (1) The applicant is advised the any proposed signage or advertising requires advertisement consent which will be considered separately on its own merits.
- (2) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.
- (3) The applicant is advised that they will need to comply with the prior approval details (LPA ref: 14/4190) as far as construction traffic is concerned.

Any person wishing to inspect the above papers should contact Liz Sullivan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5377

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