



Planning Committee

Thursday 24 September 2015 at 7.00 pm

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

Membership:

Members

Councillors:

Marquis (Chair)
Agha (Vice-Chair)
S Choudhary
Colacicco
Ezeajughi
Mahmood
Maurice
M Patel

Substitute Members

Councillors:

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

For further information contact: Joe Kwateng, Democratic Services Officer
020 8937 1354, joe.kwateng@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.00pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting (to follow)		
Extract of Planning Code of Practice		
NORTHERN AREA		
3. Lanmor House, 370 High Road, Wembley, HA9 6AX (Ref. 15/0196)	Wembley Central	5 - 24
SOUTHERN AREA		
4. The Maqam Centre, Tiverton Road, London, NW10 3HJ (Ref. 15/1588)	Queens Park	25 - 42
5. 12 Carlisle Road, Kilburn, London, NW6 6TS (Ref. 15/1452)	Queens Park	43 - 58
6. 37A Streatley Road, London, NW6 7LT (Ref. 15/2362)	Kilburn	59 - 74
7. William Dromey Court, Dyne Road, London, NW6 7XD (Ref. 15/2551)	Kilburn	75 - 94
8. James Stewart House, Dyne Road, London NW6 (Ref. 15/3014)	Kilburn	95 - 112
SPECIAL ITEM		
9. Application for the Modification or Discharge of Planning Obligations under Town and Country Planning Act 1990 (Section 106A) and Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 This report informs Members about an application under section 106A of the Town and Country Planning Act 1990 (as amended) to modify or discharge a planning obligation was received on 9 June 2015, to modify the obligation to pay a financial contribution within the Legal Agreement dated 4 June 2009 and Deed of Variation dated 26 October 2009 to reduce the financial contribution due.	Harlesden	113 - 166
10. Any Other Urgent Business		

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

SITE VISITS – SATURDAY 19 SEPTEMBER 2015

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
15/1588	The Maqam Centre, Tiverton Road, London, NW10 3HJ	4	Queen's Park	9:50am	25 - 42
15/1452	12 Carlisle Road, Kilburn, London, NW6 6TS	5	Queen's Park	10:25am	43 - 58
15/2362	37A Streatley Road, London, NW6 7LT	6	Kilburn	10:50am	59 - 74
15/2551	William Dromey Court, Dyne Road, London, NW6 7XD	7	Kilburn	11:20am	75 - 94
15/3014	James Stewart House, Dyne Road, London	8	Kilburn	11.40am	95 - 112
15/0196	Lanmor House, 370 High Road, Wembley, HA9 6AX	3	Wembley Central	12.30pm	5 - 24

Date of the next meeting: Wednesday 14 October 2015

As that meeting will consider reports on policy issues only, there will be no prior site visits.

The next scheduled meeting that will consider planning applications will take place on **Thursday 22 October 2015**. The site visits for that meeting will take place on the preceding Saturday 17 October 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
Item No

24 September, 2015

Case Number

15/0196

SITE INFORMATION

RECEIVED: 19 January, 2015

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Lanmor House, 370 High Road, Wembley, HA9 6AX

PROPOSAL: Erection of two additional storeys to provide 8 self-contained flats (7 x 2 bed and 1 x 1 bed) above the existing five storey office building(amended description)

APPLICANT: Mr Cohen

CONTACT: Allen Planning Ltd

PLAN NO'S: Please see condition 2.

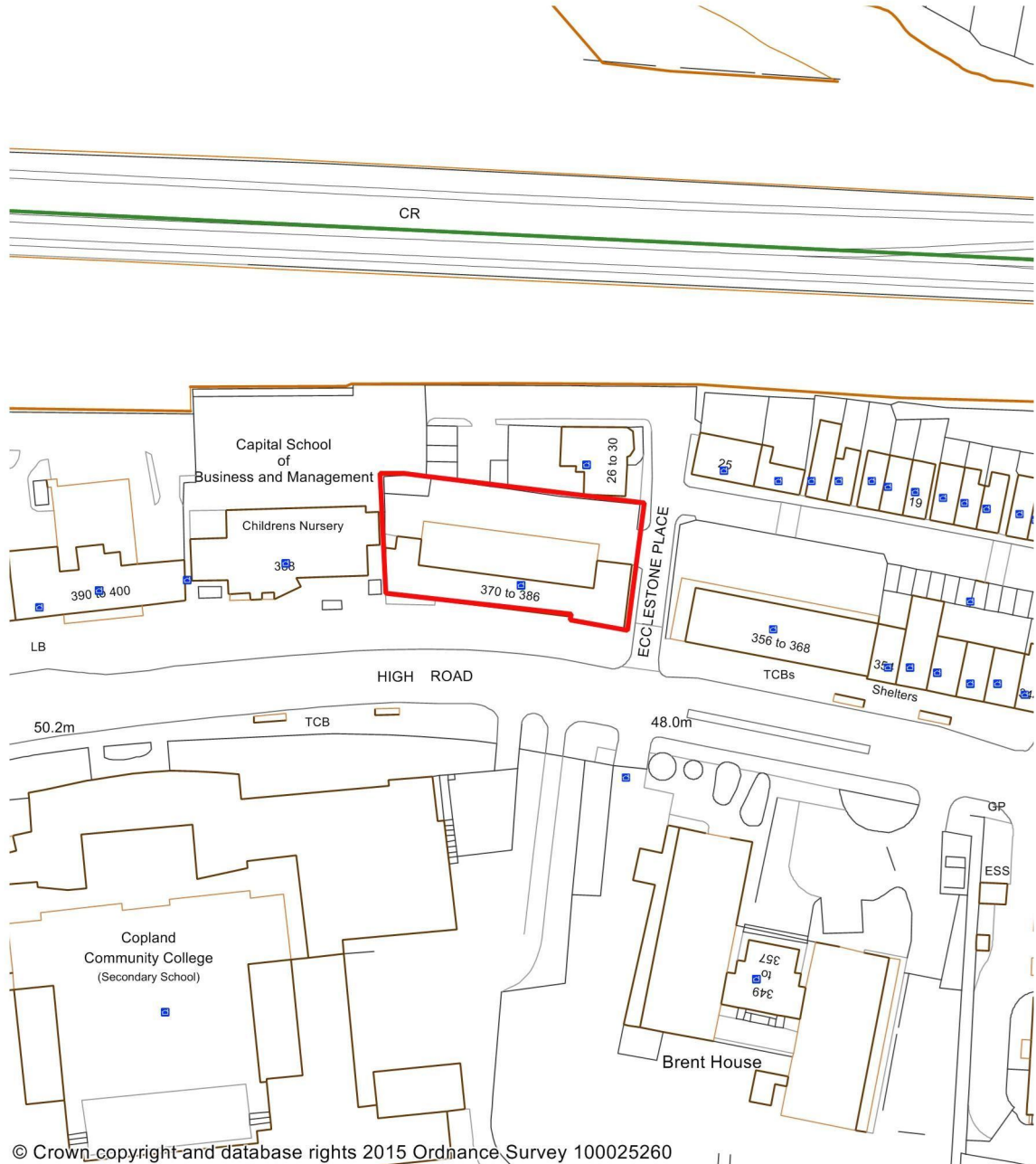
SITE MAP



Planning Committee Map

Site address: Lanmor House, 370 High Road, Wembley, HA9 6AX

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This map is indicative only.

SELECTED SITE PLANS

SELECTED SITE PLANS

Proposed Floor Plans

SCHEDULE OF ACCOMMODATION

- Ap1 1: 2 bed - 81m²
- Ap2 2: 2 bed - 81m²
- Ap3 3: 2 bed - 81m²
- Ap4 4: 1 bed - 50m²
- Ap5 5: 2 bed - 81m²
- Ap6 6: 2 bed - 81m²
- Ap7 7: 2 bed - 81m²
- Ap8 8: 2 bed - 70m²
- 7 no 2 bed apt
- 1 no 1 bed apt
- 870 1068

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DATE 28/08/2024
SCALE 1:100
PROJECT NO. 2218
CLIENT 11-11 PIPER STREET COVENTRY COY. PTY. LTD.
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CONTACT 03 9419 1000
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6th FLOOR

5th FLOOR

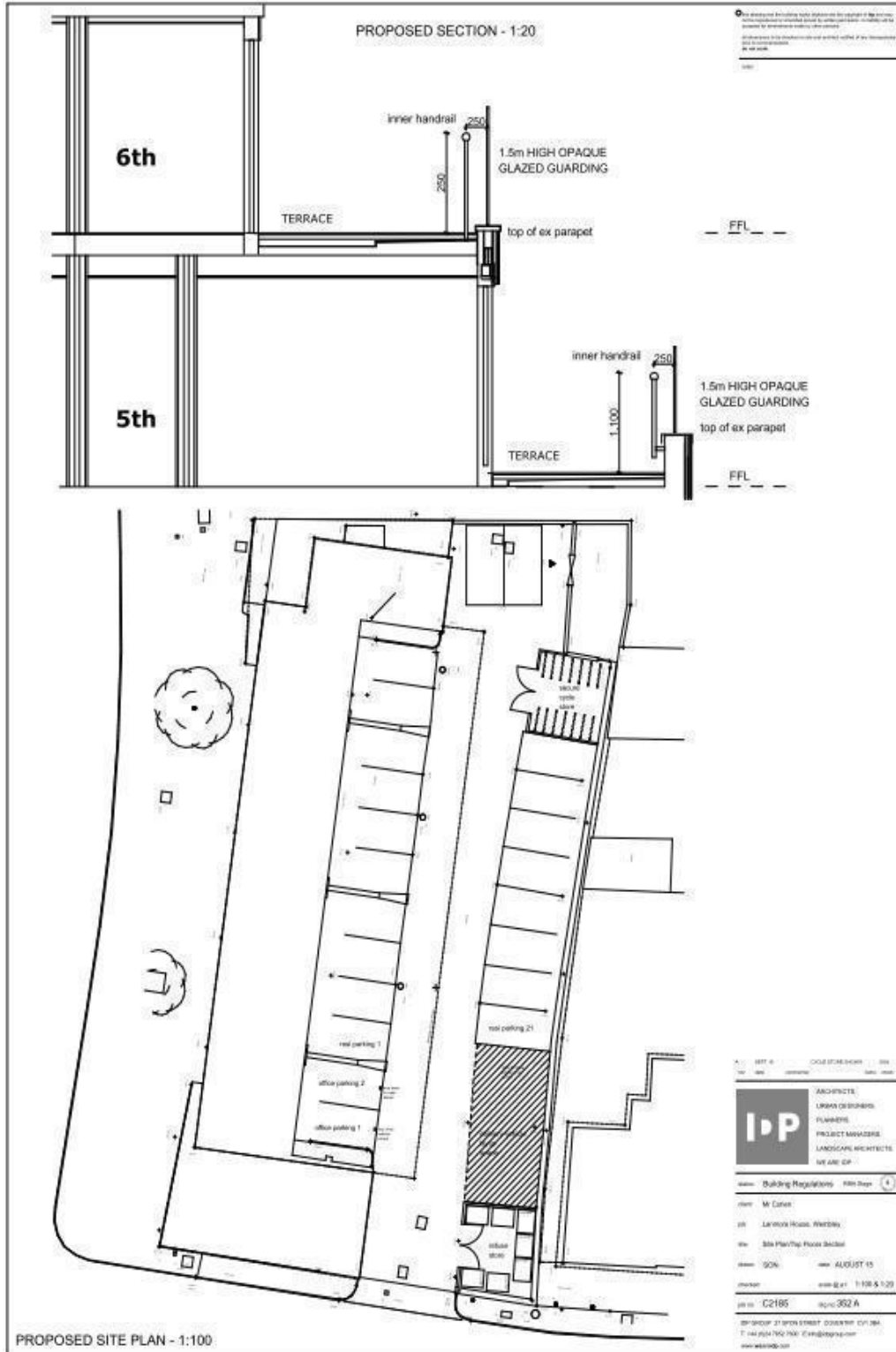
Proposed Front Elevation



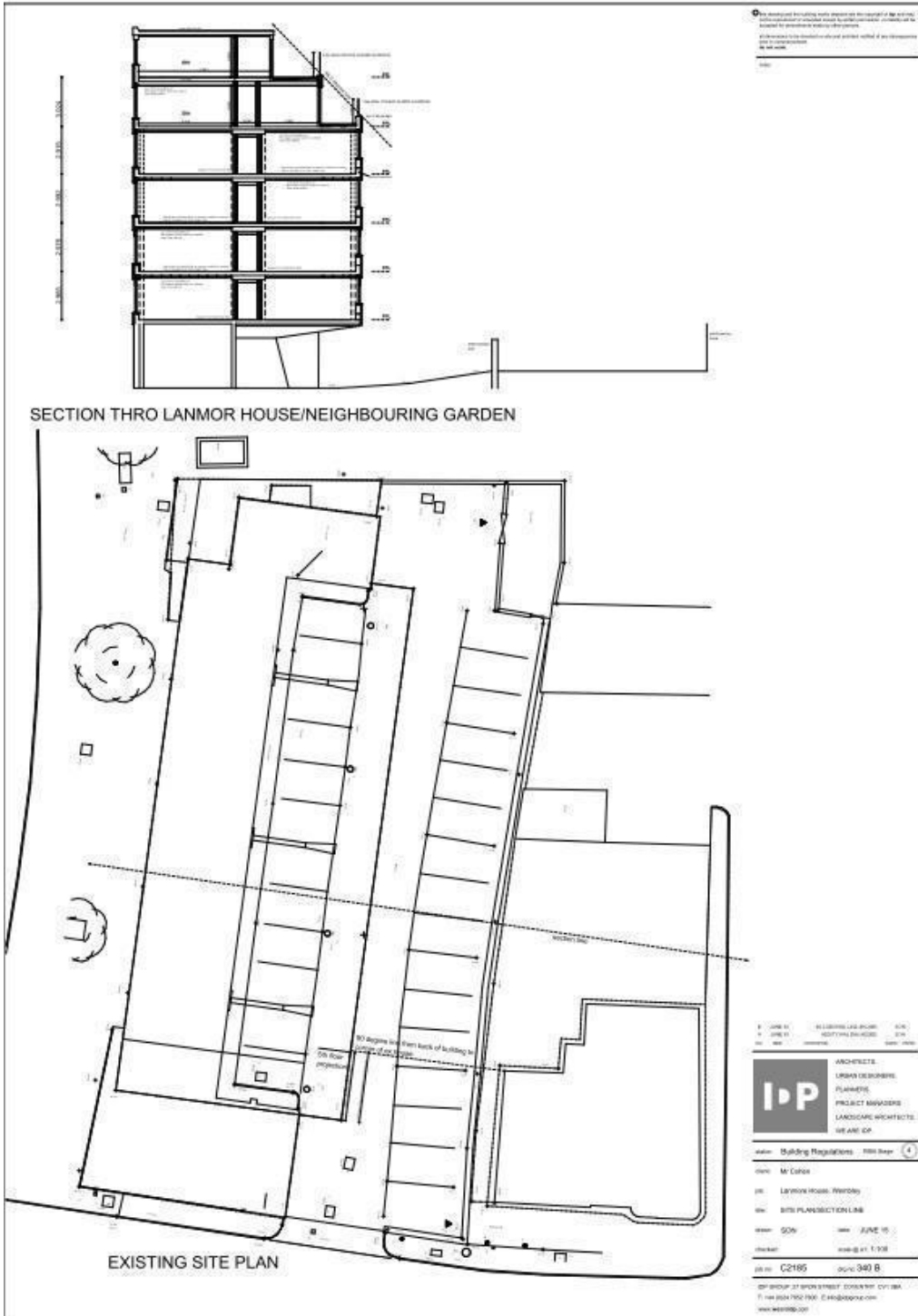
Proposed Rear Elevation



Proposed Site Plan & Section



Section





RECOMMENDATIONS

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

A) PROPOSAL

The application seeks planning permission for the erection of two additional storeys to provide 8 self-contained flats (6 x 2bed and 2 x 1bed).

B) EXISTING

The application site is located on the north-western corner of High Road, Wembley (a London distributor road) and Ecclestone Place (a one-way local residential access road).

The site is a five-storey office block (2,170m²), with a car park at the rear for 29 cars, accessed via a 6.2m wide crossover with 2m kerb radii onto Ecclestone Place. Pedestrian access is taken directly from High Road.

The surrounding area is mixed in nature in terms of uses and is made up of a variety of property types. The building is not a listed building and is not located within a conservation area.

C) AMENDMENTS SINCE SUBMISSION

- additional two floors being moved forward in order that they are “flush” with the High Road (front) elevation;
- set back from the rear elevation of proposed fifth floor and sixth floor;
- set back to proposed fifth and sixth floors provide for balcony/terraces amenity for the intended residents.

D) SUMMARY OF KEY ISSUES

Principle: The application site is located within Wembley Town Centre as identified in the development plan, within which additional residential development on the upper floors of buildings is considered to be an acceptable Town Centre use.

Design and massing: It is considered that the proposed size, siting, design and use of materials will deliver an acceptable quality of design, satisfying UDP policies BE2 and BE9, as well as the principles of the NPPF.

Quality and mix of units: The unit sizes meet the minimum standards set out in the London Plan and all habitable rooms are provided with sufficient outlook. Sufficient amenity space is also proposed within the development.

Neighbours and surrounding occupiers: Overall, it is considered that the development would not have a significant overbearing impact, result in overlooking, loss of light or overshadowing to neighbouring properties. The proposal would therefore maintain a satisfactory standard of environment at the adjoining properties.

Transport and parking: Sufficient car parking, cycle parking and service area is provided within the application site in accordance with policy.

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	2180	2180		655	655

Monitoring Residential Breakdown

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

RELEVANT SITE HISTORY

15/2750 - Non material amendment (amendments to the size of approved windows) of full planning permission reference 14/3019 dated 14/10/2014 for External cladding and re-arrangement of the fenestration to include replacement of windows to building. **Granted 28/07/2015.**

14/4811 - Prior approval for change of use of the second, third, fourth and part of first floor from offices (Use Class B1) to residential (Use Class C3) involving the creation of 26 self-contained flats (16 x 2bed and 10 x 1bed). **Prior Approval Required and Approved 03/02/2015.**

14/3019 - External cladding and re-arrangement of the fenestration to include replacement of windows to building. **Granted 14/10/2014.**

14/1700 - Prior approval for change of use of the second, third, fourth and part of first floor from offices (Use Class B1) to residential (Use Class C3) involving the creation of 30 self-contained flats. **Prior Approval Required and Approved 30/06/2014.**

CONSULTATIONS

The owner/occupiers of 68 properties were notified of the application on 27 January 2015. The same owner/occupiers were notified regarding the revised plans on 9 July 2015.

Two representations were received objecting to the proposal, as well as a petition with 12 Signatures from 9 properties also objecting, on the following grounds:

Point of objection	Response
1. By reason of its size and siting the extension is an un-neighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect and loss of privacy.	The impact on residential amenity is discussed in paragraphs 19-25 of the report below.
2. The scale and bulk would be out of keeping with the design and character of existing dwellings and is inappropriate and unsympathetic to the appearance and character of the local environment.	The design, massing and impact on the local environment is discussed in paragraphs 5-12 of the report below.
3. Will reduce the amount of legitimate car parking on the site which will adversely affect the amenity of surrounding properties through increased roadside parking.	The Council's transportation department have been consulted on the application to assess such issues and their response is included in the report below. The impact on parking is discussed in paragraphs 26-31 of the report below.
4. The proposal will result in a loss of light to surrounding residential properties.	The impact on residential amenity is discussed in paragraph 19-21 of the report below.
5. The proposals will result in increased noise and disturbance to nearby residential properties.	The impact on residential amenity is discussed in the report below. It is accepted that residential accommodation will be likely to have a different pattern of usage however in view of the amenity assessment set out in the report and the sites location in a town centre, it is not considered that noise and disturbance would be significant.

Transportation

There are no objections on transportation grounds to this proposal, subject to the provision of a sum of at least £8,500 towards sustainable transport improvements through the CIL.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

The London Plan 2011

3.3 Increasing Housing Supply
3.5 Quality and design of housing developments
5.3 Sustainable Design and Construction
7.4 Local Character
7.5 Public Realm
7.6 Architecture

Brent Core Strategy – July 2010

CP2 – Population and Housing Growth
CP17 – Protecting & Enhancing the Suburban Character of Brent
CP21 – A Balanced Housing Stock

Brent UDP 2004

BE2 – Townscape: Local Context & Character
BE6 – Landscape Design
BE7 – Public Realm: Street scene
BE9 – Architectural Quality
H10 – Containment of dwellings
H12 – Residential Quality Layout Considerations
H18 – Quality of Flat Conversions
H19 – Flat Conversions – Access and Parking
TRN 23 – Parking standard Residential Developments.

Supplementary Planning Guides

SPG17 – Design Guide for New Development

DETAILED CONSIDERATIONS

Background

1. The application site has a complex planning history with a number of schemes being granted consent in recent years. There is currently planning permission in place for the external cladding and re-arrangement of the fenestration to the building including the replacement of windows. In addition to this planning permission, there are two prior approval consents in place for the change of use of the second, third, fourth and part of first floor from offices (Use Class B1) to residential (Use Class C3). One scheme is for the creation of 30 self contained units (14/1700) and the other is for the creation of 26 units (14/4811). Works have commenced on site.
2. The application has been submitted on the basis that the existing floors of accommodation in the building are in office use. However, as detailed above, prior approval has been granted to change the use of part of the existing building from office to residential. The agent has advised that some internal works have been carried out in relation to conversion of the building to residential including the installation of stud walls, electrical and drainage works. This application has been assessed in view of the use of the existing building as an office but with consideration given, in particular with regard to transportation matters, should the change of use to residential be completed and occupied in accordance with prior approval legislation. The applicant will be advised by way of informative that if this planning permission is granted, works cannot commence on site until the prior approval scheme currently under construction has been completed and occupied. If works for the prior approval change of use and this planning application are carried out as one building operation, the development as a whole would need planning permission with policy requirements for a major development such as affordable housing and sustainability becoming applicable .

Principle

3. The application site is located within Wembley Town Centre as identified in the development plan, within which additional residential development on the upper floors of buildings is considered to be an acceptable Town Centre use.
4. The National Planning Policy Framework (NPPF) has a presumption in favour of development in sustainable locations alongside the re-use of previously developed brownfield land which includes optimising development, and therefore the principle of residential development is acceptable in this location, subject to site-specific policies and considerations.

Design and massing

5. Paragraph 56 of the NPPF attaches great importance to the design of the built environment adding that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 states that *“it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”*
6. The existing building is a 1970s purpose built office block which forms part of the north side of the High Road. The building is 5-storey with a brick finish. Buildings in this locality vary in age, form and appearance; there is no special character or predominant architectural form to replicate.
7. The proposed extension has been designed to integrate with the existing building as well as to incorporate modern detailing. The flat roof and continuation of existing elevations results in a form of development that ties in appropriately with the subject building and street scene. The terraces, window openings, cladding and brick work will create a much more modern finish to the building which will result in a visual improvement to the existing subject building, street scene and wider locality.
8. The resultant building would be higher than those directly adjoining the site and on the opposite side for the road, however, within the wider locality and street scene there are higher buildings and the overall scale is considered to be acceptable for this location. The proposed height for the building responds to the Wembley Link SPD brief for the site which confirms that it is suitable for accommodating a building with a 4 - 8 storey envelope. It also accords with the advice in saved UDP Policy BE10 that high buildings are appropriate in the Wembley Regeneration Area.
9. Planning permission exists for the external cladding and re-arrangement of the fenestration to include replacement of windows to the existing building under ref: 14/3019. The proposed materials would tie in with those approved under this planning application and will result in a considered approach to the overall appearance of the subject building.
10. Whilst it is noted that the residential properties in Ecclestone Place are of a certain design and are characteristic of their time (constructed 1906), the existing building is of a different scale and design and the alterations proposed are not considered to detract from their character or appearance.
11. The applicant has stated that the proposal has been designed using sustainable construction and design techniques. Whilst the scheme is not defined as a major proposal, as it falls beneath the 10 dwelling threshold, it is the applicant's intention to use a wide range of environmental performance measures within the overall design.
12. It is considered that the proposed size, siting, design and use of materials will deliver an acceptable quality of design, satisfying UDP policies BE2 and BE9, as well as the principles of the NPPF.

Quality and mix of units

13. The schedule of accommodation is detailed below:

Apt 1. 2 bed - 3person - 61m²
Apt 2. 2 bed - 3person - 61m²
Apt 3. 2 bed - 4person - 70m²

Apt 4. 1 bed - 2person - 50m²
Apt 5. 2 bed - 3person - 61m²
Apt 6. 2 bed - 3person - 61m²
Apt 7. 2 bed - 3person - 61m²
Apt 8. 2 bed - 4person - 70m²

= 8 no total

14. The plans correlate with the figures above and demonstrate that the unit sizes meet the minimum standards set out in the London Plan and that all habitable rooms are provided with sufficient outlook. In isolation the floor plan layouts of the units are generally acceptable.
15. All of the proposed flats have access to external amenity space, with a communal terrace on the sixth floor and private terraces for two flats on the fifth floor. Flats 1, 2, 3, 6, 7 and 8 have access to the communal terrace which provides 120sqm of amenity space. Flat 4 has a private amenity terrace of 28sqm and Flat 5 has a private amenity terrace of 27sqm. The amenity provided is in accordance with the GLA's Housing Design Guide (20sqm per unit).
16. The stacking of the proposed units is considered to be acceptable and will result in an appropriate relationship between the different floors of the building. All of the proposed units will have an appropriate level of outlook and sufficient daylight and sunlight will reach the living spaces.
17. Privacy screens have been incorporated into the development around the private terraces to ensure that no overlooking occurs between the units within the development. The separation distances to surrounding properties will ensure that the units are not unacceptably overlooked.
18. Regarding the access arrangement Brent's UDP requires residential units to have a separate entrance to other non-residential activities in a building and in the proposed arrangement this is achieved through the use of the stairwell and lift at the western end of the building providing access for the residential units. The commercial space will use the entrance at the eastern end of the building.

Neighbours and surrounding occupiers

19. The additional floors would be sited flush with the front elevation of the building, however, they would step in from the rear elevation as they increase in height in order to reduce the visual impact when viewed from the rear. Whilst this increases the prominence of the proposal in the street scene, it is considered acceptable in the locality and would not adversely impact on any properties on the High Road due to the separation distances between them and the subject building.
20. The relationship of the existing building is such that it would not currently comply with the Council's 45 degree line rule taken from the rear boundary of the application site. The proposed additional storeys would continue to fail this guideline though have been set back to ensure that much of the new development would be obscured by the existing building. The proposal has not increased the height of the parapet features to the existing building and has set the additional floors back within this line of sight behind the existing parapets. The visible elements would be the obscure glazed panels which are lightweight in appearance and are not considered to result in a significantly detrimental impact on the occupiers of the residential properties to the rear. Additionally the properties to the rear are principally oriented at a 90 degree angle from the subject building and therefore the front and rear windows of these units do not face the application site.
21. A section plan (352 A) has been submitted with the application which shows a balustrade within the terraces to the rear which will help prevent overlooking from occurring. The inclusion of the balustrade results in a situation where future occupants will not be able to lean on or directly look over the obscure glazed panels, minimising the chance of views into the amenity space and residential properties to the rear. It should be noted that the amenity space of the residential properties to the rear is a communal rear garden and not private amenity space, therefore the privacy levels of this space are already lesser than that of a private garden.
22. It is considered that the alterations to the building would not adversely affect the levels of natural light received at other neighbouring residential properties in Ecclestone Place. Neither would the proposal result in a loss of outlook for these properties or create a sense of enclosure for existing residents due to the separation distances between them.

23. The properties either side of the application site would not be significantly affected in terms of loss of light. The buildings are generally in a linear type of development and it is expected that side facing windows would receive a slightly lesser amount of light as a result. The proposal would not impact on the front or rear windows of these properties and the resultant relationship would therefore be acceptable.
24. The use is considered acceptable for the locality and will not have any undue impacts on the occupiers of surrounding properties. Whilst there may be intensification in the number of people within the building, it would not be disproportionate to the building or locality and would be of an appropriate level for the area.
25. Overall, it is considered that the development would not have a significant overbearing impact, result in overlooking, loss of light or overshadowing to neighbouring properties. The proposal would therefore maintain a satisfactory standard of environment at the adjoining properties.

Transportation and parking

26. This site is located within the Wembley Masterplan area, so revised parking standards as set out in the Wembley Area Action Plan apply. The existing office building is therefore permitted up to one parking space per 400m², giving a total allowance of five spaces. With 29 parking spaces available within the site, standards are currently significantly exceeded.
27. If the majority of the lower floors are converted to residential accommodation following the granting of previous prior approval applications, this would increase the total parking allowance of the existing building to between 11 and 13 spaces, depending upon how many flats are provided.
28. These proposed eight additional flats are each permitted up to 0.4 spaces, thereby increasing the parking allowance of the building by 3.2 spaces. This would take the total parking allowance to either 8 spaces (if the lower floors remain as offices) or 14-16 spaces (if the lower floors are converted to flats). This increase in the total parking allowance, combined with the proposed reduction in parking provision to 20 spaces means that this proposal would reduce the existing overprovision of parking within the site, which is welcomed. With an overprovision of parking still left within the site, there would be no concerns regarding potential overspill of parking onto surrounding roads from these flats.
29. The retained office floorspace will be serviced by 8m rigid vehicles, there is a servicing bay indicated on the proposed site plan which will enable this to be carried from within the application site in accordance with policy. Parking provision for the offices is also provided with 2 spaces being shown on the submitted plan, a Car Park Management Statement has also been submitted stating that 'there will be 2 dedicated parking bays for the existing office, these will be fitted with lockable, drop down hinged bollards to stop others from parking in them'. This is considered acceptable and would ensure sufficient parking provision is retained on site for all users. It is recommended that a condition is imposed to require improved boundary treatment between the car park and the properties to the rear to provide an improved barrier between the car park and the neighbouring amenity space.
30. Standard PS16 requires the provision of at least one secure bicycle parking space per flat. A total of 14 bicycle stands (up to 24 spaces) have now been indicated within the rear of the car park area, surrounded by 2.5m high railings for security. The quality of the bicycle parking thus complies with requirements for residential use, with the number being sufficient to satisfy requirements. Details of the cycle store will be required by condition.
31. The provision of a refuse storage area close to the Ecclestone Place entrance to the site is welcomed and will allow easy collection from the highway without the vehicle needing to enter the site. Details of the refuse store will be required by condition. Pedestrian access from High Road will remain unaltered and is considered acceptable.

Conclusion

32. The proposal would make a more efficient use of a site, in a location which is appropriate for residential use and for which there is significant demand. The proposed additional storeys would be a sensitive addition to this property and wider area and therefore it is recommended that planning permission be granted.

CIL DETAILS

This application is liable to pay **£176,026.58*** 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): 2835 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	2835	2180	655	£200.00	£35.15	£149,714.29	£26,312.29

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)	256	
Total chargeable amount	£149,714.29	£26,312.29

*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.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Brent

DECISION NOTICE – APPROVAL

=====
Application No: 15/0196

To: Mr Tony Allen
Allen Planning Ltd
21A New Street
Salisbury
Wiltshire
SP1 2PH

I refer to your application dated 19/01/2015 proposing the following:
Erection of two additional storeys to provide 8 self-contained flats (7 x 2 bed and 1 x 1 bed) above the existing five storey office building(amended description)
and accompanied by plans or documents listed here:
Please see condition 2.

at Lanmor House, 370 High Road, Wembley, HA9 6AX

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:-

National Planning Policy Framework 2012
London Plan 2011
Wembley Area Action Plan Jan 2015
Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance

- 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):

PL002, PL003, PL004, Planning, Design & Access Statement, Car Park Management Strategy, 221B, Schedule of Accommodation, 352A, 340C

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

- 3 Prior to the occupation of the development hereby approved, the 'inner handrail' and opaque glazed guarding shown on approved drawing no. 352A shall be installed to the balconies/terraces in accordance with the approved details and shall be permanently maintained thereafter.

Reason: To maintain and preserve the privacy of adjoining residents.

- 4 The development shall not be occupied until the car parking and service areas shown on the approved plan (352A) have been constructed, surfaced and permanently marked out in full accordance with the approved plan and used in association with the application site.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents.

- 5 The brickwork used in the scheme hereby approved shall be Aquarian Cladding FE71-20 unless otherwise agreed in writing by the local planning authority. Details of materials for all other 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.

- 6 Within 3 months of commencement of development, details of the means of enclosure of the refuse and cycle store as well as details of a rear boundary treatment to be (constructed above the existing brick wall to an overall height of 2 metres from the ground level of the site), have been submitted to and approved in writing by the Local Planning Authority. The work shall then be carried out in full accordance with those details prior to occupation.

Reason: To ensure that the overall finish of the development is appropriate and to preserve the residential amenity of nearby properties.

INFORMATIVES

- 1 The applicant is advised that scheme hereby approved cannot commence on site until the prior approval scheme currently under construction has been completed and occupied.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact 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 24 September, 2015
Item No 04
Case Number 15/1588

SITE INFORMATION

RECEIVED: 6 May, 2015

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: The Maqam Centre, Tiverton Road, London, NW10 3HJ

PROPOSAL: Change of use of previously approved creche (Use Class D1) to fitness suite (Use Class D2) and reception area. Amendments to external works to include alterations to bin and cycle storage, hard and soft landscaping and entrance gate

APPLICANT: Maqamat Ltd

CONTACT: Burke Rickhards Ltd

PLAN NO'S: See condition 2.

SITE MAP



Planning Committee Map

Site address: The Maqam Centre, Tiverton Road, London, NW10 3HJ

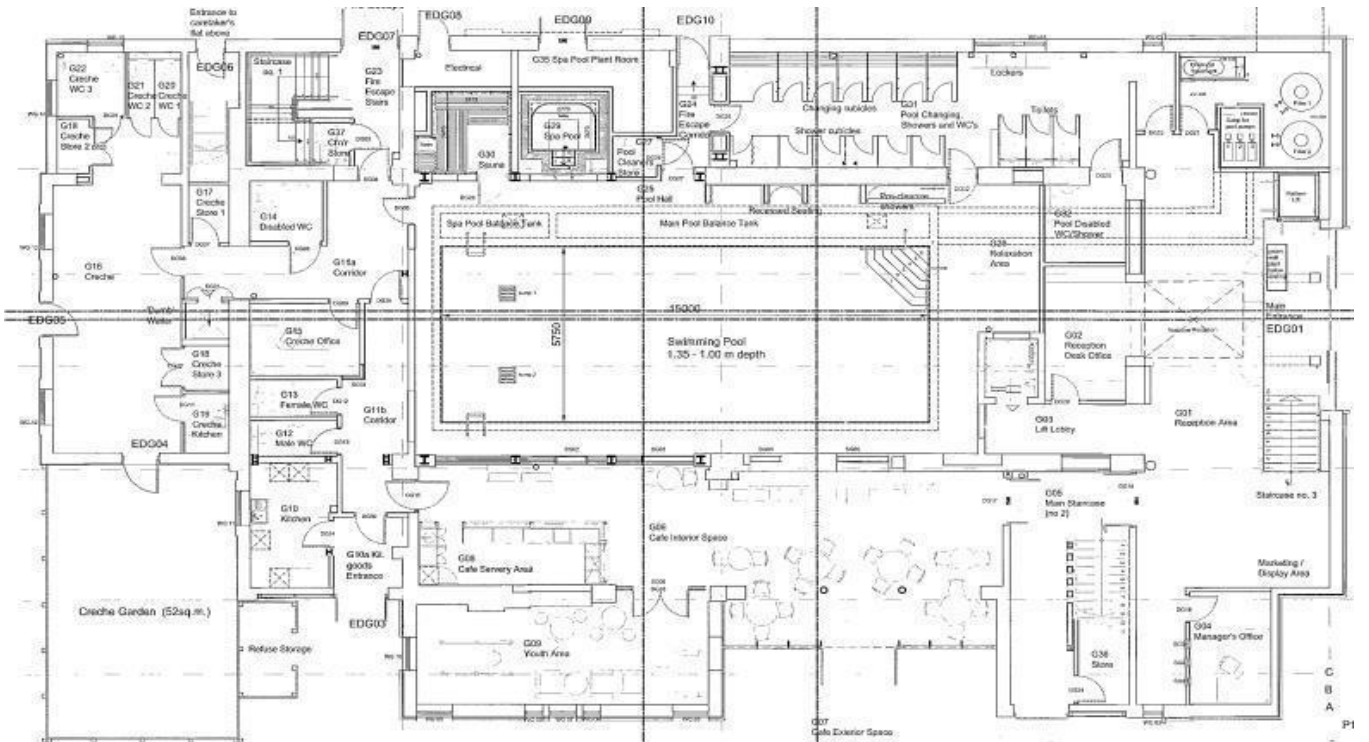
© Crown copyright and database rights 2011 Ordnance Survey 100025260



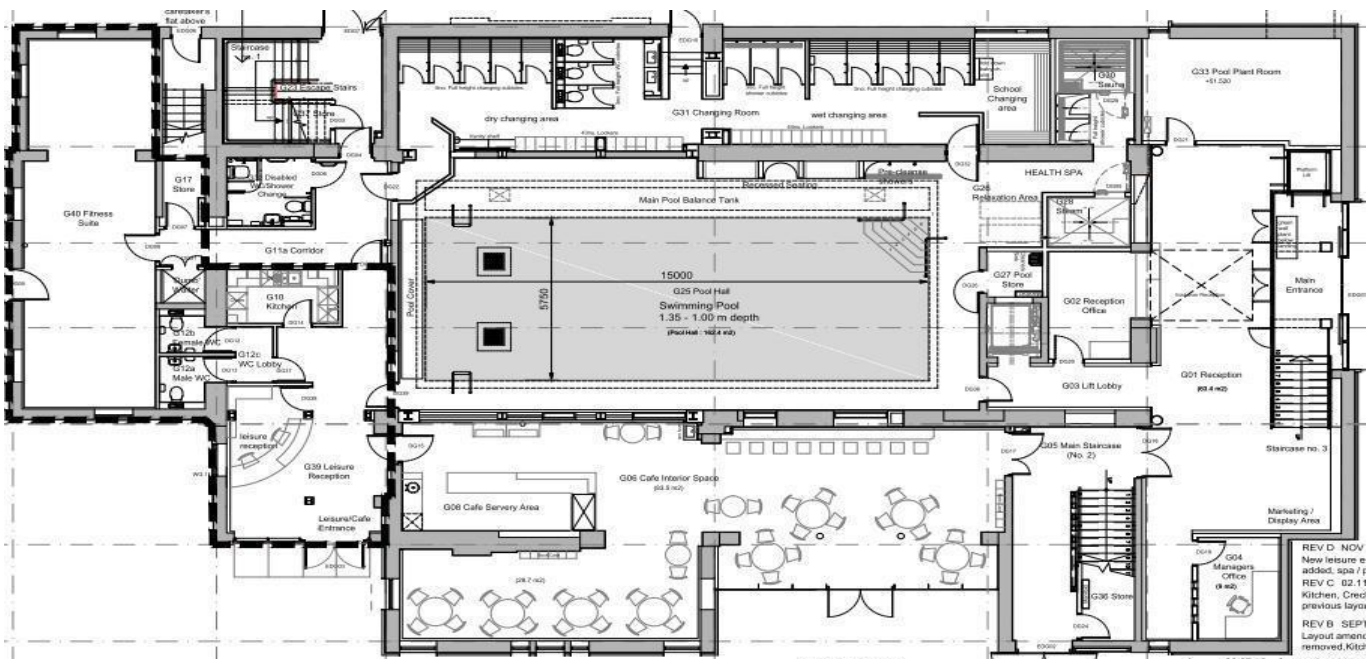
This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

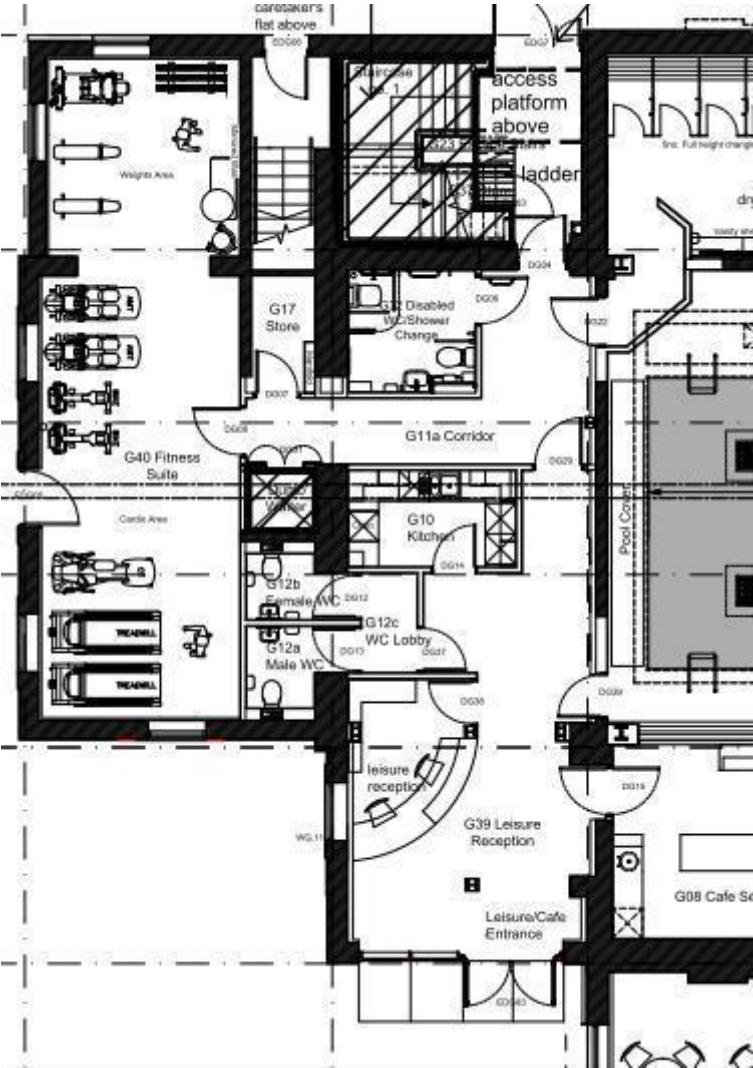
Previously approved ground floor plan



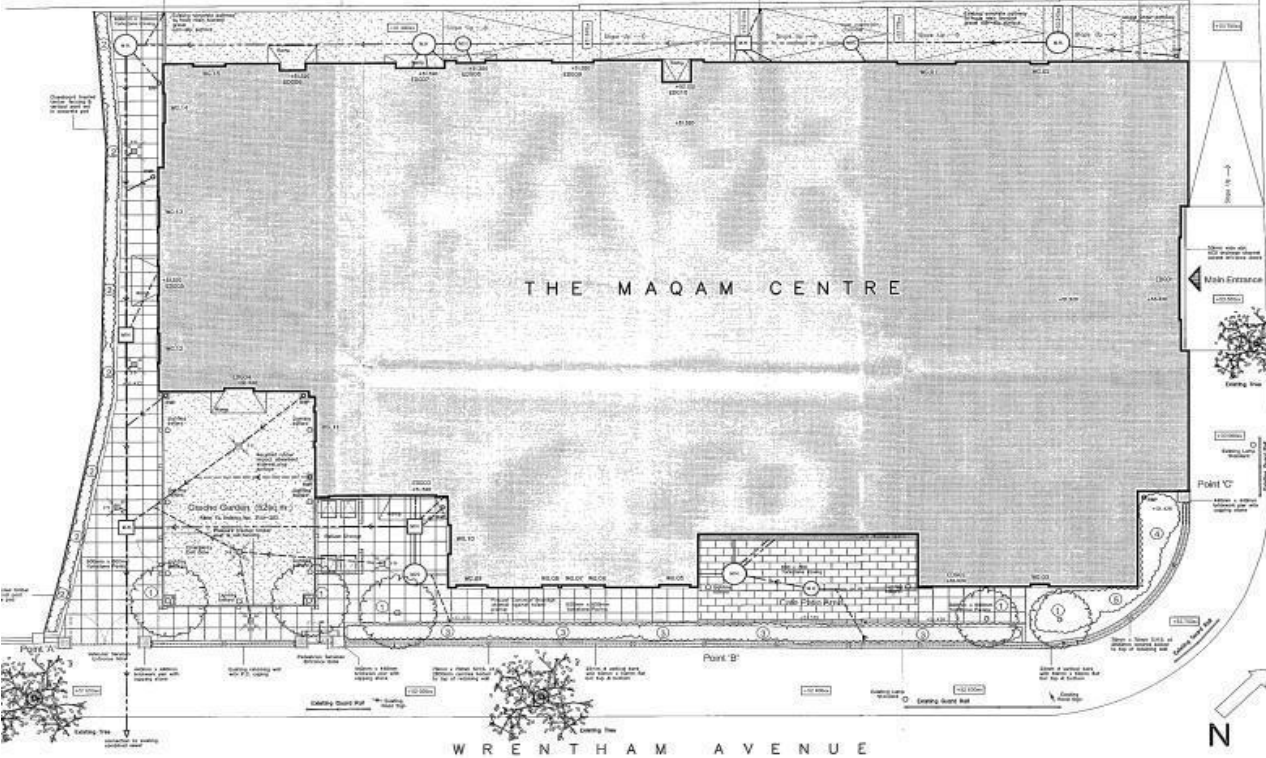
Proposed Ground Floor Plan



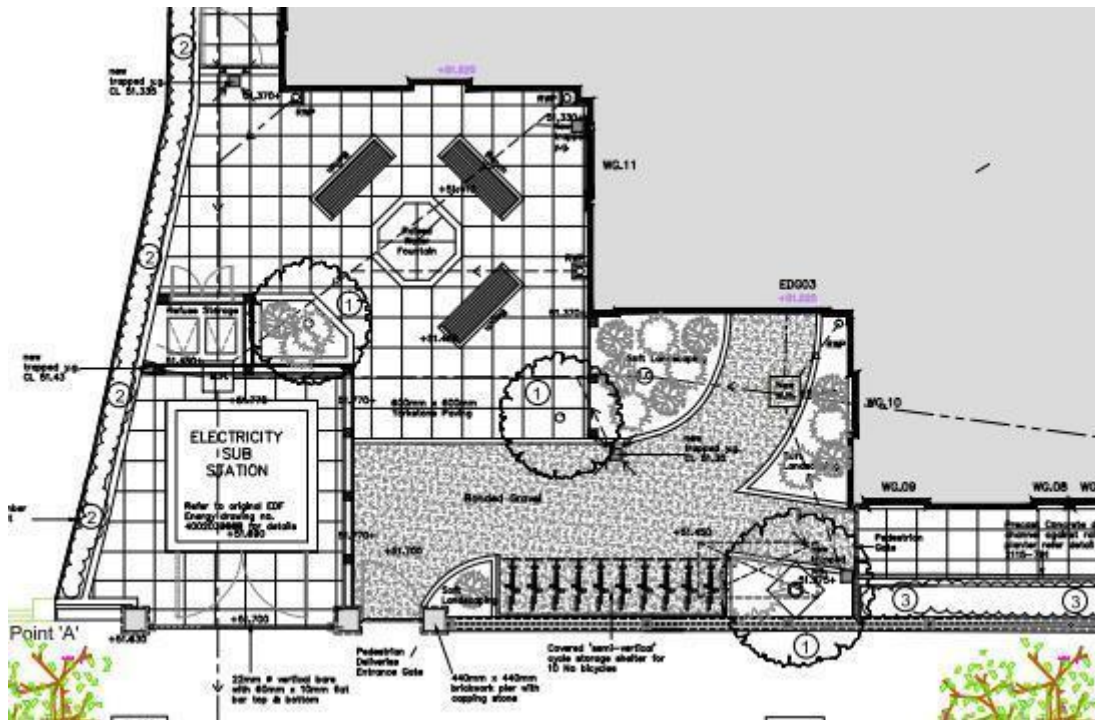
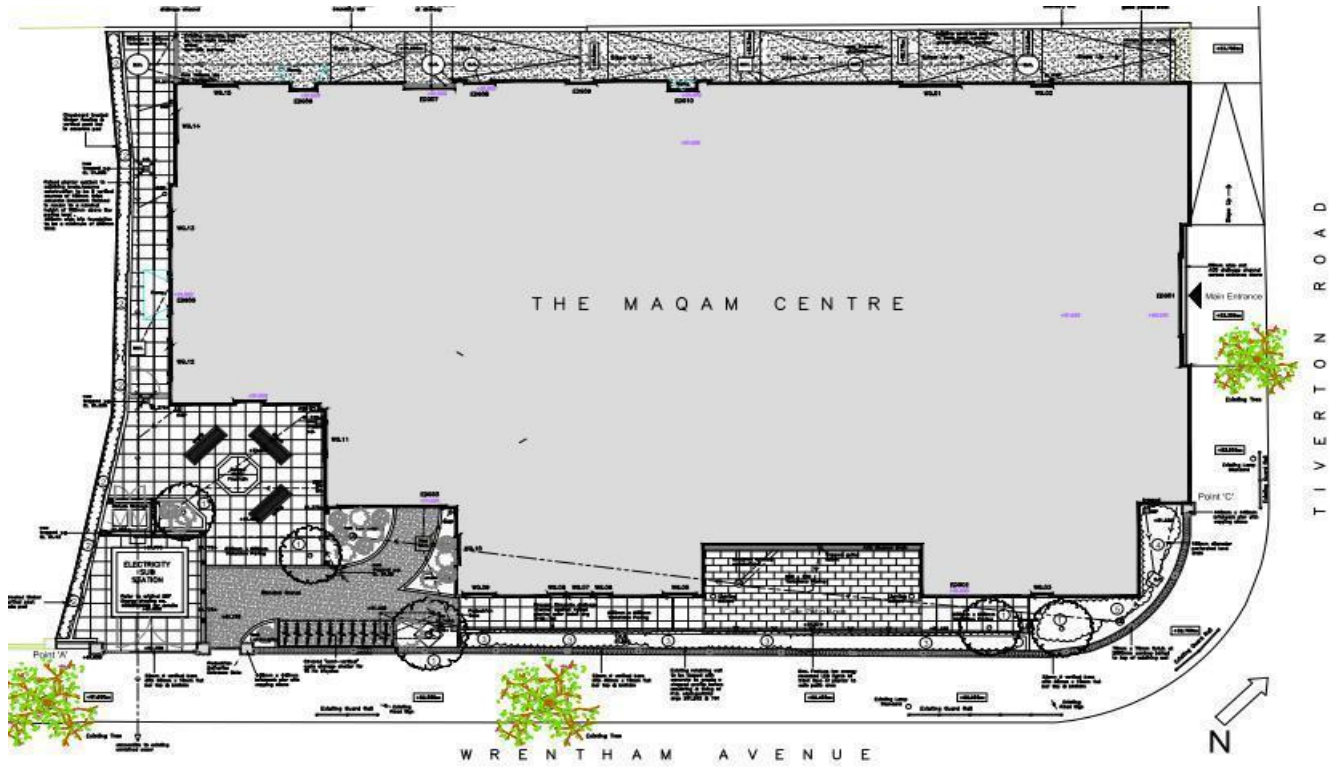
Proposed Ground Floor Plan



Previously approved external works



Proposed external works



RECOMMENDATIONS

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

A) PROPOSAL

Change of use of previously approved creche (Use Class D1) to fitness suite (Use Class D2) and reception area. Amendments to external works to include alterations to bin and cycle storage, hard and soft landscaping and entrance gate.

B) EXISTING

The Maqam Centre (formerly the Tiverton Youth and Community Centre) is a former church building situated on the northwest corner of Tiverton Road and Wrentham Avenue. The building is currently vacant and has been in various states of construction since extensions and alterations to the building were originally permitted in 1998 under permission 98/0988.

The adjoining properties on Wrentham Avenue and Tiverton Road are residential properties, the immediate neighbour to the west being a post-war housing block, with 1930s semi-detached and terraced properties to the south. Residential uses characterise the area, although the Queen's Park Community School and community college is 200m to the northwest. To the opposite side of Tiverton Road to the northeast is the Tiverton Green Public Open Space.

The building is not listed (statutory or locally) and is not within any conservation area or area of distinctive residential character (ADRC).

D) SUMMARY OF KEY ISSUES

The key planning considerations in this case are as follows:

- Principle of Change of Use – The proposal is considered an appropriate change of use given its

- modest scale and its ancillary nature to the swimming pool and the rest of the building
- Impact on Character – The proposed external changes and landscaping proposals are considered acceptable and would provide an appropriate level of soft landscaping
- Impact on Neighbouring Amenity – The proposal is considered to form an acceptable relationship with neighbouring occupiers
- Transportation Impact – The proposal is considered acceptable in transportation terms

RELEVANT SITE HISTORY

Reference No	Proposal	Decision
10/3199	Erection of single storey glazed extension to the Wrentham Avenue frontage, external seating area, inclusion of a swimming pool (use class D2) within the building (in place of the originally approved hall area) and other alterations, including tree planting, erection of boundary wall and provision of a green wall at ground floor level fronting Wrentham Avenue.	Granted
08/1509	Erection of a single-storey front extension, single-storey and two-storey side extension, single-storey and two-storey opposite side extension, single-storey and three-storey rear extension and new stair/cooling tower reduced in height with a glazed link at the second floor including open gallery, formation of 1 self-contained, one-bedroom caretaker's flat, alterations to roof materials and windows level to former church building (Use Class D1 - non-residential institutions), and continued use for purposes within Class D1, including use as a community centre centred around the Islamic faith but accessible to all, and incorporating a range of uses, including gymnasium/games space, creche, exhibition space, performance space, and ancillary coffee shop and bookshop and office space	Granted
07/0340	Erection of a single-storey front extension, single-storey and two-storey side extension, single-storey and two-storey opposite side extension, single-storey and three-storey rear extension and a 19.4m high, stair-tower extension with a glazed link at the second floor, formation of 1 self-contained, one-bedroom caretaker's flat, alterations to roof materials and windows level to former church building (Use Class D1 - non-residential institutions), and continued use for purposes within Class D1, including use as a community centre centred around the Islamic faith but accessible to all, and incorporating a range of uses including gymnasium/games space, creche, exhibition space, performance space, and ancillary coffee shop and bookshop and office space (as amended)	Granted
01/1716	Variation of planning consent 98/0988 (for erection of single-storey front and side extensions and alterations to lower ground-floor to provide caretaker's flat, reading rooms, conference room and entrance foyer, provision of access for the disabled through a lift within the proposed tower, and continued use of the premises as a community centre/religious centre within Use Class D1) to include new internal fire-escape staircase, rearrangement of caretaker's flat on lower ground and mezzanine floors and additional plant room on upper floor	Granted
01/1613	Variation of Planning Permission 98/0988 (erection of single-storey front and side extensions and alterations to lower ground floor to provide caretaker's flat, reading rooms, conference room and entrance foyer, provision of access for the disabled through a lift within the proposed tower and continued use of the premises as a community centre/religious centre within Use Class D1) involving a raising of the enclosure around the stairwell on the Wrentham Avenue frontage, replacement of the roof with blue/black fibre cement slates and removal of the timber cladding and aluminium louvres around the existing	Granted

	lantern and its replacement with glazing.	
98/0988	Erection of single-storey front and side extensions and alterations to lower ground-floor to provide caretaker's flat, reading rooms, conference room and entrance foyer, provision of access for the disabled through lift within proposed tower, and continued use of the premises as a community centre/religious centre within Use Class D1	Granted

CONSULTATIONS

Statutory neighbour consultation period (21 days) started on 13/05/2015. Further letters were subsequently sent on 05/06/2015 to widen the public consultation to include all neighbours who were consulted and who made comments on the most recent planning application (10/3199). In total 404 neighbours were consulted.

To date 57x representations have been received objecting to the proposal. In addition to this Councillors Shaw, Nerva and Southwood raise an objection to the proposal as do the Aylestone Park Residents and Tenants Association (APRATA). 3x additional objections have been received by the Case Officer however these objectors have not supplied their addresses. In any case these comments fall within the comments summarised below.

Objection raised	Response
Proposal would put pressure on an already heavily parked area.	See paragraphs 13-15
The building has been an 'eyesore' for years	See paragraphs 16-18
The building is turning into a commercial leisure centre rather than a community centre	See paragraphs 3-6
A commercial gym would increase the catchment area of visitors and would mean an increase in visitors	See paragraphs 13-15
Proposal would attract visitors in the evenings and weekends when parking is less restricted	See paragraphs 13-15
Proposed use would be out-of-character with a residential area	See paragraphs 7-11
Proposal would be detrimental to highway safety	See paragraphs 13-15 <i>Officer note: Colleagues in Transportation do not raise any concerns in terms of highway safety</i>
The tower and other extensions/alterations have been unsympathetic to the building	<i>Officer note: The tower and extensions were approved under previous applications</i>
None of the previously proposed landscaping or replacement trees have been planted on the site	See paragraphs 8-10
Proposal would result in the loss of a D1 facility	See paragraphs 3-6
There is no need for the fitness suite as there are other facilities nearby	<i>This is not considered a material planning consideration</i>
The proposed landscaping scheme does not sufficiently compensate for the TPO trees previously removed on the site.	See paragraph 9
An electricity sub-station is shown on the plans	<i>Officer note: The sub-station identified on the plans was evident on the approved plans for previous permissions and</i>

	<i>does not form part of the current proposal</i>
The applicants have submitted numerous applications over the years without completing the works for any of them	See paragraphs 16-18
It is not clear who would be able to use the fitness suite, would it be open to the everyone?	See paragraph 6
The café would create noise disturbance	<i>Officer note: The café was previously approved and does not form part of this application</i>
The public consultation has been inadequate	<i>Officer note: As outlined at the beginning of this section, the consultation for this application was widened to include all those who were consulted or made comments for application ref: 10/3199.</i>

Two letters of support have also been received.

A site notice displayed at the site on 05/06/2015 for at least 21 days and the application was advertised in the local press as being in the public interest.

CONSULTEES:

Transportation: No objection subject to gates being altered so that they do not open onto the highway and providing the existing redundant crossover is removed and returned to footway. Officer note: gates are no longer proposed to open onto the footway

Environmental Health: No objection raised but recommend condition securing noise insulation measures

Landscape Team: No objection

In addition to the above, a representation has been received from APRATA stating that works to implement the development approved under 10/3199 are due to commence, but that the original application has expired given it was granted over 3 months ago. As a result, they consider that the development would be unlawful.

Officers have investigated the matter and visited the site. Application 10/3199 expired on 29/09/2014. The applicants have responded to this by saying that drainage works in connection with the approved swimming pool were installed on 25/09/2014. Building Control records show that this work was carried out and a Building Control application for the drainage was passed on 29/09/2014 and the applicant has provided a plan and photos of the installed drainage works. Some pre-commencement conditions have not been formally discharged by the Council however these conditions are not considered to go 'to the heart' of the permission and so it is considered that it would be unreasonable for the Council to suggest that any development which takes place would be unlawful on this basis alone. Officers are satisfied, having considered the circumstances set out above, that the drainage works would constitute a commencement of development and that the drainage was installed prior to the expiry date of the application.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF) (2012):

Section 7 – Requiring Good Design

Core Strategy (2010):

CP17 – Protecting and Enhancing the Suburban Character of Brent

Brent's Unitary Development Plan (UDP) (2004):

BE2 – Townscape: Local Context and Character

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

CF2 – Location of small scale community facilities

TRN22 – Parking Standards: Non-residential developments

DETAILED CONSIDERATIONS

Introduction:

1. The proposal site is the Maqam Centre located on the corner of Wrentham Avenue and Tiverton Road. Planning permission was granted in 1998 for extensions and alterations to the building with a view to use the building as a community/religious centre aimed at those of the Islamic faith. Variations to the permission were granted in 2001 (01/1613 and 01/1716) and further extensions and alterations to the tower were permitted under 07/0340 and 08/1509. Permission 10/1399 allowed the erection of a glazed single storey extension fronting Wrentham Avenue and the change of use of a hall area on the ground floor to a swimming pool.
2. Building work has been taking place on the site since the original permission and it is understood that the site has not yet been used for its intended use as a community/religious centre. Some of the extensions have been erected but are un-finished state. Hoarding currently surrounds the site and inside the interior of the building remains unfinished as confirmed by a site visit by Officers. The fact that the works here remain uncompleted has evidently caused concern to people living nearby and does not positively enhance the visual appearance of the area.

Principle of Development:

3. The proposal relates to a 113m² area of the ground floor in the south-western corner of the building originally identified as a crèche in the 2008 permission (08/1509). The area in question represents approximately 15% of the ground floor of the building and just under approximately 9% of the building as a whole. The floor area of the fitness suite itself, excluding the reception, toilets and storage for example would be approximately 50m². The proposed fitness suite is considered modest in scale in comparison to the approved swimming pool approved under 10/3199 and the building as a whole and is considered likely to be primarily used in conjunction with the swimming pool. The applicant has provided a proposed floor plan showing an indicative layout of gym equipment which indicates 10 pieces of gym equipment being accommodated. This is considered to demonstrate the relatively modest scale of the proposed use meaning it is unlikely to be an intensively used free-standing use.
4. The swimming pool was permitted as a change of use from D1 (non-residential institutions) to D2 use (assembly and leisure) on the basis that the use would contribute to the facilities of the building and the overall community use of the site as a whole.
5. It is acknowledged that the proposed use along with the already permitted pool use has raised concerns that the nature of the use of the building is changing from the originally intended community use. However as discussed above, the proposed use is not considered to impact unacceptably on the level of provision of D1 use at the site and is considered to compliment the overall community offering on the site.
6. The pool element of the centre was approved on the basis that the pool would be made available to members of the public in selected single sex sessions and to school groups. The fitness suite would be ancillary to the pool and access to it would be on the same basis which is considered acceptable. As with the 10/3199 permission, a management plan with details of access arrangements for members of the general public can be secured by condition.

Impact on Character:

7. Changes to the hard and soft landscaping to the Wrentham Avenue frontage and some elevational changes to the building itself are also proposed as part of this application.
8. To the front of the secondary Wrentham Avenue entrance to the site the previously approved external layout showed a crèche garden as well as Yorkstone paving. The previously approved layout also showed the site surrounded by hedging. The proposal would replace the crèche garden with a courtyard area with a water feature, planting and benches. Bonded gravel would provide a footpath to the Wrentham Avenue entrance to the building surrounded by areas of soft landscaping. The cycle parking would be re-positioned to the southern boundary alongside the boundary with Wrentham Avenue. The pedestrian gate would be re-positioned slightly to be adjacent to the larger gates serving the electricity sub-station.

9. One of the key issues with the schemes which were determined in 2007 and 2008 was the matter of trees and landscaping on the site. For information, the site is subject to a TPO where 10 trees were protected. Seven of the trees have been removed from the site, as was authorised by the original permission to develop the site (98/0988, October 1999) subject to details of replacement planting and landscaping. The planting of 5x replacement trees on the Wrentham Avenue frontage have been agreed by Officers in the past including the species and sizes. The originally submitted landscaping scheme for this application proposed 3x trees however a revised landscaping scheme has been received which provides 5x trees as previously agreed. The Council's Tree Officer is satisfied with these replacements. The wording of the condition can be such that all the proposed landscaping is planted prior to the occupation of the development.
10. Overall the proposed changes to the external hard and soft landscaping are considered relatively minor and would result in an acceptable balance of hard and soft landscaping and an appropriate setting to the development.
11. The alterations to the building would be to replace a door opening with a window on the south elevation facing Wrentham Avenue and alterations to the secondary entrance on Wrentham Avenue to increase the proportion of glazing to the entrance. Overall the proposed alterations are relatively minor and are not considered to impact detrimentally on the overall character and appearance of the building or the surrounding area.

Impact on Neighbours:

12. The use of the area of the building in question as a fitness suite is not considered to raise an undue direct impact on neighbours in terms of noise disturbance. Potential noise disturbance could be created by amplified music in the fitness suite for example however as with permission 10/3199, a condition can be attached preventing music from being played which is audible at the site boundary. The abovementioned modest scale of the fitness suite is not considered to result in a level of use and vehicle movements which would impact unacceptably on the amenities of neighbours in comparison to the use of the rest of the site and the previously approved crèche use of this part of the building. The hours of use of the centre were restricted under 10/3199 to 0900-2100 from Sunday to Thursday and 0900-2300 on Fridays and Saturdays. It is considered appropriate to apply these opening hours to the fitness suite.

Transportation:

13. The application site is located on the north-western side of Wrentham Avenue, a local access road which is defined as being heavily parked. The site lies within CPZ "KS" which operates 08:00 – 18:30 Monday to Friday, and has moderate accessibility with a PTAL rating of level 3. Kensal Rise Station (Overground rail) is within walking distance of the site, however, and six bus routes are locally available. The site does not benefit from off-street car parking or vehicular access facilities, except for a servicing access and bay on the Wrentham Avenue frontage.
14. The parking standards for the D2 and D1 uses are set out in sections PS10 and PS12 of the Brent UDP (2004) respectively. The crèche would be permitted one space per five staff plus 20% for visitors, whilst the proposed use as a fitness centre is also permitted one space per five staff, plus one space per 60 visitors.
15. Officers in the Council's Transportation Unit have been consulted and raise no objection in terms of the impact of the proposal on parking. Given the small scale of the proposed use and its intended ancillary relationship to the approved pool, as well as the fact that a crèche was previously intended to be provided in this area, the proposal is not considered to significantly affect parking availability in the area or generate a significant level of additional vehicle movements to and from the site. It is also borne in mind that the proposed use would not attract the concentrated 'pick-up' and 'drop-off' movements typically associated with a crèche for example. The opening hours of the fitness suite can be conditioned to be those of the centre as a whole. The swimming pool was previously considered acceptable in transportation terms, as was the centre as a whole and the provision of a small fitness suite is not considered to unacceptably worsen the parking situation in the area. The proposal is therefore considered acceptable in transportation terms.

Other issues:

16. A large body of local concern is centred around the visual state of the building and it's having been under construction for a long period of time. This is understandable. It is acknowledged that the building remains unfinished since permission was originally granted for extensions in 1998. Scaffolding has recently been removed from the tower however areas of the building remain unfinished including the

single storey extensions which are prominent on the building but are not yet finished.

17. The applicant has submitted a phasing plan for the development, as requested by Officers. The applicant indicates that their intention is to continue the implementation of permission 10/3199 from September 2015 with the intention of completing and opening the facility in September 2016. The intention would then be to re-commence work on the remainder of the building in October 2016 with the intention of completing the entire project by December 2017. The applicant has indicated that the hoarding is intended to be removed and the railings and landscaping installed within 12 months. The café and seating area and the remaining work to the tower is intended to be completed within 12 months. All exterior work is intended to be completed within 15 months. The approved plans for the single storey extension fronting Wrentham Avenue show this finished in a green wall; the applicant has indicated that until the green wall is installed a temporary banner displaying a graphic of a green wall would be installed to improve the visual appearance of this element.
18. This offers some comfort in indicating the applicants' intentions for the site moving forward however Officers appreciate the level of local concern surrounding the length of time the works have taken so far. It is considered appropriate however to secure implementation of the external hard and soft landscaping works prior to the first occupation of the fitness suite currently proposed. Permission 10/3199 included a similar condition requiring landscaping to be provided on site prior to the occupation of the development which the applicants would still need to comply with. This would ensure some visual enhancements to the site and provide an appropriate setting for the proposed development.

Conclusion:

19. Overall the proposal is considered an acceptable use on the site in principle which would contribute to the overall provision of community facilities on the site, particularly when it is considered within the context of previous proposals on the site. The use is considered to have an acceptable impact on the amenities of neighbours and is considered acceptable in transportation terms. The proposed changes to the hard and soft landscaping and elevational changes are considered to have an acceptable impact on the character of the host building and surrounding area. The proposal is therefore considered an acceptable form of development which complies with the Development Plan and is recommended for approval.



Brent

DECISION NOTICE – APPROVAL

Application No: 15/1588

To: Mr Stephen Rickhards
Burke Rickhards Ltd
Devcor House
91 North Hill
Plymouth
PL4 8JT

I refer to your application dated 16/04/2015 proposing the following:
Change of use of previously approved creche (Use Class D1) to fitness suite (Use Class D2) and reception area. Amendments to external works to include alterations to bin and cycle storage, hard and soft landscaping and entrance gate
and accompanied by plans or documents listed here:
See condition 2.
at The Maqam Centre, Tiverton Road, London, NW10 3HJ

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 Overall the proposal is considered an acceptable use on the site in principle which would contribute to the overall provision of community facilities on the site, particularly when it is considered within the context of previous proposals on the site. The use is considered to have an acceptable impact on the amenities of neighbours and is considered acceptable in transportation terms. The proposed changes to the hard and soft landscaping and elevational changes are considered to have an acceptable impact on the character of the host building and surrounding area. The proposal is therefore considered an acceptable form of development which complies with the Development Plan.

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):

2115-300-G
A-2115-300
2115-130
2115-200 E
2115-200
2115-110B
2115-110
2115-100A
2115-201 C

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

3 The landscape works and planting shown on the approved plans shall be carried out in full:-
(a) prior to the occupation of any part of the development;
(b) in accordance with a programme agreed in writing with the Local Authority. The programme must include details of future maintenance arrangements.

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

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

4 The community centre, including the fitness suite hereby approved, shall not be used outside the hours of 0900-2100 from Sunday to Thursday and 0900-2300 on Fridays and Saturdays. The external patio area on the Wrentham Avenue frontage shall not be used outside the hours of 0900-1900 on any day.

Reason: To preserve the amenity of adjoining occupiers and the area generally.

5 No music, public-address system or any other amplified sound shall be audible at any boundary of the site.

Reason: To preserve the amenity of adjoining occupiers and the area generally.

- 6 Prior to the first use of the development hereby approved, the existing dropped kerb serving the site on Wrentham Avenue shall be removed and the kerb and footpath reinstated and existing on-street bays extended at the cost of the developer and to the satisfaction of Transportation Section at Brent Council, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- 7 Prior to the first use of the development hereby approved, details shall be submitted in pursuance of the outstanding pre-commencement conditions of approved permission ref: 08/1509. Such details shall be submitted to and approved in writing on site by the Local Planning Authority and the agreed details implemented on site prior to the first use of the development hereby approved.

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

- 8 A Management Plan relating to the use of the fitness suite, including use by the general Public, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use of the facility and any such plan, as is agreed, shall be fully implemented.

Reason: To ensure community use of the facility and assess likely highway implications of the use.

- 9 Prior to the installation of the brick walls and piers around the site, details of the materials to be used, including details of bricks and pier caps shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed details.

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

INFORMATIVES

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

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 September, 2015
05
15/1452

SITE INFORMATION

RECEIVED: 8 April, 2015

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 12 Carlisle Road, Kilburn, London, NW6 6TS

PROPOSAL: Proposed excavation of basement level with reinforced glass panels set into the ground to form rear lightwells, demolition of existing detached garage and replacement with detached brick-built outbuilding, insertion of first floor rear window and rear patio doors and demolition and rebuilding of part of existing boundary wall to dwellinghouse (amended plans and description)

APPLICANT: PFG Design

CONTACT: PFG Design Ltd

PLAN NO'S: See Condition 2.

SITE MAP



Planning Committee Map

Site address: 12 Carlisle Road, Kilburn, London, NW6 6TS

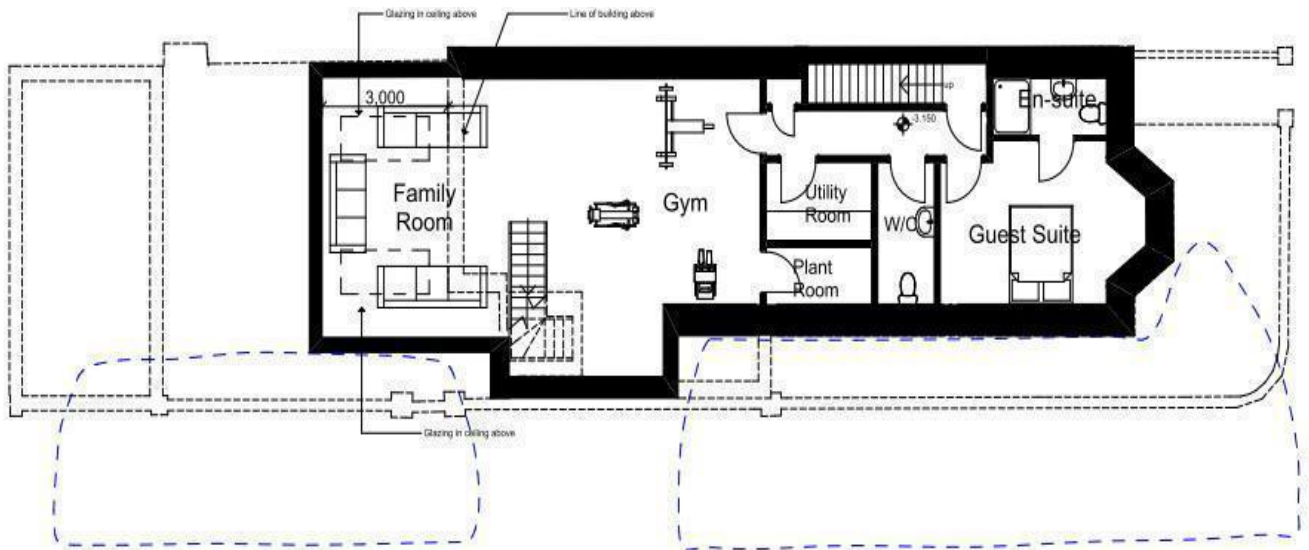
© Crown copyright and database rights 2011 Ordnance Survey 100025260



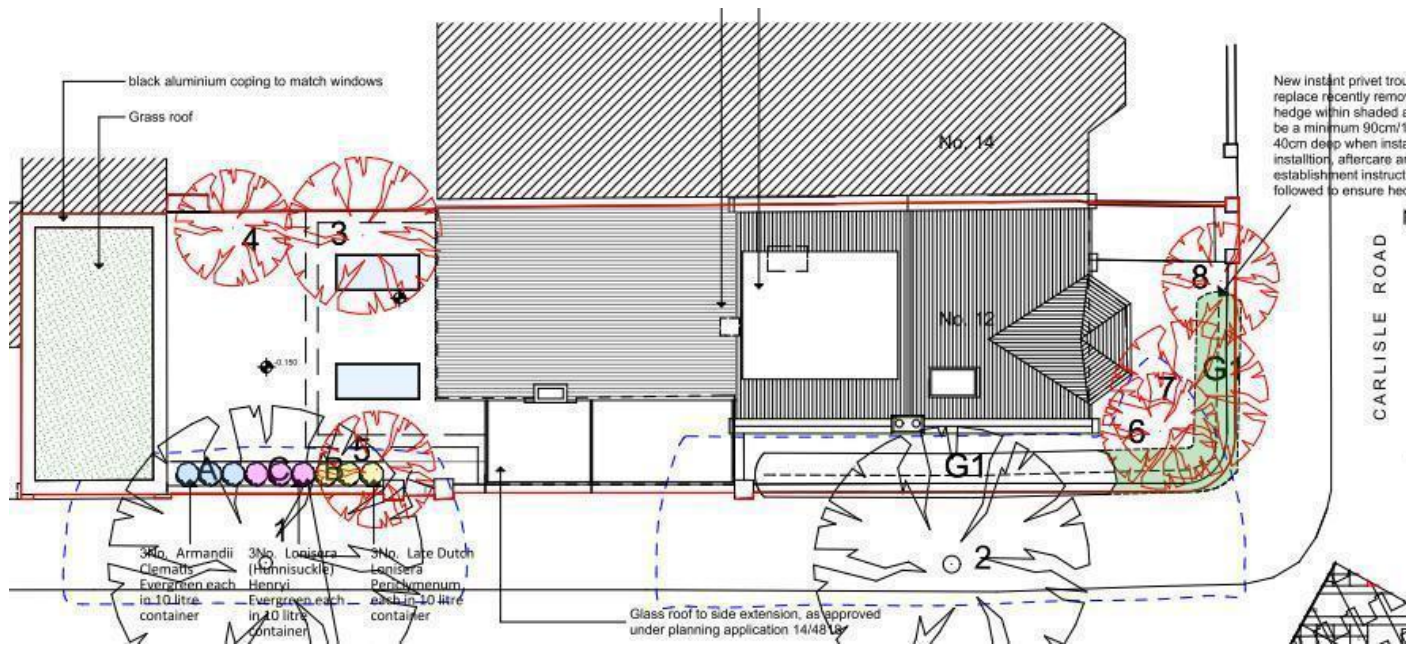
This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

Proposed Basement Plan



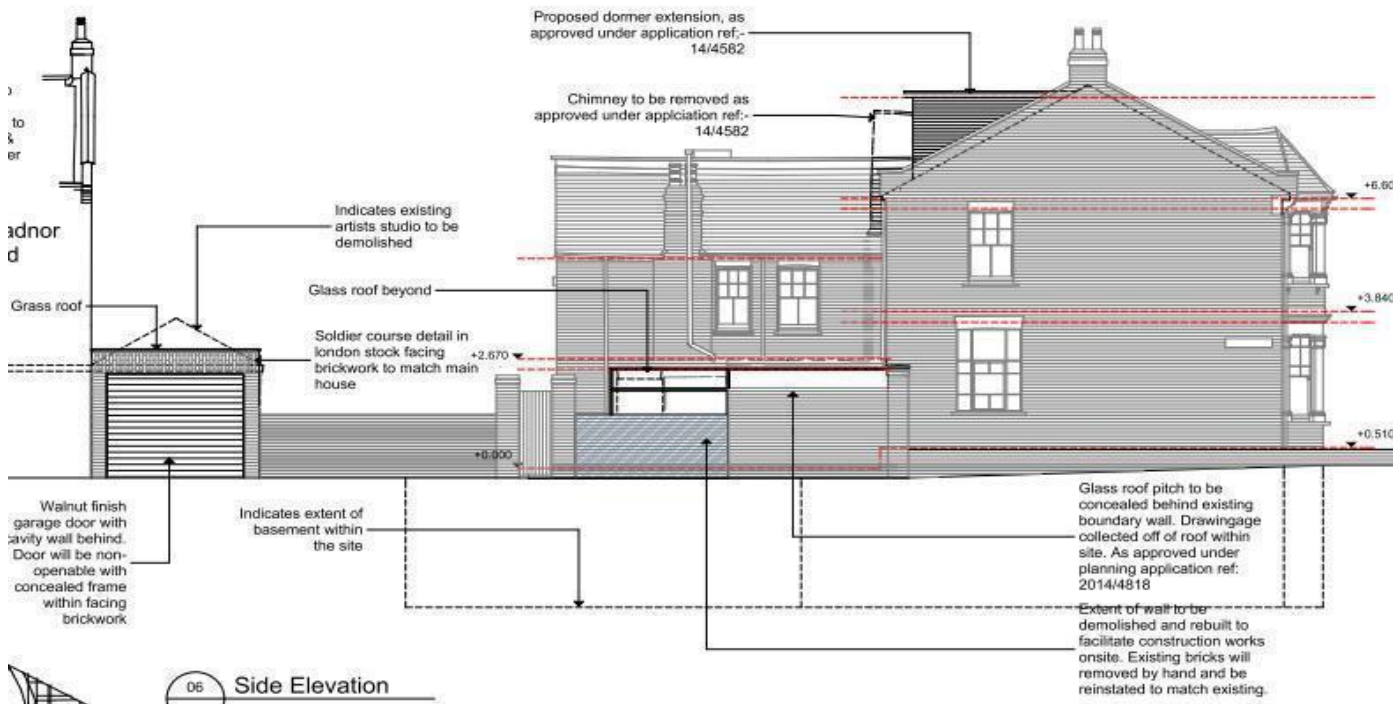
Proposed Ground Floor Plan and Site Plan

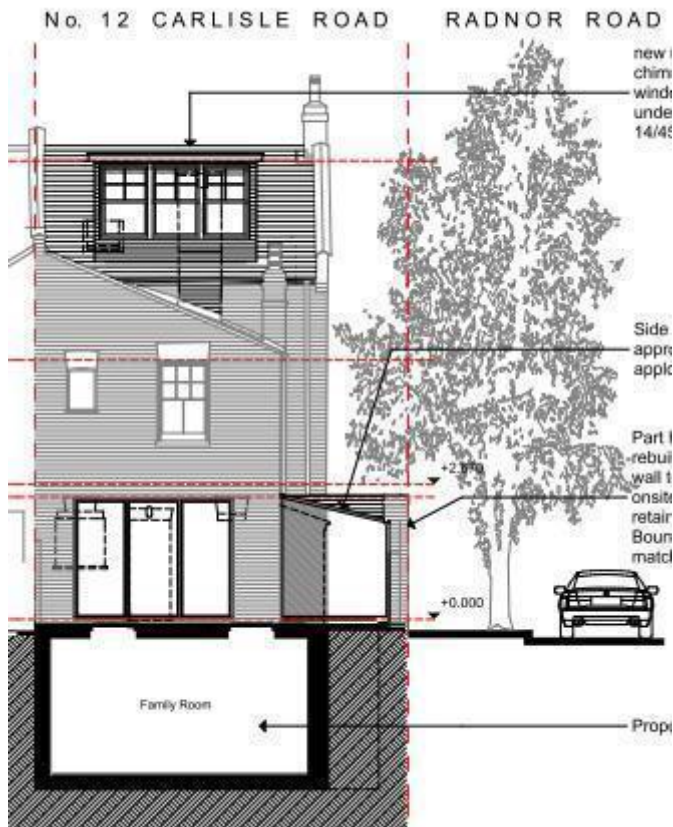
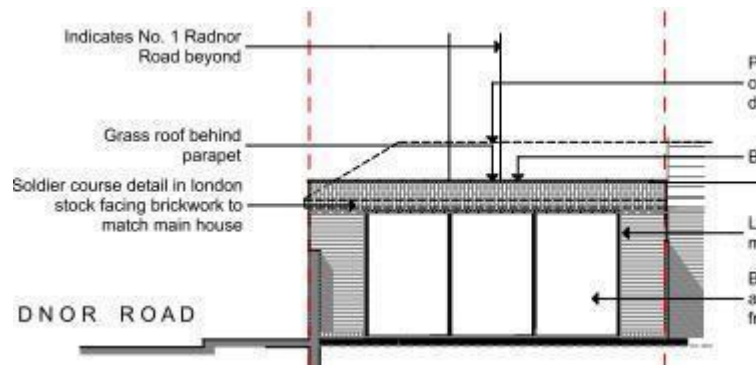
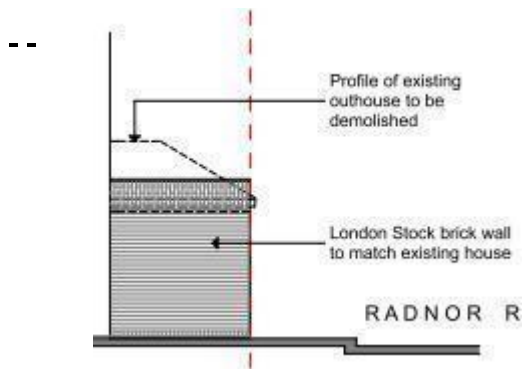


Existing Elevations



Proposed Elevations





RECOMMENDATIONS

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

A) PROPOSAL

The proposal is for the excavation of a basement level with reinforced glass panels set into the ground to form rear lightwells, demolition of existing detached garage and replacement with detached brick-built outbuilding, insertion of first floor rear window and rear patio doors and demolition and rebuilding of part of existing boundary wall to dwellinghouse

B) EXISTING

The host dwelling is a two storey end-of-terrace dwelling dating from the Victorian/Edwardian era. The host dwelling is on a prominent corner plot with Carlisle Road and Radnor Road with a 1.6m-2.2m high brick wall to the side boundary with Radnor Road. The host dwelling benefits from a detached garage to the rear accessed via Radnor Road. The proposal site is not a listed building but is within the Queens Park Conservation Area.

C) AMENDMENTS SINCE SUBMISSION

Revised plans were received on 08/07/2015 which made the following amendments:

- The size of the proposed basement was reduced in size from 106m² to 96m² and the position of the basement changed to be predominately under the footprint of the dwelling rather than extending underneath the entire rear garden
- The size of glass panels to provide light to the basement have been reduced
- The external finish of the proposed rear outbuilding has been changed from copper cladding to London stock brickwork.
- The design of the rear outbuilding has been amended to include a false garage door opposed to a window opening on the Radnor Road frontage

Neighbours were re-consulted for 14 days on the amended plans and the proposal has been assessed based on these plans.

D) SUMMARY OF KEY ISSUES

The key planning considerations in this case are as follows:

- 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 and preserves the special Character of the Conservation Area
- Impact on Neighbouring Amenity – The proposal is considered to form an acceptable relationship with neighbouring occupiers
- Transportation Impact – The proposal is considered acceptable in transportation terms
- Impact on Trees – Subject to conditions the proposal is considered to have an acceptable impact on nearby trees

RELEVANT SITE HISTORY

Reference No	Proposal	Decision
15/0371	Certificate of lawfulness for existing use of garage outbuilding to rear of property for ancillary domestic use	Certificate granted
14/4818	Proposed demolition of existing outbuilding and part demolition of existing side extension, erection of side extension and increase in height of boundary to dwellinghouse	Granted
14/4582	Proposed replacement of roof, erection of rear dormer window, removal of chimney breast, replacement of windows on all elevations, installation of folding sliding doors to rear elevation and removal of trees to dwellinghouse	Granted
99/1327	Demolition of existing garage and rebuilding of detached garage in rear garden (as revised by plans received 3/9/99 and amplified in letter dated 7/9/99)	Granted

CONSULTATIONS

Statutory neighbour consultation period (21 days) started on 21/04/2015, in total 36 properties were consulted.

14x representations received objecting to the original proposal including objections from Ward Councillors Nerva, Southwood and Denselow. Objections have also been received from the Queens Park Residents' Association. Neighbours were re-consulted on amended plans on 08/07/2015. Five further representations were received from neighbours reiterating their concerns. The representations raised the following concerns.

Objection raised	Response
Proposed basement would be out of scale with the house	See paragraphs 5-6
Outbuilding to rear could be occupied separately	See paragraph 18

Copper is an inappropriate external material for the proposed outbuilding and out of character with the Conservation Area, building should be finished in brick	<i>Officer note: copper cladding is no longer proposed</i>
Existing shrubs and trees to the front and rear should be retained	See paragraphs 10-12
Garage should be retained for parking	See paragraph 17
Basement could cause structural damage to neighbouring properties. The Party Wall Act would not protect all neighbours and an insurance bond should be secured by S106 Agreement	See paragraphs 13-15
Coupled with previously permitted extensions, the proposal represents an overdevelopment of the site	See paragraph 1-9
Construction of the basement would impact on parking and neighbouring amenity	See paragraphs 13-15
The proposal does not preserve or enhance the character of the Conservation Area	See paragraph 1-9
There used to be streams which are now underground which would affect construction of the basement	See paragraphs 13-15
The front boundary hedge has been removed without permission	See paragraph 10-12
The green roof of the outbuilding is likely to appear brown and unattractive	See paragraph 3
If the garage is not used for parking the parking bays should be extended	See paragraph 17
There is no point in pretending the building is a garage with 'fake' garage doors	See paragraphs 2-4

A Site Notice was displayed on 28/04/2015 as the site is within a Conservation Area.

Officer note: some comments referred to the extension and rear dormer window shown on the plans. These were approved under previous applications and do not form part of the current proposal. Many comments also relate to aspects which are no longer proposed such as the copper cladding of the outbuilding

Consultees:

Transportation: No objection subject to conditions.

Tree Officer: No objection subject to conditions requiring landscaping scheme including re-planting of front boundary hedge and further tree protection measures.

POLICY CONSIDERATIONS

National Planning Policy Framework (2012):

Section 7 – Requiring Good Design

Section 12 – Conserving and Enhancing the Historic Environment

Core Strategy (2010):

CP17 – Protecting and Enhancing the Suburban Character of Brent

Brent's UDP (2004)

BE2 – Townscape: Local Context and Character

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

BE25 – Development in Conservation Areas

BE26 – Alterations and Extensions to Buildings in Conservation Areas

DETAILED CONSIDERATIONS

Impact on Character:

1. The proposed development would need to have an acceptable impact on the character of the host dwelling and surrounding area and would need to preserve or enhance the special character of the Queens Park Conservation Area in order to be considered acceptable. Each part of the proposed development is assessed below:

Outbuilding:

2. The host dwelling benefits from an existing detached single garage to the rear of the plot served by a vehicular access onto Radnor Road. The garage was permitted in 1999 and is finished in London stock brickwork, a dark brown garage door and a shallowly hipped roof finished in slates. Although detached garages are not a characterful feature of the Conservation Area, the use of appropriate materials is considered to result in a building which is relatively unobtrusive and is considered to have a neutral impact on the character and appearance of the Conservation Area. It is considered acceptable in principle in this instance for the building to be demolished and replaced providing the replacement is also visually acceptable and finished in appropriate materials.
3. The proposed replacement outbuilding would have the same footprint as the existing but would have a flat roof disguised by a parapet opposed to the existing hipped roof form. A parapet roof is considered a visually acceptable roof treatment and is commonly found on detached garages in similar situations. London stock brick is proposed and a soldier course detail and with aluminium coping to the parapet wall. The building would retain garage doors to the Radnor Road frontage. The outbuilding would be accessed by the rear garden by large bi-fold doors which are considered visually acceptable and not unduly prominent. A green roof is proposed for the structure which would be a welcome addition to the area and is considered acceptable. The proposed materials are considered acceptable in principle however further specific details on materials can be secured by condition.
4. The structure would no longer be used for parking but would retain the appearance of a garage with a garage door on the Radnor Road elevation. In this instance this is considered preferable in appearance to a window and brickwork for example which could appear as an incongruous feature in the street scene. The proposed building is consequently considered to appear as a clearly ancillary structure to the main dwelling and is considered of an acceptable size and scale in relationship to the host dwelling.

Basement:

5. The original proposal included a basement under the entire rear garden of the property. This was considered unacceptable by Officers as this was considered out of scale with the host dwelling and would effectively make it impossible for any significant landscaping to be planted in the rear garden.
6. The revised plans show a basement level which would be excavated under the existing footprint of the dwelling and would extend under the rear garden by 3.3m. Light would reach the basement level via two structural glass panels set into the ground in the rear garden. These would be the only externally visible features of the basement and the proposal includes no other lightwells or external access to the basement. The glass panels are relatively modest in scale and given their position, are not considered to constitute overly prominent features in the street scene. The basement would predominately follow the footprint of the host dwelling and is considered of an acceptable scale and proportionate to the host dwelling. Overall the proposed basement and glass panels to the rear are considered to preserve the special character of the Conservation Area.

Boundary wall:

7. The proposal includes the demolition of a 1.6m high, 3.5m long section of wall to allow access during construction. The proposal is to remove the wall by hand and re-erect it following completion of the works. Providing the wall is erected to its former condition, this aspect of the proposal is considered acceptable in principle. An appropriately worded condition can be added to ensure that the existing bricks are re-used and the wall restored to its former condition within 3months of completion of the development or first occupation of the development. This condition is considered necessary given the prominence of

the wall in the street scene and its contribution to the character of the Conservation Area.

New window and doors:

8. The proposal includes the formation of bi-fold doors on the rear elevation of the host dwelling. This is considered a visually acceptable alteration to the host dwelling and is similar to those previously approved under 14/4582. The host dwelling features a small first floor rear-facing opening which is currently blocked-up. The proposal would include returning this opening to a window which is considered a relatively minor and acceptable alteration. These changes are not considered to harm the character of the host dwelling.
9. Considering the points discussed above, overall the proposed development is considered to have an acceptable impact on the character of the host dwelling and would preserve the special character of the Conservation Area.

Impact on Trees and Landscaping:

10. The applicant has provided an Arboricultural Report detailing how nearby trees would not be unduly affected by the proposal. The Council's Tree Officer has reviewed this information raises no objection but has advised that further details of how the trunks of nearby street trees would be protected during construction. These details can be secured by condition. The Root Protection Areas of nearby street trees as shown on the submitted plans are not a conventional radius because the spread of the roots of the trees would have been inhibited by the dwelling and boundary walls for example. The Tree Officer considers the notional Root Protection Areas shown on the plans as realistic and considers the submitted information acceptable.
11. The site benefited from a front boundary hedge which Officers negotiated the retention of under previous application ref: 14/4582. The hedge has since been removed from the site which is regrettable, particularly as the applicants had previously agreed to retain the hedge. The re-planting of the hedge to the front and side of the property can be secured by condition. Brent's Tree Officer has advised that an 'instant' hedge would be appropriate in this instance with plants a minimum of 1m high. This is considered appropriate in this instance given the prominent position of the proposal site in the Conservation Area. The applicant has provided a landscaping showing this but compliance with this can be secured by condition.
12. Given the circumstances it is also considered appropriate to secure additional landscaping in the rear garden which the Tree Officer has advised could be in the form of two ornamental trees. A landscaping scheme including these two elements can be secured by condition in order to preserve and enhance the character of the Conservation Area and provide an appropriate setting of the development. Subject to conditions, the proposal is therefore considered acceptable in terms of landscaping and trees.

Impact on Neighbours:

13. Officers recognise that basement excavations can impact on neighbouring amenity during construction through dust, noise and vibrations. Officers also appreciate the concerns surrounding the impact of basement excavations on structural and soil stability for example. Brent's approach to such development proposals is to seek to minimise these impacts and applicants are expected to provide a Construction Method Statement as required by Brent's 'Basements Practice Guide'.
14. The applicant has provided a Construction Method Statement which details how the potential impacts of the proposal during construction will be mitigated. This includes for example establishing hoarding around the site, watering down debris to minimise dust, the siting of a skip on the highway and precautions in terms of soil stability. Nuisance during construction is managed separately by Environmental Health and there are accepted hours of construction for construction sites which should be adhered to. The applicant can be reminded of these in the form of an informative. Furthermore a condition can be attached requiring the contractor to be a member of the Considerate Constructors Scheme.
15. Overall, the applicant has shown consideration to the construction and building process of the basement in relation to neighbouring amenity and as such is considered unlikely to have a significant impact to the amenity of adjoining neighbours.
16. The proposed outbuilding would have a maximum height of 3.1m and would be positioned on the boundary with No.1 Radnor Road in relatively close proximity to the front bay window of this neighbour. The proposed replacement outbuilding would be on the same footprint as the existing garage but would have an eaves level 0.3m higher than the existing garage but the absence of a hipped roof means the maximum overall height of the garage is 0.8m lower compared to the existing building. The proposed

garage is not considered to result in an unacceptable loss of light or overbearing impact on neighbours compared to the existing situation.

Impact on Parking:

17. The removal of the garage would result in the loss of one parking space and both Carlisle Road and Radnor Road are listed as 'heavily parked streets' in Appendix TRN3 of Brent's Unitary Development Plan'. Whilst the loss of off-street parking in such areas is normally a concern, it should be borne in mind that a certificate of lawfulness was recently granted (15/0371) in which the applicant demonstrated that the garage had been used for purposes other than parking for more than 10 years. It is also borne in mind that the corner position of the property means there are residential parking bays along the Radnor Road frontage which can accommodate at least three vehicles. The existing vehicle crossover would become redundant and this provides an opportunity to reinstate the crossover to footway and extend the existing parking bays. This can be secured by condition. Colleagues in Brent's Transportation Unit have been consulted and raise no objection subject to the parking bay being extended as discussed above. Overall the proposal is therefore considered to have an acceptable transportation impact.

Use of Basement and Outbuilding:

18. The proposed outbuilding to the rear is identified as an 'Artist' Studio' which is understood to be what the existing building has been used for in the past. The building can only be accessed from the rear garden of the host dwelling and does not contain any kitchen or bathroom facilities. The basement could only be accessed from inside the existing dwelling and is identified as a gym, utility room and guest suite. The uses described above are considered ancillary to the residential use of the main dwelling and a condition can be attached to ensure that the proposed development is not occupied separately.

Conclusion:

19. Considering the points discussed above and subject to conditions, the proposed basement, replacement outbuilding and alterations are considered to have an acceptable impact on the character of the host dwelling and the amenities of neighbours and would preserve the special character of the surrounding Conservation Area. The proposal therefore accords with saved UDP (2004) policies BE2, BE7, BE9, BE25 and BE26, Core Strategy (2010) policy CP17, SPG5 'Altering and Extending Your Home', the Queens Park Conservation Area Design Guide and the NPPF (2012) and is recommended for approval.



Brent

DECISION NOTICE – APPROVAL

=====
Application No: 15/1452

To: Mr Gadsden
PFG Design Ltd
Nickron House
Bury Lane
Rickmansworth
Hertfordshire
WD3 1DS

I refer to your application dated 08/04/2015 proposing the following:
Proposed excavation of basement level with reinforced glass panels set into the ground to form rear lightwells, demolition of existing detached garage and replacement with detached brick-built outbuilding, insertion of first floor rear window and rear patio doors and demolition and rebuilding of part of existing boundary wall to dwellinghouse (amended plans and description) and accompanied by plans or documents listed here:
See Condition 2.
at 12 Carlisle Road, Kilburn, London, NW6 6TS

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 basement, replacement outbuilding and alterations are considered to have an acceptable impact on the character of the host dwelling and the amenities of neighbours and would preserve the special character of the surrounding Conservation Area. The proposal therefore accords with saved UDP (2004) policies BE2, BE7, BE9, BE25 and BE26, Core Strategy (2010) policy CP17, SPG5 'Altering and Extending Your Home', the Queens Park Conservation Area Design Guide 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):

2014/170/301E

2014/170/302B

2014/170/303E

Unnumbered plan showing existing floor plans and elevations

Structural Engineer's Construction Methodology Report Rev.02 dated 02/04/2015

Tree Survey Report dated 21/10/2014 ref: DS14101402

Design and Access Statement from PFG Design Ltd

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

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

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

- 4 Notwithstanding any indication otherwise given by the approved plans, the section of boundary wall permitted to be removed by this permission shall be removed only by hand and the bricks salvaged and re-used in the re-construction of the wall. The section of wall shall be erected and fully restored to its former condition, including soldier course detail, within 3 months of completion of the development hereby approved or within 3 months of first occupation of the development hereby approved, whichever is sooner. The mortar used in the construction of the wall shall match the colour and texture of existing mortar found on the wall.

Reason: In the interests of the visual amenities of the area and to preserve the special character of the Conservation Area.

- 5 The development hereby approved shall be carried out in strict accordance with the details set out in the 'Tree Survey Report' dated 21/10/2014 ref: DS14101402 unless otherwise agreed in writing by the Local Planning Authority.

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

- 6 The basement and outbuilding hereby approved shall only be used for purposes incidental to the use of No.12 Carlisle Road as a single family dwellinghouse and shall not be used as separate residential accommodation at any time.

Reason: To ensure the basement is not subject to unregulated intensification of use.

- 7 Prior to the first occupation of the development hereby approved, the existing dropped kerb serving the site shall be removed and the kerb and footpath reinstated and existing on-street bays extended at the cost of the developer and to the satisfaction of Transportation Section at Brent Council, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- 8 A detailed soft landscaping scheme for the front and rear garden areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. All detailed works shall be carried out as approved prior to the first occupation of the development. Such details shall include:

(i) the re-planting of a privet (*linguistrum*) hedge to the front and side of the dwelling with semi-mature plants a minimum of 1m in height including details of spacing and rooting environments

(ii) soft landscaping of the rear garden area to include the planting of a minimum of 2x ornamental trees with a minimum girth of 8-10cm

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

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

- 9 Prior to the commencement of the development hereby approved, a revised Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority detailing protection measures for the trunks of the two street trees adjacent to the site. Development shall thereafter take place in accordance with the agreed details.

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

- 10 Prior to the application of any external materials, details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

INFORMATIVES

- 1 The 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 that that construction and demolition work is controlled by the Council

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

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

- 3 The application has demonstrated that appropriate consideration in terms of build methodology in relation to the basement has been undertaken by the qualified Engineer in accordance with the Councils Good practice guidance for basement construction. The Council has used its best endeavours to determine this application on the basis of the information available to it, however the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.
- 4 The removal of a crossover fronting Radnor Road including the reinstatement of the public footpath shall be carried out by the Council as the Local Highway Authority at the applicant's expense. Such application should be made to the Council Highway Consultancy. The grant of planning permission, whether by the Local Planning Authority or on appeal does not indicate that consent will be given under the Highways Act.
- 5 The applicant is reminded that the proposal site is included within an Article 4 Direction which means that any alterations to the frontage of the property, including lightwells for example, would require further planning permission.

MEMBERS CALL IN PROCEDURE

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

Name of Councillor

Councillor Neil Nerva

Date and Reason for Request

30/07/2015

'Basement applications are controversial. It is vital that decision taking is transparent and that local residents and cllrs can make views known to the Committee'

Details of any representations received

Name of Councillor

Councillor James Denselow

Date and Reason for Request

18/05/2015

'Can I call in this planning application to go to the planning committee on the basis of ongoing concern as to the short and long term impact of basement construction within the Queen's Park conservation area'

Details of any representations received

Name of Councillor

Councillor Elanor Southwood

Date and Reason for Request

30/07/2015

'I would also like to request that this application is taken to committee.'

Details of any representations received

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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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 September, 2015
06
15/2362

SITE INFORMATION

RECEIVED: 4 June, 2015

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 37A Streatley Road, London, NW6 7LT

PROPOSAL: Basement extension with front and rear lightwells to ground floor flat

APPLICANT: Ms Celia Stephenson

CONTACT: More Space

PLAN NO'S: See Condition 2

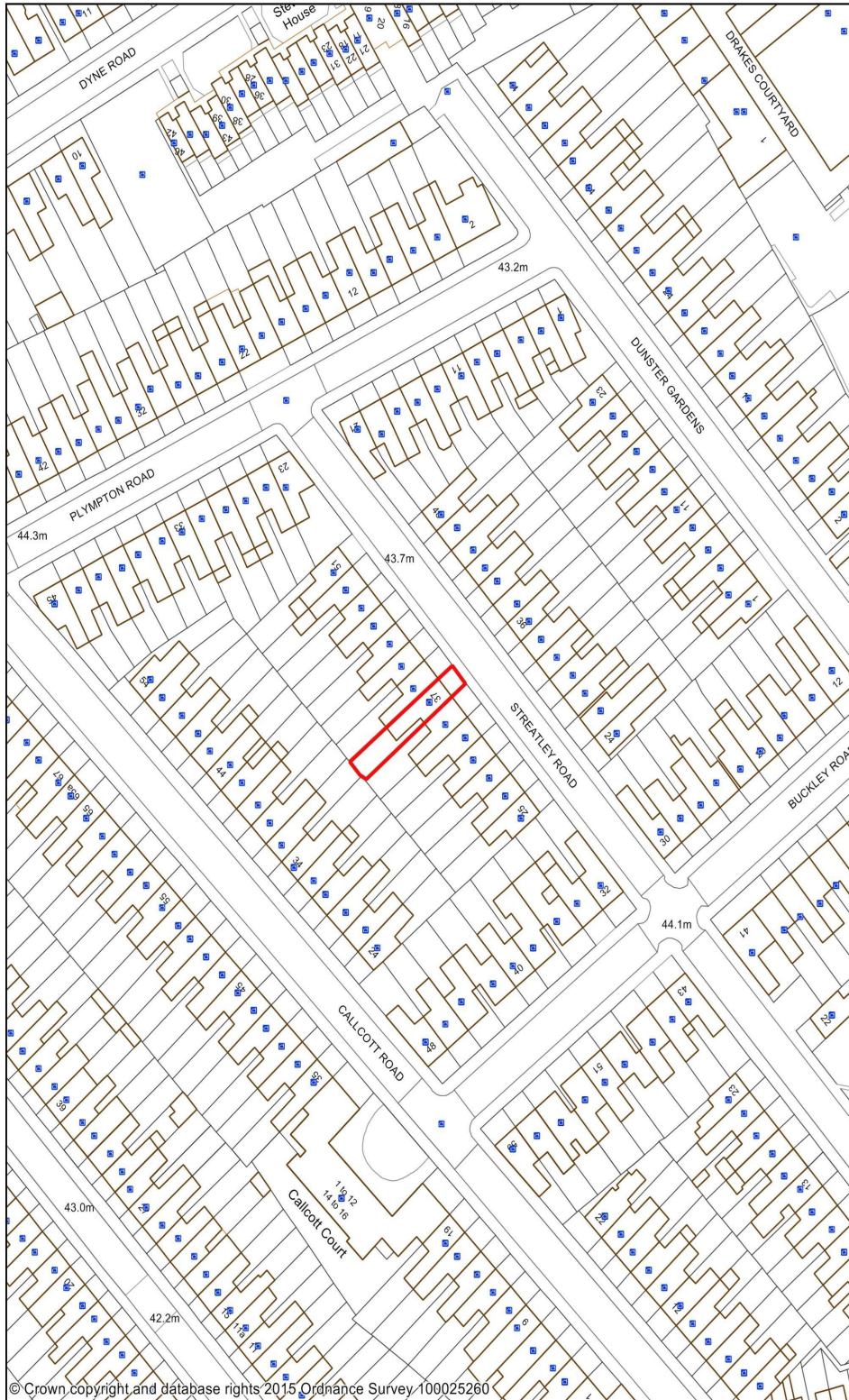
SITE MAP



Planning Committee Map

Site address: 37A Streatley Road, London, NW6 7LT

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1:1250

0 0.02 0.04 kilometres



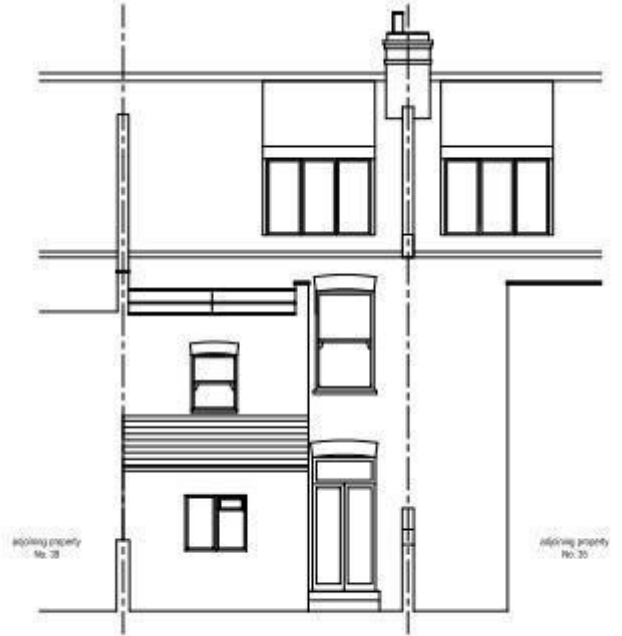
This map is indicative only.

SELECTED SITE PLANS

SELECTED SITE PLANS



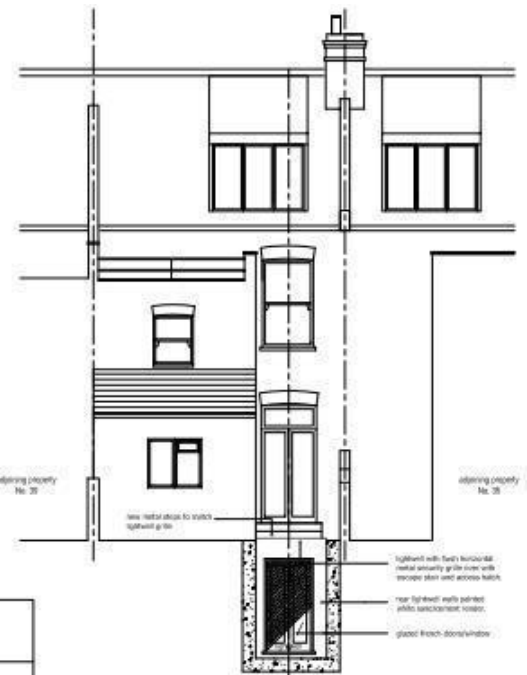
Front Garden Elevation - As Existing



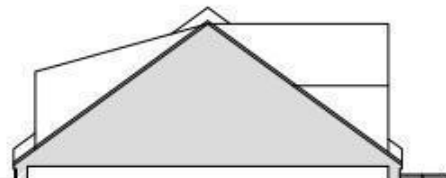
Rear Garden Elevation - As Existing

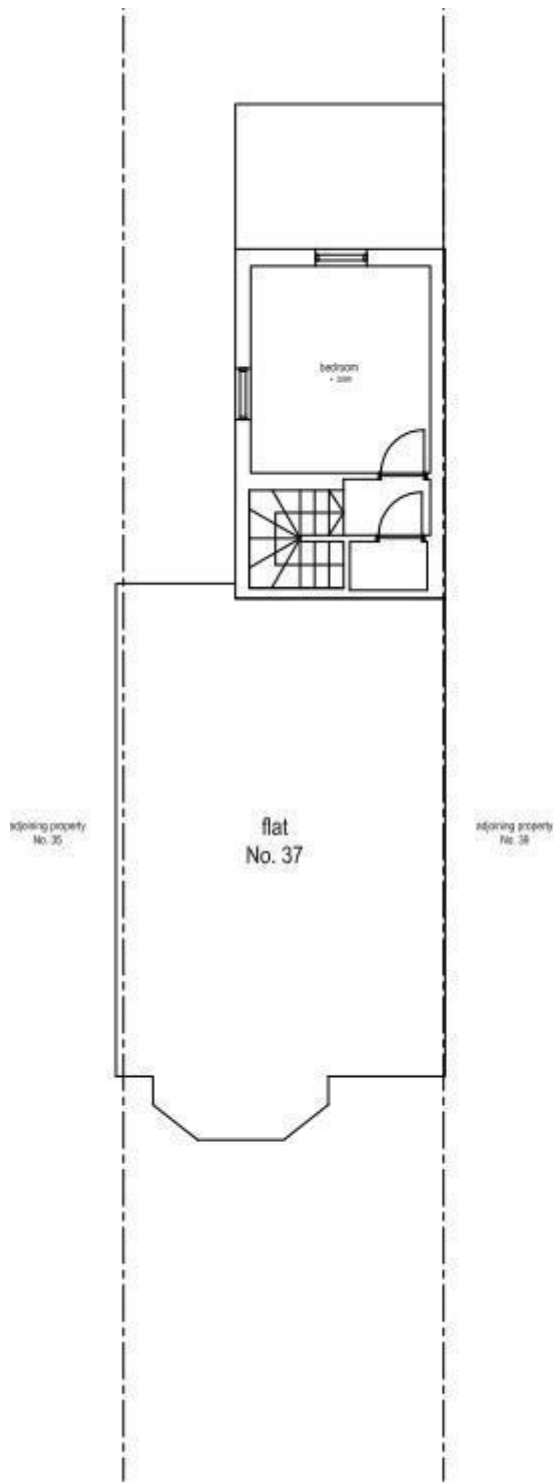


Front Garden Elevation - As Proposed



Rear Garden Elevation - As Proposed

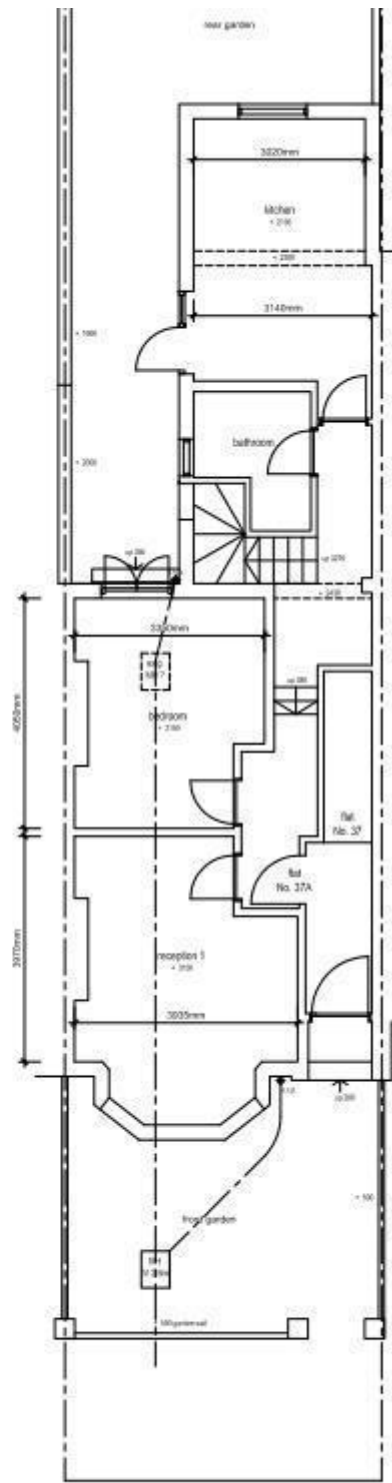




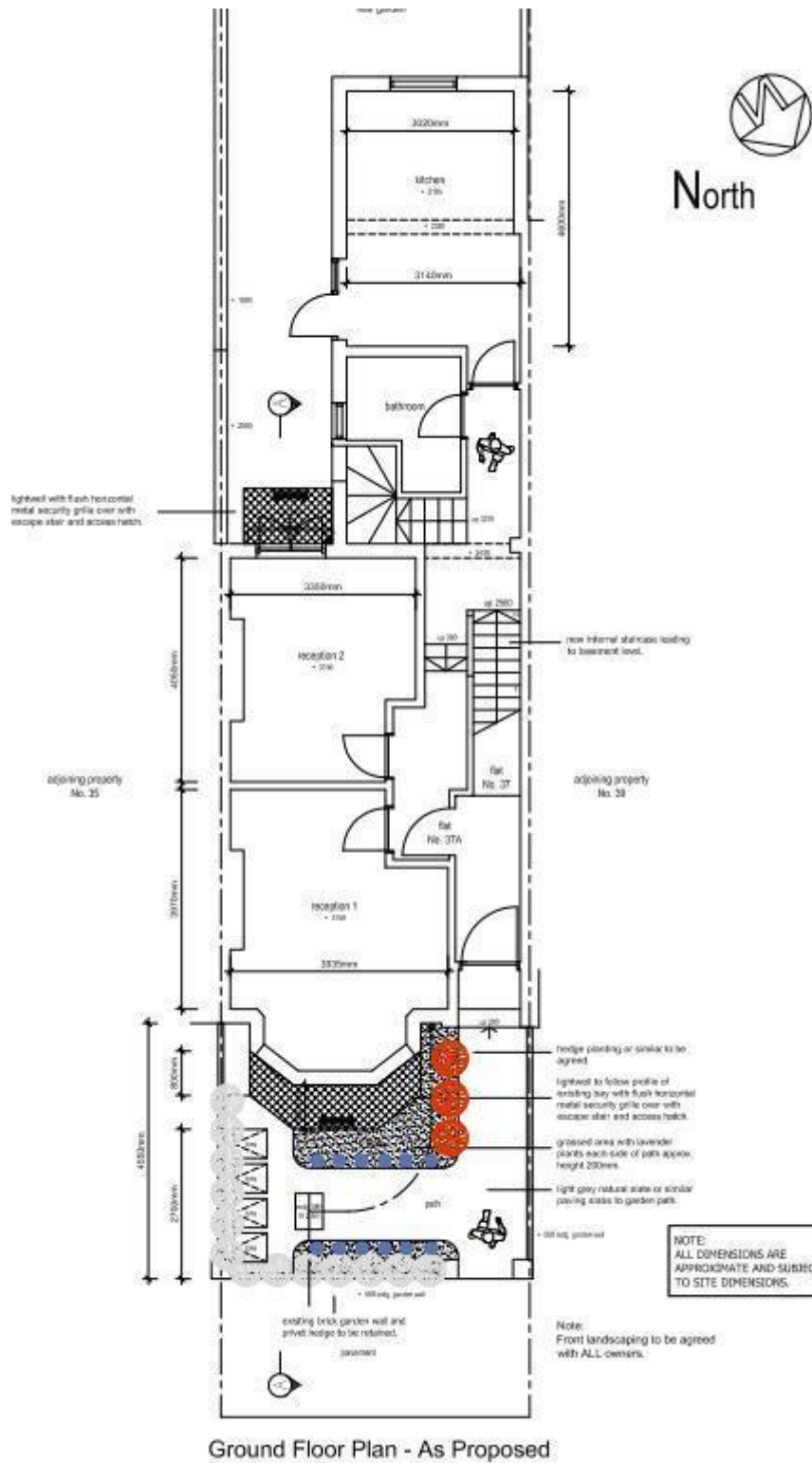
First Floor Plan - As Existing



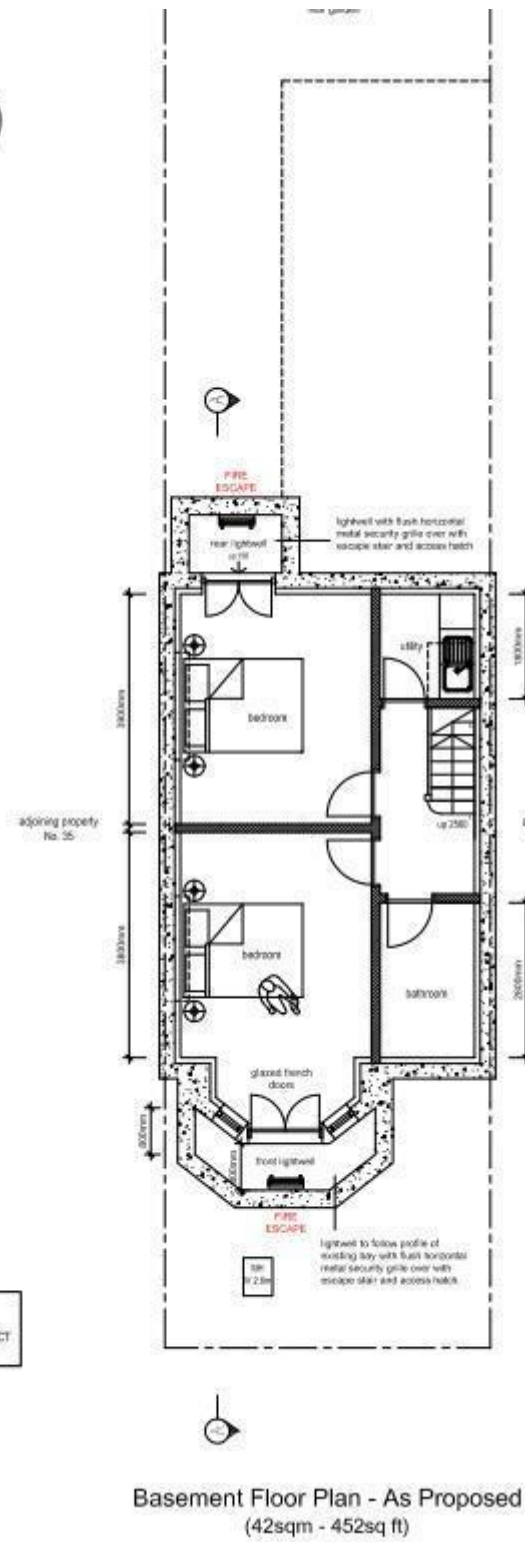
North



Ground Floor Plan - As Existing



Ground Floor Plan - As Proposed



RECOMMENDATIONS

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

A) PROPOSAL

Basement extension with front and rear lightwells to ground floor flat

B) EXISTING

The subject site is a duplex ground floor flat within a 2 storey mid-terrace former dwellinghouse house sub-divided into 2 flats. The site is located on Streatley Road which is predominately residential in character and within the designation North Kilburn Conservation Area. The site is not listed.

C) AMENDMENTS SINCE SUBMISSION

Revised plans were requested for a reduction in the depth of the lightwell in relation to the outside of its profile being no more than 800mm from the bay profile. Additionally, plans for forecourt landscaping were requested to help screen the presence of the lightwell within the conservation area and its appearance from the public highway

D) SUMMARY OF KEY ISSUES

Excavation of basement: The proposal comprises the excavation of a basement level under the main body of the ground floor flat i.e. not including the outrigger to the rear.

Front lightwell: This will be 800mm in depth to the outside of its profile when measured from the existing bay window. This is the maximum depth of lightwell supported in general within the borough.

Frontage- Appropriate soft landscaping sought, taking into account the size of the garden and street precedent.

Ownership of the site: This is a civil matter between the applicant and the other freeholder of the site. Nevertheless, it is considered prudent to mention that concerns raised by the neighbouring freeholder.

RELEVANT SITE HISTORY

15/1285 - Withdrawn, 05/06/2015

Basement extension with front and rear lightwells to ground floor flat

14/2179 - Allowed, 14/2179

Proposed erection of a single storey side infill extension to ground floor flat

89/0813 - Granted, 17/08/1989

Conversion into 2s/c maisonettes

CONSULTATIONS

Date: 19 June 2015

Press Notice: 02/07

Site Notice: 25/06

Scale of consultation: Fifty-nine (59) neighbouring proprietors were consulted by post, including Al Forsyth of the Brondesbury Residents and Tenants group who responded to the previous consultation for case 15/1285 that had to be withdrawn.

Representations received: 11 in total.

- Objections: 7
- Support: 2
- Comments: 2

Objection Raised

5x Similar Objections: Understanding is numbers 35, 39, 28 and 29 on Streatley Road have all required underpinning. Extensive excavations that will be required with this application could undermine tenor stability and any other houses on the road..

This work will cause significance disruption with

Response

See 3.2.1 in Remarks section and Construction Method Statement.

See 3.2.1 in Remarks, Construction

already limited parking on the road. Careless and callous given the fragile stability of the neighbouring houses. There is no precedent for doing such works and it will open the floodgates. This will lead to a domino effect as the foundations of our street become weakened and our general happiness and wellbeing effected. This work is unsafe.

Method Statement and Conditions relating to safeguarding neighbourhood amenity during the construction phase.

Structural issues related to digging under 100+ year old foundations - primarily those on either side of the building works, but likely to affect the entire terrace as they are all connected. The works itself whilst underway are likely to cause significant disturbance in the form of noise and dust on what is an otherwise lovely and quiet street.

See 3.1.1, 3.2.1 in Remarks and Construction Method Statement.

Support/Comments

Great positive commitment to Streatley Road. This basement will increase the value of the property and pave the way for other similar developments. This is necessary to develop and to improve the area and would in my opinion be in keeping with the conservation area status of the street.

Section in report
See section 3.1.2 and Conclusion

Front and rear lightwells are far less of a change to the overall appearance of a property than roof extensions and the area has many of these. Development will always involve short-term disruption to neighbours but we managed the years of scaffolding as people extended into their lofts - this is just the next phase and should be embraced to allow people to improve their homes and stay in an area they love.

See section 3.1.2, 3.2.2 and Conclusion

POLICY CONSIDERATIONS

National Planning Policy Framework (2012)

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

London Plan (2011)

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

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

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

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

Local Policy

For the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the statutory

development plan for the area is the Unitary Development Plan (UDP), which was formally adopted in 2004, and the Core Strategy, adopted in 2010.

Core Strategy 2010

CP17 - Protecting and Enhancing the Suburban Character of Brent

Brent UDP 2004

BE2 - Townscape: Local context & Character

BE7 – Public Realm: Street scene

BE25 - Development in Conservation Areas

BE26 - Alterations and Extensions to Buildings in Conservation Areas

Brent Supplementary Planning Guidance (SPG)

SPG 5 – Altering and extending your home

Basements Practice Guides

North Kilburn Conservation Area Design Guide- *Considered, but no relevant commentary with regards to Basements.*

DETAILED CONSIDERATIONS

1. Background & Context

1.1 *Site*: There is no significant change in ground level to the rear garden. The drawings are correct and confirmed when visited by the Case Officer.

1.2 *Amendments*: It was requested requested that a forecourt planting plan be submitted to soften the appearance of the front lightwell and that the depth of the lightwell be no more than 800mm when measured to the outside of its profile. Subsequently, a condition has been advised to confirm details.

1.3 *Basements Policy*: A basement development is particularly sensitive. Basement proposals have been discussed by Councillors at Committee in November 2014. Issues of basement construction, design, visual impact to a conservation area and the potential long term impacts to neighbouring properties were discussed and it was concluded that basement excavation should be supported in principle with the provision of details set out in the Basement Practice Guide (2013). This approach is generally adopted for all basement applications in the borough and the requirement for forecourt landscaping especially insisted on within conservation areas.

2. Proposal Description

2.1 *Creation of Basement*: This proposal entails creation of a basement under the main footprint of the house; a front lightwell, a rear lightwell and internal arrangements. The basement space is to provide 2 x bedrooms, a utility room and 1 x bathroom. Access to the basement will be from under the existing internal staircase of the house. There is no access to the basement from the rear garden.

2.2 *Excavation*: The basement proposal will span the footprint of the whole house as currently extended. Excavation will be to a depth of 3m allowing for an internal floor to ceiling height of 2.6m.

3. Key Considerations

3.1. Whether the proposal preserves or enhances the Kilburn Conservation Area

The proposed development would need to have an acceptable impact on the character of the host dwelling and surrounding area and would need to preserve or enhance the special character of the Kilburn Conservation Area in order to be considered acceptable. Each part of the proposed development is assessed below:

3.1.1 *Basement*: The basement, as an individual element is expected to preserve the Conservation Area. It will not be visible from the road and the scale of the proposal is not excessive in comparison to the property. A Construction Method Statement has been undertaken and this is discussed in the "Impact on Neighbouring Amenity" section. In general, this part of the application satisfied the Councils policies as outlined in the conclusion.

3.1.2 *Lightwells and external alterations*: The lightwells and other alterations are important to get right to

protect and enhance the Conservation Area. Amendments have been requested for this to reduce the size of the front lightwell and increase the amount of soft landscaping.

The proposal now has a large expanse of foliage screening the light well as well as an additional flowerbed. The depth of the front garden is 4.5m from the main section of the house (not including the depth of the bay window) so a lightwell depth of 800mm is not considered to dominate the frontage. This is consistent with other approved basement applications in Conservation Areas. In addition, and whilst the exact details of this are to be conditioned, a new path has been sought by Officers to ensure the enhancement of the front of the property to mitigate against the potential effects of the lightwell and further enhance the frontage to the property.. 4 bins are shown in the site plan, but there is adequate room for two more if needed. For the avoidance of doubt, the specifics of the condition read that submitted details must include;

- (i) planting of the front garden area with shrubs and/or trees;
- (ii) retention of the front garden wall or walls and the retention of the existing front boundary privet hedge;
- (iii) placement of waste and recycling storage facilities with screening;
- (iv) details of new/retained path to aid in the enhancement of the frontage

This is now considered acceptable as the alterations proposed (final details to be confirmed with condition) are deemed to enhance the frontage.

3.2. Whether the proposal has an acceptable impact on neighbouring amenity

3.2.1 Basement: Excavation to any property in a street can have an unintentional impact to neighbouring sites, particularly if there are adjoining properties. As such, the council requires an applicant to demonstrate that from the outset of a basement proposal, consideration has been made towards the structural stability of their proposal. The applicant has submitted detailed documents and plans to show consideration for excavation has been given. A Construction Method Statement written by "Cowpe Lowe Engineering" has been submitted and the plans outlined in this have been accepted as being robust. This document, along with the proposed drawings show consideration has been given to this proposal and that issues of construction method, underpinning and stability have been taken into account for this proposal. The method of extraction has been confirmed as hand dug and removal via conveyor belt to the front of the property where it will be removed. This is acceptable.

Nuisance during construction is managed separately by Environmental Health and there are accepted hours of construction for construction sites which should be adhered to. The applicant can be reminded of these in the form of an informative. Furthermore a condition can be attached requiring the contractor to be a member of the Considerate Constructors Scheme.

3.2.2 Lightwells and external alterations: It cannot be considered that any of the external alterations will have any impact on neighbouring residents.

5.1 Conclusion

It has been found that this planning application complies with wider basement policy across the Borough, most notably within Queens Park Conservation Area, and this application has been assessed accordingly in light of relevant discussions at recent Planning Committees..

Considering the points discussed above and subject to conditions, the proposed basement, and alterations to the frontage are considered to have an acceptable impact on the character of the host dwelling and the amenities of neighbours and would preserve the special character of the surrounding Conservation Area. The proposal therefore accords with saved UDP (2004) policies BE2, BE7, BE9, BE25 and BE26, Core Strategy (2010) policy CP17, SPG5 'Altering and Extending Your Home', Brents Basement Guidance and the NPPF (2012) and is therefore recommended for approval.



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

=====
Application No: 15/2362

To: Mr Stephen Tween
More Space
115 Gunersbury Avenue
Ealing
London
W5 4HB

I refer to your application dated 04/06/2015 proposing the following:
Basement extension with front and rear lightwells to ground floor flat
and accompanied by plans or documents listed here:
See Condition 2
at 37A Streatley Road, London, NW6 7LT

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
Core Strategy 2010
London Plan 2015

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

- 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):

MS 15003/P/01;
MS 15003/P/02;
MS 15003/P/03 REV A;
MS 15003/P/04;
MS 15003/P/05;
Construction Method Statement
Design and Access Statement

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

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

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

- 4 The proposed basement hereby approved shall not be used as a self contained residential unit. Any change, or intensification of use, will require planning permission. The works shall be carried out in accordance with the approved details.

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

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

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

- 6 Notwithstanding the plans hereby approved, a new planting plan for the front garden shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the occupation of the premises. Such details shall include:

- (i) planting of the front garden area with shrubs and/or trees;
- (ii) retention of the front garden wall or walls and the retention of the existing front boundary privet hedge;
- (iii) placement of waste and recycling storage facilities with screening;
- (iv) details of new/retained path to aid in the enhancement of the frontage

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

Reason: To ensure the development enhances and preserves the amenity, character and appearance of the Conservation Area

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 You are advised that that construction and demolition work is controlled by the Council under Section 60 and 61 of the Control of Pollution Act 1974, and the British Standard Codes of practice 5228:1997 Parts 1 to 4. In particular, building work that is audible at the boundary of the site shall only be carried out between the following hours:

Monday to Friday - 08.00 to 18.30
Saturdays – 08.00 to 13.00
Sundays and Bank Holidays – No noisy works at all
- 3 The application has demonstrated that appropriate consideration in terms of build methodology in relation to the basement has been undertaken by the qualified Engineer in accordance with the Councils Good practice guidance for basement construction. The Council has used its best endeavours to determine this application on the basis of the information available to it, however the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.
- 4 In terms of controlling and minimising dust arising from activities on the site, the applicant is advised of the following mitigation measures:
 - damping down during demolition and construction, particularly in dry weather conditions,
 - sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
 - ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area, the use of demolition equipment that minimises the creation of dust.

MEMBERS CALL IN PROCEDURE

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

Name of Councillor

John Duffy

Date and Reason for Request

Approach from objector

Details of any representations received

Name of Councillor

Rita Conneely

Date and Reason for Request

Approach from objector

Details of any representations received

Name of Councillor

James Denselow

Date and Reason for Request

In support of Cllr Duffy

Details of any representations received

Name of Councillor

Claudia Hector

Date and Reason for Request

In support of Cllr Duffy

Details of any representations received

Name of Councillor

Neil Nerva

Date and Reason for Request

In support of Cllr Duffy

Details of any representations received

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

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COMMITTEE REPORT

Planning Committee on 24 September, 2015
Item No 07
Case Number 15/2551

SITE INFORMATION

RECEIVED: 15 June, 2015

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: William Dromey Court, Dyne Road, London, NW6 7XD

PROPOSAL: Erection of two-storey detached residential unit (3 x 4bed), with associated hard and soft landscaping, provision for 12 car and cycle parking spaces including the provision of 2 disabled car-parking spaces

APPLICANT: Brent Housing Partnership

CONTACT: Hunters Architects

PLAN NO'S: See condition 2

SITE MAP



Planning Committee Map

Site address: William Dromey Court, Dyne Road, London, NW6 7XD

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This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

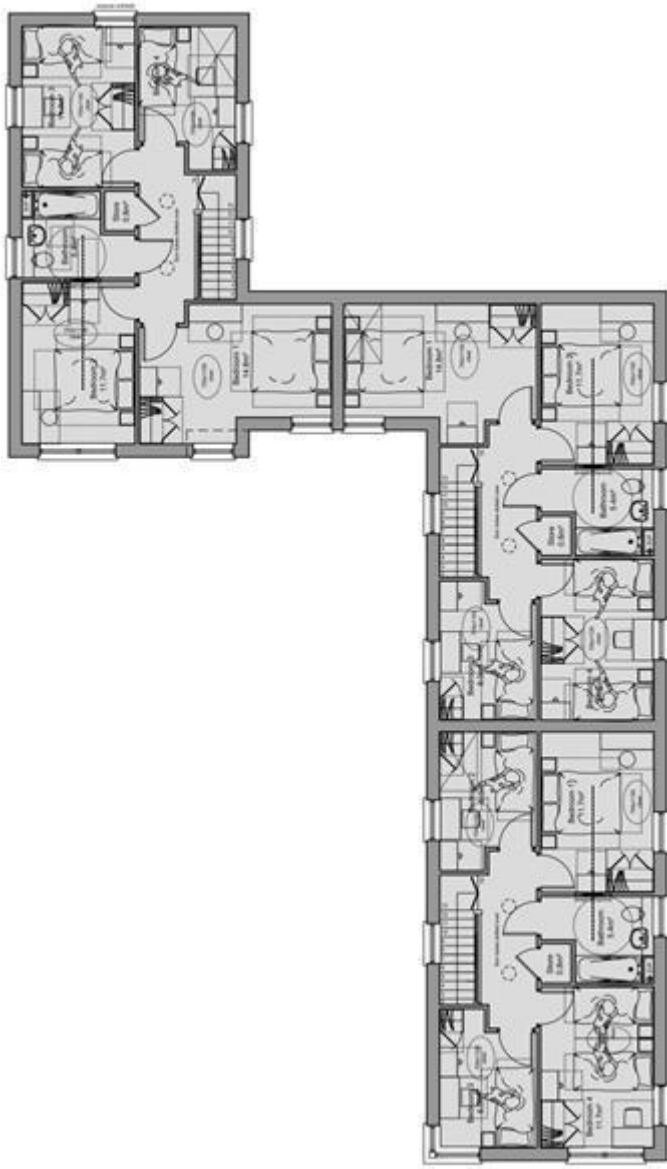
Site Location Plan



Proposed Site Plan



Proposed First Floor



Proposed Perspectives



RECOMMENDATIONS

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

A) PROPOSAL

See description above.

B) EXISTING

The subject site consists of the car park for flats 1-51 William Dromey Court on the northern side of Dyne Road, NW6.

The car park is situated behind The Kingdom Hall to the rear of 1a Dyne Road and to the rear of the car park behind 1b Dyne Road. Both 1a and 1b Dyne Road are office buildings occupied by the Institute of Contemporary Music.

To the east of the site are commercial properties with flats above on Kilburn High Road and to the north is the overground railway line.

The site is not within a conservation area, though the boundary of the North Kilburn Conservation Area is on the western side of William Dromey Court.

C) AMENDMENTS SINCE SUBMISSION

Only minor amendments have been sought to the proposal since its submission, these include:

- Trellis and planting alongside the railway embankment
- Grey paving

Introduction of an additional parking space

D) SUMMARY OF KEY ISSUES

- Design & Layout & Relationship with Neighbouring Buildings

The location of the site means that it has no impact on the streetview but it is nevertheless essential that an acceptable residential environment is designed. Simple but good quality architecture and materials and a layout prioritising pedestrian movement achieve this. The buildings relate acceptably to surrounding buildings in terms of the amenity of neighbouring residential occupiers and the quality of accommodation provided.

- Car Parking

Of the 51 properties in William Dromey court 4 objections have been received from 3 properties in relation to the loss of parking provision. The key issue is that parking spaces for all residents with a current resident permit will be reprovided. Visitor parking will be available in a more controlled way ensuring that it is utilised only by visitors to the site.

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	0	0	363	363

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Houses û Social rented)										
PROPOSED (Houses û Social rented)				3						3

RELEVANT SITE HISTORY

No relevant planning history

CONSULTATIONS

External

Letters were sent to 220 neighbouring properties including the occupiers of James Stewart House. In total 5 objections have been received. The issues raised include:

- Due to my disability I need visitors to help for example with bringing shopping, I therefore need to be able to use the visitors car park, please ensure there are visitors spaces allocated.
- Object to the withdrawal of parking facilities for the current car park users.
- Residents who have paid for existing permits should be allocated a bay as to make this a 'free for all' will cause huge problems.
- The removal of the barrier will affect insurance and will encourage shop owners to use the bays.
- Would welcome clearer information about how the car park will be used in the future as tenants are confused about the arrangement.
- What was to be the community centre has at some point been sold/leased as a place of worship.
- It is disappointing that this site has been identified.
- Existing high levels of anti-social behaviour from the existing social housing will be worsened.
- The construction of family homes will cause more noise and traffic.
- The higher density of social housing will negatively impact on property values.
- Concern about the removal of visitor passes which allow for cars not registered at the address to use the car park - currently used to park a car provided by an employer as the car is registered elsewhere a permanent pass cannot be approved.
- Those that don't have an existing permit will lose out in the new arrangement.

- Objection based on the transparency of this proposal where the council is applying to itself for this permission to build.
- A window is proposed directly overlooking 1a Dyne Road
- The outline proposal for the rear extension to 1a Dyne Road needs to be evaluated in conjunction with the development

Internal

Ward Cllrs and internal consultation emails were sent on 6th August.
The application has been discussed with relevant officers and conditions recommended.

Statutory

London Underground - No comments

Network Rail - a number of comments in relation to the proximity of the development to the site and the need to ensure the Party Wall Act is followed etc. The comments will be shared with the applicants for their information.

BHP consultation

As part of the development process, Hunters and Brent Housing Partnership have undertaken public consultation in order to gauge local opinion of the proposals for both William Dromey and James Stewart Sites. BHP undertook a car park usage survey of all units receiving responses from 17.

BHP carried out a door knocking and letter drop exercise to all residents on 5 January 2015 to seek views on the draft proposals, residents were advised that the proposal makes provision for those residents who are currently in possession of a resident parking permit plus a number of controlled visitor spaces.

BHP advise that they have received very few comments from residents and have met with specific residents and Cllrs as requested.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

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

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

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

London Plan 2011

Policy 3.5 Quality and Design of Housing Developments

Brent Core Strategy 2010

- CP 2 Population and housing growth
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 17 Protecting and enhancing the suburban character of Brent
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock

Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

Brent UDP 2004

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses

Brent Supplementary Planning Guidance

SPG17 Design Guide for New Developments

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

DETAILED CONSIDERATIONS

Background

1 Brent Housing Partnership (BHP) has been looking at ways in which it can increase its stock of affordable family housing, which is housing with 3 or more bedrooms, across the Borough. This reflects the significant existing shortage and the demand arising from Brent's larger than average family sizes.

2 A survey of BHP properties and estates has led to the identification of a number of infill opportunities to contribute to increasing the BHP housing stock some of which have come before Members at previous planning committees. The subject site is a car park located on the northern side of Dyne Road and the proposal seeks permission for the erection of 3x4-bed social rented houses without parking and the reprovision of 13 car parking spaces.

Key considerations

3 The key considerations of this proposal are as follows:

- (1) Principle of development
- (2) Design & Layout & Relationship with Neighbouring Buildings
- (3) Standard of Accommodation
- (4) Impact on neighbouring amenity
- (5) Landscaping
- (6) Parking

Principle

4 Dyne Road is adjacent to Kilburn Town Centre but other than the 3 buildings in front of the subject site its surrounding area is residential and as such the introduction of the proposed residential units is appropriate in terms of the character and use.

5 Parking is the other significant issue which needs to be acceptable for the principle to be supportable. The existing site as set out above, is a car park associated with William Dromey Court and managed with the use of a parking permit scheme through BHP.

6 BHP have undertaken an in depth review of their allocation of resident and visitor permits. The proposal is based on the principle that all residents with an existing residents permit will be eligible under the new arrangement for a permit, the allocation of any additional permits will be managed with an understanding of the remaining capacity. The car park at William Dromey House and James Stewart Court are proposed to be managed under the same system. This is discussed in more detail below.

Design & Layout

7 The proposal is for 3x2-storey terrace houses forming an "L"-shape along the south and east edges of the site. The dwellings face into and look over the car park and pedestrian access route and also into their private gardens. Due to their location set back by 50m behind the Dyne Road frontage buildings the buildings have no impact on the street scene but it is important that a residential character is created within the development to provide an attractive and safe development.

8 The car park has an uneven boundary line particularly where it abuts Kilburn High Road and the rear building line varies greatly but it is 25m deep at its central point and an average of about 40m wide. As the character of development around the site is inconsistent (Kilburn High Road terrace buildings, Dyne Road offices and William Dromey Court 3-story blocks) the proposal has sought to establish its own character.

9 The houses will be accessed from the same pedestrian route which leads from Dyne Road to the rear block of William Dromey Court and is alongside the existing vehicular route to the car park. Residents will cross the vehicular route which leads into the centre of William Dromey Court however as there are only 2 marked parking spaces within that area the number of vehicular movements will be extremely low. At the entrance to the car park the pedestrian route is demarcated with a different surfacing which runs along the southern side of the car park to each front door and each unit has a private front garden with a boundary wall to create defensible space. The communal refuse storage is at the entrance to the car park.

10 The elevational design is simple but is considered to be successful. The houses are proposed to be brick built with simple but generously sized windows. The houses are 2-storeys with mono-pitched roofs with a flat roofed section at the far end of the site connecting to 2 elements.

11 The existing William Dromey Court buildings have a similar arrangement of mono-pitched roofs and while referencing the architecture of this building, it is not considered essential to replicate that due to the separation although it does help to connect the 2 sites.

12 Fenestration is proposed in all elevations at ground floor and first floor providing a sense of surveillance over the car park spaces improving the safety of an area which is currently poorly overlooked.

Standard of Accommodation

13 The units have a clearly identifiable entrances through their front boundaries, and the front doors are legible.

14 The units have a limited though defined set back from the car park curtilage, windows looking onto this space include hallways, a living room, a kitchen/dining room and a study. As this is not a public route there is less concern than there may otherwise be regarding privacy of these windows but a physical separation is provided and the arrangement will provide a suitable division between 'public' and private space. It should be noted that the front outlook is to the car park in which future occupiers will not be able to park, all ground floor rooms however also have windows onto the private amenity spaces proposed for the use of each unit and this is considered on balance to be acceptable. First floor windows also have outlook to the front and rear.

15 House E which is a 4 bed 6 person is 113sqm against the London Plan requirements of 107sqm. Houses F and G are both 4 bed 7 person units and each have a floor space of 128sqm, the London Plan does not provide a standard for 7 person units however the houses provide 21sqm above the 6 person standard for an additional 1 person which is considered to be sufficient.

16 Each unit has a private garden. Unit E has approximately 50sqm over 2 space (to the rear and side) while F and G both have gardens which wrap around the houses and are over 100sqm. Officers raised some concern about the relationship with the Kingdom Hall in terms of the impact this would have on light and outlook as it is 6m from the rear elevation of units E and F, however a section drawing shows that the single storey building has an eaves height of just 3m and as such its impact would be acceptable.

17 An outline application has been submitted for an extension to the rear of 1b Dyne Road over the existing car park for the Institute of Contemporary Music (ICM). Officers have noted that proposed unit E has a secondary window to a bedroom at the point where the building would overlap with the ICM application site (and proposed extension). It is agreed that it is not appropriate to rely on land outside of the applicant's control for outlook and it is, therefore, recommended that this window be omitted. Members will be updated on this issue in a supplementary report.

18 Further consideration has been given to the quality of environment provided by this site which is adjacent to a train line. The overground line to the north is raised with an embankment leading up from the ground level of the application site. To provide screening officers require the introduction of a boundary treatment consisting of a trellis to run along the rear of car parking spaces 1-11. Space for planting will be required between the ends of the parking spaces enabling creepers to grown on the trellis.

Impact on neighbouring amenity

19 The closest neighbouring residential properties are on Kilburn High Road above shops. Unit F backs onto 343 Kilburn High Road with a separation of at least 10m. The Kilburn High Road property has a window at first floor appropriately 4m from its rear boundary which may be habitable however the application does not propose any first floor windows on this elevation preventing any conflicts of privacy from arising. A section drawing through this part of the site allow a further assessment and it is apparent that when set at first floor where there is a residential use the proposed houses fall well below a 30 degree angle maintaining a good quality of light and outlook for residential neighbours.

Landscaping

20 The rear gardens of the proposed units will be suitably landscaped with an arrangement of hardstanding, grass, shrubs and small trees, further details will be require by condition.

21 The proposal does necessitate the removal of a linear group of 5 Horse Chestnut trees on the site. The trees are between 12m and 15m in height so result in a large amount of shading of the site. However they have been identified as Category C trees as they are only in a fair condition in particular suffering from old pruning wounds and disease. The loss of trees is always something that needs to be carefully considered, however in this case those beign removed are estimated to have a remaining contribution of only 10+ years and given their quality it would not be appropriate to require the protection of these trees resulting in the prevention of the development. The council's tree officer has reviewed the proposal and agreed with the conclusions.

22 There is limited space within the site to provide replacement trees but the applicants have been advised that this will be essential. 4 trees are proposed along the edge of the pedestrian access route. Further detail of species and size are required by condition. Trees will be expected to make the maximum contribution possible within the available space, therefore where close to the building species with a small crown spread will be most appropriate.

23 Other trees around the edges of the William Dromey site and on Network Rail land have been identified as category B trees, being of a better quality in general and having a longer life expectancy. It is necessary that all retained trees are protected during construction.

Car Parking

25 The site has a PTAL of 5 meaning that it is very accessible by public transport with both the overground and jubilee lines within easy walking distances along with numerous bus routes. The proposal seeks to restrict parking for future occupiers of the new houses which given the PTAL would be entirely acceptable. Officers are however giving further consideration to the siting of the development within a small car park and have asked the applicant to explore whether an additional capacity can be found to provide parking for any of the new units.

26 Dyne Road is heavily parked as identified in the UDP and reconfirmed by Brent's more recent parking survey, on this basis additional overspill parking from the new development onto the street won't be supported. A permit free agreement will be applied to the new units. It will be reported in a supplementary whether any additional parking capacity for the future residents has been created.

27 The submission states that there are 28 existing parking spaces (not including the 2 disabled bays situated in the centre of William Dromey Court) which operate on a first come first served basis within the site serving 51 residential units. To park on site currently residents have to obtain a residents permit, different to the on-street parking permits issued by the council, and this is managed by BHP. Visitor parking permits have also been issued and are similar to residents permits in that they are not restricted to a certain date so can continually be used, BHP are of the opinion that this system has been open to abuse and passes are being used for parking by numerous non-residents. The new management scheme which BHP intend to roll out along side this development would have visitor permits managed in a way similar to on-street visitor permits, i.e. scratch card style limited to a particular day/time.

28 Even though there are 28 parking spaces available at William Dromey Court the applicants state that there are only 11 residents parking permits. The proposal reprovides 2 disabled parking bays which can be viewed separately, and within the car park area provides 12 spaces, sufficiently re-accommodating all existing residents with permits. The submitted Design & Access Statement (D&A) makes clear that the intention is to enable residents who currently have a residents permit to be able to obtain a permit under the future scheme meaning they are in no way harmed by the proposal.

29 BHP are very clear that this proposal should be viewed alongside the proposal at James Stewart House where there will be a little more parking capacity (reference: 15/3014 on this agenda). Both car parks, opposite one another across Dyne Road will be managed by the same system with permits valid in both. It may be the case that visitors to William Dromey will be more able to park on the James Stewart site and given the distance of about 50m between the sites, not dissimilar to the distance from the existing William Dromey car park, officers find this arrangement acceptable.

30 Four residents from 3 properties within William Dromey Court (of 51 units) have expressed concern about this arrangement:

- 1 resident has a current resident parking permit and will be entitled to one under the new scheme, this objection lies in a lack of certainty about the new arrangement and the possibility of losing out under the new scheme and officers feel that this is sufficiently addressed above.
- Another objection is from a disabled resident who is concerned about losing visitor parking. Also as set out above the new arrangement will enable residents to obtain visitor permits but in a more restricted way than at present to create a more manageable system and to balance the borough's priorities.
- The final 2 objections are from the same household where the residents have been using a visitor pass as they do not have a permanent vehicle and do not have a residents permit so may not be able to obtain one under the new scheme. This is a unique situation and one which officers suggest needs to be worked out with BHP and their management arrangements but should not affect the principle of the acceptability of the application. Should we need to consider that at some point all residents of the site want to own cars all spaces would need to be retained, however the site is exceptionally accessible and this would be a poor long term use of a site which has been identified as able to provide housing.

31 While officers understand the concern raised by these residents it is, in general, considered that the issues are satisfactorily resolved within the proposed arrangement. Officers suggest that the value of the provision of 3 large family houses to meet a priority borough need is significant and in principle find that this outweighs the retention of parking spaces which residents to date have not opted to obtain permits to use.

Other Highways Issues

28 In terms of bicycle storage Council standards require 1 space per unit and as the proposal shows a shed in the he back garden of each unit this is satisfactory.

29 The location of the refuse store is acceptable for both residents and collectors though a condition is recommended to seek to improve its appearance given its situation on the corner of the entrance.

30 Officers have enquired regarding the needs to fire engines to access the site and the agent has confirmed that the layout is appropriate for the relevant building regulations Part B1. In the event of fire within the proposed development, trucks would reverse no more than 20m from the road junction and all points within the development would be well within the 45m maximum distance from the fire truck with mobile pump appliance.

31 The management of parking within the site has been queried so as to understand how parking on the access road would be prevented as this could interfere with emergency access. The applicant has advised that this will be managed through signage identifying the prospect of fines and yellow lines (if necessary).

Conclusions

30 Overall the proposal is considered to result in a good quality of accommodation which will have an attractive appearance in the street and will not be detrimental to neighbouring amenity. Importantly, the development provides family accommodation in two storey houses, with outside space, that is recognised as being in short supply in the Borough.

Neighbour objections

These have been discussed above but are considered here again for completeness.

Neighbour comment	Response
Due to my disability I need visitors to help for example with bringing shopping, I therefore need to be able to use the visitors car park, please ensure there are visitors spaces allocated.	Para's 27-30
Object to the withdrawal of parking facilities for the current car park users.	Para 28 - residents with current residents permits will be able to obtain permits under the new management arrangement
Residents who have paid for existing permits should be allocated a bay as to make this a 'free for all' will cause huge problems. The removal of the barrier will affect insurance and will encourage shop owners to use the bays.	Para 28 - residents with current residents permit swill be able to obtain a permit however BHP are not looking to allocate specific spaces. The permits will be renewable on an annual basis.
Would welcome clearer information about how the car park will be used in the future as tenants are confused about the arrangement.	Officers understand that the proposal may have been confusing particularly as the proposed future management arrangements are a work in progress however they have been clear at all times that residents with current residents permits will be able to obtain permits under the new management arrangement.
What was to be the community centre has at some point been sold/leased as a place of worship.	This may be a reference to the Kingdom Hall. This isn't part of the application site.
It is disappointing that this site has been identified.	Para's 1-2
Existing high levels of anti-social behaviour from the existing social housing will be worsened.	The layout of the proposal seeks to good levels of surveillance and a good residential environment, these are the appropriate planning measures to design out anti-social behaviour however if it were to occur it should be reported to BHP or to the Police.
The construction of family homes will cause more noise and traffic.	The proposal will reduce the amount of on-site parking and therefore cannot increase the amount of traffic. 3 family homes would not be anticipated to cause high levels of noise noticeable on a site where there are

	currently 51 flats.
The higher density of social housing will negatively impact on property values.	This is not a material planning consideration
Concern about the removal of visitor passes which allow for cars not registered at the address to use the car park - currently used to park a car provided by an employer as the car is registered elsewhere a permanent pass cannot be approved.	Para's 27-28 & 30
Those that don't have an existing permit will lose out in the new arrangement.	Para 30
Objection based on the transparency of this proposal where the council is applying to itself for this permission to build.	The applicant is Brent Housing Partnership which is an Arms Length Management Organisation. The proposal have been development independently of Brent's Planning Service and are assessing the application in accordance with local, regional and national policy.
A window is proposed directly overlooking 1a Dyne Road	Para 17
The outline proposal for the rear extension to 1a Dyne Road needs to be evaluated in conjunction with the development	Officers are aware of both applications and how they affect one another. A very large scale of extension is proposed in outline form and its merits in terms of scale/massing will be considered alongside how it would relate to the residential development.

SUSTAINABILITY ASSESSMENT

The application is a minor development and does not have sustainability requirements other than those set out in Building Regulations.

CIL DETAILS

This application is liable to pay **£97,553.66*** under the Community Infrastructure Levy (CIL). The units are proposed for affordable housing and the applicant therefore intends to claim an exemption.

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): 363 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	363	0	363	£200.00	£35.15	£82,971.43	£14,582.23

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)	256	
Total chargeable amount	£82,971.43	£14,582.23

*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.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Brent

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

=====
Application No: 15/2551

To: Mr E Chen
Hunters Architects
Hunters
Space One Beadon Road
London
W6 0EA

I refer to your application dated 14/06/2015 proposing the following:
Erection of two-storey detached residential unit (3 x 4bed), with associated hard and soft landscaping, provision for 12 car and cycle parking spaces including the provision of 2 disabled car-parking spaces

and accompanied by plans or documents listed here:
See condition 2
at William Dromey Court, Dyne Road, London, NW6 7XD

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
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
Transportation

- 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):

APL001 A Site Location Plan
APL003 C Proposed Site Plan
APL004 B Proposed Landscape Plan
APL005 B Ground Floor Plan
APL006 A First Floor Plan
APL007 A Roof Floor Plan
APL008 A Proposed Elevations 1/2
APL009 A Proposed Elevations
APL010 A Proposed Sections
APL011 B Perspective View
APL012 A Proposed Landscaping Improvements (Site B)
APL014 B Proposed Communal Bin Store Location
Design & Access Statement

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

- 3 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.

- 4 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

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

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

- 6 Prior to commencement a full tree protection plan and Arboricultural method statement in accordance with BS 5837:2012 Trees in relation to design, demolition and construction shall be provided. The TPP and AMS should allow for the provision of a watching brief during sensitive operations as well as a pre commencement visit from the Local Authority tree officer in order to sign off tree protection measures. The development shall be implemented in accordance with the approved details.

Reason: To ensure the safe and healthy retention of mature trees both within and in proximity to the scheme.

- 7 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(s).

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights including the trellis.

(ii) Tree species and sizes

Notwithstanding the detail submitted details of tree species and sizes appropriate to the positions within the site.

Tilia Greenspire and Chanticleer Pear should be planted with a minimum stem girth of 16-18cm and Himalayan birch with a minimum girth of 12-14cm. Tree pit details and a full landscape management/establishment plan should be submitted prior to commencement. Two types of eating apple both within the same pollination group shall be considered in place of Malus Tschonoskii

(iii) Hardsurfacing materials

Demonstrating SUDS.

(iv) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

(v) Communal Refuse Store

An improvement to the arrangement in the interest of visual amenity including softlandscaping

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.

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

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

- 9 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out 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 scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

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

The applicant shall pay particular attention to the Network Rail recommendations.

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

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 September, 2015
08
15/3014

SITE INFORMATION

RECEIVED: 15 July, 2015

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: James Stewart House, Dyne Road, London

PROPOSAL: Erection of two-storey detached residential unit (4 x 3bed), with associated hard and soft landscaping, improvement work to existing communal amenity space and provision for 24 car parking spaces

APPLICANT: Brent Housing Partnership

CONTACT: Hunters Architects

PLAN NO'S: See condition 2

SITE MAP



Planning Committee Map

Site address: James Stewart House, Dyne Road, London

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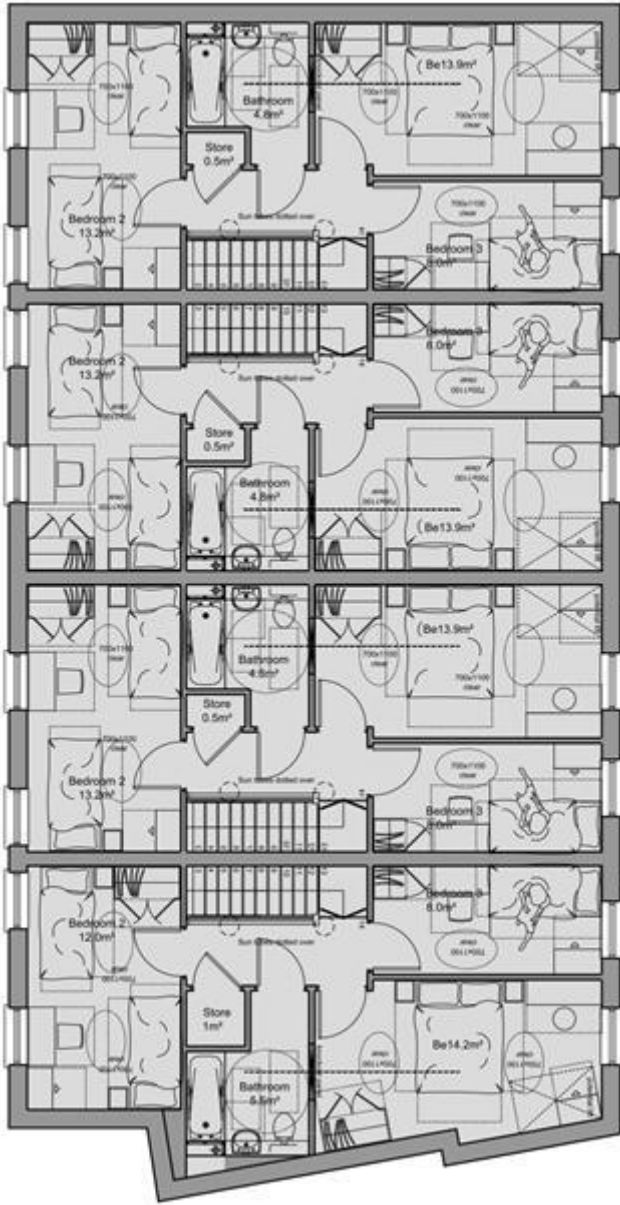
This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

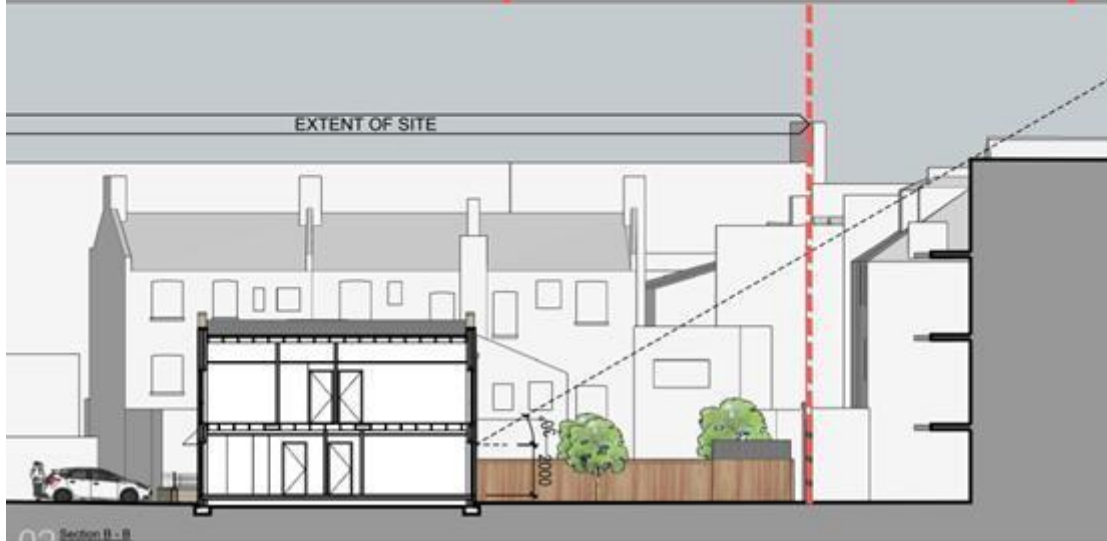
Proposed Site Plan



Proposed First Floor



Proposed Sections



Proposed Perspective



RECOMMENDATIONS

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

A) PROPOSAL

See description above.

B) EXISTING

The subject site consists of the car park for flats 1-46 James Stewart House on the southern side of Dyne Road, NW6.

The car park is situated to the east of James Stewart House, and behind commercial units with flats above on Dyne Road and Kilburn High Road. To the rear of the site is the flank wall of a mews building and the end of a residential garden.

The site is not within a conservation area, though the boundary of the North Kilburn Conservation Area is on

the western side of James Stewart House.

C) AMENDMENTS SINCE SUBMISSION

Only minor amendments have been sought to the proposal since its submission, these include:

Grey paving

D) SUMMARY OF KEY ISSUES

- Design & Layout & Relationship with Neighbouring Buildings

The location of the site means that it has very limited impact on the street scene but it is nevertheless essential that an acceptable residential environment is designed. Simple but good quality architecture and materials and a layout prioritising pedestrian movement achieve this. The buildings relate acceptably to surrounding buildings in terms of the amenity of neighbouring residential occupiers and the quality of accommodation provided.

- Parking

No comments have been received in response to the consultation. It is nevertheless considered that a key issue is the provision of parking for all residents with a current resident permit. Visitor parking will be available in a more controlled way ensuring that it is utilised only by visitors to the site.

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	0	0	387	387

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Houses û Social rented)										
PROPOSED (Houses û Social rented)			4							4

RELEVANT SITE HISTORY

No relevant history.

CONSULTATIONS

External

Letters were sent to 220 neighbouring properties including the occupiers of William Dromey Court. No comments have been received.

Internal

Ward Cllrs and internal consultation emails were sent on 6th August. The application has been discussed with relevant officers and conditions recommended.

Statutory

No other consultation was required.

BHP consultation

As part of the development process, Hunters and Brent Housing Partnership have undertaken public consultation in order to gauge local opinion of the proposals for both William Dromey and James Stewart Sites. BHP undertook a car park usage survey of all units receiving responses from 17.

BHP carried out a door knocking and letter drop exercise to all residents on 5 January 2015 to seek views on the draft proposals, residents were advised that the proposal makes provision for those residents who are currently in possession of a resident parking permit plus a number of controlled visitor spaces.

BHP advise that they have received very few comments from residents and have met with specific residents and Cllrs as requested.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

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

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

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

London Plan 2011

Policy 3.5 Quality and Design of Housing Developments

Brent Core Strategy 2010

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

Brent UDP 2004

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape

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

- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses

Brent Supplementary Planning Guidance

SPG17 Design Guide for New Developments

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

DETAILED CONSIDERATIONS

Background

1 Brent Housing Partnership (BHP) has been looking at ways in which it can increase its stock of affordable family housing, which is housing with 3 or more bedrooms, across the Borough. This reflects the significant existing shortage and the demand arising from Brent's larger than average family sizes.

2 A survey of BHP properties and estates has led to the identification of a number of infill opportunities to contribute to increasing the BHP housing stock some of which have come before Members at previous planning committees. The subject site is a car park located on the southern side of Dyne Road and the proposal seeks permission for the erection of 3x3-bed social rented houses without parking and the reprovision of 13 car parking spaces.

Key considerations

3 The key considerations of this proposal are as follows:

- (1) Principle of development
- (2) Design & Layout & Relationship with Neighbouring Buildings
- (3) Standard of Accommodation
- (4) Impact on neighbouring amenity
- (5) Landscaping and loss of communal space
- (6) Parking

Principle

4 Dyne Road is adjacent to Kilburn Town Centre but the character of the subject site and its surrounding area is largely residential and as such the introduction of the proposed residential units is appropriate in terms of the character and use.

5 Parking is the other significant issue which needs to be acceptable for the principle to be supportable. The existing site as set out above, is a car park associated with James Stewart, consisting of garages and surface

parking and managed with the use of a parking permit scheme through BHP.

6 BHP have undertaken an in depth review of their allocation of resident and visitor permits. The proposal is based on the principle that all residents with an existing residents permit will be eligible under the new arrangement for a permit, the allocation of any additional permits will be managed with an understanding of the remaining capacity. The car parks at William Dromey House and James Stewart Court are proposed to be managed under the same system. This is discussed in more detail below.

Design & Layout

7 The proposal is for 4x2-storey 3 bed terraced houses. The site is an "L"-shape with garages in the end of the "L", the proposal envisages the removal of the garages and the insertion of the houses into this space. The remaining space where the surface parking is will continue to function as surface parking. The dwellings face into and look over the car park and towards the communal amenity space which is situated behind James Stewart House. The buildings have no impact on the street scene but it is important that a residential character is created within the development to provide an attractive and safe development.

8 The plots provided for the proposed units, from their front boundary to the end of the rear garden are about 25m in length. In front of this there is a provision of softlandscaping and 1 parking space per unit. The rest of the site is filled by 2 rows of perpendicular parking.

9 The houses will be accessed from the existing vehicular route into the car park, the pedestrian route will be demarcated with a different surfacing which runs along the edge of the eastern row of parking spaces. An alternative pedestrian only route is provided to the west of the site, however given that many journeys are likely to come from Kilburn High Road it was considered to be important that a pedestrian route be identified on what would probably be a desire line. Each unit has a private front garden with a boundary wall to create defensible space. The communal refuse storage is at the entrance to the car park.

10 The elevational design is simple but is considered to be successful. The houses are proposed to be brick built with simple but generously sized windows. The houses are 2-storeys with mono-pitched roofs. This does not reference James Stewart Court which is flat roofed but creates a uniform terrace of 4 houses with a consistent character.

12 Fenestration is proposed in all elevations at ground floor and first floor providing a sense of surveillance over the car park spaces improving the safety of an area which is currently poorly overlooked from within the site, though visible from neighbouring buildings.

Standard of Accommodation

13 The units have a clearly identifiable entrances through their front boundaries, and the front doors are legible.

14 The units have a private curtilage set behind the parking spaces and kitchen/dining room windows facing onto the frontage at ground floor. An appropriate division between 'public' and private space is provided. Living rooms face into the rear gardens.

15 Each of the 4 units are 3 bed 5 person and 96.8sqm against the London Plan requirements of 86sqm exceeding the standard by almost 10sqm.

16 Each unit has a private garden measuring approximately 60sqm. The garden of unit D in particular may be quite overshadowed by the adjacent mews building however there remains a significant value in providing outdoor amenity space to a family house taking account of its location just off the busy high road.

17 The units are all at least 12m from the rear boundary of the site which has a residential property to the rear. The rear gardens of the new development will be somewhat overlooked by the neighbour which is set approximately 7.5m back from the boundary however there is a good separation distance between the elevations and the development will provide a good quality of accommodation with sufficient privacy.

Impact on neighbouring amenity

18 As noted above there are residential units to the rear of the proposed houses and there is sufficient separation between them. To the north of the site there are residential windows are first floor and one tightness occurs at 2 E&F Dyne Road where an extension has been constructed just 5m back from its rear

curtilage. The agent has not been able to identify the use of the small extension though it could be for example a kitchen. The window will be 6.3m away from the flank wall of the proposed dwelling house. The window overlaps with the building towards the end of the flank wall meaning that outlook beyond it will be possible to the side and it should also be noted that the height of the building at this edge, given the angle of the mono pitch roof, is quite low. A line set 2m from floor level at the rear elevation where the window is located shows the proposed development fall below an angle of 10 degrees while anything under 30 degrees would be considered to have an acceptable impact in terms of light. On balance this relationship is considered to be acceptable.

Landscaping and Communal Space

19 The rear gardens of the proposed units will be suitably landscaped with an arrangement of hardstanding, grass, shrubs and small trees, further details will be require by condition.

20 In order to enable 2 rows of perpendicular parking the application site does cut into the existing softlandscaping on the eastern side of James Stewart House. The softlandscaped area to be brought into the car park use is approximately 170sqm and consists primarily of a green edge running along the eastern flank of the court. This is generally not useable space but has visual amenity value. It is always unfortunate to lose areas of softlandscaping however in this instance the loss is kept to a minimum and landscaping improvements are included within the proposal to mitigate this loss.

21 The development necessitates the removal of a Mountain Ash and some low quality large shrubs/trees which have all been assessed as Category C. A new tree (Field Maple) is proposed at the site frontage and a row of 7 further trees are proposed along the back edge fo the car parking spaces. These are considered to more than off set the loss of the existing trees.

22 To the rear of James Stewart Court there is an existing communal amenity space, the proposed houses furthest into the site directly face this. To further mitigate the encroachment into the communal space additional landscaping improvements are proposed to this area which currently consists only of grass and 2 benches. Planting beds of shrubs and additional trees will be incorporated adding significant ecological and amenity value.

Car Parking

23 The site has a PTAL of 5 meaning that it is very accessible by public transport with both the overground and jubilee lines within easy walking distances along with numerous bus routes. The proposal includes a parking space per unit and seeks to restrict access for on-street spaces, this arrangement is entirely acceptable.

24 The submission states that there are 15 existing parking spaces plus 18 garages. BHP undertook a review of the use of the garages and found that just 3 were used for parking cars and had valid permits and these have been taken into account in the calculation of permits. In total there are 14 current resident permits in issue and the proposal seeks to replace 20 surface parking spaces. The 4 spaces proposed for the residents do not form part of this calculation and all 20 spaces are available for use by existing residents and visitors.

25 No comments have been made by residents or neighbours regarding these arrangements and officers find the proposal to be a suitable provision, improving the use of the site and also providing some additional capacity for William Dromey Court when necessary.

Other Highways

26 In terms of bicycle storage Council standards require 1 space per unit and as the proposal shows a shed in the back garden of each unit this is satisfactory.

27 The location of the refuse store is acceptable for both residents and collectors though a condition is recommended to seek to improve its appearance given its situation on the corner of the entrance.

Conclusions

28 Overall the proposal is considered to result in a good quality of accommodation which will have an attractive appearance in the street and will not be detrimental to neighbouring amenity. Importantly, the development provides family accommodation in two storey houses, with outside space, that is recognised as

being in short supply in the Borough.

SUSTAINABILITY ASSESSMENT

The application is a minor development and does not have sustainability requirements other than those set out in Building Regulations.

CIL DETAILS

This application is liable to pay **£104,003.48*** under the Community Infrastructure Levy (CIL). The units are proposed as affordable housing and therefore the applicant will seek to claim an exemption.

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): 387 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	387	0	387	£200.00	£35.15	£88,457.14	£15,546.34

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)	256	
Total chargeable amount	£88,457.14	£15,546.34

*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.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Brent

DECISION NOTICE – APPROVAL

=====
Application No: 15/3014

To: Mr Eddie Chen
Hunters Architects
Hunters
Space One Beadon Road
London
W6 0EA

I refer to your application dated 15/07/2015 proposing the following:
Erection of two-storey detached residential unit (4 x 3bed), with associated hard and soft landscaping, improvement work to existing communal amenity space and provision for 24 car parking spaces

and accompanied by plans or documents listed here:
See condition 2
at James Stewart House, Dyne Road, London

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
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

- 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):

APL103 B Proposed Site Plan
APL104 B Proposed Landscape Plan
APL105 A Ground Floor Plan
APL106 A First Floor Plan
APL107 A Roof Plan
APL108 A Proposed Elevations
APL109 A Proposed Sections
APL110 B Perspective View
Design & Access Statement

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

- 3 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.

- 4 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local

Planning Authority.

Reason:

In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

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

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

- 6 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(s).

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Tree species and sizes

Notwithstanding the detail submitted details of tree species and sizes appropriate to the positions within the site.

Tilia Greenspire and Chanticleer Pear should be planted with a minimum stem girth of 16-18cm and Himalayan birch with a minimum girth of 12-14cm. Tree pit details and a full landscape management/establishment plan should be submitted prior to commencement.

Two types of eating apple both within the same pollination group shall be considered in place of Malus Tschonoskii

(iii) Hardsurfacing materials

Demonstrating SUDS.

(iv) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

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.

- 7 Prior to commencement a full tree protection plan and Arboricultural method statement in accordance with BS 5837:2012 Trees in relation to design, demolition and construction has been provided. The development shall be implemented in accordance with the approved detail.

Reason: To ensure the safe and healthy retention of mature trees both within and in proximity to the scheme.

- 8 Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and

analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

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

- 9 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out 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 scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).


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

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 Liz Sullivan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5377

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 <p>Brent</p>	<p>Planning Committee</p> <p>24 September 2015</p> <p>Report from the Head of Planning</p>
<p>For Action</p> <p style="text-align: right;">Wards affected: HARLESDEN</p>	
<p>Application for the Modification or Discharge of Planning Obligations under Town and Country Planning Act 1990 (Section 106A) and Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992</p>	

SUMMARY

An application under section 106A of the Town and Country Planning Act 1990 (as amended) to modify or discharge a planning obligation was received on 9 June 2015, to modify the obligation to pay a financial contribution within the Legal Agreement dated 4 June 2009 and Deed of Variation dated 26 October 2009 to reduce the financial contribution due.

RECOMMENDATION

That the application to modify or discharge the planning obligation be refused.

SITE DESCRIPTION AND PROPOSAL

The development is known as Florence Court (Site of former Willesden Court House), St Marys Road, London, NW10, a development of 38 residential units and a 162sqm ground floor community facility.

PLANNING HISTORY

On 7 October 2008, Members resolved to grant consent subject to a legal agreement to secure the following benefits, as set out in the original Committee Report (see Appendices 1, 2 and 3 for the original committee report, supplementary report and minutes from the committee meeting).

The legal agreement was negotiated under delegated authority and completed with Mary Development Ltd on 4 June 2009. The principal points of the agreement are as follows:

- 100% affordable housing
- 162sqm of community facility
- A Primary Financial Contribution (PFC) of **£223,200** to be paid 60% on Material Start (commencement) and 40% two years after Material Start, to be utilised by the Council towards the provision and/or improvement of all or some of the following: (a)

education facilities in the Borough; (b) sustainable transport in the local area; (c) sport and/or open space in the area

- A Secondary Financial Contribution (SFC) of **£50,000** to be paid upon Practical Completion or any reduced sum to be agreed in writing by the Council to be utilised by the Council towards off-site community facilities *unless an independent financial appraisal shows a return on the Development of less than 15% of the total cost.*
- Sustainability (Code for Sustainable Homes Level 3) and energy (20% on-site renewable energy generation)

A deed of variation was signed in 26 October 2009 which made minor changes to the tenure of the affordable housing, which is not considered material to this application.

See appendices 4 and 5 for the Legal Agreement and the deed of variation.

The development was commenced in March 2010. Payment of the first instalment of the PFC, due on commencement, was not made until April 2011. Accordingly, payment of the second instalment of PFC was due on March 2012 (two years after commencement).

In November 2011 the Council agreed to waive the SFC on grounds of viability.

Payment of the second instalment of the PFC was not received on March 2012. Mary Developments Ltd were pursued by letter for late payment in March 2014. This letter was returned in late March 2014. Your officers undertook steps to ascertain the identity of the land owners by carrying out searches of the Land Registry. This revealed the land had been sold to Catalyst Housing Ltd and a letter was issued to that company in May 2014, alerting them of their obligations under the legal agreement as successors in title. No response was received and in October 2014 an invoice was issued by FSC to Catalyst Housing Ltd. Catalyst Housing Ltd advised officers in May 2015 that the responsibilities under the legal agreement remained with Kitewood Ltd, who were behind Mary Developments Ltd. An invoice was issued to Kitewood in May 2015.

CONSULTATION

A press notice was published on 2 July 2015. No responses were received.

POLICY CONSIDERATIONS

Section 106 agreements over five years old are eligible for a specific statutory process under section 106A which allows an application to be submitted to the local planning authority requesting that it be modified or discharged.

In accordance with the Legislation, the local planning authority must consider whether the obligation(s) contained in the section 106 agreement still serves a "useful purpose". In making such a determination, the local planning authority can reach one of three conclusions (section 106A(6)):

- that the planning obligation shall continue to have effect without modification;
- that the obligation no longer serves a useful purpose, in which case the local planning authority shall discharge it; or
- that the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, in which case it shall have effect subject to those modifications

REMARKS

This development is complete and occupied.

A statement and cost summaries have been submitted in support of the application. The applicant has given the following reason for applying for the modification:

“The development of the land for a 100% affordable housing scheme has resulted in a scheme that has not made the development company any profit. Payment of the outstanding s106 costs will result in the company making a significant loss.”

The statement further explains the applicant’s reasoning: (1) the development is wholly affordable and the Council should provide flexibility in delivering affordable housing and not unnecessarily burden the developer with contributions that impact its viability and deliverability; (2) under CIL, social housing is exempt from making a contribution to infrastructure and it would be equitable for this to be taken into account when considering this application; (3) the development will produce a negative return.

Your officers respond as follows:

1. the development is completed as 100% affordable housing; reducing the PFC would have no effect on the deliverability of this affordable housing;
2. the provisions of the CIL Regulations are irrelevant to this application: consent was granted and the legal agreement signed before CIL was introduced;
3. The payment of the PFC is not subject to viability: the applicant entered into the legal agreement and covenanted to pay the PFC willingly, as a condition of gaining planning consent. That the developer failed to pay the PFC on time and subsequently this project may not have met their financial expectations is not grounds for the Council to forego its right to pursue the payment of the second instalment of the PFC.

In accordance with section 106A(6), the obligation continues to serve a useful purpose: this financial contribution is required to provide infrastructure (education in the borough, sustainable transportation in the local area, sports and/or open space in the area) to mitigate the impact of the development and to make it acceptable in planning terms. The sum owed was calculated in accordance with the approved methodology set out in the adopted Supplementary Planning Document for S106 Obligations 2007. The obligation would not serve that purpose equally well if it were modified to reduce the PFC by 40%, as the Council would be unable to provide the level of mitigation required.

The applicant also seeks to avoid payment of the monitoring fees. The applicant was a willingly signatory to the Legal Agreement which includes a clause requiring the payment of reasonable fees to monitor compliance with the terms of the agreement.

FINANCIAL IMPLICATIONS

The outstanding sum is £89,280 plus indexation plus the monitoring fee of £1,750 which takes the total outstanding to £107,803. The failure to ensure payment of this obligation would limit the Council’s ability to provide infrastructure necessary to make this application acceptable in planning terms whilst the failure to pay the monitoring fee will limit officer’s ability to ensure compliance with the terms of the legal agreement now and in the future.

BACKGROUND PAPERS

- Appendix 1 – Committee report (7 Oct 2008)
- Appendix 2 – Supplementary report (7 Oct 2008)
- Appendix 3 – Committee minutes (7 Oct 2008)
- Appendix 4 – Legal agreement (4 June 2009)
- Appendix 5 – Deed of variation (26 October 2009)

CONTACT OFFICERS

Any person wishing to inspect the above papers should contact Angus Saunders, Development Funds & Information Officer 020 8937 5237

Stephen Weeks
Head of Planning

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APPENDIX 1

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RECEIVED: 5 June, 2008

WARD: Harlesden

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Site of former Willesden Court House, St Marys Road, London, NW10

PROPOSAL: Erection of a 3, 4, 5 and 6 storey building comprising 149msq community facility (Use Class D1) on the ground floor, 38 self contained flats (100% affordable, 4x1bed, 15x2bed, 17x3bed, 2x4bed), 3 disabled parking spaces, 38 cycle spaces, formation of new vehicular access onto St Mary's Road NW10, communal garden and associated landscaping as accompanied by Sustainability Report by Price & Myers Revision 1 dated 9 September 08 and Sustainable Checklist ('Car-free development').

APPLICANT: Kitewood Estates Ltd

CONTACT: CgMs

PLAN NO'S: STMR/E01, STMR/P12 A, STMR/P01 D, STMR/P02 C, STMR/P03 C, STMR/P04 C, STMR/P05 C, STMR/P06 C, STMR/P07 C, STMR/P08 C, STMR/P09 A, STMR/P10 A, STMR/P11 A

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- a) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and b) monitoring and enforcing its performance
- b) 100% Affordable Housing
- c) Contribution of £223,200 (£2,400 per bedroom), due on Material Start and index-linked from the date of committee, to be used for improvements to the education, sustainable transports, sports and open space in the local area.
- d) A requirement to implement sustainability measures implemented on TP6 Form "Sustainability Checklist" submitted with the application and measures to ensure that a Code for Sustainable Homes Level 3 rating has been achieved. Following the completion of construction works, appropriate independent evidence (such as a BRE Post-Construction Review) should be submitted to the Local Planning Authority to verify this.
- e) Compensatory provision of payment to the Council if an independent review shows sustainability measures have not been implemented on site.
- f) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's

satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.

g) The provision of no less than 149sqm of D1 Class publicly accessibly community space within the development.

h) Join and adhere to the Considerate Contractors scheme.

i) Remove the right of residents to apply for parking permits.

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

EXISTING

The subject site is situated on the north side of Craven Park Road at its junction with St Mary's Road and was previously occupied by the two storey Court House building which has now been demolished and the site is vacant.

PROPOSAL

This application seeks to construct a 3, 4, 5 and 6 storey building comprising 149sq.m community facility (Use Class D1) on the ground floor, 38 self contained flats (affordable - 4x1bed, 15x2bed, 17x3bed, 2x4bed), 3 disabled parking spaces, 38 cycle spaces, formation of new vehicular access onto St Mary's Road NW10, communal garden and associated landscaping.

HISTORY

Planning permission granted in November 1991 for the demolition of the existing building and the redevelopment of the site with a part 3 storey, part 4 storey building for office use with the provision of 48 parking spaces at basement and ground level.

Planning permission granted in December 1993 for the change of use of the courthouse to community centre and construction of atrium to internal courtyard.

Planning permission refused in June 2006 for the erection of a part 7-storey, part 6-storey building comprising 56 flats, with commercial use on the ground floor and an appeal against this refusal was withdrawn by the applicant.

POLICY CONSIDERATIONS

The following policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to consideration of the application.

Unitary Development Plan 2004

STR11 - Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

BE1- requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

BE2 - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

BE3 - relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE4 - states that developments shall include suitable access for people with disabilities.

BE5 - Proposals should, amongst other things, clearly defined public, private and semi-private spaces in terms of their use and control.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, boundary treatments to complement the development and enhance the streetscene.

BE7 – A high quality of design and materials will be required.

BE9 - Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality materials.

BE12 - states that proposals should embody sustainable design principles commensurate with the scale and type of development.

EP3 - requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

H9 – 15+ unit developments are required to provide a mix of family and non family units having regard to local circumstances and site characteristics. Special regard will be had to affordable housing designed to meet the needs of a particular priority group.

H10 - New residential development should be self-contained.

H11 - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking ,where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

H15 - States that the density and height of any buildings should be subsidiary to the street fronting development.

TRN1 -Transport impact assessed, including cumulative impacts on the environment, on the road network and all transport modes including public transport, walking and cycling. Developments having a potentially significant impact on the transport network should submit a Transport Assessment, incorporating proposed traffic reduction by the developer (e.g. green transport plans). Where this transport impact is demonstrated to have an unacceptable public transport or environmental impact the application will be refused unless measures are secured as part of the application making this acceptable.

TRN2 - Development should benefit and not harm the operation of the public transport network and should be located where the public transport accessibility is sufficient to service the scale and intensity of the use, in particular, the capacity of the public transport network within convenient and safe walking distance of the site should be sufficient to accommodate any increase in passenger trips to an acceptable level of service, any

significant increase in traffic generated by the development and/or associated highway works should not cause material harm to the speed and/or reliability of bus services.

TRN3 - Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where:

- (a) The anticipated level of car generation/attraction is greater than the parking to be provided on site in accordance with the Plan's standards and any resulting on-street parking would cause unacceptable traffic management problems; and/or
- (b) The proposal would have unacceptable environmental problems such as noise or air quality (especially affecting air quality management areas); and/or
- (c) The development would not be easily and safely accessible to pedestrians and/or cyclists; and/or
- (d) Additional traffic generated would have unacceptable consequences in terms of access/convenience for pedestrians and/or cyclists; and/or
- (e) The proposals would produce unacceptable road safety problems; and/or
- (f) The capacity of the highway network is unable to cope with additional traffic without producing unacceptable levels of traffic congestion – especially where this would hinder the ability of the Strategic Road Network and/or London Distributor Roads to cope with through trips, or would introduce through traffic onto local roads; and/or
- (g) The proposal would cause a significant increase in the number and/or the length of journeys made by the private car.

TRN4 - Where transport impact is unacceptable, measures will be considered which could acceptably mitigate this and enable the development to go ahead, secured at the developers' expense including public transport improvements sufficient to service the scheme or to integrate it with the surrounding area, the extension or bringing forward of on street parking controls/waiting restrictions, improvements to pedestrians and/or cycle facilities, traffic calming measures, acceptable road safety and essential highway improvements, not necessarily restricted to junctions and road lengths adjacent to the development, providing these improvements are limited to measures necessary to make the transport impact acceptable and management measures necessary to reduce car usage to an acceptable level (e.g. green transport plans). Such measures should be necessary for the scheme to go ahead and be related to the development, should be consistent with any existing or proposed parking controls and Local Area Transport Strategy covering the area and should not unacceptably divert traffic problems elsewhere. Wherever possible, measures should be completed before the development is completed/operational.

TRN10 - The walkability of the public environment should be maintained and enhanced especially to key destinations such as schools, shopping centres and public transport and for those with mobility difficulties. New development should have safe walking routes which are overlooked, convenient and attractive within the site and to surrounding facilities and areas. These should normally be along streets or where not practical or desirable overlooked pedestrian routes. There should be level access at pedestrian crossing points

TRN11 - Developments shall comply with the Councils minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

TRN23 - Parking standards for residential developments require that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.

TRN34 - Servicing required to standard

TRN35 - On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

PS14 - Residential parking standards - Maximum of 1.2 spaces per for 2 bedroom units. Spaces should be unallocated as far as possible.

PS15 - 10% of spaces should be widened to 3.3 metres for disabled parking. A minimum of 1 space will be required for developments of 10 units or more.

PS16 - 1 cycle parking space per unit

Site Specific Proposal HP11 - the site would be acceptable a mix of development including community use, housing, offices food and drink and arts, culture and entertainment. Any uses though should contribute to the regeneration of Harlesden. The retention of the existing buildings is recommended.

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

Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction & Pollution Control".

SUSTAINABILITY ASSESSMENT

The applicants have submitted the sustainability checklist and have been amended throughout the application stage to achieve a very positive rating of 51%. This will be subject to a legal agreement for the development.

CONSULTATION

Adjoining occupiers within at least 100m of the site in Craven Park Road, Fortunegate Road, Nicoll Road, St Mary's Road and St Thomas's Road consulted. 14 letters were received, 12 objecting to, 1 in support and 1 comment from nearby occupiers: The objections are;

- Development too big for the site
- loss of light, privacy and outlook;
- increase in cars and parking problems on adjacent roads;
- increase in noise, pollution, smell from refuse storage,
- increase opportunities for crime
- design out keeping with character of the area
- excessive height
- building too close to the street
- community use would increase number of people coming to the area and be nuisance in the local area

Councillor Long also queried the proposed Community Use and what it was going to be used for.

REMARKS

This application proposes the erection of a part 6, 5, 4 and 3-storey building on the site comprising a total of 38 flats (all affordable), with Community Facility Use (Use Class D1) on the ground floor fronting Craven Park Road. In terms of the mix of units proposed, these can be summarised in the table below:-

Size	Number	Percentage
One bed flats	4	10.5
Two bed flats	15	39.4
Three bed flats	17	44.7
Four bed flats	2	0.5

The application site is designated as proposal HP11 for community use/housing/offices/food and drink in UDP 2004. More recently, as part of the Emerging Local Development Framework, the site has also been identified and designated in the Site Specific Allocation document, SSA80, for mixed use including a new community facility on the ground floor and residential development above, including amenity/open space and even though the LDF process has stalled this would be more relevant for the purpose of assessment. Members will be aware that Officers have previously discouraged the demolition of the building. Once that advice was ignored and the Court House was removed, the view was taken that any development would have to be of the highest quality possibility to compensate for the loss of the architecturally important building.

HOUSING MIX

The proposed housing mix provides for 50% three/four bedroom, family sized units. The proposed development, which would be 100% affordable, demonstrates that a satisfactory proportion of accommodation for larger family sized dwellings is provided, so as to better meet the Borough's housing needs and, as a result, the proposal does satisfy UDP Policy H9 on Dwelling Mix

The applicant have not confirmed any registered social landlord (RSL) as the applicants are, at the time of writing, currently in discussions and negotiations with a number of RSLs. Members may be aware that normally Officers would expect any application to be submitted with one of the Councils affordable housing partners on board. This is to ensure that the form of development would not subsequently change in the

future once the RSL gets involved. However, in this case the Council's RSL Housing Officer has considered the submitted information and is satisfied with the tenure, dwelling mix and size of units for affordable housing are all acceptable and, on this basis, Officers consider it appropriate to consider the application.

HIGHWAY CONSIDERATIONS.

The application site is located on the north-western side of St Mary's Road, a local access road in Harlesden. The site also has a boundary onto Craven Park Road, part of the London Distributor Road through central Harlesden. St Mary's Road defined in the UDP as being heavily parked, however the road now lies within the CPZ. The site has very good access to public transport with a PTAL rating of level 5.

A site with very good access to public transport would have reduced parking allowances of 0.7 spaces per 1 and 2 bed flats and 1.2 spaces per 3bed units. As such, up to 36 car parking spaces would be permitted for the 38 proposed flats.

The relatively recent extension of the Controlled Parking Zone into St Mary's Road would allow the development to be 'car-free' and a 'car-free' agreement is therefore secured within the Section 106 Agreement for the site, to ensure that overspill of parking from the site should be minimised.

The proposed new access road to the development is not wide enough to allow two vehicles to pass one another. However, with a separate footway provided into the building and with only three disabled parking spaces served, this arrangement is considered acceptable for the limited amount of use it will incur. The proposed gates are adequately set back to allow cars to wait clear of St Mary's Road whilst they open, whilst the setting of the access away from the site boundary will allow pedestrian and vehicular sightline requirements to be met.

Thirty-eight bicycle spaces are provided in line with parking standard PS16 and a central refuse storage area for both waste and recycling bins is also provided.

DESIGN CONSIDERATIONS.

The proposed development building is well designed and is proposed to have good quality finish. The building line slightly projects forward of the adjacent building, the Trinity Centre. The staggered building line of the proposed building and relationship with the Trinity Centre are not considered to be detrimental to the streetscene and indeed add interest to the scene. The change in the building line is minor and it allows a gradual transition between the two buildings.

The proposed building is staggered itself and the closest part of the building is setback 2.4m from the St Mary's Road pavement. Other parts of the building are 4m and 5m set back from the boundary with the said Street. This helps to break up the building line and the massing from the street and is therefore welcomed. On St Mary's Road the setback generally ranges from 1.4m (directly opposite) to 2.7m (further down the street on the eastern side - semi detached properties). Therefore the proposed setback is considered acceptable and coherent with the existing streetscene. Whereas the previously proposed building was considered to have a significantly detrimental impact on the character and appearance of the area, this latest development is an improvement and is now considered to be of the necessary design quality required on a site like this.

On the Craven Park Road frontage, the building is proposed to be sited along the back edge of the footpath in line with the adjacent buildings. This is acceptable.

A contemporary approach in design is proposed and would enhance the area from architectural point of view.

The elevational treatment with different render finishes would break up the massing and scale of the development and provide visual interest. The proposed height is also stepped down along St Mary's Road, so from 6 storeys high on the frontage to three adjacent to the Trinity Centre, this results in an acceptable relationship with what is around. It allows a better relationship, architecturally, to the two storey semi detached properties along St Mary's Road further down the street from the application site. The building also includes something of a "landmark" feature at the junction with Craven Park Road, which is curved and uses copper material. The materials of the corner element of the building are considered to contribute to the positive design of the development and to ensure that the proposed materials are implemented on the scheme and the scheme is not 'watered down' after it is determined, a condition will be specified with details of colour to be submitted for further approval.

Green roofs are proposed to all flat roof parts of the building which will enhance the permeability of the site but also visual amenity for the future occupiers of the development as well as the adjacent neighbouring occupiers. The green roofs are not to be used for external amenity space and access to these roofs are limited to maintenance only and therefore there are no privacy implications.

AMENITY SPACE/LANDSCAPING ISSUES

There are presently no features of landscape importance on the site. The proposed built form allows introduction of soft landscaping at the rear and St Mary's Road frontage of the site which would enhance the visual amenity of the streetscene and the occupiers of the nearby residential accommodation.

The development proposes a total of 38 flats. The Council's adopted SPG17 guidance indicates that a minimum of 20 square metres of external amenity space should be provided per unit. The guidance does indicate that there will be certain instances where this figure need not be complied with, for example if the amount of internal space proposed exceeds the guidance, or useful, useable balcony areas compensated for the lack of other amenity space. In this case, all flats have balcony provision and flats on the top floor have generous sized balconies. The ground floor flats (4 flats) have their own private amenity space and there is an external communal garden space of approximately 140sq.m. On balance, whilst majority of the units do not meet the minimum amenity space provision the internal space is more than the minimum as stated in the SPG 17 and the financial contribution from the standard charge will be adequate to provide improvements to the nearby open spaces, in particular to Challenge Close Open Space. Therefore, due to the combination of larger internal areas, some provision of external space for all units and financial contributions towards improvements, on balance, the proposal is acceptable.

A detailed landscaping will be sought through a condition which will further assist in improving the visual amenity of streetscene and for the future occupiers.

RESIDENTIAL QUALITY FOR FUTURE RESIDENTS

As well as providing guidance on the amount of external space required in residential developments, SPG17 also sets out the minimum unit sizes for flats having different numbers of bedrooms. The Council's current standards seek the following flat sizes as a minimum:

- 1-bedroom flat – 45 square metres.
- 2-bedroom (3-person) flat – 55 square metres.
- 2-bedroom (4-person) flat – 65 square metres.
- 3-bedroom flat – 80 square metres.
- 4-bedroom flat - 90 square metres

The proposal seeks the provision of 4no. 1-bed flats, 15no. 2-bed flats, 17no. 3-bed flats, and 2no. 4-bed flats. An assessment of the current scheme indicates that all flats shown on the plans comply with the Council's guidelines, in quantitative terms. In addition, majority of the units have dual aspects. Stacking issues are resolved by virtue of the fact that the floors of residential accommodation are virtually identical in terms of layout.

IMPACT ON ADJOINING RESIDENTS

The Court House Building which previously occupied the site inevitably had an impact on people living nearby as a result of its scale and siting. However, as it is demolished and the site is empty, it can be considered that the site has nil impact to the adjoining occupiers. This is only a temporary situation as the land is a brownfield site and a development of it is encouraged, with any replacement building likely to be higher than what was on the site previously. The proposed building, would comply with majority of the design guidelines as stated in SPG 17. The habitable room windows are 10m away from the boundaries and therefore outlook is acceptable. There is an instance where three units have windows 8.5m away from the rear boundary however there is no impact of overlooking to the immediate rear facing building as there are no habitable room windows in that building. The nearest facing habitable window from these three units is approx 17m away. Therefore, the proposal would have minimal impact in terms of overlooking and privacy issues.

The proposed building is set away from the rear boundary of the dwellings on St Thomas's Road. The proposal complies with the sightlines when taken from 45 degrees from the rear boundary at 2m height and also within 30 degrees from the rear habitable room window as stated in the SPG 17. Although there will inevitably be an impact on those people living nearby as a result of this building, the scale of the development in relation to the nearby buildings is acceptable when it is compared to SPG17 guidance.

OBJECTIONS

Majority of the concerns raised have been addressed in the report.

In relation to the comments regarding smell from refuse storage, it is unlikely to be excessive as the area is enclosed with suitable ventilation and collected on a weekly basis like all domestic refuse in the borough.

With regards to noise and pollution, the level of noise and pollution level is at a domestic scale and therefore it will not adversely affect the environment.

The type of community use is to be submitted for further approval however the use is part of the legal agreement which is to be publicly accessibly community space. There are certain uses that the Council would resist on the basis of the likely problems that they may cause to amenity (eg: places of worship/nurseries) and the legal agreement would provide for adequate control over what could occupy this ground floor floorspace.

CONCLUSION

The proposal is considered to have regeneration value to the area with the added positive that it provides 100% affordable housing with a large number of larger sized units. This would meet a specific area of housing need within the Borough. The building is a vast improvement on the previous attempts to develop the site and on this basis Officers now feel that they are able to support the scheme. The building is of a high quality design and has been designed so as to minimise the impact on existing occupiers, as far as is possible. As a result, the proposal is recommended for approval subject to Legal Agreement and conditions for the reasons as set out above.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17
LDF - Site Specific Allocations DPD

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
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with 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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith, prior to occupation of the building

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

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

- (a) proposed walls and fences indicating materials and heights
- (b) areas of hard landscape works and proposed materials
- (c) details of the proposed arrangements for the maintenance of the landscape works.
- (d) details of green roof (that shall not be accessible apart for maintenance purposes).

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

- (4) Details of materials for all external work (such as doors, windows, balustrades/balcony), including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. In particular, this should include details of the cladding to the corner feature (Tecu Oxid Cooper). In addition:

- Stained Timber
- brick work
- render

The details shall include details of screening to balconies, both between adjoining balconies but also to ensure that there is no overlooking from balconies into other adjoining residential units.

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

- (5) The refuse storage facilities shown on the approved plans shall be installed prior to the occupation of development.

Reason: To protect the amenities of the locality and in the interests of hygiene.

- (6) All disabled parking spaces, turning areas, and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development, or upon further application within such longer period as may be approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved plans.

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

- (7) Further details of the use proposed for the ground floor commercial space, which is publicly accessibly community space, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approval.

Reason: To ensure that the D1 use provides genuinely publicly accessible community space and to ensure that certain uses that might result in highway problems and general nuisance (eg: places of worship/nurseries) are not provided for on the site.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Unitary Development Plan 2004
LDF - Site Specific Allocations
Supplementary Planning Guidance No 17

Supplementary Planning Guidance No 19
Letters of objections

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



Planning Committee Map

Site address: Site of former Willesden Court House, St Marys Road, London, NW10

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APPENDIX 2

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Supplementary Information

Planning Committee on 7 October, 2008

Item No.

2/05

Case No.

08/1629

Location	Site of former Willesden Court House, St Marys Road, London, NW10
Description	Erection of a 3, 4, 5 and 6 storey building comprising 149msq community facility (Use Class D1) on the ground floor, 38 self contained flats (100% affordable, 4x1bed, 15x2bed, 17x3bed, 2x4bed), 3 disabled parking spaces, 38 cycle spaces, formation of new vehicular access onto St Mary's Road NW10, communal garden and associated landscaping as accompanied by Sustainability Report by Price & Myers Revision 1 dated 9 September 08 and Sustainable Checklist ('Car-free development').

Agenda Page Number: 101

Members visited the site on Saturday 4th October 2008. A number of points were raised at that visit.

Height of Proposed Building

The eaves of the building will be at the same level as the ridge of the adjacent terrace on the northern side of Craven Park Road and there is then an additional storey approx. 2.6 metres in height above that point.

"Car-free" Proposal

The CPZ is not in force 24 hours a day, 7 days a week (operating instead from 8.00am to 6.30pm, Monday to Saturday) and consequently there will be times when there are no restrictions in place and drivers without parking permits will be able to visit the area. This arrangement is no different to large parts of Brent. The purpose of the "car-free" agreement is to seek controls in such a way that the restrictions in place will encourage residents to contemplate not owning a car because of the limitations on parking that the CPZ imposes. Members will be aware that Officers only consider this approach where public accessibility is of such a level that there is a real alternative to the private car.

Community floorspace.

Condition 7 in the report to Members makes reference to "publicly accessible community floorspace" as been required for the front part of the ground floor. This is further controlled through the Heads of Terms towards the front of the report. For the avoidance of doubt, the suggested community pharmacy is not considered to achieve what the condition sets out to do, in providing an area for the use of the community. In the event that in the future the floorspace is not able to be let, despite adequate marketing etc, then the Council would need to consider the situation at that time.

A further consideration here is that the Site Specific Proposal refers to a community use on the site. Officers have over-time sought either the provision on site and or, in the absence of an adequate quantum of floorspace, a financial contribution to off-site provision. In this particular case, Officers have been seeking a contribution in addition to the 150 square metres of floorspace mentioned elsewhere. However, no such agreement has been possible in advance of the meeting and the applicants have indicated that they are not in a position to agree a figure. As a result, it may be that it is necessary to defer consideration of this key issue at this time in order that the matter can be fully explored before reporting it back to Members at a future date. It is unfortunate that the main body of the report does not explicitly deal with the question, but Officers are of the view that, given the particular policy context of this site, the fact remains that a contribution is required.

The Borough Solicitor has made a number of comments on the suggested conditions:-

Condition 3

Add a new sentence before "such a scheme shall include" to read "details of maintenance approved under the scheme shall be fully carried out as set out in the scheme". Then add at the end of this condition "(e) maintenance of the landscaped works".

Condition 4

Add at the end of this "the approved details shall be fully implemented".

Recommendation: Remains approval subject to legal; agreement, with additional Heads of Terms and

DocFoldr: Report

DocDesc: Brent's supplementary information

DocSuppF

Ref: 08/1629 Page 1 of 2

revisions to conditions.

DocSuppF

APPENDIX 3

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The Planning Manager drew Members' attention to an amendment to condition 3 as set out in the supplementary information.

DECISION: Consent granted subject to conditions and an amendment to condition 3 as set out in the supplementary information.

2/04 08/1712 212-214 Church Road, London, NW10 9NP

Retention and alteration of a single-storey rear extension to the community centre with set back from rear of Ilex Road across whole extension, landscaping of exposed area and lowering of roof light lantern.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager advised Members that 'alteration of' be added to the description of the proposals. He drew Members' attention to an amendment to condition 4 and additional conditions as set out in the supplementary information.

During discussion, Councillor Baker enquired if the fence to the rear was of suitable height. Councillor Singh expressed concern about the noise generated by visitors congregating outside the premises. Councillor Cummins felt that an acoustics engineer should be sought to address the noise concerns and he felt that the premises at least required triple glazing, although there may be no need to demolish the wall. He queried whether the application be deferred to allow this to be progressed. In addition, a dispersal point in case of fire was required. Councillor Anwar concurred with regard to the concerns raised about noise and felt that triple glazing or some system of sound insulation was required. The Chair welcomed the premises being put to community use, however he remained concerned about noise and enquired what measures were being taken to address this issue.

In reply to the issues raised, the Head of Area Planning stated that increased activity was partly to explain for the objections received in respect of noise and it had been observed that windows had often been left open. In response to the suggested deferral, he emphasised that the implication was that the applicants would have to rapidly progress an appropriately professional assessment and subsequent proposals. He was concerned that the applicants and their agent appreciated this and agreed that they would need the clarity of a letter to confirm the position. The agent indicated that the applicants understood and accepted the requirement.

The Chair emphasised the need for the applicant to address the concerns raised, especially in view of the enforcement action in respect of the applicant's property at 210 Church Road. Members then agreed to the Chair's suggestion that the application be deferred to provide the opportunity for the applicant to consult with officers to devise alternative proposals.

DECISION: Deferred to provide opportunity for the applicant to consult with officers to devise alternative proposals.

2/05 08/1629 Site of former Willesden Court House, St Marys Road, London, NW10

Erection of a 3, 4, 5 and 6 storey building comprising 149msq community facility (Use Class D1) on the ground floor, 38 self contained flats (100% affordable, 4x1bed, 15x2bed, 17x3bed, 2x4bed), 3 disabled parking spaces, 38 cycle spaces, formation of new vehicular access onto St Mary's Road NW10, communal garden and associated landscaping as accompanied by Sustainability Report by Price & Myers Revision 1 dated 9 September 08 and Sustainable Checklist ('Car-free development').

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

The Planning Manager drew Members' attention to additional remarks and amendments to conditions 3 and 4 as set out in the supplementary information circulated at the meeting.

In reply to queries from Members, Nick Lawrence, the applicant's agent, confirmed the applicant's intention to negotiate with officers an additional Section 106 agreement contribution of up to £50,000, the exact amount to be determined by the Head of Area Planning, towards community facilities. He confirmed that the disabled parking spaces allocation complied with Planning guidance.

Councillor Hashmi queried why no parking spaces were provided in view of the heavy traffic on the road. Councillor Anwar suggested that a nursery would be a more appropriate use for the community floorspace considering the size of the development. Councillor Singh sought further details with regards to the site's boundary. The Chair commented that the location of the site was appropriate for a car free development as proposed. He felt that there was a lack of amenity space for a nursery, adding that there was already a nursery in nearby Nicoll Road and he suggested that alternative community uses be considered.

In reply to the issues raised, the Planning Manager advised that boundary matters were covered by condition 3. He advised that introducing a nursery to the scheme may add to the already high levels of traffic on the road and that the disabled parking space provided met SPG guidance. Members agreed to the Planning Manager's suggestion that the word 'nursery' be deleted from condition 7.

The Head of Area Planning suggested that in view of the nursery not being an appropriate use, that other usages for the community floorspace be explored by officers, usage of which will be delegated to officers. The Chair then formally moved this suggestion and it was agreed by the Committee.

The Planning Manager suggested that mention of 'nursery' be deleted from condition 7. The Chair then formally moved this suggestion and it was agreed by the Committee.

DECISION: Planning permission granted subject conditions, amendments to conditions 3 and 4 as set out in the supplementary information, the deletion of the word nursery from condition 7 of which the agreed community use be delegated to officers and on the completion of a satisfactory Section 106 or other legal agreement (including an additional contribution of up to £50,000 [the exact amount to be determined by the Head of Area Planning] towards community facilities) and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

2/06 08/1810 Building rear of 48, Haycroft Gardens, London, NW10

Retention of single storey outbuilding to R/O 48 Haycroft Gardens for use a Dojo (Which is a building where martial arts training takes place).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager drew Members' attention to the additional remarks as set out in the supplementary information circulated at the meeting and he confirmed that the capacity limit was for 2 persons.

In reply to a query from Councillor Singh, Aaron Fuest the applicant confirmed that martial arts training took place 19.00 and 21.00 and that it was arranged on an appointments basis.

During discussion, Councillor Cummins commented that a capacity limit of 2 was unrealistic and that 10 was a more appropriate number. He enquired that in view of how long martial arts training had been taking place on the premises, whether this could be considered as an established use. The Chair also felt it prudent to increase the capacity limit. Councillor Powney suggested that the condition limiting capacity was unenforceable, whilst adding that Haycroft Gardens was a small cul-de-sac, heavily parked and subject to a Controlled Parking Zone scheme.

In reply to the issues raised, the Head of Area Planning advised that the location was unsuitable to provide martial arts training for significant numbers of people in view of the heavily parked nature of Haycroft Gardens and he confirmed that established use did not apply.

Following discussion on capacity, Members agreed that condition 3 be amended so that the maximum number of persons present at any time in association with the use shall not exceed 4 persons.

DECISION: Planning permission granted subject to conditions and an amendment to condition 3 that the maximum number of persons present at any time in association with the use shall not exceed 4 persons.

WESTERN AREA

3/01 08/2058 20 Chatsworth Avenue, Wembley, HA9 6BE

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APPENDIX 4

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Dated

4th June

2009

THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF BRENT

—and—

MARY DEVELOPMENTS LTD

—and—

ALLIED IRISH BANKS PLC

DEED OF AGREEMENT

made under Section 106 of the Town and Country
Planning Act 1990 Section 111 of the Local Government Act 1972 Section 16 of the
Greater London Council (General Powers) Act 1974
and all other enabling powers relating to Land known as
The Constitutional Hall, St Mary's Road, Harlesden NW10

Terry Osborne
Borough Solicitor
Legal Services
London Borough of Brent
Town Hall Annexe
Forty Lane
Wembley
Middlesex HA9 9HD

Ref: TSV/610/703/S106

THIS DEED OF AGREEMENT is made the 4th day of June Two thousand and nine

BETWEEN

THE MAYOR AND THE BURGESSES OF THE LONDON BOROUGH OF BRENT of Town Hall Forty Lane Wembley Middlesex HA9 9HD ('the Council') of the first part; and

MARY DEVELOPMENTS LIMITED (Co.Regn.No 06326740) of Unit 10, Invicta Business Park, London Road, Wrotham, Kent TN15 7RJ ('the First Owner') of the second part; and

ALLIED IRISH BANKS PLC of Thirteenth Floor, St Helens 1 Undershaft, London ('the First Mortgagee') of the third part

INTERPRETATION

IN this Deed the following words and expressions shall have the following meanings:-

- | | |
|--------------------------|--|
| 'the 1990 Act' | the Town and Country Planning Act 1990 |
| 'the Affordable Housing' | subsidised housing that will be available to persons who cannot afford to rent or buy housing generally available in the open market and is defined in paragraph 6.3 of the First Schedule |
| 'Affordable Dwellings' | All of the dwellings comprising either a mixture of Intermediate Affordable Units the size of which shall be |
| | (i) 10 Intermediate Affordable Units comprising |
| | 4 x 1 bedroom flats |
| | 6 x 2 bedroom flats, and |
| | (ii) 28 Social Rented Units comprising |
| | 9 x 2 bedroom flats |
| | 17 x 3 bedroom flats |
| | 2 x 4 bedroom flats |
| | Or 38 Social Rented Units |
| 'the Contributions' | the sums referred to in Paragraph 1 of the First Schedule |

'the Considerate Constructors Scheme'	the voluntary Code of Considerate Practice adopted by participating construction companies, [and everyone involved on the construction site], or any subsequent body with the same function
'the Development'	the development permitted by the Planning Permission or a Varied Planning Permission
'D1 Community Facility'	means the 162m ² of community facility (use class D1) which forms part of the Development
'Housing Association'	shall have the meaning given in paragraph 6.8 of the First Schedule
'the Homes & Communities Agency'	the Homes & Communities Agency of 110 Buckingham Palace Road London SW1W 9SA and any statutory successor
'the Index'	the All Items Index of Retail Prices published by the Central Statistical Office or any replacement thereof
Intermediate Affordable Units	the Affordable Dwellings which are provided at prices and rents above those of social rent but below market price or rents and which will meet the criteria set out in the definitions of affordable housing and social rented housing contained in Annex B to Planning Policy Statement 3 (PPS3) Housing (2006) and for the avoidance of doubt can include shared equity products shared as Shared Ownership Units other low costs homes for sale and intermediate rent



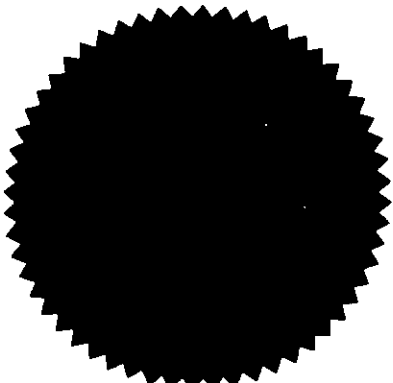
Rev A

STM/E 01

LOCATION PLAN 1:1250@A3

ST MARY'S ROAD LONDON NW10 4AL

CHASSAY
LAST



29553

RW Vale

'the Land'	that part of the land shown outlined in red on the Plan being land lying on the north west side of St Mary's Road, Willesden and registered at Land Registry under title number NGL815905
'Material Operation'	material operation as defined in Section 56(4) of the Act for the commencement of the Development
'Material Start'	the undertaking of a Material Operation
'the Plan'	the plan annexed hereto
'the Planning Application'	the planning application for the Development received on 5 th June 2008 bearing reference number 08/1629 brief details of which are erection of a 3,4,5 and 6 storey building comprising 162msq community facility (Use Class D1) on the ground floor, 38 self contained flats (affordable), 3 disabled parking spaces, 38 cycle spaces, formation of new vehicular access onto St Mary's Road NW10, communal garden and associated landscaping
'Planning Permission'	planning permission issued pursuant to the Planning Application
'Practical Completion'	the date of issue of a Certificate of Practical Completion of the Development (if issue of such Certificate is required by the relevant contract for construction of the Development) or otherwise construction of shell and core buildings within a wind and watertight envelope with staircase and lift shafts (if applicable) in situ and services provided to each floor
'Resident'	any person who occupies a Dwelling
'Residents Parking Permit'	A Parking Permit issued by the Council under Section 45(2) of the Road Traffic Regulation Act 1984 for the use of designated residents in the locality

'Shared Ownership Units'	the Intermediate Affordable Units which are initially part rented and part purchased or like scheme
'Social Rented Units'	Affordable Dwellings let at rents which comply with the target rents set annually by the Homes & Communities Agency or such successor body
'Varied Planning Permission'	any planning permission issued pursuant to an application to vary or further vary any of the conditions in the Planning Permission
'Visitors Parking Permit'	A Parking Permit issued by the Council under Section 45(2) of the Road Traffic Regulation Act 1984 for the use of visitors in the locality

WHEREAS:

- (1) THE Council is the Local Planning Authority for the administrative area of the London Borough of Brent within which the Land is situate for the purposes of the Town and Country Planning Act 1990 and is the Local Planning Authority by whom the obligations contained herein are enforceable.

Recital of owner's interest (s)

- (2) THE Owner is the estate owner in fee simple of the Land
- (3) THE Council's Planning Committee at a meeting on 7th October 2008 resolved that planning permission should be granted for the Development subject to the prior or contemporaneous completion of this Agreement;
- (4) THE Mortgagee is the chargee of a charge on the Land;
- (5) THE parties have agreed that the residential part of the Development shall be 100% Affordable Housing and car free

NOW THIS DEED WITNESSETH as follows:

1. THIS Deed is made pursuant to Section 106 of the 1990 Act Section 111 of the Local Government Act 1972 Section 16 of the Greater London Council (General Powers) Act 1974 and all other enabling powers and the covenants herein on the part of the Owner are entered into with the intent that the same shall be enforceable without limit of time not only against the Owner but also against its successors in title and any person corporate or otherwise claiming through or under it an interest or estate in the Land or any part or parts thereof as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by it.

2. THE obligations herein on the part of the Owner are planning obligations for the purposes of Section 106 of the 1990 Act

Conditions Precedent

3. CLAUSES 4(b) and (c) and 5 of this Agreement shall only take effect upon:-
- (a) the grant by the Council of Planning Permission; and
 - (b) a Material Start being made to the Development

General Clauses

4. THE Owner COVENANTS with the Council:-
- (a) on the execution hereof to pay the Council's legal and other professional costs incurred in respect of the preparation and completion of this Agreement;
 - (b) to pay any legal and other professional costs incurred by the Council in monitoring or enforcing the performance of the Owner's obligations under this Agreement
 - (c) to fulfil the obligations on its behalf contained in the First Schedule hereto;

Inflation clause

- (d) the amount of the Contribution set out in Paragraph 1 of the First Schedule shall be index linked from the date of the committee decision (7th October 2008) ('the Indexed Amount') which is an amount being equal to the Contribution multiplied by a figure being A divided by B where B is the last Index figure published on 7th October 2008 and A is the last Index figure published before the date such payment is made, .SAVE THAT if the Indexed Amount is less than the Contribution then the contribution shall be payable
5. (a) THE Council agrees to accept the Owner's Covenants contained in the First Schedule.
- (b) THE Council covenants with the Owner to hold the monies set out in Paragraph 1 of the First Schedule in an interest bearing bank account of the Council

Mortgagee's consent

6. THE First Mortgagee hereby consents to the giving of the obligations on the part of the Owner herein contained and the First Mortgagee hereby agreed to be bound by the said obligations.

Indemnity for mortgagees

7. THE First Mortgagee shall only be directly liable for the breach of any of the obligations contained in this agreement during any such periods as it is a mortgagee in possession of the Land

Arbitration clauses

8. THE Owner and the Council hereby agree that any differences and questions which arise between the parties in connection with the interpretation of this Deed shall be referred for determination by an independent person in accordance with the following provisions:-

- (a) where such dispute relates to the construction of this or any other deed or document it shall be referred to a solicitor or barrister agreed upon by the parties or in default of agreement appointed on the application of either party by or at the direction of the President for the time being of the Law Society; and
- (b) in any reference to an independent person under this clause such person shall, unless the parties otherwise agree, act as expert and not as an arbitrator.

9. IT IS HEREBY AGREED and DECLARED:

Miscellaneous agreements and declarations

- (a) nothing contained or implied in this Deed shall prejudice or affect the rights, powers, duties and obligations of the Council in the exercise of its functions as Local Authority and its rights, powers, duties and obligations under all public and private statutes, by-laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Deed;
- (b) if any provision or part of any provision in this Deed shall be held to be invalid, illegal or unenforceable the validity, legality and enforceability of the remaining provisions or parts of provisions hereof shall not, in any way, be deemed thereby to be affected or impaired;

Local land charge provisions

- (c) this Agreement shall be registered in the Council's Register of Local Land Charges immediately on completion thereof;

Registration at Land Registry

- (d) the Owner will at its own expense make an application to the Land Registry for registration of this Deed on the Title Register for the Land and will inform the Council's Legal Services Section once registration has been effected;

Reference to statutes and statutory instruments

- (e) references in this Deed to any statutes or statutory instruments shall include and refer to any statute or statutory instrument amending, consolidating or replacing them respectively from time to time and for the time being in force;

Liability of subsequent owners and release of former owners

- (f) the provisions hereof shall be enforceable by the Council against the Owner and all persons who shall have derived title through or under the Owner in respect of the Land or part of the Land (but so that no person shall be liable to the Council for any breach of the provisions hereof committed after such person has parted with all of its interest in the Land);

English law applicable

- (g) the construction validity and performance of this Deed shall be governed by English law;

Contracts (Rights of Third Parties) Act 1999

- (h) No person shall acquire any rights under the Contracts (Rights of Third Parties) Act 1999 by virtue of this Deed

Obligation to act reasonably

- (i) where by this Deed any approval or consent is required to be given by any party hereto, any such approval or consent shall not be unreasonably withheld or delayed;

Service of notices

- (j) all notices served pursuant to this Deed shall be in writing and shall be deemed duly served if delivered or sent:-
 - (i) in the case of any notice to be served on the First Owner to the address set out in this Agreement or such other address as may be notified to the parties from time to time and
 - (ii) in the case of any notice to be served on the First Mortgagee to the address set out in this Agreement or such other address as may be notified to the parties from time to time and

- (iii) in the case of any notice to be served on the Council to the Council at Brent House, 349-357, High Road, Wembley, Middlesex, HA9 6BZ to be marked for the "Attention of The Section 106 Monitoring Officer, Planning Services"

Effect of revocation of planning permission

- (k) in the event of planning permission for the Development being revoked by the Council or any other authority having powers in relation to planning matters the obligations of the Owner under this Deed shall thereupon cease absolutely;

Waivers not to be of a continuing nature

- (l) no waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the terms and conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said terms or conditions or from acting upon any subsequent breach or default in respect thereto by the Owner;

Headings

- (m) the headings in this agreement are for information only and shall not be used in the interpretation of this Deed.

D1 Community Facility

- (o) None of the obligations or provisions of this Deed (save for the obligations in paragraph 3 of the First Schedule) shall be enforceable against the owners/tenants/occupiers (including their respective funders) of the D1 Community Facility

IN WITNESS whereof with the intent that these presents should be executed as a Deed the parties hereto have duly executed and delivered the same the day and year first before written.

FIRST SCHEDULE
Covenants by Owner

1.0 TO PROVIDE FINANCIAL CONTRIBUTIONS

1.1 To pay to the Council the total sum of Two Hundred and Twenty Three Thousand Two Hundred Pounds (£223,200) of which

- (a) 60% of the total sum shall be payable upon a Material Start being made; and
- (b) 40% of the total sum shall be payable on the date being two years after the date of the Material Start

such sum to be utilised by the Council towards the provision and/or improvement of all or some of the following

- (a) education facilities in the Borough
- (b) sustainable transport in the local area
- (c) sport and/or open space in the area

1.2 To pay to the Council upon Practical Completion of the Development the sum of Fifty Thousand Pounds (£50,000) or any reduced sum to be agreed in writing by the Council to be utilised by the Council towards off-site community facilities unless an independent financial appraisal shows a return on the Development of less than 15% of the total cost.

2.0 TO GIVE NOTICE OF COMMENCEMENT OF DEVELOPMENT

Not to commence the implementation of the Development by the making of a Material Start until it has given to the Council 10 working days' notice in writing of its intention so to do.

3.0 SUSTAINABILITY STRATEGY

3.1 To commission and prepare a Sustainability Strategy in consultation with the Council which shall include:

- (a) achieving a higher carbon-index or SAP rating than the Building Regulations minimum;
- (b) a low energy, user controlled lighting system; and
- (c) water saving appliances (taps, WC cisterns) to reduce overall water demand

- (d) measures to deal with surface water run-off and to avoid risk of flooding
- 3.2 To submit to the Council no later than four months (unless otherwise agreed in writing by the Council) prior to a Material Start being made:
- (a) the Sustainability Strategy, demonstrating how the measures above and others listed in the Sustainability Development Checklist (TP6 form) submitted with the application are integrated into the scheme and
 - (b) score at least 50% 'Very Positive' on the London Borough of Brent's Sustainability Development Checklist
 - (c) an indicative BREEAM sustainable assessment so as to demonstrate that the Development will be constructed to such specification as to achieve a Code for Sustainable Homes level 3 rating
- 3.3 Not to make a Material Start unless and until the Sustainability Strategy has been approved in writing by the Council.
- 3.4 Prior to first occupation of the Development the Owner shall commission at its own expense a review by a BRE-approved independent body ("the Assessor") with a view to determining whether in respect of the Development:
- (i) the measures set out in the Sustainability Strategy which shall include measures relating to the reuse of buildings, energy and water conservation and/or subsequently negotiated or stipulated in the consent have been achieved; and
 - (ii) a Code for Sustainable Homes level 3 rating has been achieved
- 3.5 If a review by the Assessor pursuant to paragraph 3.4 above determines that any of the measures set out in the Sustainability Strategy have not in fact been implemented and/or "a Code for Sustainable Homes level 3 rating has not been met the Owner shall either submit for the approval of the Council proposed measures for remedying such shortcomings and/or carrying out compensatory measures so as to secure an acceptable or comparable level of sustainability within the Development and thereafter implement the approved compensatory measures, or (if and to the extent the Council agrees that it is impractical for any reason to implement such measures) pay to the Council a sum equivalent to the cost at that date of carrying out the measures in the Sustainability Strategy not implemented and/or achieving a Code for Sustainable Homes level 3 rating which such shall be utilised by the Council towards the provision of measures towards securing sustainability on other sites within the Borough.

3.6 The approved Sustainability Strategy (or as amended) shall be fully implemented and maintained for the lifetime of the Development unless otherwise agreed in writing with the Council

4.0 RENEWABLE ENERGY

4.1 To commission and prepare a strategy to demonstrate that 20% of the site's carbon emissions can be offset through on-site renewable energy generation.

4.2 To fully implement the strategy and maintain it for the lifetime of the Development unless otherwise agreed in writing by the Council

4.3 If it is demonstrated to the Council's satisfaction that it is not feasible to fulfil the obligation in paragraph 4.1 to pay to the Council a sum equivalent to the cost at that date of carrying out such measures which sum shall be utilised by the Council towards the provision of measures promoting renewable energy supply on other sites in the Borough

5.0 CONSIDERATE CONSTRUCTORS SCHEME

5.1 Prior to a Material Start being made the developer shall join, and for the period of construction, adhere to the requirements of the Considerate Constructors Scheme

6.0 AFFORDABLE HOUSING

6.1 Not to Occupy or allow to be Occupied the Affordable Dwellings unless the Affordable Dwellings are in the ownership of a Housing Association either by way of freehold or 125 year leasehold

6.2 The Affordable Dwellings shall be used only as affordable housing (as defined in paragraph 6.3 of this Schedule) and to meet the objectives of a Housing Association save that it is hereby declared that the provisions of this paragraph shall:

(a) not bind any mortgagee of a Housing Association or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 or otherwise by a party who has provided loan facilities to a Housing Association;

(b) cease to apply to any part or the whole of the Land should such part or the whole be transferred or leased by any mortgagee of a Housing Association exercising its power of sale under any mortgage or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 or otherwise by a party who has provided loan facilities to a Housing Association;

(c) cease to apply to any completed Affordable Dwellings where a Housing Association shall be required to dispose of the same pursuant to a right

to buy under Part V of the Housing Act 1985 as amended by the Housing (Preservation of Right to Buy) Regulations 1993 or pursuant to a right to acquire under Section 16 of the Housing Act 1996 or any similar or substitute right applicable;

- (d) cease to apply to any completed Affordable Dwellings where a Housing Association sells to a tenant pursuant to a voluntary grant scheme under Section 21 of the Housing Act 1996 or any amendment or replacement thereof;
- (e) not bind any person to whom a Housing Association grants a shared ownership lease of a completed Affordable Dwelling nor any successor in title to any such person;
- (f) not bind any mortgagee of any person to whom a Housing Association grants a shared ownership lease of a completed Affordable Dwelling or any receiver appointed by such mortgagee or any person deriving title through such mortgagee;
- (g) not bind any lessee of a Shared Ownership Unit who has purchased 100% of the equity of that unit or any person deriving title through or under such lessee other than a Housing Association deriving title through or under such lessee;
- (h) not bind any statutory undertaker or authority, other than the Council, which acquires any part of the Land for the sole purposes of its statutory undertaking or functions;

6.3 An affordable dwelling is defined as Affordable Housing where it has the smallest number of rooms appropriate to alleviate the needs of a household in unsuitable accommodation, and

- (1) it is used to accommodate such a household and that household could only meet the payments on a mortgage of 100% of the open market price of the dwelling by expending more than one-third of its gross income, or could only pay the open market rent on the dwelling by expending more than 35% of its net income, and
- (2) the actual rent, or mortgage payments payable on the dwelling are equivalent to those payable for similar accommodation provided by registered social landlords elsewhere in the London Borough of Brent (as set out in the annual housing strategy)

6.4 The Affordable Dwellings shall comprise either 10 Intermediate Affordable Units and 28 Social Rented Units or 38 Social Rented Units

6.5 The Owner shall comply with Homes & Communities Agency funding standards including Design and Quality Standards April 2007 and Lifetime Homes Standards in respect of all the Affordable Dwellings

- 6.6 The Affordable Dwellings shall be allocated to persons in accordance with present and future West London funding arrangements
- 6.7 The Shared Ownership Units shall be disposed of in accordance with the Council's shared ownership nomination agreement with the Housing Association
- 6.8 For the purposes of this Schedule, a Housing Association means a body;
- (a) registered pursuant to the Housing and Regeneration Act 2008 as a social landlord with the Homes & Communities Agency and
 - (b) is listed within the following list (which may be revised by agreement from time to time); Acton Housing Association, Asra (Greater London) Housing Association, Catalyst Housing Group, Family Mosaic Housing Association, Genesis Housing Group, Hyde Housing Association, Metropolitan Housing Trust, Network Housing Group, Notting Hill Housing Group, and in each case any subsidiary who is registered with the Homes & Communities Agency

7. PARKING PERMITS

The Owner will:-

- 7.1 (a) in writing inform each Resident of the residential part of the Development that he or she will 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 Land is situated save that if he or she is (or subsequent to occupation becomes) entitled to be a holder of Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970, a right which would require satisfactory proof by the Council, then he or she shall be entitled to a Resident's Parking Permit; and
- (b) ensure that there shall be procured in any licence transfer lease or tenancy agreement with the Owner of the residential part of the Development in respect of an Affordable Dwelling a notification informing each Resident that he or she will 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 Land is situated save that if he or she is (or subsequent to occupation becomes) entitled to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970, a right which would require satisfactory proof by the Council, then he or she shall be entitled to a Resident's Parking Permit; and

(c) certify on notice in writing to the Council the date/s upon which paragraphs 7.1(a) and (b) have been complied with in respect of the initial release and occupation of the Affordable Dwellings.

7.2 The Owner covenants with the Council that neither it nor any Resident of the residential part of the Development will apply for a Residents or Visitors Parking Permit (save as provided for in clauses 7.1(a) and (b) in respect of disabled persons) and if issued with such Parking Permit to surrender it to the Council within 7 working days of receiving it.

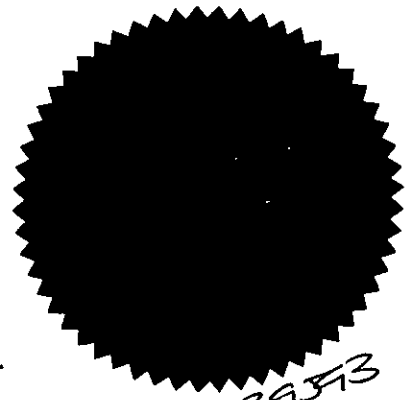
7.3 Where clause 7.2 is breached by a Resident, then that clause shall only be enforceable against that particular Resident and not against the Owner or any previous Resident.

7.4 For the avoidance of doubt covenants 7.1(a) and (b) have to be complied with regarding each and every new and subsequent Resident of the residential part of the Development as well as in respect of every initial Resident of the Affordable Dwellings.

8.0 PROVISION OF CLASS D1 COMMUNITY SPACE

8.1 Prior to first occupation of any part of the development to provide no less than 162 sqm of publicly accessible community space as shown on drawing STMR/PO1-Rev F such community space to be available to rent prior to first occupation and to be only used for the purposes set out in Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended by statutory instrument 2005/84

THE COMMON SEAL of THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF BRENT was hereunto)
affixed in the presence of:-)



RuVile
.....
~~Borough Solicitor/Solicitor~~

EXECUTED AS A DEED by MARY DEVELOPMENTS LIMITED acting by two directors:)
or a director and its secretary)

[Handwritten Signature]
[Handwritten Signature]
.....
Director

.....
Director/Secretary

EXECUTED AS A DEED by **ALLIED**)
IRISH BANKS PLC acting)
of its authorised signatory:)

John M. Muller
.....
Authorised Signatory

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APPENDIX 5

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THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF BRENT

-and-

MARY DEVELOPMENTS LIMITED

-and-

ALLIED IRISH BANKS PLC

DEED OF VARIATION
Relating to Land known as The Constitutional Hall St Mary's Road Harlesden
NW10

Terry Osborne
Borough Solicitor
Legal Services
London Borough of Brent
Town Hall Annexe
Forty Lane
Wembley
Middlesex HA9 9HD

BXE/610/905/S106

THIS DEED OF VARIATION is made the 26th day of October
Thousand and Nine

BETWEEN

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BRENT
of Town Hall Forty Lane Wembley Middlesex HA9 9EZ (hereinafter called "the
Landlord") of the first part; and

MARY DEVELOPMENTS LIMITED (Company Registration No.06326740)
whose registered office is situated at Unit 10, Invicta Business Park, London
Road, Wrotham, Kent TN15 7RJ ("the Owner") of the second part; and

ALLIED IRISH BANKS PLC of Thirteenth Floor, St Helens 1 Undershaft,
London ("the First Mortgagee")

AND is supplemental to a Deed of Agreement made under Section 106 of the
Town and Country Planning Act 1990 and other enabling powers dated 4th
June 2009 and made between the Council of one part and the Owner of the
other part relating to land at The Constitutional Hall, St Mary's Road,
Harlesden NW10 ("the Agreement")

1 NOW THIS DEED WITNESSETH

It is hereby agreed that the Agreement is varied and shall henceforth be read
and construed as follows:

- 1.1 As if the definition of 'Affordable Dwellings' in the Interpretation section
is amended as follows:
 - 1.1.1 In paragraph (i) the words "10 Intermediate Affordable Units" are
deleted and replaced with the words "9 Intermediate Affordable Units"
 - 1.1.2 In paragraph (i) the words "4 x 1 bedroom flats" are deleted and
replaced with the words "3 x 1 bedroom flats"
 - 1.1.3 In paragraph (ii) the words "28 Social Rented Units" are deleted and
replaced with the words "29 Social Rented Units"

In parag
replaced w
1.2 Clause 9(d) is de
2

1.4 In paragraph (ii) the words "9 x 2 bedroom flats" are deleted and replaced with "10 x 2 bedroom flats"

1.2 Clause 9(d) is deleted

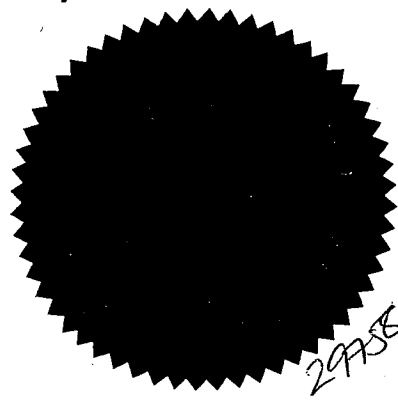
2 **SAVE** as hereby varied the Agreement shall continue in full force and effect in all respects

3 **IT IS HEREBY AGREED and DECLARED:**

3.1 This Deed shall be registered in the Council's Register of Local Land Charges immediately upon completion thereof

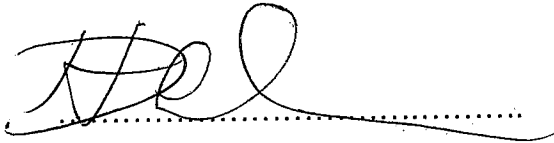
IN WITNESS whereof the Council and the Owners have caused their Common Seals to be hereunto affixed to this Deed the day and year first above written

THE COMMON SEAL of THE MAYOR)
AND THE BURGESSES OF THE)
LONDON BOROUGH OF BRENT)
was hereunto affixed in the presence of:)

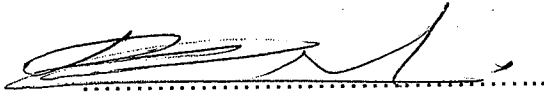


R.W. de
.....
Solicitor

EXECUTED AS A DEED by **MARY DEVELOPMENTS LIMITED** acting
by two directors:)
or a director and its secretary)

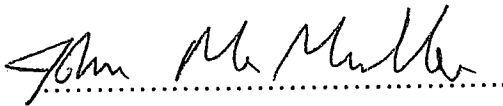


Director



Director/Secretary

EXECUTED AS A DEED by **ALLIED IRISH BANKS PLC** acting
of its authorised signatory:)



JOHN McMULLEN
Authorised Signatory