



Planning Committee

Wednesday 3 June 2015 at 7.00 pm

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

Membership:

Members

Councillors:

Marquis (Chair)

Agha
S Choudhary
Ezeajughi
Hylton
Mahmood
M Patel
Vacancy

Substitute Members

Councillors:

Chohan, A Choudry, Colacicco, Hoda-Benn,
Khan, W Mitchell Murray and Perrin

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 6.15pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting (to follow)		
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. Land at the Junction of Yeats Close & Great Central Way, London, NW10 (Ref. 14/4469)	Stonebridge	5 - 26
NORTHERN AREA		
4. Former Oriental City, 399 Edgware Road, London, NW9 (Ref. 15/1337)	Queensbury	27 - 52
5. 13 & 13A Carlisle Road, Kingsbury, London, NW9 0HD 05 Queensbury (Ref. 14/1482)	Queensbury	53 - 68
SOUTHERN AREA		
6. All Units, Queens Studio, 117-121 Salusbury Road, London, NW6 6RG (Ref.14/4719)	Queens Park	69 - 90
7. 2-8 Malvern Road, London, NW6 5PP (Ref. 15/1050)	Kilburn	91 - 110
8. Any other urgent business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visit - 30 May 2015

SITE VISITS – SATURDAY 30 MAY 2015

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
14/4719	All Units, Queens Studio, 117-121 Salisbury Road, London, NW6 6RG	6	Queens Park	9:45	69 - 90
15/1050	2-8 Malvern Road, London, NW6 5PP	7	Kilburn	10:10	91 - 110
14/1482	13 & 13A Carlisle Road, Kingsbury, London, NW9 0HD	5	Queensbury	10:50	53 - 68

Date of the next meeting: Wednesday 2 July 2015

The site visits for that meeting will take place the preceding Saturday 27 June 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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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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COMMITTEE REPORT

Planning Committee on 3 June, 2015
Item No 03
Case Number 14/4469

SITE INFORMATION

RECEIVED: 14 November, 2014

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Land at the Junction of Yeats Close & Great Central Way, London, NW10

PROPOSAL: Erection of a warehouse / industrial building for flexible use within Use Class B1(b) (research and development), B1(c) (light industry), B2 (general industry) and/or B8 (storage or distribution) purposes with ancillary B1(a) (office) floorspace on the first and second floors; vehicle, cycle and bike parking, landscaping and fencing

APPLICANT: Aviva Investors Pensions Ltd.

CONTACT: Michael Sparks Associates

PLAN NO'S: See condition 2

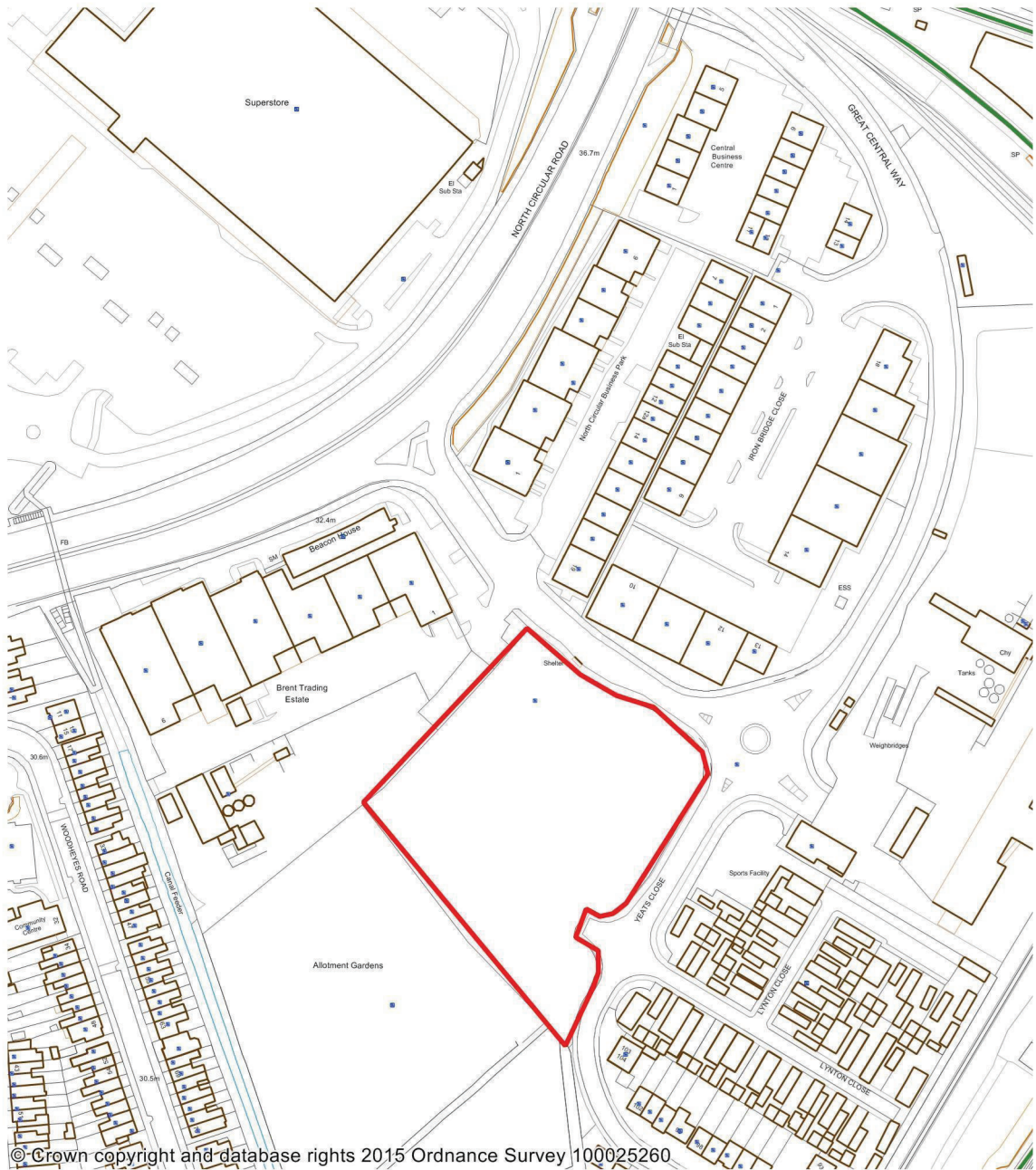
SITE MAP



Planning Committee Map

Site address: Land at the Junction of Yeats Close & Great Central Way, London, NW10

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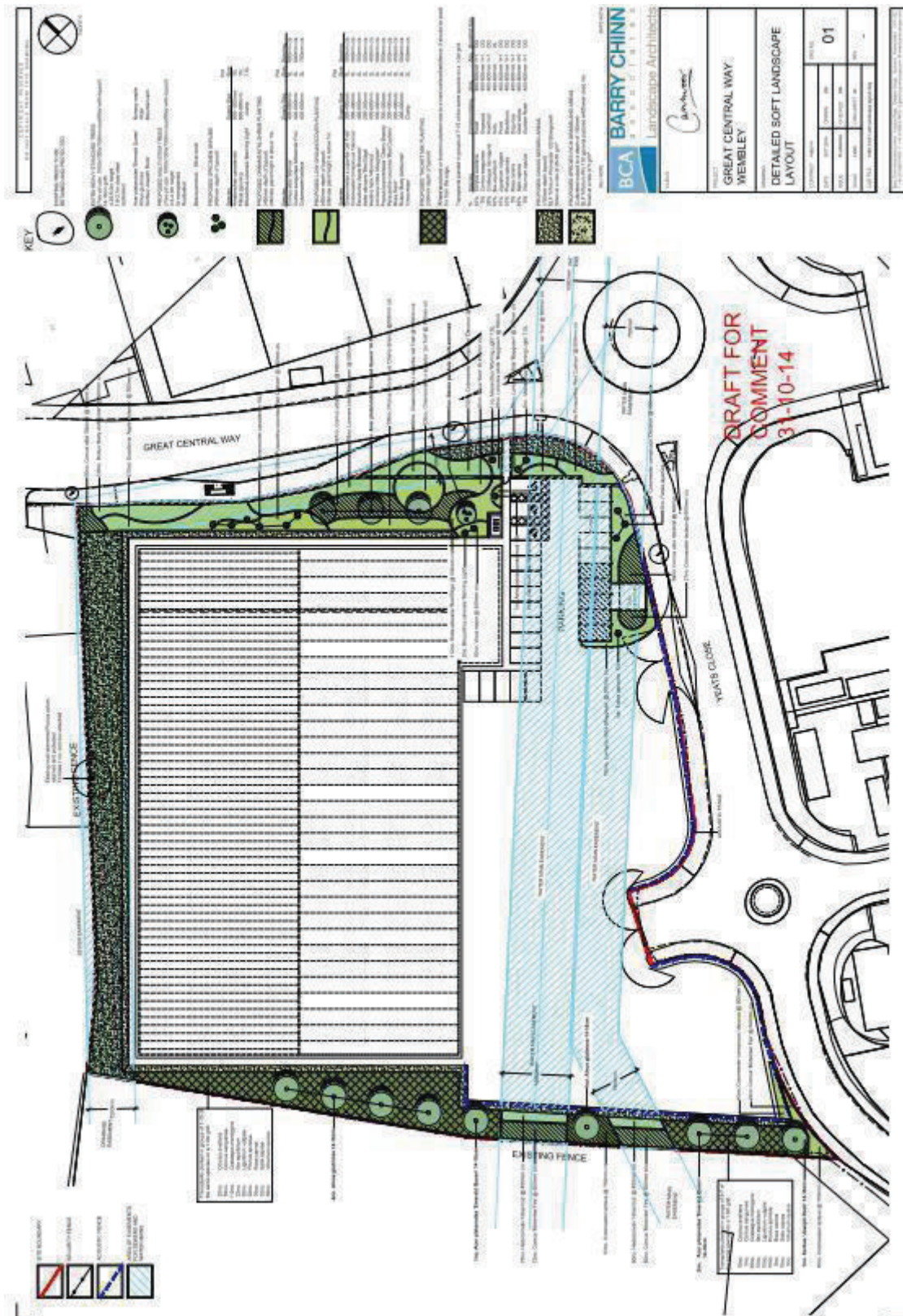


This map is indicative only.

SELECTED SITE PLANS

The following are extracts of some of the submitted plans. All submitted details can be viewed on the Council's website www.brent.gov.uk by searching with the application reference.

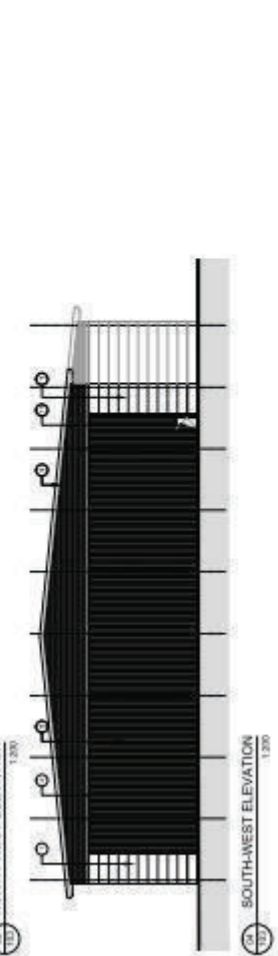
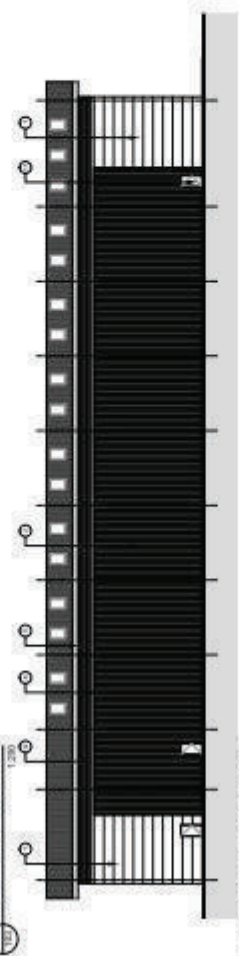
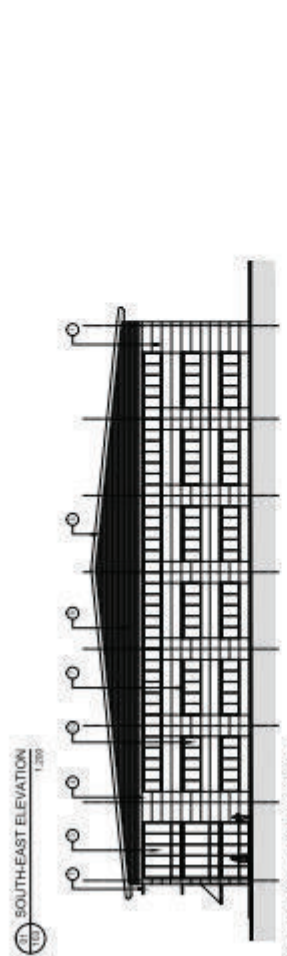
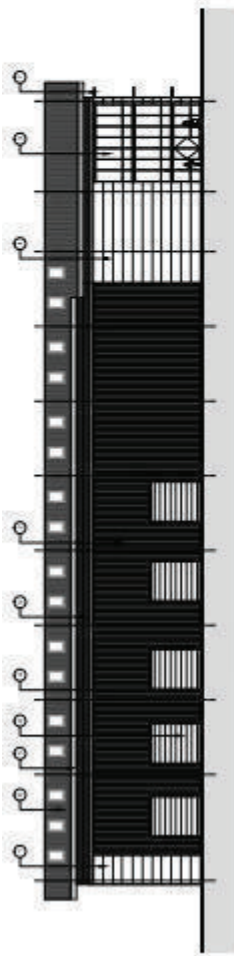
Proposed site layout



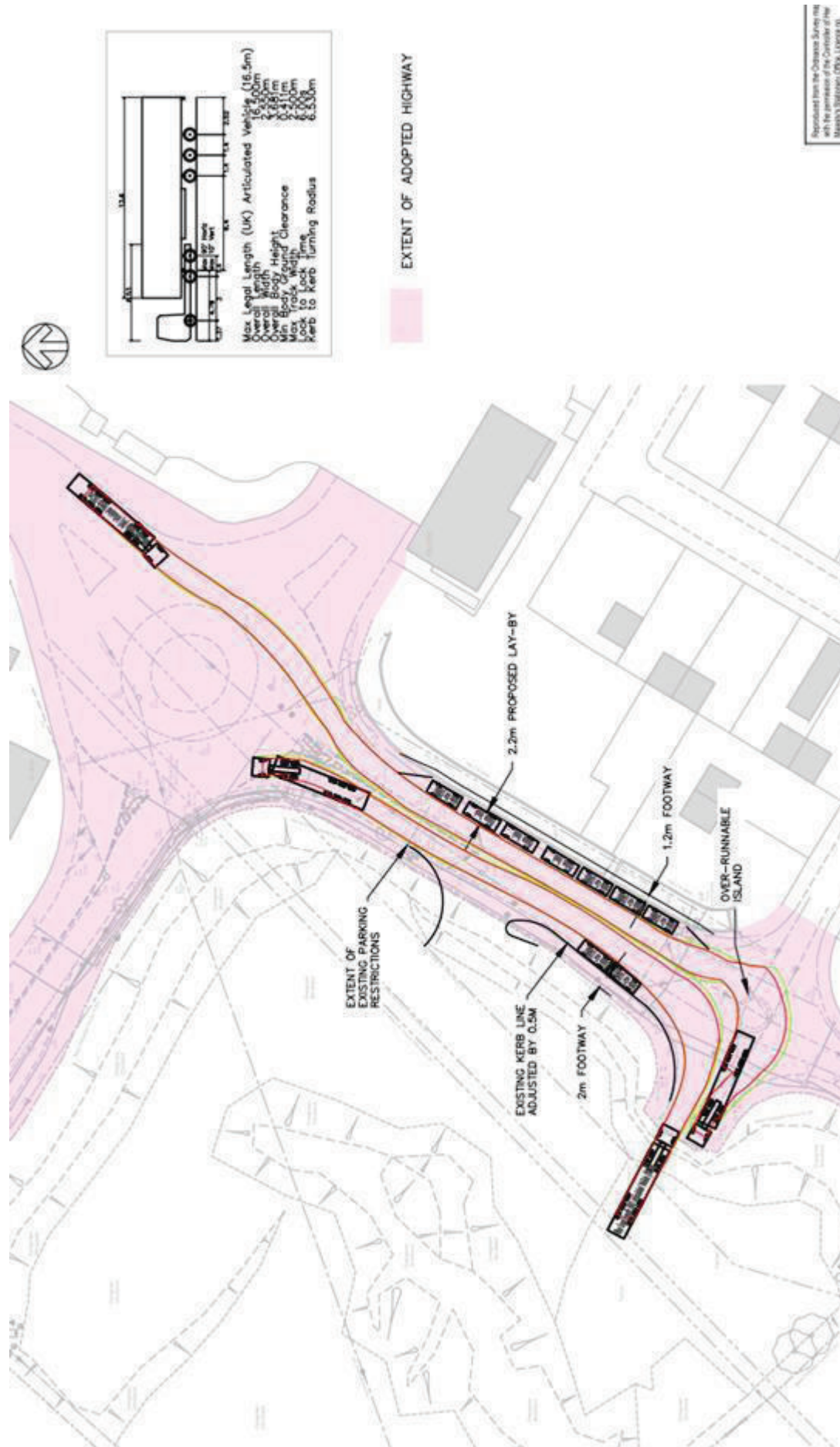
Elevations

NOTES:
 1. All elevations are shown in black and white.
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SCHEDULE OF EXTERNAL FINISH MATERIALS	
01	Other Aluminium Anodized
02	Cladding Cemex Stone 2000 Series
03	Cladding Vitreous Enamel
04	Cladding Vitreous Enamel
05	Other Clear Anodized Glass
06	Other Polycarbonate (Acrylic) 1000
07	Paintwork Primer/Undercoat/Finish (RAL 1015)
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Indicative Lay-By Plan -



INTRODUCTION

This application was considered at the Planning Committee on 11th February 2015, following a Committee site visit on 7th February 2015. The application was deferred by the Committee in order for a number of issues to be explored in greater detail and these points are addressed below. The original report to the February meeting, and the supplementary report to that meeting, have been combined and can be seen in the detailed considerations section within this report. The issues discussed in that report remain relevant to the main considerations about the proposal.

The issues raised for further consideration include car parking facilities on Yeats Close and highways management, vehicle tracking on entering the application site, whether the location of the gate can be set further into the site and also exploration of how signage could be used to improve highway safety. These are discussed in further detail below.

Parking & Road Layout

1. Members were concerned that the removal of on-street parking from Yeats Close could result in vehicles being displaced. Transportation were originally exploring the option of a Traffic Management Order (TMO) along at least the northern side of the road adjoining the application site to restrict on street parking to allow larger vehicle movements. The submitted vehicle tracking plans show that there is sufficient road width for parking on one side while allowing one larger and one smaller vehicle to pass on the remainder of the road. However, if two larger vehicles were present at the same time then one would need to wait, unless parking was removed from both sides of the road.

2. A Council working group exists which is seeking to improve the management of the area and address strategic Council priorities, particularly from a street cleaning and waste enforcement perspective. The planning application therefore needs to be considered in the context of these wider ongoing issues. The working group have considered introducing a temporary TMO which would facilitate the required level of street cleaning in this area. The Waste Enforcement Manager has confirmed that this is a key priority as current vehicle parking prevents normal street cleaning and is contributing to the build up of significant waste on the street. Linked to the wider review of how the travellers site operates, a large amount of waste has recently been removed from an area designated for parking within the site. While this does not therefore add to the total parking capacity originally envisaged, it should assist in providing access to additional parking spaces within the travellers site that were not available when the area of waste was accumulating. This action has occurred independently of the planning application and is in response to local issues, but it is a material consideration in considering the potential impact on local parking of the proposed development.

3. The Waste Enforcement Manager has confirmed that a temporary TMO will not be pursued until they have been able to consider Planning Committee's response to the current application. He has stressed that it is being considered to facilitate required street cleaning which cannot be carried out when vehicles are parked. As elsewhere in the borough, when street cleaning is required, advanced warning is given so that vehicles can be moved to allow cleaning to take place. The existence of a TMO can assist in authorising the removal of vehicles which may not have been moved. It is understood that the TMO would not be intended to prevent on street parking during other times.

4. To assist in resolving the wider issue of larger vehicle access and future parking, the applicant has now agreed to cover the cost of creating a parking lay by to adoptable standard on the southern side of the road. This would use the existing grass verge and allow for the reversion of a pavement. The intention is that the developers would undertake the works in conjunction with the development. This requirement could be set out in a legal agreement and an appropriate trigger for it becoming necessary will be agreed and set out in a supplementary report for Members. This proposal has been agreed in principle by Property and Projects in land ownership terms but the process for any transfer will need to be confirmed.

5. A suggestion was made that a speed hump should be considered at the entrance to Lynton Close the reason being that in the past when large vehicles have accidentally turned down Yeats Close Lynton Close has been used for turning. On consulting Highways officers this approach is not considered to be necessary. It was also identified that when the site is developed the entrance from the roundabout will be available for manoeuvring, whilst in the past it has been blocked by vans resulting in Lynton Close being used.

6. It was requested that tracking information for vehicles be expanded to show vehicles accessing and leaving the site, this has been supplied and demonstrates that the road arrangement works.

7. The applicant has also produced a Highways Access Arrangement report which anticipates that this site would be likely to result in no more than 3 HGV journeys per hour during peak time i.e. between 9am and 3pm with fewer or none either side of this.

Gate

7. It was queried whether the vehicular access gate could be set further into the site. On further examination it is concluded that this would impede vehicular movement within the site. There remains a recommended condition that the gates remain open during the working hours of the site to prevent vehicles waiting on the roundabout.

Signage

8. Members discussed how signage in the locality could be used so that drivers coming towards the site would be mindful that there are residential neighbours and to ensure that drivers do not take a wrong turn missing the site entrance. Regarding the latter the site will have signage of its own, which would require approval in its own right, but would ensure that drivers do not miss the site. To further assist drivers additional road signs could be considered, however these would be the responsibility of the Transportation Unit, the process for this would involve a request being made to the Transportation Unit who would then review if they meet strict Department for Transport criteria. A blue advisory sign stating "unsuitable for heavy goods vehicles" could be considered at the mini roundabout to help ensure drivers do not take the wrong turn, whilst Children playing signs can normally be considered appropriate in the vicinity of schools or playgrounds.

Air quality

9. Members queried whether there would be additional airborne pollution in connection with the proposed use of the site. The site is within an Air Quality Management Area and a full assessment has been supplied by the applicant, which shows that, compared to the existing vacant site the use of the site would have a slight adverse impact on air quality. However, the proposal is accompanied by measures designed in to the scheme to mitigate this. The proposal includes the installation of electric car charging points which will encourage the use of electric vehicles. Within the site a green roof is proposed, green roofs have the capacity to capture airborne pollutants assisting in the improvement of air quality. At the boundary of the site with Yeats Close a high boundary fence and a row of trees are proposed, these will provide a substantial buffer and contribution to air quality improvement. The council's Environmental Health Officer has confirmed that this set of measures is sufficient to address the slight impact on air quality that the assessment anticipated.

Comments

Planning Aid have reviewed the proposal on behalf of the residents of Lynton Close, the issues put forward are set out below.

Neighbour comments

Operation of the site will fail to meet policy CP20 in seeking to minimise and mitigate impact from development upon surrounding uses.

Loss of workspace - the number of travellers in Lynton Close has led to overspill onto Yeats Close for business activities and as such on street parking should not be restricted.

Impact on the amenity of vulnerable people as there are higher than average numbers of young children, pregnant mothers and older people on the site specifically in relation to

Responses

As discussed in the main report the principle of the use of the site is appropriate due to its location within the Wembley Strategic Industrial Location, it is further supported with a Site Specific Allocation within the Wembley Area Action Plan. The issues raised regarding neighbouring amenity do all require consideration and officers are satisfied that each has been satisfactorily addressed as discussed throughout the report.

Above para's 1-3

Report para's 11, 15-17.

noise.

Hours of operation - hours should be restricted to exclude between 23:00 and 06:00 to protect the amenity of residents

Above para. 7 regarding the very limited vehicular movements anticipated.

Report para's 15-17

The need for the gates to be open leaves a hole in the acoustic fencing. The operation of gates during the night would be likely to result in noise. Headlights would sweep across the traveller site when using the mini-roundabout.

The acoustic fencing follows the boundary and curves in around the entrance to conceal any activity within the service yard as far as possible.

The level of vehicular activity beyond normal peak hours is anticipated to be very low (above para. 7).

When working hours of vehicles accessing the site are over the gates will be shut rather than opening and closing.

Will the council be able to enforce compliance with signs and will they be understandable

Above para. 8

Vehicle access to the site should be moved from Yeats Close and if not possible the access closest to Great Central Way should be the only access.

Report para's 18-25

Above para's 1-7

RECOMMENDATIONS

Grant planning permission subject to the conditions listed after paragraph 27, 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., subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

See description above.

B) EXISTING

The subject site is a vacant plot on the corner of Great Central Way and Yeats Close. It is located within the boundary of the Strategic Industrial Location in Wembley. The site is identified as W 31 in the recently adopted Wembley Area Action Plan and is also designated as a Site of Importance for Nature Conservation.

There are Thames Water sewers crossing site which are a significant constraint in terms of which parts of the site can be developed, these are identified on the constraints plan and have led to the proposed layout of the building.

E) MONITORING

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 (sqm)
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	0		0	0	
Residential institutions	0		0	0	

Restaurants and cafes	0		0	0						
Shops	0		0	0						
Storage and distribution	0		0	0		5250				5250

Monitoring Residential Breakdown

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

04/2522 Granted

Erection of two buildings for B1, B2 and B8 use, with ancillary first-floor office accommodation, associated car-parking, servicing and landscaping, with access using existing and proposed access off Yeats Close (subject to a Deed of Agreement dated 24th March 2005 under Section 106 of the Town and Country Planning Act 1990, as amended).

CONSULTATIONS

Neighbouring occupiers were consulted on 24th November 2014, a petition has been received signed by 28 occupiers of the traveller site on Lynton Close, the following concerns were raised:

- Lynton Close would be most affected by HGV and commercial traffic
- The road leading to the site is only residential in size and large vehicles would obstruct the view when coming out of Lynton and Yeats Close
- There is no space for vehicles to turn around in Yeats Close so when they miss their turn they have to reverse which has led to parked vehicles being struck
- The proximity of the site to the children's play park raises concerns about safety
- Concern about the extra noise and pollution in addition to the aggregates company to one side and the railway to the rear
- Impact of dust and pollution on health

These issues are addressed through the remarks section of the report and summarised at the end.

One letter of support has been received from a nearby business - the site has become an eyesore as it is in disrepair and its development is welcomed within a popular location for industrial use.

Thames Water - No objections but informatives relating to surface water run off and the existence of sewers across the site etc.

Internal

Allotments officer:

To ensure that the proposed new area of habitat has native plants, ideally attracting pollinating insects and not invasive or cause root spread or tall shade into the allotment site.

A 16m high building would cause significant shade to some of the allotment site

There are recurring flooding issues on the allotment site, which could be exacerbated depending on the materials used on the ground and how surface water run off is directed.

Highways - No objections subject to legal agreement

Environmental Health - No objections subject to conditions

POLICY CONSIDERATIONS

National Policy Context

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.

Regional Policy Context

The London Plan Spatial Development Strategy for Greater London (July 2011)

Local Policy Context

Brent UDP 2004

- BE2** *Townscape: Local Context & Character*
- BE4** *Access for Disabled People*
- BE5** *Urban Clarity & Safety*
- BE6** *Public Realm: Landscape Design*
- BE7** *Public Realm: Streetscape*
- BE8** *Lighting & Light Pollution*
- BE9** *Architectural Quality*
- BE12** *Sustainable Design Principles*
- EP2** *Noise & Vibration*
- EP3** *Local Air Quality Management*
- EP6** *Contaminated Land*
- EP12** *Flood Prevention*
- OS13** *Development on Sites of Borough (Grade II) and Local Nature Conservation Importance*
- TRN1** *Transport Assessment*
- TRN10** *Walkable Environments*
- TRN11** *The London Cycle Network*
- TRN22** *Parking Standards Non-Residential Development*
- TRN34** *Servicing in New Development*
- TRN35** *Transport Access for Disabled People*
- PS6** *Parking Standard*
- PS16** *Cycle Parking Standards*
- PS19** *Servicing Standards*
- EMP5** *Designation of Strategic Employment Areas*
- EMP8** *Protection of Strategic Employment Areas*
- EMP10** *The Environmental Impact of Employment Development*
- EMP11** *Regeneration of Employment Areas*
- EMP12** *Public Realm Enhancements in Employment Areas*
- EMP18** *General Industrial Developments*
- EMP19** *Warehouse Developments*

LDF Brent Core Strategy 2010

- CP3** *Commercial Regeneration*
- CP19** *Brent Strategic Climate Change Mitigation & Adaptation Measures*
- CP20** *Strategic Industrial Locations*

Wembley Area Action Plan (adopted 19 January 2015)

W 31 Great Central Way - The site is suitable for industrial, warehousing or other business uses, subject to a full ecological appraisal and appropriate mitigating measures.

Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".

SPG 17 sets out the Councils minimum design standards to ensure that development does not prejudice the amenities of the occupiers of neighbouring properties or the occupiers of the application site.

DETAILED CONSIDERATIONS

Principle

1. As set out above the site is identified, in the recently adopted Wembley Area Action Plan, as appropriate for a range of B uses but this is subject to appropriate assessment and mitigation of the impact on the nature conservation value of the site. The site also has residential neighbours and therefore consideration needs to be given to this relationship. As stated in the 'history' a similar form of development has previously been approved on the site.

Lynton Close

2. Lynton Close Traveller's site has benefited from a series of temporary permission for its use since 1987. The last temporary permission expired in 17th February 1994. At the time the Council was planning to relocate the traveller's to a site in Alperton hence the temporary permission. However the relocation plans did not progress and the Lynton Close site has remained in use ever since. A Certificate of Lawfulness was granted for the continued use in 2011 confirming that the site had been used continuously for a period of 10 years without interruption.

3. The site is owned by the Council and, via BHP, Oxfordshire County Council provide day to day management on the site. There are 31 pitches which are all occupied. Residents park on the site with overspill on Yeats Close, the management officers ensure that the road way into the site is not blocked to allow for refuse and emergency services.

Site of Importance for Nature Conservation

4. Brent's adopted policies map identifies the western part of the site as a Grade II site of borough and local nature conservation importance, this designation connects across the top of the allotments to the west and includes part of the canal feeder. The allotment gardens are designated as a wildlife corridor.

5. A review of Brent's Sites of Importance for Nature Conservation (SINC) was commissioned in 2014 to support Brent's emerging draft development management policies. This involved an aerial and on site appraisal of Brent's identified SINC's and other non designated areas displaying nature conservation characteristics. The report identifies that the subject site, the allotments and the canal feeder should be identified as a whole as a Grade II SINC. The site provides a large area of tall ruderal which is vegetation associated with ungrazed disturbed/neglected land.

6. The applicant's are aware that there were slow worm on the site, a species protected under the Wildlife and Countryside Act 1981. While it is an offence to harm them it is acceptable to collect and relocate them and this had been undertaken, along with measures to prevent the site being reoccupied by slow worm which may be present on the allotments.

7. Policy OS13 of Brent's UDP 2014 states that development will not be permitted on sites of this designation unless demonstrated that there will be no adverse effect on nature conservation or that appropriate compensatory provision for wildlife is made. The London Plan sets out the following hierarchy:

- 1 Avoid adverse impact to the biodiversity interest
- 2 Minimize impact and seek mitigation
- 3 Only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

8. The proposal includes the re-provision of slow worm habitat along the south west edge of the site, it is anticipated that this would be recolonised by slow worm from the allotments. While the principle is acceptable the area is of a much lesser scale and the value of the site as a large area of tall ruderal would be lost. The retention of more of the slow worm habitat couldn't be achieved without a significant reduction in the scale of the proposed building which would be likely to impact on the viability of the development. Instead further mitigation was sought through the creation of other habitats which would be complimentary to the site and wider nature conservation designation. Following discussions the roof area over the front part of the office is proposed to accommodate a green roof, this area is approximately 120sqm and is considered to be of significant value for biodiversity.

9. On balance, the recreation of slow worm habitat, the incorporation of a significant area of green roof and a good quality landscaping scheme around all edges of the site (discussed below) are as a whole considered to result in an acceptable level of mitigation for the development of the site, given that its use for industrial uses will have wider economic benefits.

Landscaping

10. The proposal includes soft landscaping around the whole perimeter of the site. The Great Central Way boundary is proposed to be landscaped with an arrangement of grass, ornamental shrubs, 4 trees and other ground cover planting. The north west boundary abuts another industrial site, a buffer averaging a depth of over 5m will be planted with a mix of grass and wild flowers. The area to the south west of the building is designated for the re-provision of slow worm habitat and appropriate planting for this will be required.

11. Along the front of the site, in front of an acoustic fence, a buffer of trees is proposed. They will have a significant benefit for the visual amenity of neighbouring residents and, subject to agreeing appropriate species, can help to improve air quality.

12. Further details of landscaping will be required by condition, particularly to agree tree species, the reptile habitat and the green roofs.

Design

13. The proposal is a single large warehouse style building with ancillary offices along one of its sides. The building is 80m by 50m, it is positioned to the rear of the site, though maintaining a landscaped perimeter, and the yard for deliveries and employee car parking is to the front of the site which is the south east.

12. The building is 16m in height at its ridge. The offices are located at the buildings north east elevation which fronts on to Great Central Way and will be the most publicly visible side of the building. The offices are 3-storeys and consist of a regular pattern of windows and cladding. The other elevations generally consist of cladding but have panels of different colours to add interest and break up the large expanses of a single material.

14. The building is considered to have an appropriate appearance for its use and location, the landscaped perimeter will soften the site around the building. The proposed height of the building was noted but, in terms of the local context, this is not considered a reason to refuse and the elevational treatment, particularly on Great Central Way, serves to break up the massing.

15. The building is set back by from Yeats Close by around 34m. To protect neighbouring residents from potential noise pollution from the site, and specifically in the event that the future use of the site involves vehicles with refrigeration units, a 4m high fence is proposed across part of the frontage of the site. While this consideration is of importance the visual appearance of a fence of this height and its relationship with the street scene is also of concern. A row of trees has been added to the proposal in front of the fence in order to enhance the appearance of the site. It is considered that the trees will be of particular value in their appearance.

16. The 4m height particularly relates to vehicles with refrigeration units, potential noise from this machinery would be at the top of the vehicle and the height of the fence relates directly to this providing a screen for potential noise overspill. The height of the fence is unusual but is designed for this specific unusual relationship between an industrial site within a designated Strategic Industrial Location and residential neighbours, where the principle of an industrial use is acceptable but residential amenity needs to be protected.

17. A fence of timber appearance is proposed but it will also be screened by trees within a 2m deep bed, a condition is already recommended for detail of the mix of species.

Highways

18. Members will note that there has been a good deal of concern from the nearby travellers site. Neighbours from Lynton Close, which is opposite the main entrance to the site, have submitted a petition objecting to the proposal. Concerns are most obviously based around the use of this entrance by large vehicles during construction and as part of the use of the developed site. The road was built with a spur off the roundabout specifically to allow the site to be developed in due course and the road and junction layout were designed to meet industrial needs.

19. Highways officers have reviewed the application and find the proposal and the junction layout to be

acceptable. The use of the existing access directly from Yeats Close is acceptable though the gates will need to be kept open during working hours otherwise vehicles would not be able to clear the roundabout. A secondary entrance has been proposed which isn't necessary in highways terms in order to provide access to the site, however it could be used as the 'exit' from the site or as a separate entrance for staff car parking and would therefore reduce the vehicles using the junction at the top of Lynton Close. This opening would not be appropriate as an entrance as it would require large vehicles turning right across oncoming traffic, while the purpose built roundabout is designed to ensure this can be done safely. A condition is recommended to seek details of the final proposed arrangement prior to occupation of the site.

20. As set out above the existing vehicular access was specifically designed for an industrial/distribution use and the roundabout junction can accommodate the type of vehicles which would service such uses.

21. Officers reviewed the site to see if there were access alternatives but it is clear that there are not. Great Central Way is a distributor road and acts as a main entrance gateway from North Circular Road to Wembley Stadium on event days and Wembley Industrial Estate on other days, development in Wembley will also mean this route will become busier over time. Creating an access, aside from the loss of a bus stop, would introduce more turning movements on this road, to the detriment of the safety and flow of traffic travelling to and from Wembley.

22. If a new main entrance was created on Yeats Close it would need to be at least 40m from the roundabout junction at Great Central Way, to minimise the risk of queuing back from the roundabout blocking access into the site and to give sufficient space for articulated lorries to straighten up and get into position to turn into the site. Without the roundabout, to function as an entrance for large vehicles double yellow lines would be required on both sides of Yeats Close, removing parking which would otherwise be available on the southern side of the road. The arrangement as currently proposed has a secondary opening onto Yeats Close, this would not be used as an entrance for large vehicles and as such would not trigger the need for yellow lines on both sides of the road.

23. The applicant has made a request for additional waiting restrictions to be made on Yeats Close, as vehicles currently park on both sides of the road meaning that future access along Yeats Close could be problematic, and this request therefore is considered to be reasonable. An additional contribution of £5000 towards a review of waiting restrictions is required.

24. Highways have accepted a Traffic Regulation Order request to add parking controls to the northern side of the road along the development site. The process to agree this would involve consultation which would include a site notice setting out the proposal, the final decision will usually be delegated to officers but objections could trigger the proposal going to Highway Committee.

25. The proposal would allow for parking to be maintained on the southern side to accommodate overspill parking from Lynton Close. The provision of a parking bay has been considered. While, it is not known if the existence of utilities would affect the scope for this, the Transportation view is that this would not result in additional parking as this will be maintained on street under the current proposal.

26. PS19 requires at least two full-size loading bays so the provision of 5 bays within a 34m-46m deep concrete service yard satisfies this standard.

27. Within the site 25 car parking spaces are proposed, for the size of the unit PS6 would allow up to 36, and the lower amount is acceptable. In accordance with PS15 5% of spaces are proposed to be widened and marked for disabled persons, this is 3 spaces. Also 20% of spaces have electric vehicle charging points with passive provision for a further 2 spaces.

28. A cycle shelter is proposed which can accommodate 18 bikes which exceeds the required 11 spaces.

29. The draft Travel Plan has been assessed by the Council's transportation engineer using TfL's ATTrBuTE programme, but has failed the assessment. The key shortcoming is the lack of any intermediate targets for 3 years after first occupation. However, there are a number of other issues of concern, including: (i) the use of outdated 2001 Census data for the baseline information, which should now be updated with 2011 data; (ii) the lack of any mention of interest-free season ticket loans for staff; (iii) the lack of any mention of how car parking will be managed on site; (iv) the absence of any Action Plan; and (v) the absence of any information on funding of the Travel Plan. A Travel Plan will be required to score a pass as part of the legal agreement, the above criteria will be secured when an occupier for the development has been identified.

Drainage

30. An attenuation tank is proposed beneath the southern part of the service yard to collect surface water, green roofs are proposed within the site and there is also scope for rainwater harvesting which would collect water from the roof of the building.

31. Comments have been received from the Council's allotments officer drawing attention to the issue of the allotments next to the site suffering from flooding, the above proposals would prevent the development from resulting in run off into the allotments.

32. Thames Water have no objections but have made comments to be added as informatives.

Air Quality

33. The site is located within an Air Quality Management Area. The submitted Air Quality Assessment has shown that the operation of the site will lead to a slight adverse impact in air quality for neighbouring residents and mitigation measures have been proposed required to mitigate this. The measures to be incorporated include the high front boundary fence, the row of trees to the front, the incorporation of green roof and the installation of electric car charging points which will make the use of electric vehicles possible. As the impact was shown to be slight this set of measures is considered to be acceptable having consulted the council's Environmental Health Officer.

Neighbouring objection

34. Regarding the relationship with the allotments while the proposed building is high it is fortunately positioned to the northeast of the allotment site and therefore it would be for a limited amount of the day that it would impact on light.

Neighbour comments

Lynton Close would be most affected by HGV and commercial traffic

The road leading to the site is only residential in size and large vehicles would obstruct the view when coming out of Lynton and Yeats Close

There is no space for vehicles to turn around in Yeats Close so when they miss their turn they have to reverse which has led to parked vehicles being struck
The proximity of the site to the children's play park raises concerns about safety

Concern about the extra noise and pollution in addition to the aggregates company to one side and the railway to the rear and impact of dust and pollution on health

Responses

Lynton Close is opposite the site and will share the roundabout junction with the entrance but vehicles visiting the site would not ever enter Lynton Close itself

The road layout was design to be able to accommodate large vehicles in an industrial area. The parking on Yeats Close limits the road width but parking controls are proposed. The roundabout will help ensure that there is a safe relationship between all vehicles.

The applicant has suggested they can ensure signage is very clear to prevent this.

To reach the children's play park from Lynton Close no roads need to be crossed and the pavement width is sufficient to provide a convenient safe route. The concern about the proximity of large vehicles to Lynton Close is understood but the road layout will enable both uses to function without conflict.

Mitigation measures are proposed to prevent noise pollution and any worsening of air quality as set out above, including a high front boundary fence, a tree screen and a green roof.

SUSTAINABILITY ASSESSMENT

Details have been submitted to demonstrate that the development can meet the sustainability criteria which are required by Brent and by the Mayor, these include the following:

- Upon completion provide confirmation that the development has achieved BREEAM 'Excellent' - Officers recommend this specifically include rain water harvesting.
- Achieve a 35% reduction in CO2 emissions beyond Part L 2013 Building Regulations - this will be achieved through ensuring the building is designed to have low energy consumption but also through the use of renewable energy produced for example by solar panels.

- A score of at least 50% on Brent's sustainability checklist

S106 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
 - Upon completion provide confirmation that the development has achieved BREEAM 'Excellent' (to include rain water harvesting)
 - Achieve a 35% reduction in CO2 emissions beyond Part L 2013 Building Regulations.
 - A score of at least 50% on Brent's sustainability checklist
 - Considerate Constructors Scheme
 - Travel Plan - Prior to occupation in accordance with the submitted Framework Travel Plan. To include consideration of a separate entrance and exit arrangement.
 - £5,000 towards a review of on-street waiting restrictions
 - S278 Agreement to undertake highways work for the construction of a lay-by on the southern side of Yeats Close.

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

CIL DETAILS

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



DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 14/4469

To: Mr Ashley Chambers
Michael Sparks Associates
11 Plato Place
St Dionis Road
London
SW6 4TU

I refer to your application dated 14/11/2014 proposing the following:
Erection of a warehouse / industrial building for flexible use within Use Class B1(b) (research and development), B1(c) (light industry), B2 (general industry) and/or B8 (storage or distribution) purposes with ancillary B1(a) (office) floorspace on the first and second floors; vehicle, cycle and bike parking, landscaping and fencing
and accompanied by plans or documents listed here:
See condition 2
at Land at the Junction of Yeats Close & Great Central Way, London, NW10

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 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

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

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

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

- 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):

30452-PL-100

30452-PL-101B

30452-PL-102

30452-PL-103A

30452-PL-104

30452-PL-105

30452-PL-106

30452-PL-107

30452-PL-108

30452-PL-109B

BREEAM Pre-Assessment

Air Quality Assessment

Reptile Report

Energy Strategy

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

- 3 The Construction Mitigation Measures detailed within the submitted Air Quality Assessment (Ref: AQ051277) shall be implemented in full.

Reason: To minimise dust arising from construction works that could lead to nuisance and adversely impact local air quality

- 4 The vehicular entrance to the site shall be kept open during working hours unless otherwise agreed in writing with the LPA.

Reason: To prevent the obstruction of the public highway.

- 5 The office floor space hereby approved shall be used only in conjunction with and ancillary to the main approved uses of the individual units.

Reason: To ensure that no separate use commences without the prior approval of the Local Planning Authority and to ensure that any subsequent use complies with the Council's adopted employment and transportation policies and the policies for the Park Royal Inset Area.

- 6 There shall be no increase in floorspace through the formation of additional mezzanine accommodation within any of the units to which this permission relates, and no subdivision of the units into additional units other than as approved is permitted without the prior written approval of the Local Planning Authority

Reason: To safeguard against a level of development that will result in conditions harmful to the free flow and safe movement of traffic on the adjoining highway without appropriate servicing/ mitigation measures.

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

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

- 8 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 prior to occupation of the building.

Such scheme shall also indicate:-

- i) Appropriate planting for the slow worm habitat
- ii) A range of appropriate tree species along the Yeats Close elevation to act as a visual screen and to improve air quality
- iii) Details of the make up of the proposed green (sedum) roofs including maintenance arrangements.

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.

- 9 Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Reason: in the interests of the visual amenity and character of the locality.

- 10 The rated noise level from all mechanical/electrical plant and ancillary equipment shall be at least 10 dB below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise levels associated with the plant 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 EP2

- 11 A soil remediation strategy shall be submitted to the Local Planning Authority for approval, outlining measures to mitigate the risks to future site users identified in the submitted Phase II Ground Investigation Report (ref. 93007).

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

- 12 The approved soil remediation strategy shall be implemented in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is suitable for end use.

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

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 residues, odours, 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 Regulatory Services must be notified immediately. Tel: 020 8937 5252. Email: ens.monitoring@brent.gov.uk
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 4 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
- 5 Running throughout the proposed development are easements and way leaves. These are Thames Water Assets. The company will seek assurances that these will not be affected by the proposed development and the applicant should contact Thames Water to discuss the development before works commence.

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

DocWRepsList

Committee notification checklist	14/4469
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List of those persons who have commented on the application. Please ensure ALL and ONLY comments have been placed in the plastic comments pocket, include neighbours, internal and external consultees

Date Printed: 22/05/2015

Committee Date: 3 June, 2015

Please **ADD** any omitted names & addresses (if typed on **indicate clearly** those that did not automatically appear on list, so Admin will know what addresses need to be updated on Acolaid)

DC Officer - Please **CHECK & COMPLETE** the list below, then SIGN & DATE the declaration.

I certify that the list of objectors/representees below, with additions (if any) is complete and correct.

Case officer to indicate data source against any rep where '????' appears. Data source codes are **EMS** - Email, **HCS** - Hard copy or **OLS** - On-line

SIGNED: _____ DATED _____

If list is for committee also notify prime contact:

Agent/Applicant notified:

Mr Ashley, Chambers, Michael Sparks Associates, 11 Plato Place, St Dionis Road, London, SW6 4TU

If list is for committee or delegated notify these representees:

- EMS , Craig, Skelton
- EMS , Andrew, Rymmer
- HCS , Nora, corcoran, C/o Lynton Close Residents, 3 Lynton Close, London, NW10 0JE
- OLS , Mr, Power, Procon House Great Central Way, London, NW10 0BF
- EMS , Gary, Bartlett
- EMS , Thames Water Utilities Ltd (Development Planning), Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ

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COMMITTEE REPORT

Planning Committee on 3 June, 2015
Item No 04
Case Number 15/1337

SITE INFORMATION

RECEIVED: 7 April, 2015

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9

PROPOSAL: Reserved matters application for construction of a part 2-, part 9-storey buildings comprising 183 residential units (52 x 1 beds, 67 x 2 beds, 51 x 3 beds and 13 x 4 beds) with associated landscaping, parking and servicing (Phase 2).

This application has been submitted pursuant to conditions 4 (the Reserved Matters), 37 (car parking), 38 (servicing details), 39 (cycle parking), 41 (residential unit mix) and 42 (details of housing quality) of Outline planning permission reference 12/2166 (subsequently varied by application ref: 14/4965 dated 18 March 2015 and non material amendment ref: 14/3849 dated 5 January 2015).

Outline planning permission 12/2166 was for a hybrid planning application, as amended by plans received 1 November 2012, for the demolition of all existing buildings and structures and:

- full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and
- outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved).

The application is accompanied by an Environmental Statement (revised October 2012) and subject to a Deed of Agreement dated 26 June 2013 under Section 106 of the Town and Country Planning Act 1990, as amended.

APPLICANT: Development Securities PLC

CONTACT: QUOD

PLAN NO'S: See Condition 1

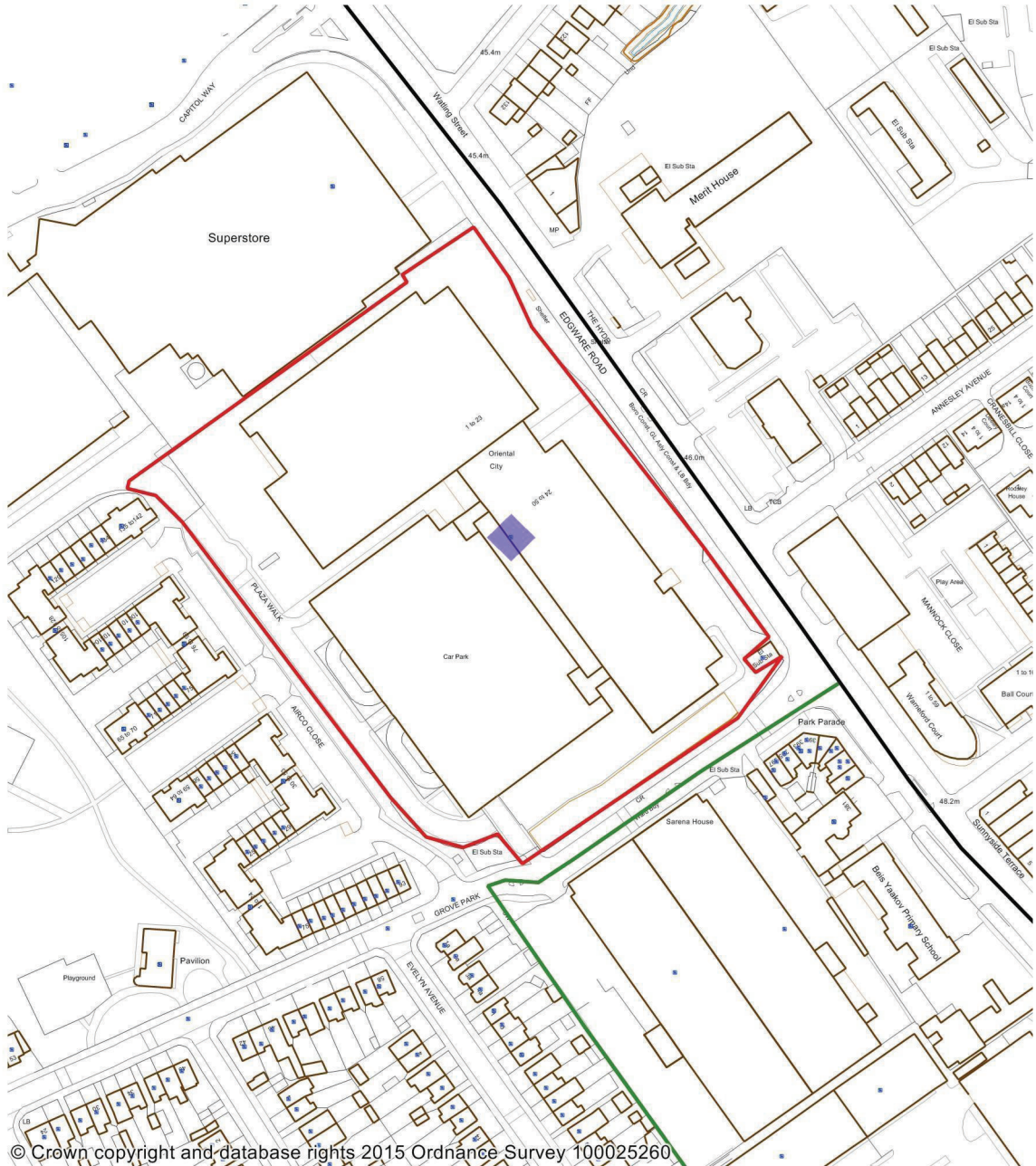
SITE MAP



Planning Committee Map

Site address: Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9

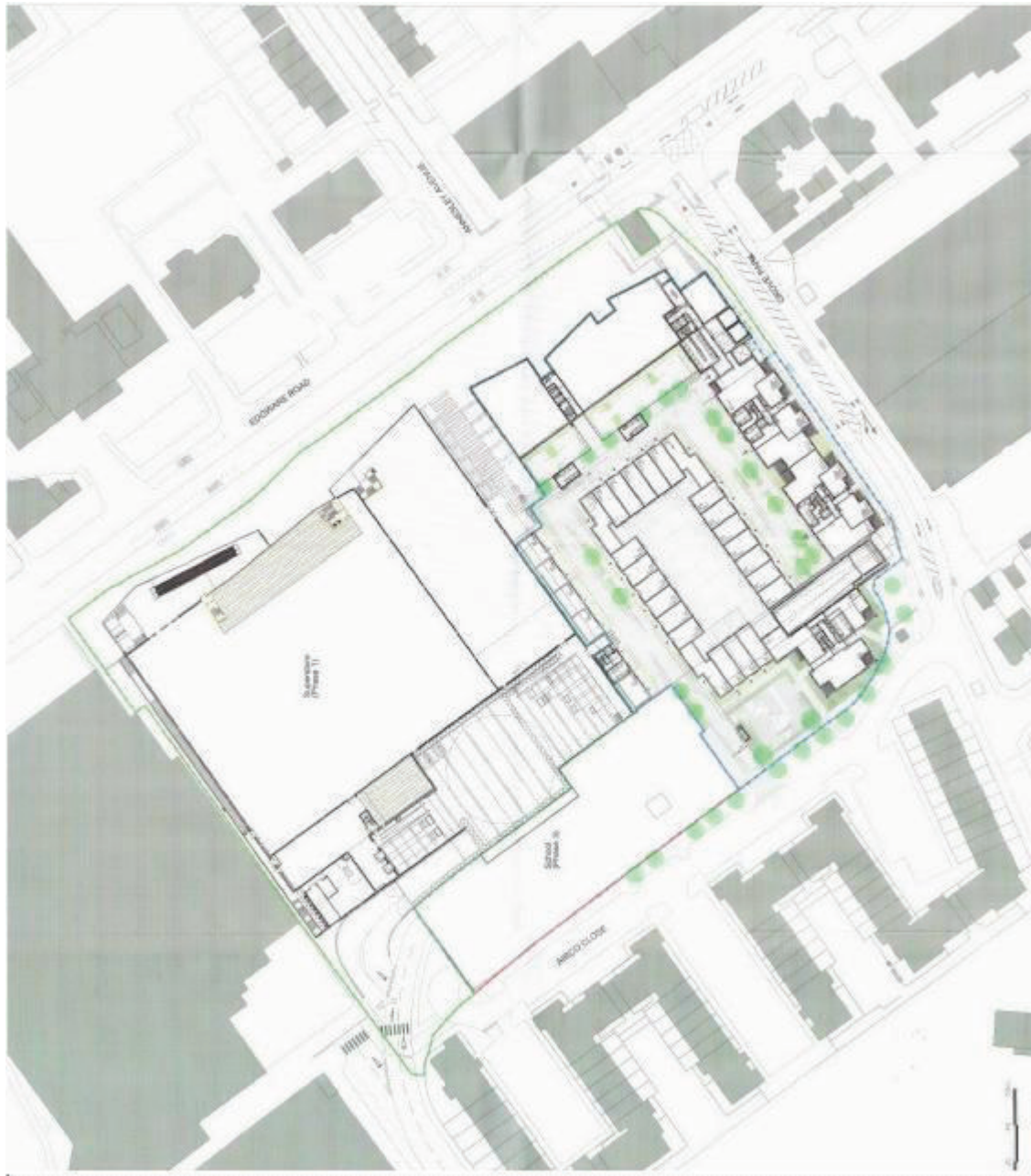
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This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

Site Layout Plan



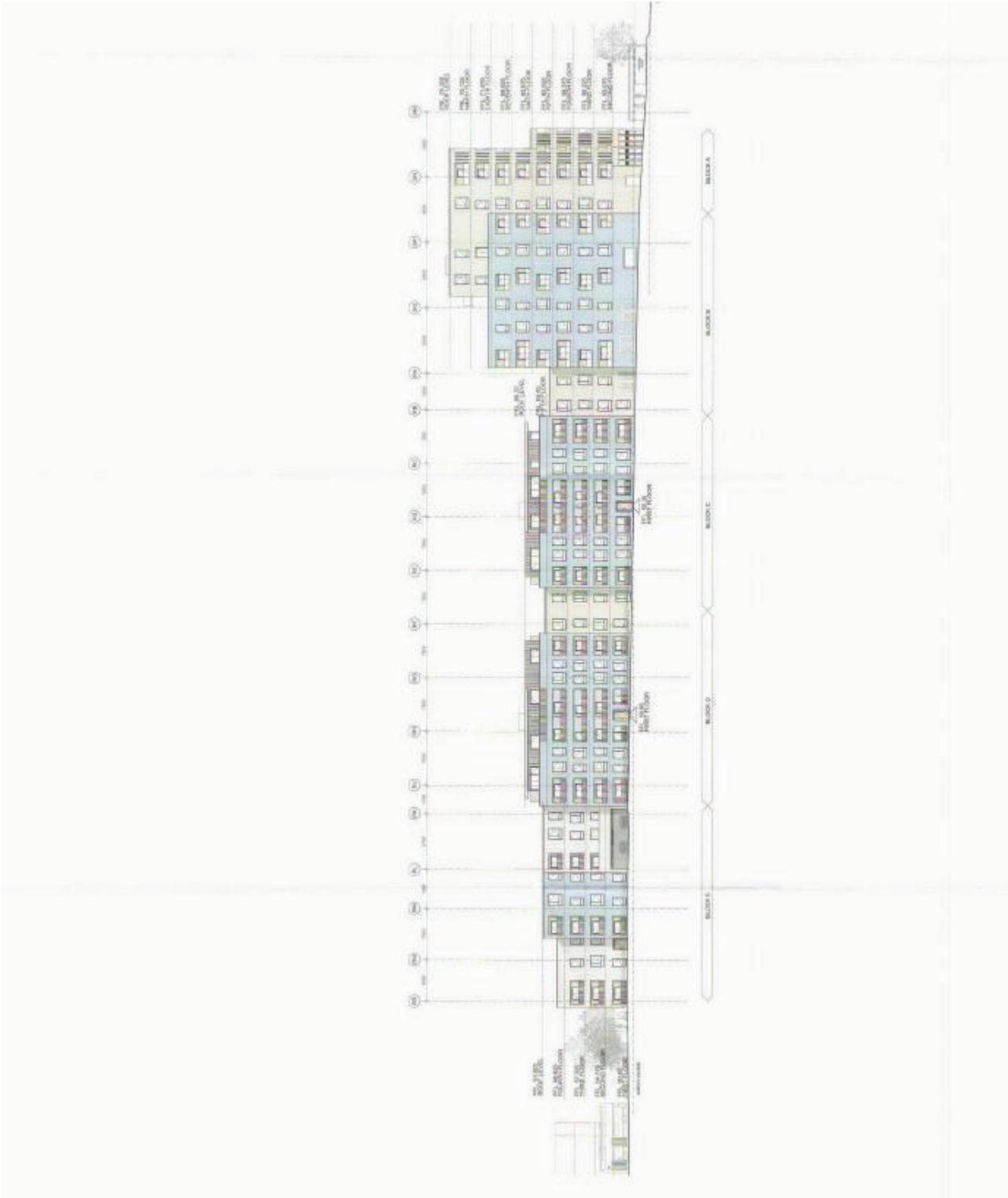
Landscape Plan



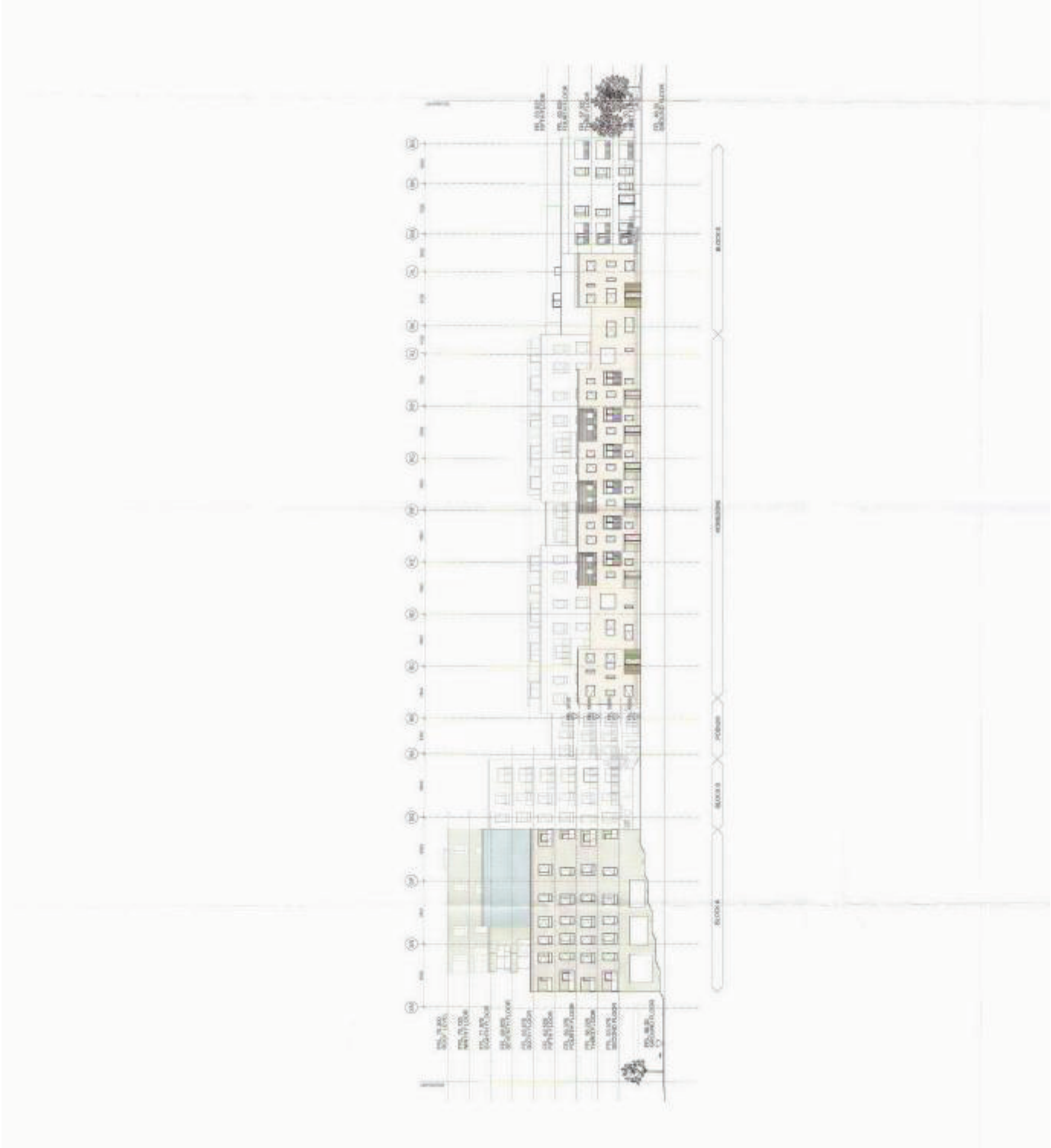
ENTERO ARCH

PAGE 7

Grove Park Elevation



Block A&B/ Town House A&B - North Elevation



Edgware Road Frontage



Scheme Overview



RECOMMENDATIONS

Grant planning permission, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

Reserved matters application for construction of a part 2-, part 9-storey buildings comprising 183 residential units (52 x 1 beds, 67 x 2 beds, 51 x 3 beds and 13 x 4 beds) with associated landscaping, parking and servicing (Phase 2).

This application has been submitted pursuant to conditions 4 (the Reserved Matters), 37 (car parking), 38 (servicing details), 39 (cycle parking), 41 (residential unit mix) and 42 (details of housing quality) of Outline planning permission reference 12/2166 (subsequently varied by application ref: 14/4965 dated 18 March 2015 and non material amendment ref: 14/3849 dated 5 January 2015).

B) EXISTING

The application site comprises the former Oriental City at 399 Edgware Road. It is located on the junction of Edgware Road and Grove Park. The site is surrounded by a mix of uses including a large Asda superstore to the north, residential development of Airco Close to the west and residential properties on Grove Park to the south. A recent planning consent was granted opposite the site at Sarena House (LPA Ref; 14/2930) for a mixed use residential led scheme comprising 227 residential units in buildings of 2 to 6 storeys high.

The site is located within the Burnt Oak/Colindale Growth Area as identified in policy CP11 of the adopted Core Strategy. It is included in the adopted Site Specific Allocations 2011, combined with the Asda site, as allocation B/C1. .

Planning permission was granted on 27 June 2013 (LPA Ref: 12/2166) for the following hybrid planning application:

- "full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and
- outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved).

The application is accompanied by an Environmental Statement (revised October 2012) and subject to a Deed of Agreement dated 26 June 2013 under Section 106 of the Town and Country Planning Act 1990, as amended.

The previous buildings on the site have been demolished and works have commenced on phase 1 of the hybrid planning application.

C) AMENDMENTS SINCE SUBMISSION

During the course of the application, the following amendments have been made to the proposal:

- Revised tracking plan to demonstrate that the larger refuse collection vehicles can access and turn on the podium.
- Minor alteration to the landscape scheme requiring the replacement of the glass raised planters with brick ones.

- Further details on how water will drain from the hardstanding on top of the basement car park.

D) SUMMARY OF KEY ISSUES

Land Use and Nature of Application: This application seeks approval of the Reserved Matters (detailed design) together with details of car parking and cycle parking, servicing, residential unit mix and details of housing quality pursuant to the existing Outline Planning Consent. The proposed uses, floorspace and building envelope accord with the Outline Consent.

Housing: 183 new homes are proposed (52 x 1 beds, 67 x 2 beds, 51 x 3 beds and 13 x 4 beds), all of which accord with the Mayor's standards and housing design guide. The scheme does not propose any affordable housing. This was agreed as part of the Outline Planning Consent. The Section 106 Agreement did however include a mechanism for providing an offsite contribution towards affordable housing provision following completion of the development should market conditions improve.

Urban Design: The design to be based on robust principles and in accordance with the Design Code secured as part of the Outline Planning Consent.

Highways / Transportation / Parking: The parking and cycle parking standards together with service requirement accords with the Outline Planning Consent.

E) MONITORING

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 (sqm)
Dwelling houses	0			26250	26250

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)										
EXISTING (Houses)										
PROPOSED (Flats û Market)	52	66	33	2						153
PROPOSED (Houses)	0	1	18	11						30

RELEVANT SITE HISTORY

Relevant recent planning history:

14/4965: Variation of condition 3 (approved parameter plans) to include the following changes:

- Alteration to "Outline Detail Parameter Plan Residential & School Building Line & Block Arrangement Option 1" to include changes to the footprint of Building E (on the corner of Grove Park and Airco Close), additional floorspace to Building B at 7th floor level, alteration to building line of terrace houses and building set backs between Buildings B, C and D
- Alteration to "Outline Detail Parameter Plan Residential & School Building Heights Option 1" to include increased height to Buildings B, C, D and E and the terrace houses

of application ref: 12/2166 dated 27/06/2013 (and subsequent non material amendment application ref: 13/3849) - Granted, 18/03/2015.

12/2166: A hybrid planning application, as amended by plans received 1 November 2012, for the demolition of all existing buildings and structures and:

full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops,

financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and

outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved).

The application is accompanied by an Environmental Statement (revised October 2012) and subject to a Deed of Agreement dated 26 June 2013 under Section 106 of the Town and Country Planning Act 1990, as amended.

Granted, 27/06/2013

Planning history relating to phase one only

14/3849: Non material amendment in relation to phase 1 only comprising:

- Entire development being shifted 1.2m in a southerly direction but within the site boundary
- Open fence to the north boundary wall to be replaced with fair face block wall
- Opening/louvers in the energy centre to be revised
- UKPN substations to be relocated to enable ease of access for maintenance
- Roof to the superstore warehouse to be revised with a handrail introduced in the perimeter to provide safe plant access without affecting the parapet levels
- Height of the OFER/superstore to be adjusted
- Parapet level to be adjusted to suit brick/block modulation
- Part of the brick walls enclosing the rear of phase 1 to be amended
- Roof light layout to be amended
- Highways layout to be updated
- ATM door to be relocated and staff entrance door added to Edgware Road facade
- General amendments and re-adjustments to the footprint of the building and extend of podium slab delivered as part of phase 1
- Amendments to service yard

of full planning permission 12/2166 dated 27/06/2013 - Granted, 05/01/2015.

14/4692: Details pursuant to condition 20 (i - vehicle charging points), (ii - disabled blue badge holder), (iii - taxi and public set down / pick up area) and (v - road lining and markings) of full planning permission reference 12/2166 dated 27/06/2013 - Granted, 02/01/2015.

14/1573: Details pursuant to conditions 9 (b - Phase One Construction Environmental Management Plan) and 10 (b- Phase One Construction Logistics Plan) of full planning application reference 12/2166 dated 27th June 2013 for A hybrid planning application - Granted, 19/06/2014.

13/3750: Details pursuant to conditions 17 (surface water drainage scheme), of full planning application reference 12/2166 dated 27th June 2013 for A hybrid planning application - Granted, 17/06/2014.

13/3586: Details pursuant to conditions 23 (exterior materials) 30 (Commercial Frontages) and 31 (Offer signage strategy), of full planning application reference 12/2166 dated 27th June 2013 for A hybrid planning application - Granted, 13/06/2014.

13/3494: Details pursuant to condition 20v (relating to CCTV and lighting within the car park) 24 (landscape work and treatment), 25 (landscape management plan) and 27 (lighting scheme) for phase 1 only of full planning permission reference 12/2166 dated 27/06/2013 for A hybrid planning application - Granted, 01/05/2014.

13/3361: Details pursuant to condition 20 (i), (ii), (iii), (iv), (v - relating to lining and signage only) and (vi), 22 and 26a (refuse and recycling for phase one) of full planning permission reference 12/2166 dated 27/06/2013, for A hybrid planning application - Granted, 30/12/2013.

13/2963: Details pursuant to condition 15 (contamination and remediation) of Full Planning Permission reference 12/2166 dated 27 June, 2013, for A hybrid planning application - Granted, 28/11/2013.

13/2244: Details pursuant to part discharge of conditions 9 (a) ('Preparatory works' - Construction Environmental Management Plan) and 10 (a) ('Preparatory works' Construction Logistics Plan) of full planning application reference 12/2166 dated 27/06/2013 for A hybrid planning application - Granted, 02/10/2013.

CONSULTATIONS

Consultation Period: 09/04/2014 - 30/04/2015

Site Notice Displayed on 10/04/2015 - 01/05/2015

Press Notice: 16/04/2014 - 07/05/2015

254 neighbours consulted - no comments received

Fryent Ward Councillors - no comments received.

Queensbury Ward Councillors - no comments received.

London Borough of Barnet - Confirmed that they wish to raise no objections to the proposal.

Network Housing Group - no comments received.

Internal Consultation

Transportation - No objections raised to the discharge of the reserved matters or conditions 37, 39, 41 or 42. However, they have requested a revised tracking for larger refuse collection vehicles to ensure they can still access and turn on the podium, to enable condition 38 to be discharged. This is to take into account larger refuse vehicles now used by the Council or recycling waste.

Waste officer - Same requirement relating to condition 38 as set out above.

Environmental Health - confirmed that they wish to make no comments on the reserved matters application or conditions 37, 38, 39, 41 or 42.

Landscape - Overall, no concerns raised regarding the overall layout and design intention for landscaping for phase 2. A few points raised regarding paving and drainage over the car park, materials for the raised planters and details of landscaping species and play equipment.

POLICY CONSIDERATIONS

National policy guidance

National Planning Policy Framework 2012

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

- be genuinely plan-led, empowering local people to shape their surroundings;
- proactively drive and support sustainable economic development to deliver the homes, infrastructure and thriving local places.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for

- their contribution to the quality of life for this and future generations;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Regional policy guidance

The Further Alterations to the London Plan 2015

The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications.

Chapter 3 - London's People

- Policy 3.3: Increasing Housing Supply
- Policy 3.4: Optimising Housing Potential
- Policy 3.5: Quality and Design of Housing Development
- Policy 3.6: Children and Young People's Play and Informal Recreation Facilities
- Policy 3.8: Housing Choice
- Policy 3.9: Mixed and Balanced Communities
- Policy 3.10: Definition of Affordable Housing
- Policy 3.11: Affordable Housing Targets
- Policy 3.12: Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

Chapter 4 - London's Economy

- Policy 4.4: Managing Industrial Land and Premises

Chapter 5 - London's Response to Climate Change

- Policy 5.2: Minimising Carbon Dioxide Emissions
- Policy 5.3: Sustainable Design and Construction
- Policy 5.6: Decentralised Energy in Development Proposals
- Policy 5.7: Renewable Energy
- Policy 5.9: Overheating and Cooling
- Policy 5.13: Sustainable Drainage

Chapter 6 - London's Transport

- Policy 6.3: Assessing Effects of Development on Transport Capacity
- Policy 6.5: Funding Crossrail and other strategically important transport infrastructure
- Policy 6.7: Better streets and surface transport
- Policy 6.9: Cycling
- Policy 6.11: Smoothing Traffic Flow and Tackling Congestion
- Policy 6.13: Parking

Chapter 7 - London's Living Places and Spaces

- Policy 7.2: An Inclusive Environment
- Policy 7.3: Designing Out Crime
- Policy 7.4: Local Character
- Policy 7.5: Public Realm
- Policy 7.6: Architecture
- Policy 7.14: Improving Air Quality
- Policy 7.15: Reducing Noise and Enhancing Soundscapes
- Policy 7.19: Biodiversity and Access to Nature

Policy 8.3: Community Infrastructure Levy

Local policy guidance

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. The relevant policies for this application include:

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
CP11: Burnt Oak/Colindale Growth Area
CP19: Brent Strategic Climate Change Mitigation and Adaption Measures
CP21: A Balanced Housing Stock

Brent's Unitary Development Plan 2004

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

Built Environment

BE2: Townscape - Local Context & Character
BE3: Urban Structure - Space & Movement
BE4: Access for Disabled People
BE5: Urban Clarity & Safety
BE6: Public Realm - Landscape Design
BE7: Public Realm - Streetscape
BE8: Lighting & Light Pollution
BE9: Architectural Quality
BE10: High Buildings
BE11: Intensive and Mixed Use Developments
BE12: Sustainable Design Principles
BE17: Building Services Equipment

Environmental Protection

EP2: Noise & Vibration
EP3: Local Air Quality Management
EP4: Potentially Polluting Development
EP6: Contaminated Land
EP14: New Energy, Renewable Energy and Fuel Storage Development
EP15: Infrastructure

Housing

H12: Residential Quality - Layout Considerations
H13: Residential Density

Employment

EMP9: Development of Local Employment Sites

Transport

TRN3: Environmental Impact of Traffic
TRN4: Measures to make Transport Impact Acceptable
TRN10: Walkable Environments

TRN11: The London Cycle Network
TRN22: Parking Standards - Non Residential Developments
TRN23: Parking Standards - Residential Developments
TRN34: Servicing in New Developments
TRN35: Transport Access for Disabled People and Others with Mobility Difficulties

Brent's Site Specific Allocations DPD adopted July 2011

The above document forms part of Brent's Local Plan and sets out the planning policies and guidance for the future development of over 70 key opportunity sites around the borough. One of these site is known as B/C.1.

Supplementary Planning Guidance and Design Guides

Mayor's Housing SPG, November 2012
S106 Planning Obligations SPD, July 2013
Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001
The Burnt Oak, Colindale and the Hyde Placemaking Plan (2014)

DETAILED CONSIDERATIONS

Land Use and Nature of Application

1. This application has been submitted pursuant to conditions 4 (the Reserved matters, comprising details of layout, scale, appearance, access and landscaping), 37 (car parking), 38 (servicing details), 39 (cycle parking), 41 (residential unit mix) and 42 (details of housing quality) in relation to phase 2 of the outline planning consent.
2. Phase 2 relates to residential floorspace (Class C3). The outline planning consent was accompanied by illustrative residential accommodation schedule indicating 183 residential units, with associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved)
3. The proposed use in the building within phase 2 accords with the Outline planning consent with the scheme being residential accommodating 183 units. The applicant has confirmed that access for service vehicles is via option 1 shown within the Outline Planning Consent. Option 1 is access for service vehicles to the podium via Airco Close. Access to the basement car park for the residential units is via Airco Close which accords with the Outline Planning Consent.

Urban Design

4. The residential elements comprise blocks along the Edgware Road and Grove Park frontages together with townhouses within the centre of the site and town houses along the boundary with Asda Superstore. The footprint of the blocks are in accordance with the approved building line for the residential element of the scheme approved as part of the Outline Planning Consent. The details of each block has been designed in accordance with the Building Design Code approved as part of the Outline Planning Consent. This is discussed in further detail below.
5. The residential element is to be built on a podium slab that ties in with Phase 1 structural slab above the retail space on the eastern side and with the existing ground levels of the surrounding streets on the south and west sides creating a new 'ground level'. At the centre of the podium area is the Home Zone which is defined by the terraces of town houses.
6. The Home Zone is a shared surface design and is publicly accessible. A single point of access to the Home Zone area for refuse collection, delivery and emergency vehicles, is provided from Airco Close. This access will be controlled - details of which are discussed within the highways section below. The Home Zone is also linked to Edgware Road via a stepped and ramped landscape area located between the Phase 1 OFER food court and the end of Block A.

Urban Context - Blocks A, B, C and D

7. These blocks front Edgware Road and Grove Park and range from four to eight storeys high. The height

of the blocks accord with the building heights approved as part of the parameter plans. The main entrances to Blocks A, B, C and D are from the street with secondary entrance from the Home Zone at podium level. Buildings A and B front Edgware Road. They have staggered front building line that follows the retail frontage below. They have been designed in accordance with the Building Design Code with the exception of 1.1m high parapets to the main volumes as they have been reduced in height on some of the blocks. The external materials are in conformity with the Building Design Code that includes the use of a light brick to the main blocks and a darker brick to the recessed areas. The massing and composition of Blocks A and B are in accordance with the objectives of the Building Design Code.

8. Blocks C and D front Grove Park. The buildings are four storeys high with a recessed fifth floor. They have been designed in accordance with the Building Design Code with the exception of 1.1m high parapets being provided to the main volumes as they have been reduced in height on some of the blocks and brick columns have been introduced on corner balconies. The facing bricks for Blocks C and D are in accordance with the Design Code. The proposal now introduces the use of panel cladding for the recessed top floor and the use of metal balconies rather than glass. The corner balconies are to be finished in timber cladding as per the Design Code but the centrally located balconies are to be finished in panel cladding to reflect the recessed top floor. Overall, the massing and composition of Blocks C and D are in accordance with the objectives of the Building Design Code.

Suburban Context - Block E

9. This block is located on Grove Park next to the junction with Airco Close. The height of the block varies from three to four storeys high to reflect the scale of the residential development on Airco Close. The height of the block accord with the building heights approved as part of the parameter plans. Access to Block E faces the children's play area accessed from the podium with secondary access set back from the corner of Grove Park and Airco Close. The block has been designed to meet the requirements of the Design Code. The facing bricks for Block E are in conformity with the Design Code but metal balconies are proposed instead of glass one. Overall, the massing and composition of Blocks C and D are in accordance with the objectives of the Building Design Code.

Home Zone - Town houses

10. The Home Zone within the site is lined with town houses that vary from 2 to 3 storeys high. The height of the town houses accord with the building heights approved as part of the parameter plans. The townhouses have been designed to meet the requirements of the Design Code with the exception of the terraces. Access to each of the townhouses is from the Home Zone at podium level. The Design Code proposed them along a single set back but they now alternate in alternative orientation. The external materials are in accordance with the Design Code comprising facing bricks for the townhouses and timber cladding for the recessed terraces.

Housing

11. A total of 183 residential units are proposed. As advised in the key issues set out above, no affordable housing is proposed on site. This was agreed as part of the Section 106 Agreement for the Outline Planning Consent. The mix of units is as follows:

Building Name	1 bed (2 person)	2 bed (3 person)	2 bed (4 person)	3 bed (5 person)	3 bed (6 person)	4 bed (6 person)	4 bed (7 person)	Total
A	10	0	26	4	0	0	0	40
B	24	3	18	10	0	0	1	56
C	5	0	5	6	1	0	0	17
D	6	0	6	7	0	0	0	19
E	7	0	8	5	0	1	0	21
Townhouses	0	1	0	18	0	0	11	30
Total	52	4	63	50	1	1	12	183

12. In accordance with condition 41 of the Outline Planning Consent there are no more than 183 dwellings, with the mix of units including of 28% one bedroom units, 35% three and four bedroom units, and 16% the units as self contained dwellinghouses.
13. The residential units have been designed to meet the London Housing Design Code. This includes all units meeting or exceeding the minimum internal space standards as set out in the Mayor's Housing SPG

together with all units having private external amenity space that meets the requirements of the Mayor's Housing SPG. With the exception of Block B there are a maximum of 8 units per core. Block B has nine dwellings per core. However the total number of persons within the block is less than the maximum recommended within the Housing SPG. Lifts are provided in all blocks and in the case of Blocks A and B which are over 5 storeys high, two lifts are proposed. 10% of units are to be wheelchair accessible. These are located in Block B. All residential units are to be designed to lifetime homes standards.

14. The flats are either dual aspect or have a sole aspect that does not face to the north. They are considered likely to receive good levels of daylight and sunlight.
15. With regard to external amenity space, the application document sets out that the scheme would achieve an average of 17.63 sqm of external amenity space per unit. This calculation includes the specified balcony/terrace spaces, and dedicated rear gardens for each of the townhouses within the central areas of the site. In addition to the above, the podium is designed as a Home Zone with adds to the overall amount of external amenity space that residents have access to. This includes a dedicated play area at 342sqm (this accords with the anticipated child yield calculations for the mix of units as proposed above), informal seating at 20sqm, a residents terrace at 363sqm and the areas within the Home Zone that could be used for informal play at 655sqm. Full details of the play area and landscape design are conditioned have already been conditioned as part of the Outline Consent.

Highways / Transportation / Parking

16. Access is again proposed from the end of Airco Close via an 180 degree bend to access the car park, with remote key fob-controlled roller shutter doors proposed at the car park entrance for security. This is in accordance with the parameter plans for the Outline Planning Consent. The basement car park will accommodate car parking for 183 cars (incl. 15 disabled & 37 Electric Vehicle Charging Points), twelve motorcycles and 340 bicycles. The number of car parking spaces complies with the requirements of condition 37 of the Outline Planning Consent, with the ratio of one space per flat negating any potential concerns regarding overspill parking from the site. No visitor parking is proposed as per the Outline Planning Consent.
17. The number and location of the proposed disabled spaces satisfies requirements and allows easy access to each lift core. The proposed basement headroom of 2.6m for circulation areas and disabled parking spaces will allow high-top conversion vehicles to be accommodated.
18. Similarly, the number of electric vehicle charging bays shown, directly corresponds with the requirements of condition 37. Usage of spaces will be surveyed three and five years after completion of the block and increased if necessary by bringing passive spaces into use.
19. Two parking spaces may also be set aside for a Car Club operator, should a club be set up on the site.
20. The proposed parking spaces are provided to standard dimensions, with adequate aisle widths for access and suitable road markings for circulation.
21. A car park management plan has been submitted, stating that access to the car park will be granted on a 'right-to-park' basis only with no bays allocated to specific units, thus allowing maximum flexibility of use.
22. Flourescent lighting is proposed within the car park for safety and security, mounted at ceiling level to provide average illuminance of 300 lux at the entrance, 150 lux at bends and intersections and 75 lux for parking bays. These levels correspond directly to advice on lighting for underground car parks provided by the Institute of Structural Engineers and are therefore fine.
23. A total of 27 CCTV cameras are proposed within the car park for security, which will provide ample coverage.
24. With 340 bicycle parking spaces proposed within the basement and a further 20 visitor spaces at podium level, bicycle parking requirements for this phase of the development are more than met.
25. As per the recent application to vary the parameter plans, access for service vehicles to the residential units shared surface courtyard area is confirmed as being via Airco Close (Option 1 of the outline permission). The access is proposed to be controlled using hydraulic retractable bollards set 11m from the highway boundary and operated from the site management office via an intercom system. About six service/delivery vehicles are estimated to require access per day. The construction of the access

bellmouth and a footway along Airco Close will form part of the S38/S278 works for the site, along with further highway works in Grove Park to form a central median strip (as per the S106 Agreement).

26. Refuse storage is proposed at the podium level for each block, allowing easy collection of refuse from within the shared surface courtyard. Storage of general waste and recycling will take place in 1,100 litre Eurobins, with a minimum of 37 required for the development. Food waste will be stored in wheeled bins. A number of bin stores are provided throughout the podium level that have sufficient capacity to meet the storage requirements for this scheme. Tracking has been provided to show that 8.3m long refuse vehicles can access and negotiate their way through the landscaping features within the courtyard, before turning around and leaving in a forward gear. Manoeuvring space is tightly constrained though, with the final turn being a 5-point turn.
27. A Delivery & Servicing Plan has also been submitted to try to minimise commercial vehicle movements to and from the site, which is welcomed.
28. Pedestrian access to the podium and residential units will be provided directly from all surrounding highways (Edgware Road, Grove Park and The Hyde) as well as the courtyard, which is welcomed. The podium courtyard itself will be surfaced in concrete block paving, which provides a suitable surface for the shared surface area.
29. The proposal is considered acceptable on highway grounds. The submitted details meets the requirements of the reserved matters application (condition 4) and conditions 37 (car parking), 38 (servicing details) and 39 (cycle parking) of the Outline Planning Consent.

Sustainability

30. The sustainability targets were set out within the Section 106 agreement for the Outline planning consent relating to phase 2. The targets were as follows:
 - Code for Sustainable Homes Level 4;
 - Measures to achieve compliance with section 4.8 of the TP6 form (Brent Sustainability Checklist) including BRE Mat05 credits where relevant;
 - A minimum score of 50 % on the Brent Sustainability Checklist;
 - A minimum CO2 reduction of 25 % from 2010 TER (regulated)
31. The target levels and timescales for the final approval of the energy and sustainability strategies have already been secured through the Section 106 agreement. As such, these matters can be dealt with prior to the commencement of works on-site.
32. Following the technical housing standards review, the government has issued a written ministerial statement withdrawing the code for sustainable homes, aside from the management of legacy cases. As the outline consent secured a Section 106 Agreement that included a requirement to comply with Code for Sustainable Homes Level 4, it is defined as a legacy case. It is therefore possible to continue to register code cases and conduct code assessments.

Timescales for implementing the residential development and Phase 3 (School)

33. The Section 106 Agreement for the Outline Planning Consent requires the developer to make a material start on the residential development within 12 months of obtaining planning consent for the reserved matters. If a material start is not carried out in accordance with these timescales, the developer is required to pay a sum of £40,000 per month Index Linked from the date of the reserved matters approval until material start has either taken place or 24 months from the first payment (whichever is earliest) to be utilised by the Council towards the provision of Affordable Housing on other sites within the Borough
34. The Section 106 Agreement also requires 33% of the dwellings to be completed within 24 months of material start of the residential development, 66% of the dwellings to be completed within 42 months of material start of the residential development and 100% of the dwellings to be completed within 60 months of the material start of the residential development.
35. With regards to the school that forms part of Phase 3 of the Outline Planning Consent, there was a requirement within the Section 106 Agreement for the developer to not make a material start on the development until the School Podium Specification and School Podium Operational Plan has been submitted to and approved by the Council. The Section 106 Agreement also restricted the occupation of the Superstore until the completion of the School Podium in accordance with the School Podium

Technical Specifications and until the grant of the School Land Lease to the Council at nil cost on the School Lease terms.

Summary

36. The submitted reserved matters application represents the evolution of the design of the building that was shown in the original outline planning application, with changes to the internal layout, a rationalisation of the floor plan, associated changes to the façade and a number of other amendments to the layout, design and landscaping. The proposal complies with the parameters set out within the Outline Consent.
37. The design to be based on robust principles and that the development will add visual interest to Edgware Road and Grove Park. The application delivers 183 homes that meet or exceed London Plan unit size standards and all units benefit from good sized balconies. The incorporation of dual entrances to the residential units helps to demonstrate an inclusive approach to all residents.
38. The proposal is considered to be acceptable on highways grounds, being in accordance with the Outline Planning Consent.
39. It is recommended that conditions 4 (the Reserved matters, comprising details of layout, scale, appearance, access and landscaping), 37 (car parking), 38 (servicing details), 39 (cycle parking), 41 (residential unit mix) and 42 (details of housing quality) in relation to phase 2 of the outline planning consent, are approved.

S106 DETAILS

The Section 106 legal agreement for this development was secured through the hybrid planning consent (reference 12/2166). It included provisions relating to:

- Transfer of Land to Council for Nursery (60 places) and two form of entry primary school (420 places), with appropriate fallback provisions
- A mechanism for providing an offsite contribution towards affordable housing provision following completion of the development should market conditions improve
- A contribution of £303,000 due on material start and index-linked from the date of committee for Transportation (including TfL)
- A contribution of £150,000 due on material start and index-linked from the date of committee for Open Space and Sport, Local Health Care, Air Quality, Bio-diversity in the local area
- Highway Works – enter into a s278/s38 agreement for highway works
- Community Access Plan to include 28sqm of community space for local residents and groups supporting Oriental culture, for not less than 45hrs p/w and use of other parts of the development for cultural purposes
- Provision of an Oriental Cultural Centre (the OFEF) which shall include A1, A2, A3, A4, A5, B1 and D1 with limitations on the sale of goods within retail areas and a strategy to ensure other commercial uses are compatible with an Oriental Cultural Centre
- Sustainability Strategy to include Sustainability Checklist score of at least 50%, BREEAM Excellent and Code for Sustainable Homes Level 4 with compensation if not met, 25% improvement on Part L Building Regs 2010 TERs, sign up to ICE Demolition Protocol
- Sign up and adhere to the Considerate Contractors Scheme
- Energy Strategy to include 20% on site renewable energy provision with compensation if not met
- Travel Plans for the Commercial, Residential and School phases
- Car-free development in the event that a CPZ is imposed at a later date
- Measures to establish and promote a Car Club on the site, including the setting aside of two parking spaces for Car Club vehicles and the funding of two years' free membership for all new residents
- Employment and Training – to employ and/or train Brent residents as a proportion of the construction workforce
- Right of the public to use parts of the development

CIL DETAILS

This application is liable to pay **£7,109,613.28*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): 0 sq. m.
 Total amount of floorspace on completion (G): 26250 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	26250	0	26250	£200.00	£35.15	£6,046,875.00	£1,062,738.28

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	258	
Total chargeable amount	£6,046,875.00	£1,062,738.28

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.



DECISION NOTICE – APPROVAL

Application No: 15/1337

To: Mr Ben Ford
QUOD
Ingeni Building
17 Broadwick Street
London
W1F 0AX

I refer to your application dated 31/03/2015 proposing the following:

Reserved matters application for construction of a part 2-, part 9-storey buildings comprising 183 residential units (52 x 1 beds, 67 x 2 beds, 51 x 3 beds and 13 x 4 beds) with associated landscaping, parking and servicing (Phase 2).

This application has been submitted pursuant to conditions 4 (the Reserved Matters), 37 (car parking), 38 (servicing details), 39 (cycle parking), 41 (residential unit mix) and 42 (details of housing quality) of Outline planning permission reference 12/2166 (subsequently varied by application ref: 14/4965 dated 18 March 2015 and non material amendment ref: 14/3849 dated 5 January 2015).

Outline planning permission 12/2166 was for a hybrid planning application, as amended by plans received 1 November 2012, for the demolition of all existing buildings and structures and:

- full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and
- outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved).

The application is accompanied by an Environmental Statement (revised October 2012) and subject to a Deed of Agreement dated 26 June 2013 under Section 106 of the Town and Country Planning Act 1990, as amended.

and accompanied by plans or documents listed here:

See Condition 1

at Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

Central Government Guidance
London Plan (2015)

Brent's Core Strategy (2010)
Brent's Unitary Development Plan (2004)
Council's Supplementary Planning Guidance

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

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

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

5293-00-001 Rev B - Site Location Plan
5293-00-002 - Site Layout Plan
5293-00-007 - Block Plan

5293-02-200 Rev C - Phase 2 Ground Floor Car Park Plan
5293-02-201 Rev C - Phase 2 First Floor Plan
5293-02-202 Rev C - Phase 2 Second Floor Plan
5293-02-203 Rev C - Phase 2 Third Floor Plan
5293-02-204 Rev C - Phase 2 Fourth Floor Plan
5293-02-205 Rev C - Phase 2 Fifth Floor Plan
5293-02-206 Rev C - Phase 2 Sixth Floor Plan
5293-02-207 Rev C - Phase 2 Seventh Floor Plan
5293-02-208 Rev C - Phase 2 Eighth Floor Plan
5293-02-209 Rev C - Phase 2 Ninth Floor Plan
5293-02-210 Rev C - Phase 2 Roof Plan

5293-02-300 Rev C - Phase 2 Section A-A
5293-02-301 Rev C - Phase 2 Section B-B
5293-02-302 Rev C - Phase 2 Section C-C
5293-02-303 Rev C - Phase 2 Section D-D
5293-02-304 Rev C - Phase 2 Section E-E
5293-02-305 Rev C - Phase 2 Section F-F
5293-02-306 Rev C - Phase 2 Section G-G
5293-02-307 Rev C - Phase 2 Section H-H
5293-02-308 Rev C - Phase 2 Section J-J
5293-02-309 Rev C - Phase 2 Section K-K

5293-02-320 Rev C - Phase 2 Edgware Road East Elevation
5293-02-321 Rev C - Phase 2 Grove Park South Elevation
5293-02-322 Rev C - Phase 2 Airco Close West Elevation
5293-02-323 Rev C - Phase 2 Block A & B West Elevation/Section
5293-02-324 Rev C - Phase 2 Block C & D North Elevation/Section
5293-02-325 Rev C - Phase 2 Town House A & B South Elevation/Section
5293-02-326 Rev C - Phase 2 Town House A & B East Elevation/Section
5293-02-327 Rev C - Phase 2 Block A & B/Town House A & B North Elevation
5293-02-328 Rev C - Phase 2 Town House C South Elevation

Supporting Statements

Reserved Matters Application prepared by Sheppard Robson dated March 2015
Conformity Statement prepared by QUOD dated 31 March 2015

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

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

COMMITTEE REPORT

Planning Committee on 3 June, 2015
Item No 05
Case Number 14/1482

SITE INFORMATION

RECEIVED: 24 July, 2014

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 13 & 13A Carlisle Road, Kingsbury, London, NW9 0HD

PROPOSAL: Change of use of the premises into a food production unit (Use class B2) to include the creation of a multi-vehicle despatch facility, loading bays and alterations to the front pavement

APPLICANT: Nigel Fredericks Ltd

CONTACT: Dawsongroup plc

PLAN NO'S: Please see condition 2.

SITE MAP



Planning Committee Map

Site address: 13 & 13A Carlisle Road, Kingsbury, London, NW9 0HD

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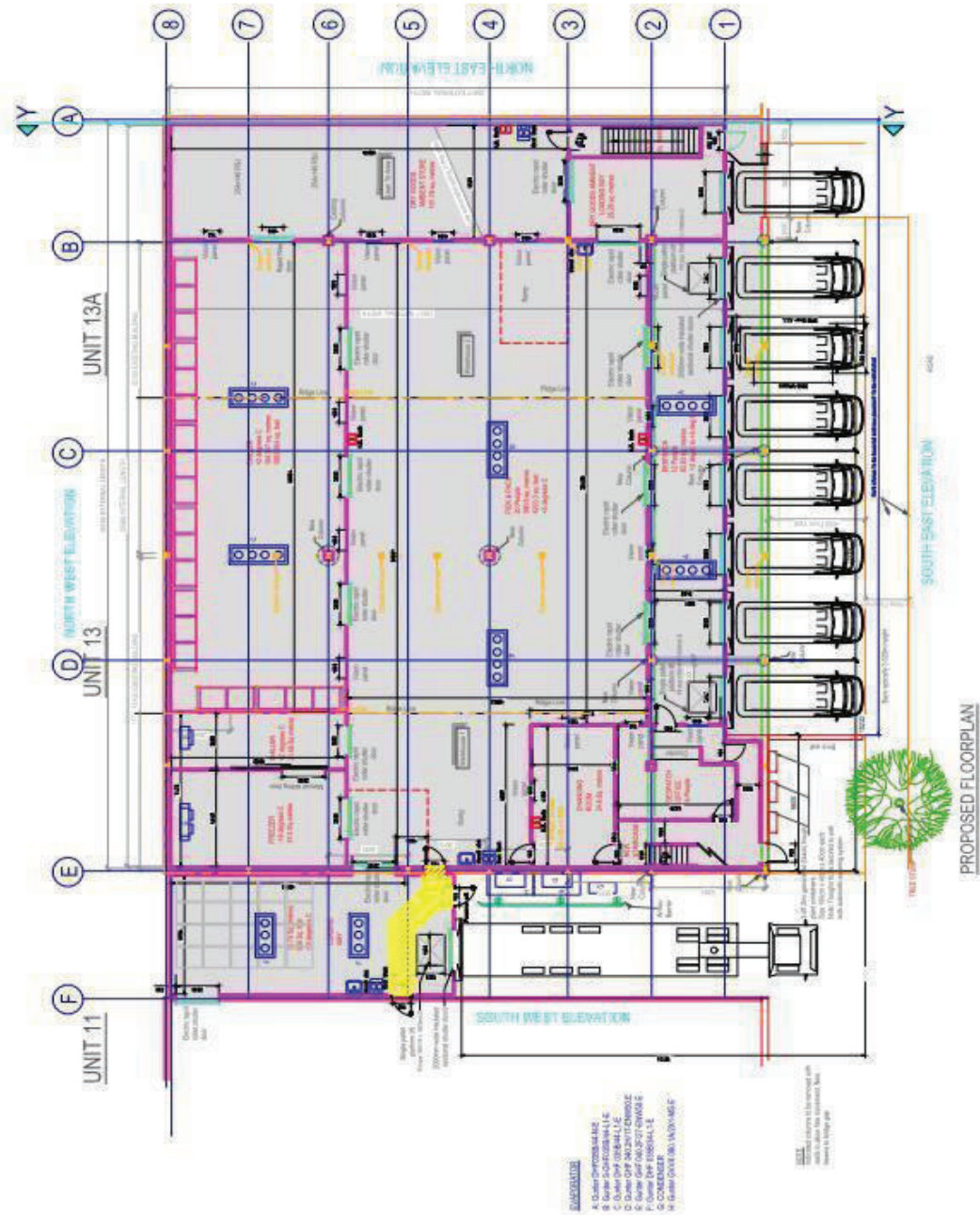


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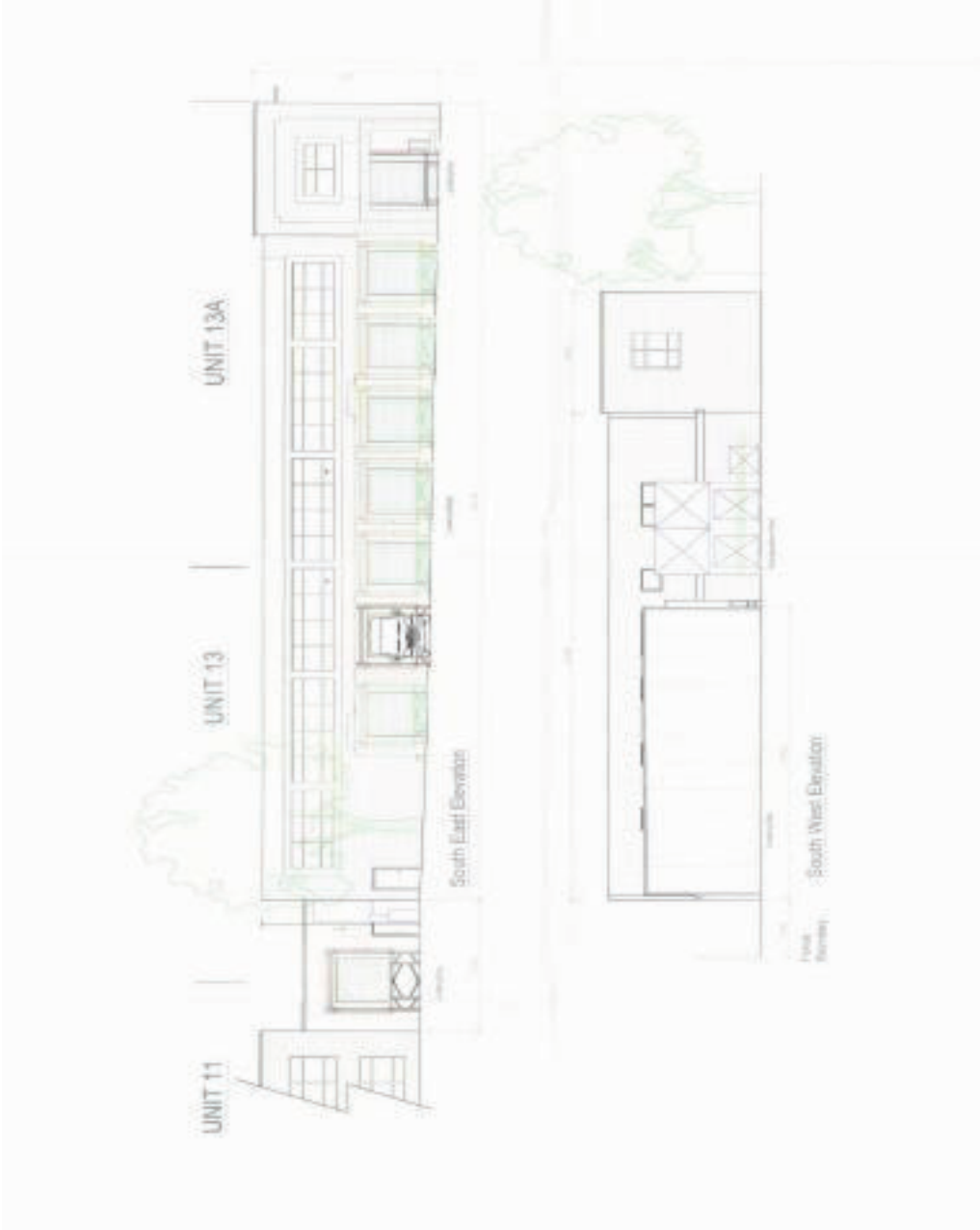
This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

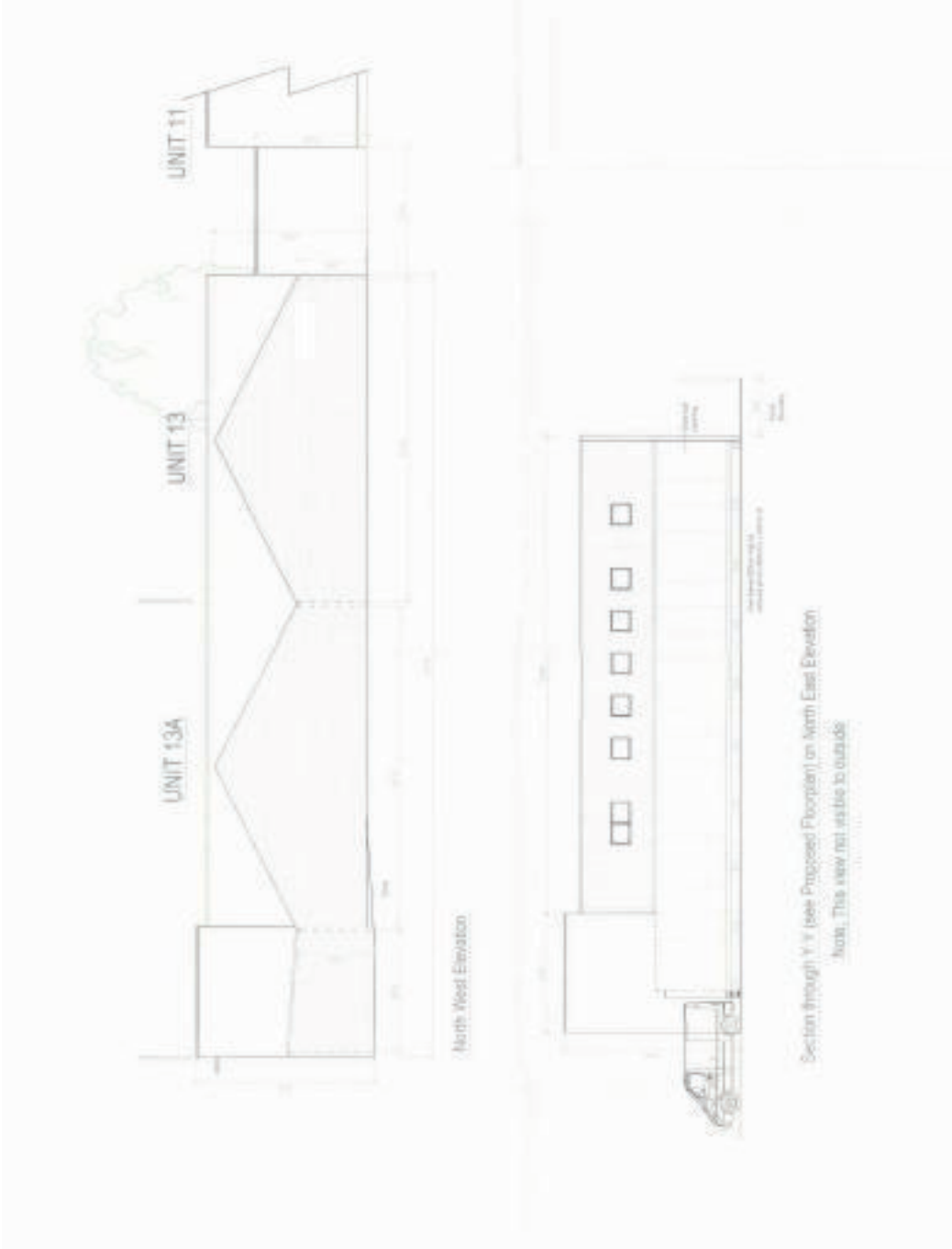
Proposed Floor Plan



Proposed Elevations



Proposed Elevations



RECOMMENDATIONS

Grant consent

, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

The application seeks planning permission for the change of use of the premises into a food production unit (Use Class B2) as well as alterations to include the creation of a multi-vehicle despatch facility, loading bays (including an enclosed area) and alterations to the front pavement.

B) EXISTING

The site is located within the Colindale Locally Significant Industrial Site which is a designated employment area identified within the proposals map.

The site is occupied by a vacant industrial unit located on Carlisle Road with an estimated gross floor area of about 921m². Early Building Control records show that the unit was used as a factory (1953), with the most recent Building Control Records (1993) covering works for alterations to divide a warehouse and alterations to the office facility. The surrounding uses are predominantly industrial employment uses with residential properties to the rear of the site along Holmstall Avenue.

The planning application relates to units 13/13a though it is noted that the applicant also has ownership of the neighbouring unit at 11a which is used for food production, preparing meat, poultry and game for catering clients.

The site has low access to public transport with PTAL 2. There are 6 bus routes available locally within walking distance.

C) AMENDMENTS SINCE SUBMISSION

An acoustic report (MRL Acoustics - Noise Impact Assessment) has been submitted providing the following information:

- (a) 24 hrs background noise survey at the site boundary with the nearest residential properties;
- (b) Assessment of noise impact by reference to the relevant British Standards based on manufacturers data;
- (c) Providing recommendations for any additional noise mitigation.

D) SUMMARY OF KEY ISSUES

Principle of Use: Policy CP20 of Brent's Core Strategy protects LSIS designated for industrial employment uses characterised by use classes B1, B2 and B8, or Sui Generis uses that are closely related. The proposed change of use to B2 is therefore considered to be acceptable in principle.

Design and Impact on Street Scene: The alterations and extension to the building are considered appropriate in the context of this industrial area.

Impact on Neighbouring Amenity: An acoustic report submitted details noise mitigation measures for plant proposed to be secured by condition. The proposed extension defined as part of a loading bay would effectively result in an acoustic insulated barrier between any work and activity which is carried out externally in the yard and the residential properties behind. This would be an improvement on the current situation from a noise perspective and would help to protect the amenity of the nearby residents.

Highways/Transport/Parking: The proposed alterations to the subject building and application site are considered to be acceptable as they would provide sufficient parking and servicing for the proposed use without impacting on the free and safe flow of traffic.

E) MONITORING

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 (sqm)
General industrial	0	0	0	995	995
Storage and distribution	921	0	921	0	-921

Monitoring Residential Breakdown

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

No recent planning history.

CONSULTATIONS

A total of 26 neighbouring owner/occupiers were consulted regarding the application.

A total of 4 representations were received from properties on Holmstall Avenue (to the rear of the site) objecting to the proposal on the following grounds:

Point of objection	Response
1. This location is not suitable for a food production facility or a delivery despatch unit.	The site is located within a Locally Significant Industrial Site (LSIS) where industrial employment uses such as that proposed are considered acceptable. This is elaborated on in paragraph 1-2 of the report below.
2. The proposals will exacerbate existing noise levels and disturbance to residents.	The Council's Regulatory Services department have been consulted on the application to assess such issues and their response is included in the report below. The impact on residential amenity is discussed in paragraph 8-13 of the report below.
3. The stated hours of use are not being adhered to in the existing units. (nb. Hours stated on form are 05:00-18:00 Mon-Fri; 06:00-12:00 Sat)	The hours of use indicated on the application form relate to the units within the planning application, Nos. 13 and 13 A Carlisle Road, not the existing units.
4. Food production will increase the vermin population.	Issues relating to vermin do not fall within the planning remit. Food hygiene standards fall under separate legislation.
5. The proposals will decrease the value of nearby residential properties.	The planning authority has to assess the application before them on its planning merits. Property values are not a material planning consideration.
6. Food production will generate a smell, affecting	The Council's Regulatory Services department have been consulted on the application to assess

living conditions.	such issues and their response is included in the report below. The impact on residential amenity is discussed in paragraph 8-13 of the report below
7. The buildings on the other side of Carlisle Road should be used for food production.	The planning authority has to assess the acceptability of the application before them.

Transportation

The proposed 8 delivery van bays are along the site forecourt. The bays (approx. 6m long) are shown to extend back into the building line and not protrude out onto the public footway. The proposal will result in the loss of 3/4 on street parking spaces however, this is an industrial street and therefore acceptable. This has also been agreed by the Crossover team. Transportation would request that some soft landscaping is provided within the forecourt fronting the 'despatch office, near the street tree. We would also request that some staff cycle parking is provided to comply with PS16 of the UDP-2004.

Regulatory Services

Initial comments set out that the Noise Control Team (NCT) had recently served a notice for the occurrence of noise from night time activity.

A noise report was submitted in response to these comments. Regulatory Services are satisfied with the findings of the acoustic report, which has considered the noise impact from new plant in its assessment.

The noise mitigation recommendations wherein new plant should be fitted as low to the ground as possible and as near to the front elevation as possible to ensure maximum effective screening by the building. It also recommends 200mm Kingspan for walls and floors over the 125mm panels.

Landscape and Trees

There is limited scope for landscape enhancement. There is an opportunity to resurface the building frontage and loading bays with a new permeable paving system to replace the existing damaged paving. Details of the type/colour/finish of the paving and any other hard landscaping should be submitted for approval.

No objection to the removal of the tree currently causing pavement damage although there should be replacement planting of two 18-20 girth specimen trees on the opposite side of the road o/s units 14 and 20. The proposed planters will provide an element of interest if correctly planted.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

Brent's Core Strategy 2010

CP20: Strategic Industrial Locations and Locally Significant Industrial Sites

Brent's UDP 2004

BE2: Townscape - Local Context & Character

BE9: Architectural Quality

TRN22: Parking Standards - Non Residential Development

TRN34: Servicing in New Development

PS6: Parking standard for general industrial and warehouse use (B2 & B8)

PS19: Servicing standard for general industrial and warehouse use (B2 & B8)

EMP13 Bad-neighbour Uses

EMP18 General Industrial Developments

DETAILED CONSIDERATIONS

Principle of Development

1. The application site relates to units 13 and 13A located on Carlisle Road within the Colindale Locally Significant Industrial Site (LSIS). Early Building Control records (1953) show that the unit was used as a factory, with the most recent Building Control Records (1993) covering works for alterations to divide a warehouse and alterations to the office facility. The most recent records therefore indicate that the building has been used as a warehouse which falls within Use Class B8. The proposal is for the change of use of the unit to a food preparation unit which falls within Use Class B2, as well as other physical alterations to the building to accommodate this change.

2. Policy CP20 of Brent's Core Strategy protects LSIS designated for industrial employment uses characterised by use classes B1, B2 and B8, or Sui Generis uses that are closely related. The proposed change of use to B2 is therefore considered to be acceptable in principle. Additionally, the proposal would continue to contribute to local employment levels.

Design and Impact on Street Scene

3. The application site relates to two units within an detached warehouse building. The front of the building is a two storey brick built structure and single storey to the rear with dual pitch roof of similar height to the two storey frontage element. The front elevation of the building consists of large window and door openings, including a roller shutter, for the majority of the building frontage. The building is industrial in nature and is very much in keeping with the surrounding units in the industrial estate.

4. The proposal will reduce the depth of the ground floor of the building in order to accommodate the loading bays. Each loading bay will have a roller shutter to secure the site when they are not in use. This is a typical feature for a building in this type of location and whilst there would be a significant number of them on the subject building it is not considered to detract from the character or appearance of the building, street scene or locality. The proportions and spacing of the shutters and delivery bay openings is even and demonstrates a considered approach to the layout and appearance of the building. The fact they will be set back from the first floor will reduce their prominence and they will appear as a subordinate alteration to the building.

5. The scheme proposes an extension (detailed as a loading bay) between the existing unit occupied by the applicant at No. 11a and the units that form the application site. This is set back sufficiently from the street scene so as not to have any significant impacts on its character or appearance. The extension is set below the two storey elements of the adjoining buildings and would therefore appear as a subordinate addition. The extension is very simple in its design and consequently integrates with the surrounding development in the locality.

6. The proposal leaves very little scope for landscape enhancement, however, there is an opportunity to resurface the building frontage and loading bays with a new permeable paving system to replace the existing damaged paving. Details of the type/colour/finish of the paving and any other hard landscaping will be requested via condition to ensure an appropriate finish to the front of the plot and the street scene.

7. The proposal results in the removal of an existing tree which is sited directly in front of the application site, however, the root system of this tree is not in a healthy condition and consequently the tree does not have a long life expectancy. A condition will be attached to any permission which may be granted requiring replacement planting of two 18-20 girth specimen trees. It is considered that these replacement trees will make a significant, positive contribution to the amenity of the area and street scene resulting in a more practical layout of the site once work has been completed.

Impact on Neighbouring Amenity

8. Whilst the application site is located within an industrial estate, there are residential properties in close proximity to the site located directly to the rear on Holmstall Avenue and the impact of the proposal on residential amenity needs to be considered.

9. Following initial comments received from Regulatory Services, the applicant submitted an acoustic report which has considered the noise impact from the new plant equipment in its assessment. Of particular note are the noise mitigation recommendations wherein new plant should be fitted as low to the ground as possible and as near to the front elevation as possible to ensure maximum effective screening by the building. It also recommends 200mm Kingspan for walls and floors over the 125mm panels. These measures

can be secured via condition to ensure that the development is carried out in the most sympathetic way possible, ensuring the relationship to nearby residential properties is appropriate.

10. The proposal enables the loading of goods onto the company vehicles to be carried out at the front of the building, adjacent to Carlisle Road, minimising noise towards the rear of the buildings and the rear gardens of the residential properties. Additionally, part of the application is to link the two buildings (11a with 13/13a) via an extension defined as part of a loading bay. This would effectively result in an acoustic insulated barrier between any work and activity which is carried out externally in the yard and the residential properties behind. This would be an improvement on the current situation from a noise perspective and would help to protect the amenity of the nearby residents. The height of the extension does not exceed existing buildings and is not considered to result in any unacceptable amenity impacts.

11. The applicant currently has cooling units located at the rear of the building at No. 11a Carlisle Road. Although not part of this application, it is understood that if planning permission is granted, these existing cooling units would no longer be required with the new ventilation equipment would be mounted on the side of the subject building (No. 13 Carlisle Road) and not at the rear. The new equipment will be of a modern design and of a higher standard which would be quieter when in operation and the siting on the side of the building would increase the separation from the residential properties to the rear.

12. There are currently no planning conditions restricting the hours of use of the subject unit. Given the industrial location of the site and the appropriate nature of the use, it is not considered appropriate to impose such restrictions on this consent.

13. There are a variety of uses in the industrial estate and the applicant has operated as a food production company from unit 11a for a period of over 20 years. It is not considered that the proposed development would significantly change the character of the locality or the nature of use of the site from the existing situation. In terms of odours being produced at the site, it is considered appropriate to request further details of the extraction equipment proposed to be used to ensure that this is dealt with in the most effective way possible in order to maintain the amenity of the nearby residents. This will be secured via condition and will need to be agreed prior to the occupation of the new unit.

Highways/Transportation/Parking

14. The proposal for the change of use of the premises into a food production unit (Use class B2) includes the creation of a multi-vehicle despatch facility, loading bays and alterations to the front pavement. The applicant already occupies No. 11, and the proposal will facilitate an expansion of their business. Carlisle Road is a local distributor road on which on-street parking is generally unrestricted. The road is generally well used during the day, but not at night. Parking and servicing standards for the existing and proposed use is given in standards PS6 and PS19.

15. The car parking allowance for this site is given in Policy PS6, whereby 1 space per 150m² can be allowed due to the relatively poor access to public transport services. The new proposed gross floor space will be 995m² and therefore a maximum of 6 parking spaces can be permitted for this site. In addition to this, the servicing standard Policy PS19 does state that units between 280m² - 2000m² must provide a full sized loading bay. As standards remain unaltered with this proposal, there are no objections in principle to the change of use.

16. However, the proposal includes 8 transit sized vans to be parked within the front forecourt at a 90 degree angle to the highway for the proposed multi-vehicle despatch facility, which will require the kerb to be dropped to provide a 30m wide crossover. The drawing also proposes 1 large 10m rigid lorry parking bay along the service road adjacent to the building. The proposed plans show the 8 delivery van bays along the site forecourt. The bays (approx. 6m long) are shown to extend back into the building line and not protrude out onto the public footway which is considered acceptable. The proposal will result in loss of 3/4 of on street parking spaces, however, this is an industrial street and the loss is considered acceptable. This has also been agreed by the Crossover team of the Transportation department. Therefore the proposed alterations to the subject building and application site are considered to be acceptable as they would provide sufficient parking and servicing for the proposed use without detrimentally impacting on the free and safe flow of traffic.

17. Transportation have requested that staff cycle parking is included in order to satisfy PS16 of the UDP. A condition will be attached to any permission which may be granted requiring details of secure, theft and weather proof bicycle parking to ensure that these standards are met.

Summary

18. The proposal is considered to be consistent with the relevant policies of Brent's Core Strategy 2010 and Brent's Unitary Development Plan 2004. As such it is recommended that the proposal be approved subject to the imposition of suitable conditions.

CIL DETAILS

This application is liable to pay **£2,995.91*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 995 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
General industrial	995	921	74	£0.00	£35.15	£0.00	£2,995.91

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	258	
Total chargeable amount	£0.00	£2,995.91

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

=====
Application No: 14/1482

To: Mr David Quinn
Dawsongroup plc
Fulwood Industrial Estate
Export Drive
Sutton-in-Ashfield
Nottinghamshire
NG17 6AF

I refer to your application dated 17/04/2014 proposing the following:
Change of use of the premises into a food production unit (Use class B2) to include the creation of a multi-vehicle despatch facility, loading bays and alterations to the front pavement and accompanied by plans or documents listed here:
Please see condition 2.

at 13 & 13A Carlisle Road, Kingsbury, London, NW9 0HD

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposal is considered to relate acceptably to the character and appearance of the locality and would not have a detrimental impact on the amenity of nearby residential properties, or the free and safe flow of the highway. The proposal is therefore considered acceptable.

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

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
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs

- 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):

B3 Location Plan, B3 Site Plan, 3384A 14 rev02, 3384A 15 rev00, 3384A 16 rev00; MRL Acoustics:Nigel Fredricks Ltd (Noise Impact Assessment)

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

- 3 Works to provide the vehicular crossover and the marking out of the loading bays shall be completed prior to occupation and maintained thereafter.

Reason: In the interests of the free and safe flow of traffic and general conditions of highway safety.

- 4 Details of materials for all external work of the loading bay extension to the side of the existing building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The details shall include the use of 200mm thick Kingspan 100CS panels to walls and roof provide an acoustic screen. 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 Details of the provision of a minimum of 4 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority within 3 months of commencement of development. 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.

- 6 Prior to the occupation, full details of the proposed replacement trees shall be submitted to and

approved in writing by the Local Planning Authority. All tree planting shall be carried out in accordance with those details within the first planting season following occupation. The replacement trees should be planted with a minimum stem girth of 18-20cm and should be sited on the opposite side of the road outside units 14 and 20.

If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement for it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless otherwise the Local Planning Authority gives its written consent to any variation.

Reason: To ensure satisfactory landscape treatment of the site in the interests of visual amenity.

- 7 Prior to the commencement of works on the area of hardstanding to the front of the plot, details of the type/colour/finish of the paving and any other hard landscaping should be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory landscape treatment of the site in the interests of visual amenity.

- 8 (a) Prior to installation, revised details of the location of refrigeration plant as detailed in the Acoustic Report, demonstrating that the plant is positioned as low to the ground and near to the front elevation as feasible, shall be submitted to and approved in writing by the local planning authority. The plant shall be installed in full accordance with the approved details prior to occupation of the development.

(b) Prior to occupation, further details of proposed extraction system to manage odours shall be submitted to and approved in writing by the local planning authority. Details shall include the location, manufacturers specification and noise impact assessment by reference to BS 4142:2014 (or any standard superseding this). The extraction system shall be installed in full accordance with the approved details prior to occupation of the development.

(c) Prior to installation, full details of any further plant or extraction systems not detailed within the Acoustic Report shall be submitted to and approved in writing by the local planning authority. Details shall include the location, manufacturers specification and noise impact assessment by reference to BS 4142:2014 (or any standard superseding this). The plant shall be installed in full accordance with the approved details prior to occupation of the development.

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

Any person wishing to inspect the above papers should contact Andrew Neidhardt, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1902

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

3 June, 2015

14/4719

SITE INFORMATION

RECEIVED: 3 December, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: All Units, Queens Studio, 117-121 Salusbury Road, London, NW6 6RG

PROPOSAL: Change of use of existing offices (Use Class B1(a)) to residential (Use class C3) and construction of an additional two storeys to create 32 self-contained flats (1 x studio, 12 x 1 bed, 12 x 2 bed and 7 x 3 bed) and associated landscaping and external alterations.

APPLICANT: QS Land Ltd

CONTACT: Turley

PLAN NO'S: See condition 2

SITE MAP



Planning Committee Map

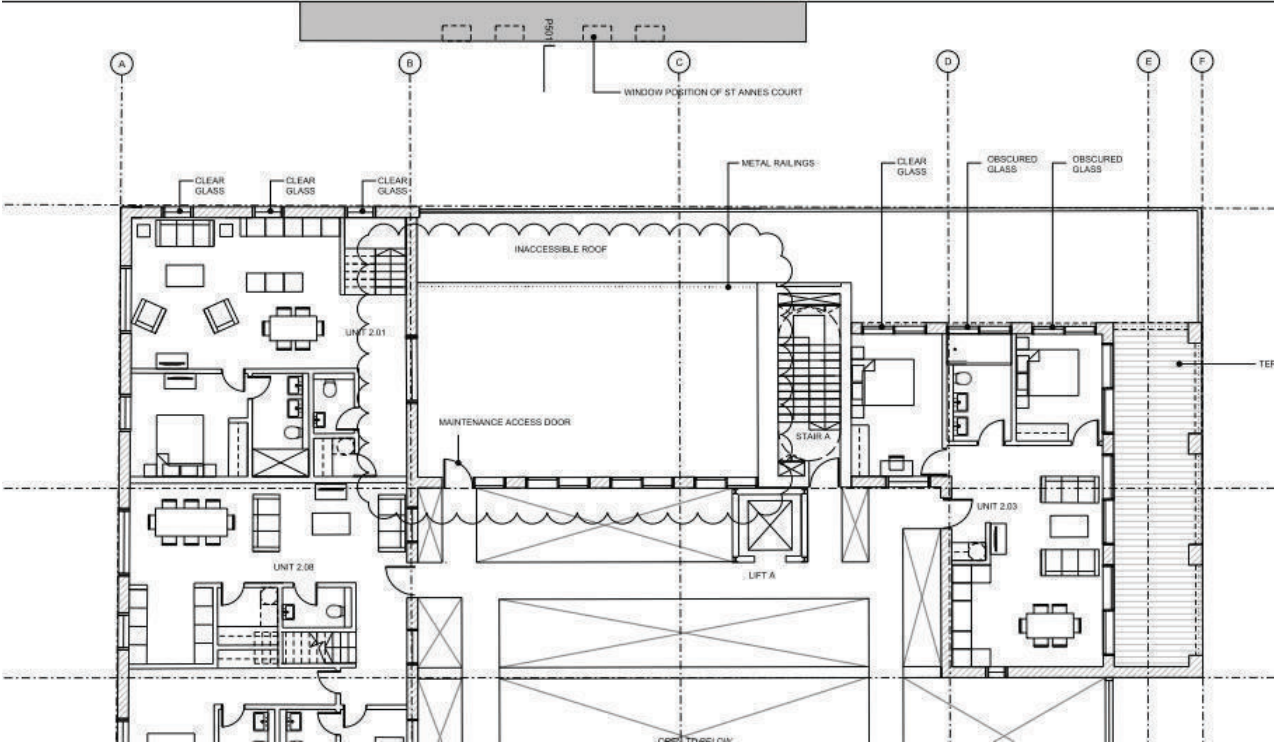
Site address: All Units, Queens Studio, 117-121 Salusbury Road, London, NW6 6RG

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This map is indicative only.

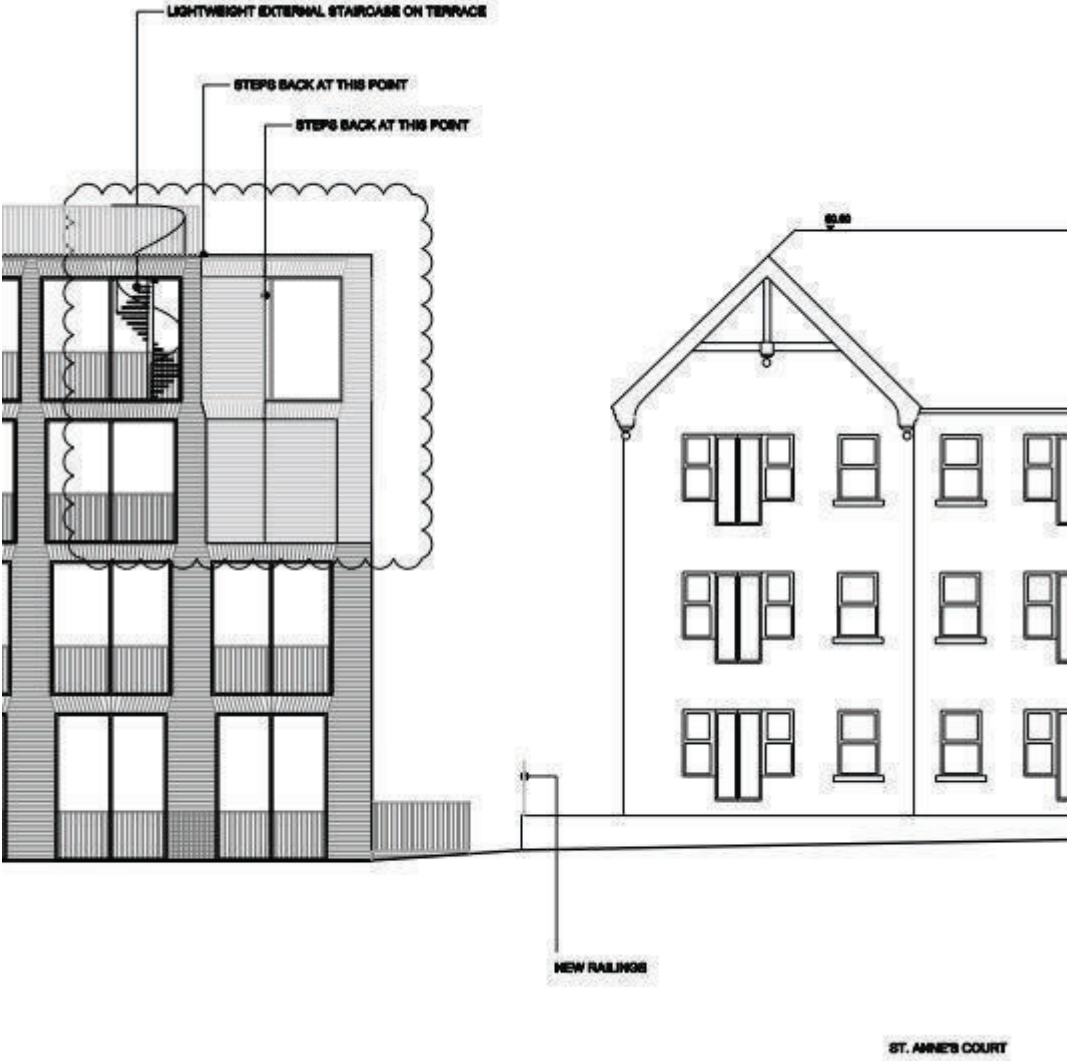
Proposed Second Floor (adjacent to St Anne's Court)



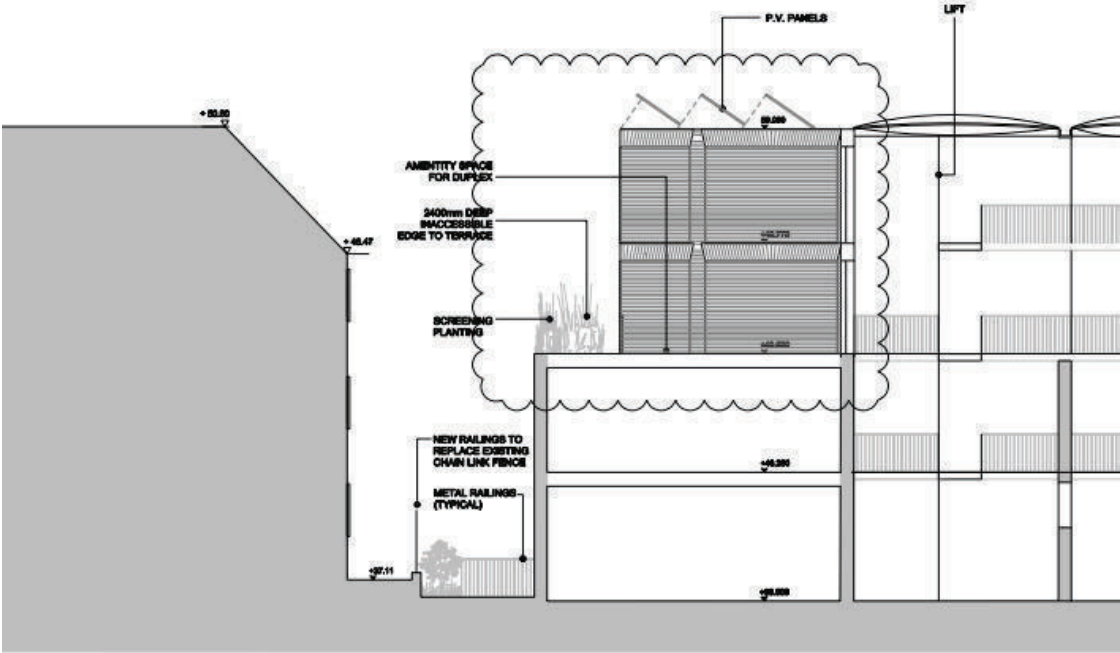
Existing Rear Elevation adjacent to St Anne's Court



Proposed Rear Elevation (adjacent to St Anne's Court)

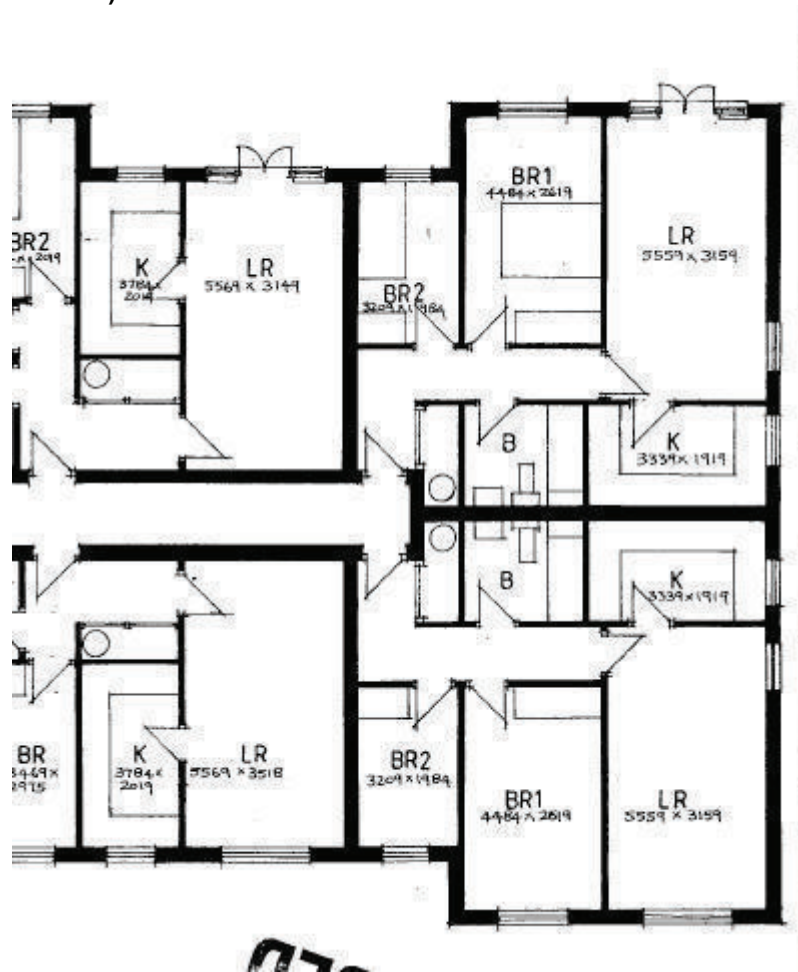


Section through cut out adjacent to St Anne's Court

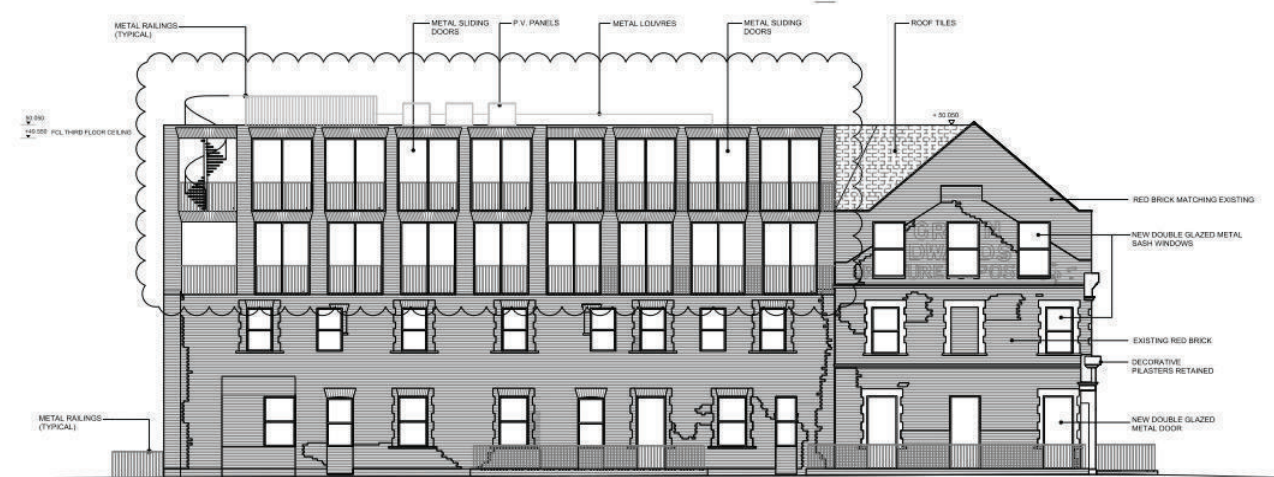


ST. ANNE'S COURT

Layout of Units at St Anne's Court adjacent to proposed development (from planning application 95/1336)



Proposed side (north) elevation facing St Anne's Court



RECOMMENDATIONS

Grant planning permission subject to the recommended conditions set out in the draft decision notice at the end of this report and 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 Chief Legal Officer., subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

As above.

B) EXISTING

The subject site, located on the eastern side of Salisbury Road, is occupied by a two-storey commercial building. Vehicular accesses run along either side of the building leading to an existing parking area to the rear of the building.

To the north of the site lies St Anne's Court, a 3-storey residential block of flats with communal gardens to the rear. To the south of the site lies 111-115 Salisbury road, a three storey office building. To the rear the site adjoins Paddington Cemetery, a Conservation Area and Registered Park and Garden. Towards the centre of the cemetery lies two Grade II Listed chapels.

C) AMENDMENTS SINCE SUBMISSION

Follow submission the proposals have been amended by the applicant as follows.

- Scale of extensions at second and third floor level reduced adjacent to St Anne's Court
- Proportion of affordable housing delivered on-site increased from 0% to 41%
- Unit numbers reduced from 33 to 32 units.
- Windows to front elevation at 2nd floor level aligned to respect the alignment of windows below

D) SUMMARY OF KEY ISSUES

The subject site currently benefits from prior approval, granted in December 2013, which would allow through permitted development rights the change the use of the existing building from offices to 20 residential units without requiring planning permission. As such, whilst the Council would normally seek to protect local employment uses such as this, the circumstances of this case mean that it would not be possible to prevent the loss of the existing use even if the Council were to withhold planning permission for the current proposal.

The current proposal requires planning permission because it would involve more substantial changes including the erection to two additional storeys in order to accommodate an increase number of residential units. Following submission the proposals have been amended to introduce (41%) on-site affordable housing into the scheme and to reduce the bulk of the extensions adjacent to the neighbouring residential properties at St Anne's Court.

Following public consultation and assessment of the revised proposals Officers consider that the key issues in relation to the proposed development are:-

- Whether the impact of the proposed development on the outlook, light and amenity of occupiers of St Anne's Court would be acceptable
- Whether the affordable housing proposed is the maximum reasonable amount
- Whether a permit-free development can appropriately mitigate potential parking issues.

These matters are discussed in further detail in the remarks section of this report.

E) MONITORING

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 (sqm)
Assembly and leisure	0		0	0	
Businesses / research and development	0		0	0	
Businesses and light industry	0		0	0	
Businesses and offices	2341		2341	-2341	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	0		0	0	
Residential institutions	0		0	0	
Restaurants and cafes	0		0	0	
Shops	0		0	0	
Storage and distribution	0		0	0	

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)										
EXISTING (Affordable Rent Flat)										
EXISTING (Flats û Intermediate)										
PROPOSED (Flats û Market)	4	10	5							19
PROPOSED (Affordable Rent Flat)	6		2							8
PROPOSED (Flats û Intermediate)	3	2								5

RELEVANT SITE HISTORY

Reference No	Proposal	Decision	Reason

13/3310	Prior approval for change of use from offices (Use Class B1a) to residential (Use Class C3) to include 20 flats (10x1bed, 6x2,bed and 4x3 beds)	Prior Approval Granted	
13/2536	Full planning permission sought for installation of frameless glass entrance door behind existing front entrance gates, installation of new glass entrance door and screen to rear entrance, creation of two new windows at the first floor on southern elevation to match the existing adjacent windows and replacement of existing solid roof with new glazed roof as revised by plans.	Granted	

CONSULTATIONS

Letters dated, 15/12/2015, were sent to 335 neighbouring properties providing 21 days to comment on the application. Following revisions to the scheme a further letter, dated 02/04/2015, was sent to the same 335 properties offering a further 14 days to comment on the changes. The application was also advertised as being in the public interest by way of a site notice, erected on 12/02/2015, and a local press notice published on 19/02/2015. To date 25 letters of support, 22 letters of objection and 2 petitions against the proposal have been received (one signed by the residents of St Anne's Court and another signed by 52 other local residents). The grounds for objection are summarised below:-

Objection Raised	Response
The development would harm the amenity, privacy, outlook and light of neighbouring occupiers, particularly those at St Anne's Court	See paragraphs 11-15
Loss of employment space	See paragraphs 1-3
The development will cause parking problems within the local area	See paragraphs 18-21
The development would not provide sufficient affordable housing	See paragraphs 4-6
The proposed extensions would be harmful to the character and appearance of the existing building	See paragraphs 7-10
Lack of amenity space within the proposed development	See paragraphs 17
Disruption during construction	This can be mitigated through planning conditions. A condition requiring a Construction Method Statement has been recommended.
The development would place further pressure on local infrastructure and services	The development would be CIL liable and would therefore make an appropriate contribution towards infrastructure.

STATUTORY CONSULTEES

QUEENS PARK RESIDENTS ASSOCIATION (QPARA)

Object to the proposal on the grounds of loss of employment space, the potential for the development to give rise to parking and traffic problems within the locality and the quality of the proposed design.

ENGLISH HERITAGE

Responded to confirm that there was no statutory requirement to consult English Heritage on the application.

TRANSPORTATION UNIT

No objection to the following subject to the development being secured as car-free. Transportation also recommend a condition on any permission requiring the reinstatement of redundant vehicular crossovers to the site.

ENVIRONMENTAL HEALTH

No objection subject to conditions relating to the control of contaminated land, noise, and construction.

QUEENS PARK WARD COUNCILLORS

No response received.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

National Planning Practice Guidance

London Plan 2011 (as amended 2013 and 2015)

3.9 Mixed and Balanced Communities

3.11 Affordable Housing Targets

3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

3.13 Affordable Housing Thresholds

Mayors Housing SPG 2012

London Borough of Brent Core Strategy 2010

CP2 Population & Housing Growth

CP21 A Balanced Housing Stock

London Borough of Brent Unitary Development Plan 2004 ('Saved' Policies)

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE9 Architectural Quality

EMP9 Local Employment Sites

TRN23 Parking Standards - Residential Developments

TRN34 Servicing in New Development

Supplementary Planning Guidance 17:-Design Guide for New Development

s106 Planning Obligations SPD

DETAILED CONSIDERATIONS

BACKGROUND AND PRINCIPLE OF DEVELOPMENT

1. The subject site currently provides employment floorspace in the form of offices occupied by a number of SME's. In 2013 the government amended the Town and Country Planning (General Permitted Development) Order to temporarily allow offices to be converted to residential accommodation without the need for planning permission. These permitted development rights currently apply until May 2016 and are subject to certain restrictions including the need to obtain the prior approval of the Local Planning Authority before the works can begin. In considering whether to issue prior approval the Local Planning Authority can only consider the matters of transport, contamination and flood risk.
2. In 2013 an application for prior approval for the conversion of Queens Studios from office to residential (20 flats) was submitted to and subsequently approved by the Local Planning Authority as the proposal was found to be acceptable in terms of transport, contamination and flood risk. Although the permitted development rights to convert the existing building to residential have not yet been implemented, there

remains an extant possibility that the existing building could be converted to residential without requiring planning permission. As such, although policy EMP9 of the Unitary Development Plan 2004 would normally seek to protect local employment sites such as this, in this particular case, preventing the loss of the existing employment use cannot be guaranteed even if planning permission is refused and therefore, on balance, it is considered that the proposed change of use from offices to residential should not be resisted. Where local employment uses are to be lost UDP policy EMP9 sets out that sites would normally be expected to provide housing, including where required by policy a substantial element of affordable housing.

3. Notwithstanding the planning position in respect of the proposed loss of the existing employment use, it is acknowledged that there will be some concern regarding the impact of the proposals on the existing tenants within Queens Studios. The applicant has confirmed that there are 5 existing tenants within the building on short leases, none of whom have objected to the planning application. If planning permission were to be granted this would allow a period of 3 years for the scheme to be implemented and, although it cannot be guaranteed through the planning process, the applicant has indicated that they would be willing to work with the existing tenants to programme the development to assist with the relocation of these businesses. As the provisions to change the use of the building under permitted development rights are currently set to end in May 2016, if the site were to be redevelopment under these provisions this would clearly place more pressure in terms of the timeframe to relocate the existing businesses.

AFFORDABLE HOUSING

4. The proposed development would provide 32 residential units comprising of 1 x studio, 12 x 1-bed, 12 x 2-bed and 7 x 3-bed units. Policy CP2 of the Council's Core Strategy sets a borough-wide target that 25% of new homes should be family sized (3+bedrooms). In this case 22% of the new homes would be family sized which is just below the 25% target. However, given that this is a borough-wide target this needs to be considered in the wider context of the overall housing provision of scheme and, in particular, in relation to affordable housing.
5. Initially the proposal was that no affordable housing would be provided as part of the development as, according to the applicants financial viability appraisal, it would not be viable to do so. Officers were keen to understand the offer more fully and, as a result, it was decided that the applicants financial viability appraisal should be subject to an independent review by BPS chartered surveyors on behalf of the Council. The review by BPS concluded that some of the key assumptions used in the applicants appraisal, particularly in relation to build costs and land value, were questionable and that as a result the maximum reasonable amount of affordable housing that could be provided would be 41%. Following negotiation over some time, the applicant agreed to accept the assumptions of BPS and revised the affordable housing offer to 41%. As such, the current proposal is that 13 of the 32 units would be for affordable housing. Although this is below the 50% target set out in the Council's Core Strategy officers consider that in respect of the viability of the proposed development this is the maximum reasonable amount that can be provided. It is also noted that under the prior approval scheme for the site no affordable housing would need to be provided.
6. Officers also sought through this period of negotiation to attempt to get some larger family units incorporated into the scheme. The applicants agreed to provide two 3 bed units on the ground floor as a result of this discussion meaning now that the 13 affordable housing units would comprise of 8 (62%) Affordable Rented units (6x1-bedroom and 2x3-bedroom) whilst 5 (38%) would be Shared Ownership units (1xstudio, 2x1-bedroom and 2x2-bedroom). This is broadly compliant with the London Plan target that 60% of new affordable homes should be for rent and 40% of new affordable homes should be delivered on intermediate tenures such as Shared Ownership. As such, the proposed affordable housing mix is considered to be appropriate.

CONTEXT, SCALE AND DESIGN

7. The proposed development would involve the partial retention of the facade of the existing two-storey building and erection of two additional storeys bringing the overall height of the building to 4-storeys. The windows on front elevation of the new second floor have been designed to align with and complemented the existing windows below. On the street frontage the top floor of the proposed building would be set back to respect the pitch angle of the existing roof, to be removed, in order to provide roof terraces on the top floor. This set back would help reduce the perceived mass of the proposed building within the streetscene. The set back and terraces would be flanked on either side by extending the existing gables to the pitched roof upwards which would help to minimise the sense of change when the site is viewed from further along Salisbury Road. The adjacent buildings are both 3-storeys in height but it is noted that

the highest part of the proposed development would be comparable to the ridge height of St Anne's Court. The opposite side of Salisbury Road is characterised by a terrace of 3-storey Victorian dwellings. Overall, in streetscene terms, the scale and massing of the proposed building is considered appropriate to its setting and context.

8. The rear facade of the building would be changed substantially to incorporate a uniform facade, with a strong vertical rhythm, constructed from yellow stock bricks. A similar treatment would be applied to the side elevation of the new upper floors with the existing side elevations being largely retained below. Much of the upper floors would be set back from the main facade in order to create inset terraces/balconies. Overall, the proposed treatment of these elevations is considered to be appropriate within the context of the surrounding area in terms of their appearance and materiality.
9. To the rear of the site lies Paddington Cemetery which is a designated Conservation Area and Registered Park and Garden. The cemetery also contains two Grade II Listed Chapels. The rear of both the existing and proposed buildings are between 9 and 13.5m from the boundary with cemetery. As such, the any additional impact on the setting of the cemetery would largely be a result of the proposed increase in height. In general, although the proposed building would be taller than some of the other buildings along Salisbury Road, the general scale of the proposed development would not be a significant departure from the general scale of other buildings that back on to all sides of the cemetery. As such, the proposed development is unlikely to have a significant impact on the setting of the Conservation Area.
10. The rear of the proposed development is approximately 140m from the Listed chapels. Although the chapels would be visible from the upper floors of the proposed development the setting of these Designated Heritage Assets is unlikely to be significantly affected given the scale of the proposals and the separation distance between them.

IMPACT ON NEIGHBOURING OCCUPIERS

11. As the building to the south is a commercial use it is considered that the main impact on residential occupiers would be on those residential units on the south side of St Anne's Court which lies immediately to the north of the application site. The impact on the communal amenity space to the rear of St Anne's Court also needs to be given consideration.
12. Officers assessment of the original proposals submitted with the application were that the scale of the proposed development would have an unacceptable impact on the residential units on the ground and first floor of St Anne's Court in terms of light and outlook. Concerns were also raised regarding the impact on the communal gardens. In response the applicant revised the proposals to cut away the extensions at second and third floor level where the extensions were most likely to affect the light and outlook of neighbouring occupiers.
13. On the southern elevation of St Anne's Court there are 6 windows (2 at each level) directly facing the application site. These windows serve small kitchens to each of the six units on this side of St Anne's Court, providing the sole form of light and outlook to these rooms. At ground and first floor level the separation between these windows and the flank wall of Queens Studios would remain unchanged at approximately 5.4m. Where they would directly face these existing kitchen windows the proposed extensions would be set back by a further 8.5m from the existing flank wall below. There are also rear facing french doors at all levels to St Anne's Court, which have the potential to be affected by the proposed development. In response, where Queens Studios projects beyond the rear of St Anne's Court, the proposed extensions at second and third floor level have generally been set back by 3.75m from flank wall below.
14. Following the revisions to the proposal a revised daylight and sunlight report has been submitted by the applicant. This concludes that whilst there would still be some impact to two of the properties at St Anne's Court that any impact on light would be within the acceptable levels as set out in the Building Research Establishment (BRE) guidance for daylighting and sunlight. The set backs that have been provided would also reduce the impact of the proposed extensions on the outlook from the side and rear of St Anne's Court and would reduce the impact of the proposed extensions on the communal amenity space. On balance, officers consider that the revisions to the proposals would result in form of development that would not harm the outlook or light of neighbouring occupiers to an unacceptable degree.
15. In terms of privacy, again, the main impact would be directed towards St Anne's Court. On the ground and first floor levels, whilst efforts have been made to reduce the number of clear glass habitable room

windows facing the site boundary with St Anne's and to avoid direct overlooking between units, there would still be some habitable room windows that would face the flank of St Anne's Court at the existing distance of 5.4m. However, on balance and giving consideration to the prior approval scheme which would enable similar, if not greater, levels of overlooking, this relationship is considered appropriate in terms of privacy. On the upper two levels side facing windows would generally set back further from the floors below and would be unlikely to cause any particular issues with privacy. Where the building has been set back at second floor level there is a maintenance door to the flat roof that has been created by the set back. It is recommended that a condition be applied to prevent any use of this flat roof as a terrace as this would result in unreasonable overlooking towards St Anne's Court.

QUALITY OF ACCOMMODATION

16. The proposed accommodation is generally arranged around a central atrium which allows the units to be dual aspect. All units are designed to comply with the space standards as set out in the Mayors Housing Design guide and would generally have sufficient forms of outlook and light to habitable rooms. The units, regardless of tenure, would share the same main entrance and would be accessed through a series of internal walkways within the atrium. Suitable facilities for the storage of refuse and cycles would be provided.
17. In terms of amenity space this would generally be provided through the provision of private and communal landscaped gardens to the side and rear of the building and through private terraces to most of the units on the upper floors. The overall provision of amenity space comfortably exceeds the guidance contained in SPG17. Further details of the landscaping for the scheme should be secured via planning condition.

TRANSPORTATION

18. The subject site is located on Salusbury Road, a local distributor road. The site lies within Controlled Parking Zone "KQ", operational between 8.30am-6.30pm on weekdays. On-street parking is prohibited at those times along the site frontage though, with loading also prohibited between 8.30-9.30am and 4.30-6.30pm. Pay and display parking is available on the opposite side of Salusbury Road to the south of the site though. Nearby residential streets, such as Windermere Avenue, Brooksville Avenue and Hopefield Avenue are all noted as being heavily parked at night and this is reconfirmed by recent surveys from 2013. Public transport access to the site is good (PTAL 4), with Queens Park (Bakerloo and London Overground) and Brondesbury Park (London Overground) stations and five bus services within 640 metres (8 minutes walk).
19. The existing building has a car-parking area located to the rear accessed from narrow passages located on either side of the building. As part of the proposal these areas would be stopped up and landscaped to provide private and communal gardens for occupiers of the proposed development. As such, the proposed development would not provide any dedicated car-parking for future occupiers and therefore the maximum parking standards for the site would not be exceeded. With the removal of all parking spaces from within the site, the building will no longer require use of any of the three crossovers to the site and these should therefore be returned to footway at the developers expense prior to occupation of the building as a condition of any approval.
20. However, as no parking would be provided consideration needs to be given to the potential for overspill parking from the site. As discussed above, the surrounding area is heavily parked and there is no capacity on the local highway network to accommodate any additional demand for parking. In order to mitigate from the possibility of unacceptable overspill parking from the development the applicant proposes that the development would be permit-free where, by way of a s106 legal agreement, future occupiers of the development would not be entitled to permits for the local on street controlled parking zone. UDP policy TRN23 does allow 'permit-free' developments in exceptional cases though, where the site is located within a CPZ and has good access to public transport services. This site meets those criteria and as such, a 'car-free' agreement is an acceptable solution in this case in terms of mitigating potential parking problems.
21. UDP Parking standard PS15 requires at least one disabled parking space to be provided, but the removal of all parking from within the site will prevent this. However, disabled Blue Badge holders are exempt from any 'car-free' agreement, so they would be eligible for permits to parking on the adjoining streets.
22. The provision of a secure bicycle parking space for each flat is required and the provision of covered storage for 40 bicycles within the proposed private, gated amenity space to the rear of the building would

satisfy this requirement.

23. Refuse storage is shown along the southern boundary of the site close enough to the front of the site to allow collection of refuse from Salusbury Road without refuse vehicles having to enter the site. Refuse carrying distances for residents are broadly within the maximum distance of 30m, as a passage is proposed through the ground floor block to shorten carrying distances. Fire access requirements are also met directly from Salusbury Road, with all pedestrian access through the central archway/courtyard. General servicing and deliveries would take place from the street outside of peak times when loading is prohibited (see above). It is considered that outside of peak times highway conditions are suitable for this to take place safely.

24. CONCLUSION

25. The proposed development presents many benefits in comparison to the scheme that could be implemented using permitted development rights. The current proposal would include a substantial element of affordable housing and would guarantee that the residential accommodation is designed to the quality expected of new development. The development would also be car-free reducing the impact on the local highway network to the benefit of the environment. Whilst it is acknowledged that there will be some impact on the amenity of neighbouring occupiers the scheme has been revised to ensure that any impact is kept to a reasonable level and, in any event, is in certain instances an improvement as compared to the approved Prior Approval development over which the Council has no control. Overall, it is considered that the proposed development would be in accordance with the policies in the local plan and the NPPF and therefore approval is recommended.

S106 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
- 13 (41%) Affordable Housing units of which 62% would be Affordable Rented units (6x1-bedroom and 2x3-bedroom) and 38% would be Shared Ownership units (1xstudio, 2x1-bedroom and 2x2-bedroom)
- Car Parking Permit Free development
- Join and adhere to the Considerate Constructors scheme.
- Sustainability measures to include a 40% reduction in CO2 emissions beyond the 2010 Building Regulations and achieve a 50% score on the Council's Sustainability checklist

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

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£302,260.13** of which £257,078.57 is Brent CIL and £45,181.56 is Mayoral CIL.

It should be noted that the applicant may be eligible to claim social housing relief in respect of the affordable housing units which are proposed and therefore this may be deducted from the sums above.



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

=====
Application No: 14/4719

To: Ms Anna Snow
Turley
17 Gresse Street
London
W1T 1QL

I refer to your application dated 03/12/2014 proposing the following:
Change of use of existing offices (Use Class B1(a)) to residential (Use class C3) and construction of an additional two storeys to create 32 self-contained flats (1 x studio, 12 x 1 bed, 12 x 2 bed and 7 x 3 bed) and associated landscaping and external alterations.
and accompanied by plans or documents listed here:
See condition 2

at All Units, Queens Studio, 117-121 Salusbury Road, London, NW6 6RG

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

London Plan 2011, as amended
Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

- 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:

13-096 P001	13-096 P201A
13-096 P002	13-096 P201
13-096 P100	13-096 P202E
13-096 P101	13-096 P203E
13-096 P103	13-096 P400A
13-096 P120	13-096 P401B
13-096 P121	13-096 P402B
13-096 P123	13-096 P203A
13-096 P130	13-096 P500
13-096 P131	13-096 P501C

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

- 3 The external areas so designated within the site shall be landscaped in accordance with a detailed landscaping scheme to be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented prior to the occupation of the development hereby approved or in accordance with a programme to be agreed as part of the approved details. The detailed landscape scheme shall include:-

- Details of all planting including species and density.
- Details of all means of enclosure or separation
- Details of all hard-landscaping materials.
- Details of any furniture or play equipment to be provided
- Details of the proposed arrangements for maintenance of the landscaping.

Reason: To ensure a satisfactory standard of appearance and setting for the development and in the interests of the amenities of the occupants of the development.

- 4 All existing vehicular crossings to the site that will become redundant as a result of the development shall be returned to kerb and channel prior to the occupation of the development.

Reason: In the interests of highway and pedestrian safety.

- 5 Access to the flat roof at second floor level on the northern side of the building shall only be provided for maintenance purposes only. This roof shall not be used as any form of terrace or sitting out area.

Reason: In order to protect the privacy of neighbouring occupiers at St Anne's Court.

- 6 The refuse/recycling and cycle storage facilities, indicated on the approved plans, shall be installed prior to the occupation of the development hereby approved.

Reasons:

- a) to ensure suitable facilities for the storage or refuse/recycling are provided for occupiers of the development in the interest of environmental health
- b) to ensure that suitable facilities for cyclists are provided in the interests of promoting sustainable forms of transport

- 7 The rated noise level from all plant and ancillary equipment installed within the development, hereby approved, shall be at least 10 dB below the measured background noise level when measured at the nearest noise sensitive premises.

Reason: To ensure that any plant installed would not cause unreasonable noise disturbance to neighbouring occupiers.

- 8 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any works to apply any external materials 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.

- 9 a) Following the demolition of the buildings or structures and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present and a report, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. shall be submitted to and approved by the Local Planning Authority, The investigation shall be carried out in accordance with the principles of BS 10175:2011. The report shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

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

Reason: The land has been identified as having potentially contaminative historic uses by Brent Council.

- 10 The development, hereby approved, shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings to attain the following noise levels:

Time	Area	Maximum Noise Level
0700-23.00	Living Rooms and Bedrooms	35dB LAeq (16hr)
0700-23.00	Outdoor amenity	55dB LAeq (16hr)
23.33-07.00	Bedrooms	30dB LAeq (16hr)

Prior to the occupation of the dwellings a test shall be carried out in accordance with BS8233:2014 to ensure that these levels have been met and a report covering the findings of the test shall be submitted to an approved in writing by the Local Planning Authority.

Reason: To ensure that future occupiers are not subject to unreasonable noise disturbance.

- 11 Prior to the commencement of the development, hereby approved, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

Reasons:

- a) The development is within an Air Quality Management Area and construction is therefore likely to contribute to background air pollution levels.
- b) The development is in close proximity to residential properties

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 Council's Transportation Unit to arrange for the reinstatement of redundant vehicular crossings

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

COMMITTEE REPORT

Planning Committee on 3 June, 2015
Item No
Case Number 15/1050

SITE INFORMATION

RECEIVED: 11 March, 2015

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 2-8 Malvern Road, London, NW6 5PP

PROPOSAL: Demolition of doctor's surgery (Use Class D1) and erection of a 5 storey building comprising 9x self-contained flats (1x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom), erection of bin and cycle store and associated landscaping

APPLICANT: Hanover Ruislip Limited

CONTACT: PPM Planning Limited

PLAN NO'S: See Condition 2.

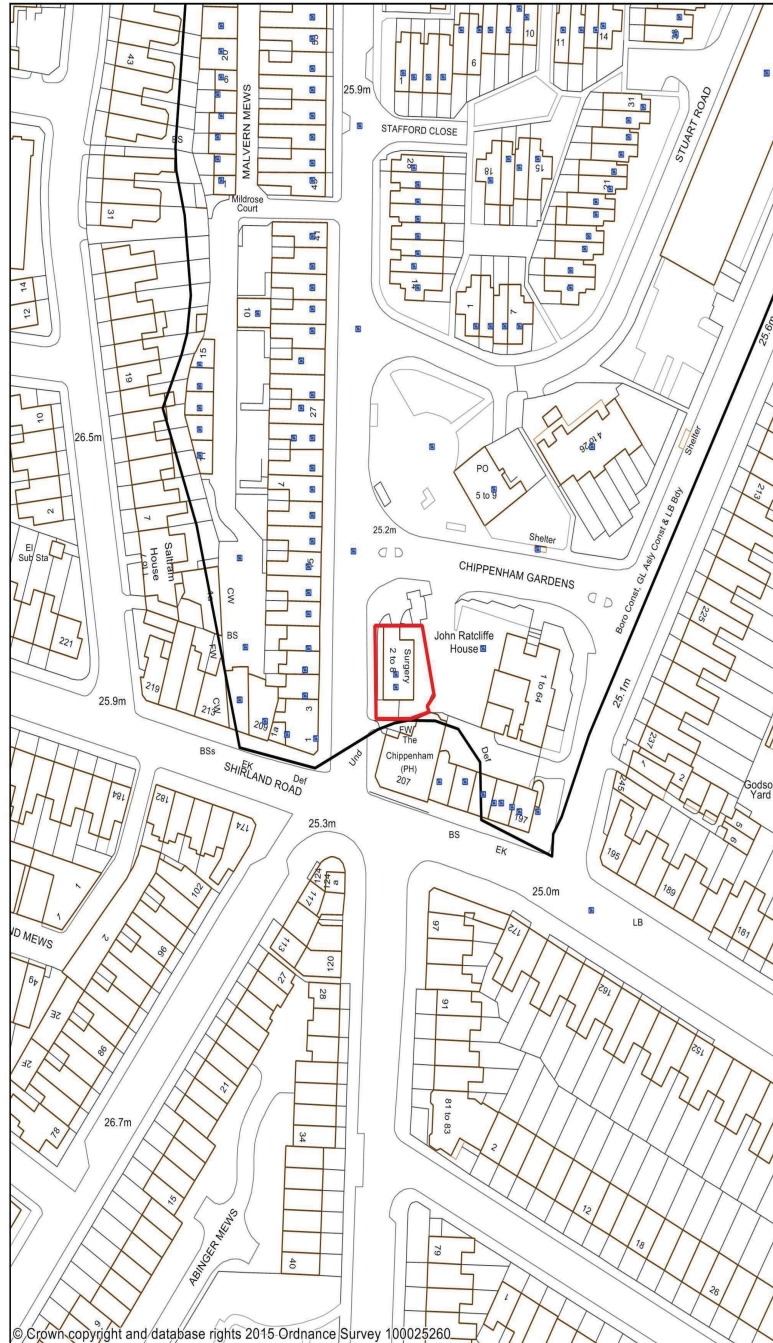
SITE MAP



Planning Committee Map

Site address: 2-8 Malvern Road, London, NW6 5PP

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1:1250

0 0.02 0.04 kilometres



This map is indicative only.

SELECTED SITE PLANS

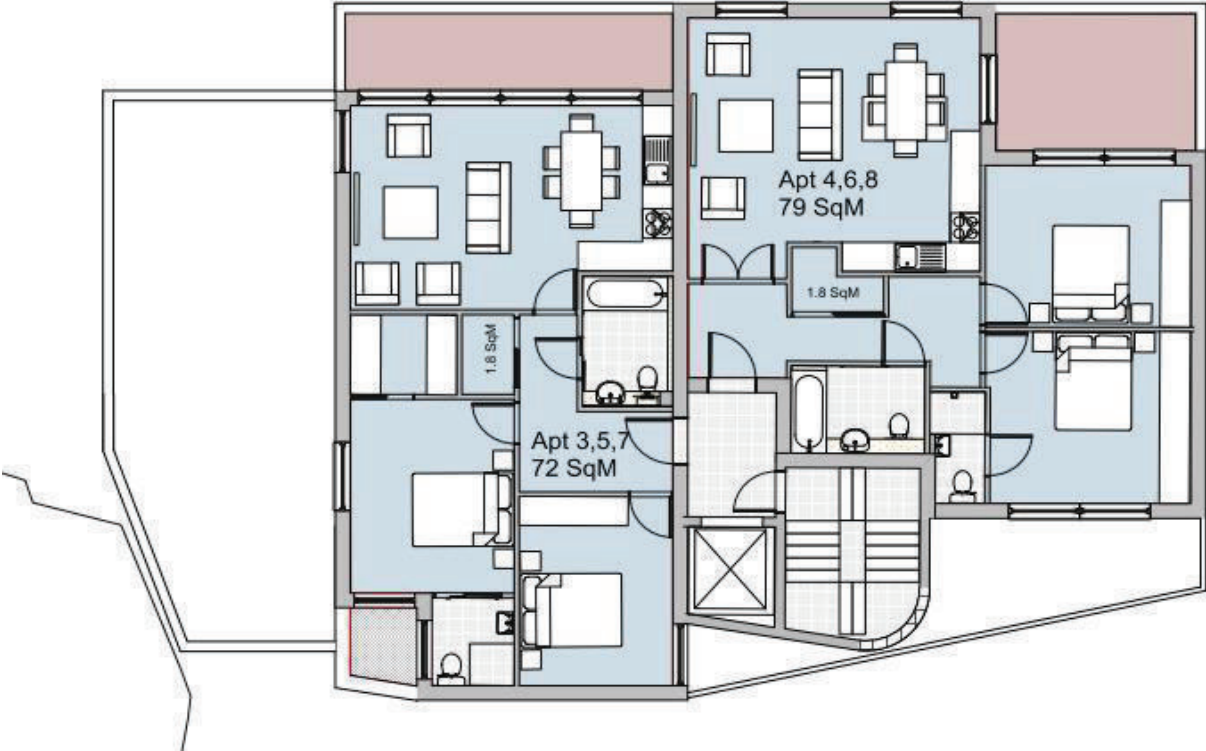
Proposed Block Plan



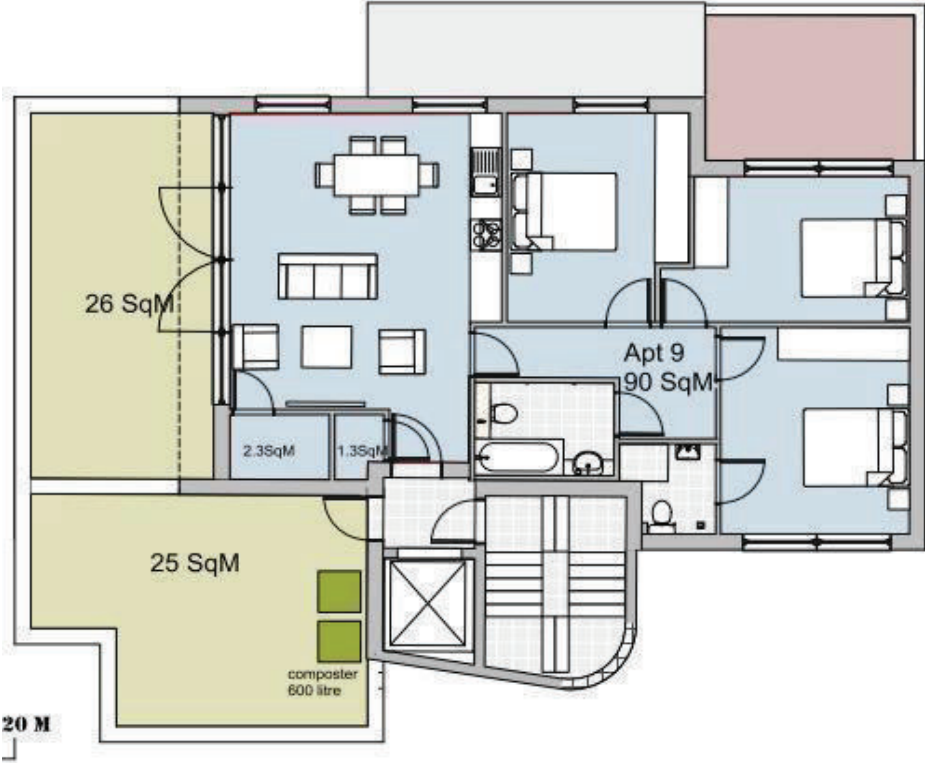
Proposed Ground Floor Plan



Proposed First, Second and Third Floor Plans



Proposed Fourth Floor Plan



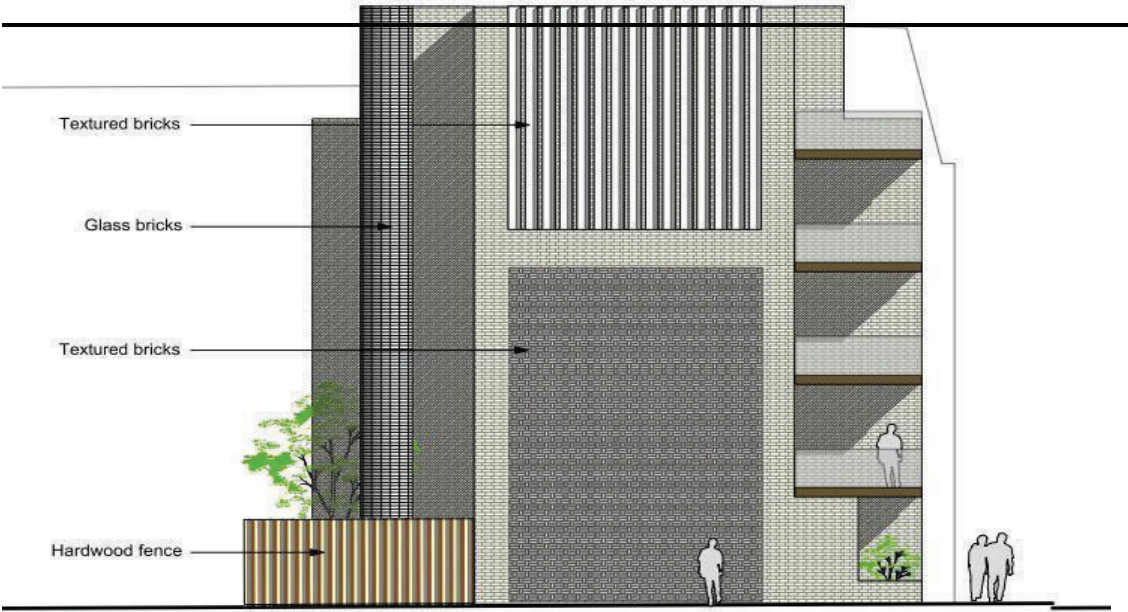
Proposed Front Elevation



Proposed Rear Elevation



Proposed Side Elevation (north)



Proposed Side Elevation (south)



Visualisation (view from south)



Visualisation (view from north)



RECOMMENDATIONS

GRANT planning permission subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

The proposal is for the demolition of an existing doctor's surgery (Use Class D1) and erection of a 5x storey building comprising 9x self-contained flats (1x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom) including a bin and cycle store and associated landscaping.

B) EXISTING

The proposal site is located on the corner of Malvern Road and Chippenham Gardens. The site is currently occupied by a single storey pitched roof building dating from the 1980s. Immediately to the east of the site is a car park serving John Ratcliffe House which is positioned between 18m and 24m further to the east and is nine storeys high. Immediately to the south is the Chippenham Hotel and to the west are terraced properties on Malvern Road. Chippenham Gardens bounds the site to the north with the two storey Kilburn Post Office building beyond. The site is located close to the boundary with the City of Westminster to the south and east with the Chippenham Hotel being located within Westminster. The proposal site does not include any listed buildings and is not within a Conservation Area.

D) SUMMARY OF KEY ISSUES

The key planning considerations in this case are as follows:

- Principle of Development – The principle of the loss of the doctor's surgery and residential development is considered acceptable subject to all other material planning consideration
- Impact on Neighbouring Amenity – The proposal is considered to form an acceptable relationship with neighbouring occupiers
- Impact on Character – The proposal is considered to result in a visually acceptable development which has an acceptable impact on the character of the area
- Standard of Accommodation – The proposal is considered to achieve an acceptable size and standard of accommodation for future occupiers
- Transportation Impact – The proposal is considered acceptable in transportation terms subject to the development being 'car-free'

E) MONITORING

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 (sqm)
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	130		130	-130	
Residential institutions	0		0	0	
Restaurants and cafes	0		0	0	
Shops	0		0	0	
Storage and distribution	0		0	0	

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)										
PROPOSED (Flats û Market)	1	6	2							9

RELEVANT SITE HISTORY

Reference No	Proposal	Decision
10/0047	Demolition of single storey doctors surgery and erection of 5 storey building comprising Use Class D1 floorspace on ground floor and 4 self contained flats (3 x 3 bedroom & 1 x 2 bedroom) on upper floors and subject to a Deed of Agreement dated 27 June 2013 under Section 106 of the Town and Country Planning Act 1990, as amended	Granted
86/1952	Erection of detached single storey building for use as a Doctor's Surgery with off-street parking and landscaping	Granted

CONSULTATIONS

Statutory neighbour consultation period (21 days) started on 07/04/2015, in total 184 properties were consulted. To date 8 representations have been received including 6 objections, one letter of support and one neutral representation enquiring whether parking would be provided. The grounds for objection are summarised below:-

Objection raised	Response
Proposal would cause loss of light and loss of privacy	see paragraphs 11-17
Proposed building is too tall and out of character with the street scene	see paragraphs 5-10
It is unclear what is proposed in terms of parking, the new flats should not be allocated parking permits, there is already parking pressure in the area	see paragraphs 24-28
Proposal should incorporate a community facility	See paragraph 3-4
Developer should re-pave the pavement and plant street trees	Although not directly relevant to the impact of the proposed scheme, the developer would be required to make a CIL contribution which can contribute towards public realm improvements for example

Two Site Notices were displayed on 28/04/2015 due to the public interest in the case resulting from the loss of the D1 use.

STATUTORY CONSULTEES

Brent Transportation: No objection subject to development being 'car-free'

Regulatory Services: No objection subject to conditions

Westminster City Council: No comments received.

POLICY CONSIDERATIONS

National Planning Policy Framework (2012):

Section 6 – Delivering a Wide Choice of High Quality Homes

Section 7 – Requiring Good Design

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.

The London Plan (2011):

Policy 3.5 – Quality and Design of Housing Developments

Core Strategy (2010):

CP9 – South Kilburn Growth Area

CP17 – Protecting and Enhancing the Suburban Character of Brent

CP21 – A Balanced Housing Stock

Brent's UDP (2004):

BE2 – Townscape: Local Context and Character

BE3 – Urban Structure: Space and Movement

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

TRN3 – Environmental Impact of Traffic

TRN23 – Parking Standards – Residential Developments

Supplementary Planning Guidance:

SPG17 – Design Guide for New Development (2001)

Waste and Recycling Storage and Collection Guidance for Residential Properties

Supplementary Planning Documents:

South Kilburn Supplementary Planning Document

DETAILED CONSIDERATIONS

Background:

1. A planning application for redevelopment of the site was approved in 2010 under application ref: 10/0047. The approved scheme was for a five storey building of a broadly similar scale to the currently proposed building but with four flats (3x 3xbed and 1x 2xbed) instead of the nine in the currently proposed scheme. A modern design approach was utilised for the previous scheme as with the current scheme.
2. The previously approved scheme included a D1 use element at ground floor level and vehicular access onto Malvern Road and off-street parking. The current proposal would be purely residential on all floors. No off-street parking is proposed under the currently proposed scheme which is considered preferable from a design perspective.

Principle of Development:

3. The existing Doctor's Surgery (Class D1) has been vacant for some time and is understood to have been vacant since 2005. The proposal would result in the loss of the existing Surgery and this would not be re-provided as part of the proposal. The applicant has submitted an analysis of Doctor and Dental Practice provision in the surrounding area and identifies that within a 500m radius (5 minute walk) there are currently 15 doctor surgeries and 13 dental practices which are accepting new patients. Officers have assessed the information and consider it to be soundly based.
4. The Council also has its own intentions to redevelop the Peel Centre nearby to include a health centre to serve the wider South Kilburn area. This has been a long-standing aspiration of the Council which it is hoped could become reality in the next couple of years. Considering these points along with the vacant

state of the existing surgery, the proposal is not considered to result in the unacceptable loss of a community facility in this instance. The principle of the loss of the D1 use and the principle of residential development can therefore be considered acceptable subject to the detailed considerations below.

Impact on Character:

5. The site is currently occupied by a single storey pitched roof building dating from the 1980s. Immediately to the east of the site is a car park serving John Ratcliffe House which is positioned 18m-24m further to the east and is nine storeys high. Immediately to the south is the Chippenham Hotel which is a Victorian building three storeys high plus accommodation in the roof.
6. To the west are terraced properties on Malvern Road three storeys high and dating from the Victorian era. Kilburn Post Office is a two storey building appearing to date from the 1960s/1970s and is located to the north of Chippenham Gardens. The wider area is mixed in character and features predominately Victorian terraced development 2-3 storeys high and an estate further to the north dating from the 1960s/1970s comprising 3x storey terraced housing and block of flats 6x storeys high and a block 18 storeys high although it is recognised that this estate is in the process of being redeveloped and forms part of the South Kilburn Regeneration Area.
7. The existing building on the site is single storey and vacant and is not considered to hold any architectural merit. The proposed building would be five storeys high; although taller than properties opposite at No.1-15 Malvern Road and the immediately adjacent Chippenham Hotel, this in itself is not considered harmful to the character of the area. When considering the varying building heights in the area and the urban context of the proposal site, the principle of a five storey building can be considered acceptable and the proposed building is not considered to appear as an unacceptably large or incongruous addition to the street scene. It is also borne in mind that a building of a similar height and scale was considered acceptable under approved application ref:10/0047 and the adopted South Kilburn Supplementary Planning Document identifies 4-5 storeys as being appropriate for the area.
8. The proposed building would utilise a modern design and is proposed to be finished in brick with glass balconies to the front. A modern design can be considered acceptable in principle and the use of a London Stock style brick would make reference to the Victorian development in the surrounding area. The fifth floor would be inset from the front and side boundaries and the building would include a four storey projecting element on the front elevation which adds relief and interest and breaks up the bulk and scale of the building. The application proposes deep window reveals to the elevations to give a high quality finish, details of these can be secured by condition. The northern flank elevation of the building would feature no window openings in order to avoid prejudicing the development potential of sites to the north however the flank elevation would be finished in a textured pattern of brickwork which is considered to add visual interest and break-up the bulk of the flank elevation.
9. Indicative landscaping is shown on the plans to the frontage and in the ground floor external amenity space areas. A detailed hard and soft landscaping scheme can be required by condition and full details of the materials to be used in external finishes can be required in order to ensure a high quality and visually acceptable development.
10. Overall the proposal is considered to result in a visually acceptable building which sits comfortably in the street scene and has an acceptable impact on the character of the surrounding area.

Impact on Neighbours:

11. The proposed building would be five storeys with the fifth floor set-in from the southern boundary. The building would have a maximum height of 15.7m. The proposal would replace a single storey building on the site and the resulting impact on neighbouring amenity must be considered.
12. Properties opposite the site at No.1-15 Malvern Road feature residential accommodation at first and second floor levels and the front elevation of the proposed building would be positioned at least 16m from these neighbours at the nearest point and up to 19m due to the staggered building line. The proposed building would sit below a 30° angle plotted from the first floor accommodation of the opposite neighbours in accordance with the guidance in SPG17 and the proposal is not considered to result in an unacceptable loss of light or overbearing impact on these neighbours. Whilst the outlook of neighbours would inevitably change, a separation distance of 16m between the three storey properties at No.1-15 Malvern Road and the proposed five storey building is considered acceptable in this instance for a front-to-front relationship in an urban context. The proposal is not therefore considered to result in an unacceptable overlooking or loss of privacy impact on these neighbours.

13. The proposed building would be positioned between 16m and 24m from John Ratcliffe House, which is a nine storey block of flats to the east with residential accommodation at first floor level and above. Rear facing windows would be positioned 18m and 24m away respectively from Ratcliff House. The recommended back-to-back separation distance between habitable windows set out in SPG17 is 20 which the proposal would fall marginally short of for part of the development. The proposal is considered to form an acceptable relationship with neighbours in this block and there is considered to be sufficient separation to avoid an unacceptable overbearing or loss of light impact.
14. To the south of the site is the Chippenham Hotel which is three storeys plus accommodation in the roof and features a Pub at ground floor level and accommodation above. The rear elevation of this building appears to feature emergency exit doors and window openings at first and second floor level which primarily serve non-habitable rooms. The side elevation of the proposed building would be positioned between 3.4m and 4.6m from the boundary with the Chippenham Hotel and between 8m and 10m from the two storey rear elevation of the building itself. The rear elevation of the hotel is orientated slightly away from the proposed building and the windows which appear to serve habitable rooms are positioned towards the eastern end of the rear elevation and so not directly opposite the proposed building. Again, the proposal is not considered to form an unacceptably harmful relationship with this neighbour.
15. To the south-east of the site are first floor maisonettes however these are set behind the rear elevation of the Chippenham Hotel and the building would not be directly opposite these neighbours. Considering this and the orientation of the building at a 90° angle away from these neighbours, the proposal is considered to form an acceptable relationship with these neighbours.
16. The proposal would include side-facing windows on the south-facing flank elevation of the proposed building. The windows would serve as secondary windows to bedrooms and living areas and bathrooms. In order to prevent an undue overlooking impact on the Chippenham Hotel, it is considered appropriate to require that the side-facing windows at first floor level and above are obscurely glazed with restricted opening by condition.
17. It is borne in mind that the proposed building is similar in bulk and height to the previously approved building approved under ref: 10/0047 which was considered acceptable in terms of its neighbour impact.

Standard of Accommodation:

18. The London Plan (2011) sets out minimum room size standards for different types of accommodation. The sizes of the proposed units compared to the London Plan (2011) standards is tabulated below:

Unit	Floor area	Minimum London Plan (2011) standard
Apartment 1 – 3xbed	86m2	86m2 (3x bed, 5 people)
Apartment 2 - 1xbed	50m2	50m2 (1x bed, 2 people)
Apartments 3,5 & 7 – 2x bed	72m2	70m2 (2xbed, 4 people)
Apartments 4, 6 & 8 – 2x bed	78m2	70m2 (2xbed, 4 people)
Apartment 9 – 3x bed	90m2	86m2 (3x bed, 5 people)
		95m2 (3x bed, 6 people)

19. All the proposed units are considered to meet the minimum standards set out in the London Plan and are considered of an acceptable size. If 'Apartment 9' is treated as housing six people then it would fall short by 5m2 however in this instance this unit is considered of an acceptable size and standard of accommodation when bearing in mind that this unit benefits from private outdoor amenity space and is triple aspect.
20. All the proposed units are at least dual aspect with habitable windows predominately facing to the front and rear with secondary and bathroom windows on the side elevation. The ground floor 3xbed unit would feature side-facing windows serving habitable room windows however those would look onto an area of

private amenity space. The ground floor units would include windows facing onto Malvern Road however a boundary treatment and soft landscaping is proposed which would act as a buffer with the road and pavement and is considered to ensure adequate privacy.

21. All the proposed units would benefit from private amenity space in the form of roof terraces and balconies and the ground floor units would benefit from private, enclosed areas of amenity space.
22. It is acknowledged that the proposed flats would be close to a Pub and a relatively busy road which could create noise disturbance for future residents. Environmental Health has been consulted and raise no objection to the proposal providing that noise do not exceed certain levels and mitigation measures are employed if necessary. This could be controlled by way of condition. Environmental Health has also recommended conditions requiring details of how the impact on neighbours would be mitigated during construction; an appropriately worded condition has therefore been added to secure these details.
23. Overall, the proposed units are considered to achieve an acceptable size and quality of residential accommodation for future occupants.

Transportation Impact:

24. The site benefits from 2x off-parking spaces at the southern end of the site. The surrounding area is covered by a Controlled Parking Zone (CPZ) and has very good public transport accessibility (PTAL rating 5). The parking standard for the proposed development would be 7.3 spaces in accordance with the parking standards set out in policy TRN3 of the Brent UDP (2004). No off-street parking is proposed as part of the development.
25. Policy TRN23 of the Brent UDP (2004) allows 'car-free' developments in exceptional cases where the site is located within a CPZ and has good access to public transport. The proposal site meets these criteria and Brent's Transportation Unit raise no objection to the proposal subject to the development being 'car-free'. It is therefore considered appropriate to require the development to be 'car-free' in this instance and the proposal is therefore considered acceptable in terms of parking on this basis.
26. Secure cycle storage is identified inside the building for at least nine bicycles and secure storage for a further two bicycles is identified in the amenity space for 'Apartment 1'. This meets the cycle storage requirements in UDP (2004) policy TRN3 and is considered acceptable.
27. A dedicated secure bin store is proposed which would be easily accessed from Malvern Road. The bin store would accommodate 2x 1,100 litre bins for recycling and refuse and a 240 litre bin for organic waste. This provision is broadly in accordance with the guidance in Brent's 'Waste and Recycling Storage and Collection Guidance for Residential Properties' document and is considered acceptable.
28. Overall the proposal is considered acceptable in terms of its transportation impact, subject to conditions.

Housing Mix:

29. Policy CP21 of the Core Strategy (2010) requires proposals to deliver an appropriate range of dwelling sizes and policy CP2 requires 25% of new dwellings to be family sized (three bedrooms or more). The proposal would deliver 9x units comprising 2x 3xbed units, 6x 2xbed units and 1x 1xbed unit. The proposal would deliver 22% family-sized units and these would have access to areas of private amenity space. Overall the proposal is considered to achieve an acceptable mix of unit sizes in accordance with policies CP21 and CP2.

Other matters:

30. Officers understand that there is a restrictive covenant on the site which restricts the use of the site to a doctor's surgery only. The covenant is understood to date back to the 1980s when the surgery was erected.
31. The covenant would need to be removed before development could legally take place however restrictive covenants are a civil matter which run parallel to the planning process and the existence of the covenant is not considered a material planning consideration in determining this application.

Conclusion:

32. Overall the proposed development is considered to result in a visually acceptable building which has an acceptable impact on the character of the surrounding area and on the amenities of neighbours and makes efficient use of a site in an accessible and sustainable location. The proposal therefore accords with saved policies BE2, BE7, BE9, TRN3 and TRN23 of the Unitary Development Plan (2004), Supplementary Planning Guidance SPG17 'Design Guide for New Development', policies CP9, CP17

and CP21 of the Core Strategy (2010), the London Plan (2011) and the NPPF (2012) and is recommended for approval.

CIL DETAILS

This application is liable to pay **£218,298.99*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 806 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	806	0	806	£200.00	£35.15	£185,667.86	£32,631.13

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	258	
Total chargeable amount	£185,667.86	£32,631.13

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

=====

Application No: 15/1050

To: Mr Mark Pender
PPM Planning Limited
185 Casewick Road
West Norwood
London
Greater London
SE27 0TA

I refer to your application dated 11/03/2015 proposing the following:
Demolition of doctor's surgery (Use Class D1) and erection of a 5 storey building comprising 9x self-contained flats (1x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom), erection of bin and cycle store and associated landscaping
and accompanied by plans or documents listed here:
See Condition 2.

at 2-8 Malvern Road, London, NW6 5PP

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

1 The proposed development is considered to result in a visually acceptable building which has an acceptable impact on the character of the surrounding area and on the amenities of neighbours and makes efficient use of a site in an accessible and sustainable location. The proposal therefore accords with saved policies BE2, BE7, BE9, TRN3 and TRN23 of the Unitary Development Plan (2004), Supplementary Planning Guidance SPG5 'Altering and Extending Your Home' and SPG17 'Design Guide for New Development', policies CP9, CP17 and CP21 of the Core Strategy (2010), SPG17 'Design Guide for New Developments', the London Plan (2011) and the NPPF (2012).

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):

1481-04
1481-05
1481-06
1481-07
1481-23
1481-24
1481-25
1481-26
1481-27
1481-28
1481-29
1481-30
1481-31

Unnumbered plan named 'Location'
Design and Access Statement dated March 2015

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

3 A detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. All detailed works shall be carried out as approved prior to the occupation of any of the units hereby approved. Such details shall include:

- (i) details of soft landscaping including the planting of trees, shrubs and hedges and species and pot sizes/spacing
- (ii) details of materials to be used in areas of hard surfacing
- (iii) details of boundary treatments

Any plants planted in accordance with the approved 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 appearance and in the interests of local amenity.

4 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the

Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 5 Notwithstanding any indication otherwise given on the approved plans, the cycle storage identified on the approved plans shall be 'Sheffield' type stands and shall be made available to use prior to the first occupation of the development hereby approved and retained for cycle storage use in perpetuity.

Reason: To ensure adequate cycle storage facilities

- 6 Notwithstanding any indication otherwise given on the approved plans, the bin store hereby approved shall be made available for use prior to the first occupation of the development hereby approved and retained for bin storage use in perpetuity.

Reason: To ensure adequate bin storage facilities

- 7 Notwithstanding any indication otherwise given on the approved plans, the side-facing windows at first floor level and above on the south-facing side elevation of the development hereby approved shall be glazed entirely with obscured glass and non-opening unless the parts of the windows which can be opened are a minimum of 1.7m above the finished floor level in the room in which the windows are installed. Once installed the windows shall be permanently retained in this condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenities of neighbouring occupiers.

- 8 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any external materials are applied to the development hereby approved. The work shall thereafter be carried out in full accordance with the approved details.

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

- 9 Prior to commencement of the development hereby approved, a Method of Construction Statement shall be submitted to and approved in writing by the Local Planning Authority detailing how the impact on neighbouring amenity resulting from dust and noise during the construction process of the development hereby approved would be mitigated. Development shall thereafter take place in full accordance with the approved details.

Reason: In the interests of neighbouring amenity.

- 10 Prior to the commencement of the development hereby approved, details of all window reveals, including section drawings, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in full accordance with the approved details.

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

locality.

- 11 A noise impact assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The assessment must include the potential noise impact from traffic, the nearby pub and any other relevant noise sources on the proposed development. The assessment shall include mitigation measures to ensure that the following internal noise levels recommended by BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' are achieved:

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

Prior to the occupation of the development hereby approved, a test shall be carried out to demonstrate that the required noise levels have been achieved and the results submitted to the Local Planning Authority for approval.

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

- 12 Prior to the occupation of the development hereby approved, details of the position of balustrades to roof terraces and measures to prevent undue overlooking from roof terraces shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the Council has 28 days to process such applications.
- 3 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

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

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