



Planning Committee

Wednesday, 16 December 2009 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Members

Councillors:

Kansagra (Chair)
Powney (Vice-Chair)
Anwar
Baker
Cummins
Hashmi
Hirani
Jackson
R Moher
HM Patel
Thomas

first alternates

Councillors:

Mrs Fernandes
Beswick
Corcoran
Eniola
Pervez
Dunn
Tancred

Butt
Colwill
Long

second alternates

Councillors:

Mistry

Bessong
Joseph

Leaman
CJ Patel

Ahmed
Steel

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.15pm in Committee Room 4

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		1 - 14
Extract of Planning Code of Practice		
NORTHERN AREA		
3. 1 Dudden Hill Parade, Dudden Hill Lane, London, NW10 1BY (Ref. 09/3050)	Dudden Hill;	19 - 26
4. 1 Kenyngton Place, Harrow, HA3 0DW (Ref. 09/3116)	Kenton;	27 - 32
5. GREENHOUSE GARDEN CENTRE, Birchen Grove, London, NW9 8RY (Ref. 09/3220)	Welsh Harp;	33 - 54
6. Ark Academy, Forty Avenue, Wembley, HA9 9JR (Ref. 09/3267)	Barnhill;	55 - 64
SOUTHERN AREA		
7. 16B College Parade, Salusbury Road London NW6 6RN (Ref. 09/3064)	Queens Park;	65 - 70
8. 95 Chatsworth Road, London, NW2 4BH (Ref. 09/3384)	Brondesbury;	71 - 76
9. 2A Brondesbury Road, London, NW6 6AS (Ref. 09/3391)	Kilburn;	77 - 84
10. Malorees Junior School, Christchurch Avenue, London, NW6 7PB (Ref. 09/3400)	Brondesbury;	85 - 90
11. 147-153 High Street, London, NW10 4TR (Ref. 09/2240)	Kensal Green;	91 - 102
WESTERN AREA		
12. 62 Station Grove, Wembley HA0 4AN (Ref. 09/2119)	Wembley Central;	103 - 108
13. 22 Wembley Park Drive, Wembley, HA9 8HA (Ref. 09/3143)	Tokington;	109 - 114
14. 979-981, Harrow Road, Wembley, HA0 (Ref. 09/3376)	Sudbury;	115 - 132
15. Preston Park JMI School, College Road, Wembley, HA9 8RJ (Ref. 09/3210)	Preston;	133 - 144
16. Land Adjacent to Kodak Court, Nightingale Avenue, Harrow (Ref. 09/2246)	Northwick Park;	145 - 158

17. Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 65.

SITE VISITS - SATURDAY 12 DECEMBER 2009

Members are reminded that the coach leaves Brent House at 9.30am

REF	ADDRESS	ITEM	WARD	TIME	PAGE
09/2119	62 Station Grove, Wembley HS0 4AN	12	Wembley Central	9:40 am	103 - 108
09/2240	147-153 High Street London NW10 4TR	11	Kensal Green	10:10 am	91 - 102
09/3391	2A Brondesbury Road London NW6 6AS	9	Kilburn	10:40 am	77 - 84
09/3050	1 Dudden Hill Parade, Dudden Hill Lane NW10 1BY	3	Dudden Hill	11:00 am	19 - 26
09/3220	GREENHOUSE GARDEN CENTRE, Birchen Grove NW9 8RY	5	Welsh Harp	11:20 am	33 - 54
09/3143	22 Wembley Park Drive, Wembley HA9 8HA	13	Tokyngton	11:45 am	109 - 114
09/3210	Preston Park JMI School, College Road, Wembley HA9 8RJ	15	Preston	12:10pm	133 - 144

Date of the next meeting: Wednesday, 13 January 2010

The site visits for that meeting will take place the preceding **Saturday 9 January 2010** at 9.30am when the coach leaves Brent House.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near the Grand Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 25th November, 2009 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Anwar, Baker, Cummins, Hashmi, Hirani, Jackson, Long, R Moher and HM Patel

ALSO PRESENT: Councillor Robert Dunwell

Apologies for absence were received from Powney and Thomas

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

None.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 4 November 2009 be approved as an accurate record of the meeting.

3. **Brilliant Kids, 8 Station Terrace, London NW10 5RT (Ref 09/2176)**

09/2176 Variation of condition 3 of full planning permission 06/0712, granted 29/06/2006, for change of use from Use Class A1 (retail) to mixed-use A1 and A3 (retail & cafe), to allow operating hours on Monday to Saturday 0800 to 2300 and Sunday 1000 to 2230 (as per e-mail, dated 27th October 2009, from Chalkline Architectural Services).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

With reference to the supplementary information tabled at the meeting the Planning Manager Neil McClellan reported that the applicant had stated his intention to apply for a retrospective planning permission for the single storey structure which he erected without planning permission. In order to secure this, he suggested that an additional informative be attached to any consent reminding the applicant of the need to resolve the issue of the existing structure and that failure to do so could result in the Council considering taking enforcement action. He pointed out that although not part of the current planning application, the applicant had been made aware of the need to resolve the issue of the existing structure by ensuring that the impact on the neighbouring property would be reasonable.

Mr Harvey an objector started by saying that there were no restaurant in the area which was situated next to a residential property and therefore experienced the

problems he faced. These included disturbance and noise nuisance to his bedroom due to inadequate sound proofing and the movement of staff to and from the restaurant until 11.00pm. Mr Harvey added that the applicant was likely to disrespect planning conditions imposed thus resulting in breaches of planning conditions.

Mr Stewart Freeman an objector informed the Committee that in a survey he had privately conducted of 8 late night establishments in the Chamberlayne Road area, he did find any restaurant that was situated next to a residential property. He therefore submitted that the location was inappropriate.

Mr Fitzgibbon, the applicant's agent started by saying that the application was for a small bistro restaurant without amplified music and although not a requirement, the applicant had agreed to install acoustic boarding in order to further minimise noise impact. He continued that as the bedroom of the neighbouring property was to the rear of the property, the operation of the restaurant would not adversely impact on the amenity of the neighbour. He added that the applicant had agreed that prior to its occupation he would re-configure the shop.

During question time, Councillor R Moher enquired about the level of noise that could be created whilst staff collected items to and from the restaurant via the lightwell. Councillor Anwar asked about the significance of the door in the garden area and the likely seating capacity. In responding to the above, the agent stated that the lightwell would be used as a cold storage area and accessed from the main restaurant area so as to prevent adverse impact on other residents. He clarified that the door leading from the restaurant in the rear garden was already in existence before the applicant took over the property. He confirmed that the seating capacity would not exceed 30. Mr Fitzgibbon confirmed that he had not conducted noise assessment for the application. In response to members' general concerns about the rear door and possible noise and disturbance, Mr Fitzgibbon stated that the applicant intended to install sound insulation in excess of the level required and that he would be willing to discuss members' concerns on the door.

DECISION: Planning permission granted subject to conditions and informatives.

4. 18 Park View Road, London NW10 1AE (Ref. 09/2130)

09/2130 Proposed first-floor front extension to dwellinghouse (as amended by plans received 19/10/2009).

OFFICER RECOMMENDATION: Refuse planning permission

With reference to the tabled supplementary, the Head of Area Planning Steve Weeks clarified the following issues following members' site visit. In respect of the status of the building regulations application regarding the height, Steve Weeks reported that although amended plans had been received, the Council's Building Control Officer had advised that the Building Regulations issue could not be concluded until the planning issues had been resolved. He reported the architect's

confirmation that the eaves and guttering would be constructed within the 2.3m boundary of the site. Steve Weeks confirmed that the proposed first floor front wall had not been constructed but that the first floor flank wall had been partially constructed. He continued that an enforcement investigation was opened however no action was taken as a full planning application was submitted one week after the complaint was received.

The applicant Mr Boota referred members to a pack of documents in support of his application which he had sent to all members. He sought amendments to the original approved plan for the set back at first floor of 2.5metres. He added that the 2.5m set back would restrict the available headroom leading up to the staircase to the loft area. Mr Boota drew members' attention to various precedents within the Borough particularly the property at No. 21 Park View which had been set back only 1.9m and which were included in his pack. Mr Boota urged members to agree a set back of 1.9m similar to the property at No. 21 Park View Road.

DECISION: Planning permission refused.

**5. School Main Building, St Margaret Clitherow JMI School, Quanton Street
London NW10 0BG (Ref. 09/222)**

09/2222 Demolition of existing school and erection of new single-storey school building with 12 parking spaces, refuse storage and habitat area/vegetable garden to front, hardsurfaced playground to side, seating and play areas to rear and associated landscaping.

OFFICER RECOMMENDATION: Grant Planning permission granted subject to conditions as amended in conditions 3 and 9, the completion of a satisfactory Section 106 and authorised the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the Section 106 agreement had not been entered into by 9 December 2009 but if the application was refused for this reason, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which was either identical to the current one, or in his opinion was not materially different, provided that a Section 106 agreement in the terms set out in the agreement had been entered into.

The Head of Area Planning Steve Weeks drew members' attention to the revised details, amendments to condition 3 and the Section 106 agreement as set out in the tabled supplementary.

DECISION: Planning permission granted subject to conditions as amended in conditions 3 and 9, the completion of a satisfactory Section 106 and authorised the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the Section 106 agreement had not been entered into by 9 December 2009 but if the application was refused for this reason, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which was either identical to the current one, or in his opinion was not materially different, provided that a Section 106 agreement in the terms set out in the agreement had been entered into.

6. Ark Academy, Forty Avenue Wembley HA9 9JR (Ref. 09/3267)

09/3267 Details pursuant to condition 11 (design for access), 12 (bird & bat boxes), 14 (coach turning & parking details), 17 (external lighting), and 20 (pitch lighting) of deemed (Reg4 Council other department) reference 08/2842 dated 4 June 2009 for new school academy.

OFFICER RECOMMENDATION: Defer to the next meeting for re-consultation with the residents and to allow officers to report on any subsequent representations. The Head of Area Planning, Steve Weeks informed members that he had received several letters which raised concern that the consultation letter sent out in respect of this application, on the 21st of October, was not clear enough in conveying the purpose of this application. In recognition of that officers sent out a follow-up letter which sought to clarify the previous letter and provided an additional opportunity to make a representation on the application. With that in mind, he recommended a deferral to enable residents to make additional representations and to allow officers to report to the next meeting

DECISION: Deferred to the next meeting for re-consultation with the residents and to allow officers to report on any subsequent representations.

7. 557 Kenton Road, Harrow Middlesex HA3 9RS (Ref. 09/2091)

09/2091 Erection of single-storey and two-storey side and rear extension to religious institution, formation of basement with lightwell to rear and associated landscaping (as accompanied by Apcar Smith Planning Design & Access Statement ref. CA/2349A and Three Counties Flood Risk Assessment dated 19/08/2009).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions including an additional condition on a management plan, amendment in conditions 12 and 13 and the deletion of condition 14.

In reference to the tabled supplementary, the Planning Manager, Neil McClellan submitted that the application would allow the Council to impose a degree of control on the frequency and size of the activities and functions that would take

place at the centre. He added that in conjunction with its management, a travel plan would be produced to ensure that the visitors to the centre were made aware of their responsibility for considerate parking, were advised about alternative means of transport and alternative places to park, thus reducing the impact on Kinross Close.

He continued that whilst conditions regarding hours of use and the number of people attending were difficult to enforce, their imposition would regularise and improve the existing situation. Members noted that refusal of the proposed extensions was unlikely to result in the closure of the temple and even it did, another community use could move in as the existing D1 use remained lawful. He reiterated that this proposal would afford the Council a measure of control where none currently existed. He added that there was no evidence that crime would increase as a result of the extension and that issues about flood risk had been addressed within the report. The Planning Manager continued that although no loss of privacy would result from the works proposed, he recommended an additional condition to provide screen planting along the boundary with No. 555 Kenton Road.

At the start of his presentation, Mr Malik an objector referred to a petition of 20 signatures from the residents of Kinross Close on the following grounds;

- (i) Visitors to the religious centre would continue to park their vehicles in Kinross Close leading to congestion in the quiet cul-de-sac and likely to give rise to access problems for emergency vehicles to the detriment of the safety of residents.
- (ii) The increase in the number of vehicles into and out of Kinross Close would lead to an increase in carbon emission, thus causing health and safety problems for the local residents
- (iii) The continued use of 557 Kenton Road for religious purposes would alter and cause harm to the residential character of Kinross Close, resulting in the loss property values.

Mr N Mehta the applicant's agent and a member of the family that donated the building for religious use started by saying that the centre would provide educational and spiritual discourse and meditation without creating nuisance to the local residents. He added that the proposed improvements would enable the centre to fulfil its spiritual objectives without attracting masses of people. He continued that measures to control parking and congestion issues including the use of stewards and the implementation of an agreed travel plan would be in place.

In response to members' questions Mr Mehta submitted that at any time the expected visitors would be between 10 and 15 and that the maximum number after the extensions had been completed would be between 30 and 50. He continued that most of the visitors would be arriving in shared cars and were likely to use the 5 car parking spaces available, although a few may park their vehicles in Kinross Close. He added that the use of 3 stewards before and after each

service and adherence to a travel plan would minimise any resulting impact. Mr Mehta also confirmed that the building had been in use for religious purposes for the past 11 years.

In the discussion that followed, Councillor Jackson expressed a view that the grant of planning permission would enable the Council to exert control over the use and operation of the religious centre. Councillor Anwar stated that despite the conditions and a travel plan, the traffic impact on the residents of Kinross Close would be unbearable.

Steve Weeks stated that officers were aware of the significant existing problems but felt that the proposed travel and management plans and the imposition of conditions would, on balance, enable the Council to exercise control over the use of the building. In his summary, the Chair drew members' attention to similar precedents in the Borough, the proposed travel and management plan and the existing parking restrictions on Kenton Road. He noted that the Council's Traffic Unit had not raised objections to the proposal.

DECISION: Planning permission granted subject to conditions including an additional condition on a management plan, amendment in conditions 12 and 13 and the deletion of condition 14.

8. New Horizons Development Office, Saxon Road, Wembley, Middlesex HA09 9TP (Ref. 09/3273)

09/3273 Erection of a terrace of 2 two-storey, three-bedroom dwellinghouses and a two-bedroom bungalow with garden space and refuse-storage area to front and garden space to rear of proposed dwellings (as accompanied by Design & Access Statement prepared by Katherine Hughes Associates), subject to a Deed of Agreement dated xx/xx/xxxx under Section 106 of the Town and Country Planning Act 1990, as amended.

OFFICER RECOMMENDATION: Grant consent in principle subject to the completion of a satisfactory Section 106 or other legal agreement (to be entered into simultaneously with the transfer of the site to Metropolitan Housing Trust, if members see fit) and request that Members delegate authority to the Director of Environment and Culture, or duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor; but if the agreement has not been entered into within a time to be agreed, to refuse permission but delegate authority to the Head of Area Planning to grant permission in respect of a further application which is either identical to the current one or, in his opinion, not materially different, provided that a Section 106 agreement containing the above terms has been entered into.

Steve Weeks started by saying that the chair of the local tenants Association had expressed support for the last phase of development and the need for housing rather than open space which could have potential anti-social behaviour problems. He then addressed the following new objections which had been raised:

- *proposal contrary to local and regional policies*

In respect of these objections which primarily related to the design quality of the proposal and the need to maintain the character of the area, Steve Weeks drew members' attention to the officers' comments within the remarks section of the main report on the design. These explained how the scheme had been articulated adequately to ensure it would appear as an interesting feature within the streetscene and would be in keeping with the character of the area.

- *loss of open corner which is a feature of the area*

Steve weeks submitted that whilst the proposal site was narrower and more constrained site than 1 The Leadings, the applicants had made significant amendments to the scheme to address the concerns raised previously at the committee meeting.

- *Nuisance during construction works*

He explained that the applicants would be required to comply with building control regulations including environmental health regulations so as to minimise noise, smell, dust and traffic to the site.

- *Opportunities for crime arising from a development*

There was no evidence to suggest that crime rates would rise as a result of this proposed development

- *loss of open space and shortage of allotments in the area*

He informed members that the site which was previously used for car parking did not form part of the estate redevelopment. In response to the objectors' request for use of the land for allotment or open space he stated that a new park was proposed within the Chalkhill Estate redevelopment to improve open space provision in the area. He added that despite a borough wide demand for allotment plots and the constraints of the size and layout of the site, there was no planning policy reason to prevent an allotment use or to refuse an alternative housing use.

Title deeds/Restrictive Covenants

These were not planning matters and therefore could not be taken into consideration as part of the assessment of the application

Mr Vinod Patel chair of the local residents' association in objecting to the proposed development stated that the narrowness of the land would not be adequate to ensure a satisfactory relationship between the proposed development and existing residential properties. He also objected to the proposed development on grounds of overlooking, loss of light, noise nuisance and loss of privacy and urged members to release the plot of land for allotment use in order to address the deficiency of allotment land in the area.

Ms Zarina Khalid on behalf of the applicant, Metropolitan Housing Trust (MHT) informed the Committee that the proposal was part of the Chalkhill estate Masterplan. She added that the development which would provide a much needed housing accommodation had been designed to complement with the existing properties in the area and complied with the Council's Supplementary

Planning Guidelines. She continued that the Council's Highways and Transportation had not raised objections to the scheme and that there were no parking issues involved.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunwell stated that he wished to speak as a Councillor who was not a member of the Committee (which the Chair agreed to) and stated that he had been approached by the local residents who objected to the scheme. Councillor Dunwell referred to his list of objections as set out in the supplementary information which included loss of light, privacy and outlook, detrimental impact on parking and the character of the area. He continued that there was no evidence that the site was ever earmarked for housing as part of the Chalkhill Masterplan development. He requested members to note both the deficiency of allotment provision in the Chalkhill and immediate area and the relevant part of the Council's Unitary Development Plan policy (the UDP) that encouraged the development of sites for allotment use.

In the discussion that followed, Councillor Anwar expressed a view that the proposed 2-storey building would constitute an over-development of the site and suggested a bungalow as the best use of the land. He added that as the area was already heavily parked, the proposed development would not be able to absorb the resulting increase in parking demand. In his summation, the Chair drew members' attention to the fact that the proposal failed the guidance outlined in Supplementary Planning Guidance Note 17 (SPG17) in terms of privacy with properties in the area. He added that as the proposal also failed to comply with a 45-degree line, it would have a detrimental impact on the bottom 2 metres of the rear garden of the properties on the Chalklands.

Prior to voting, Steve Weeks responded that the proposed development would provide an appropriately designed building on this awkward and constrained site. He added that the scheme had been substantially reduced both in terms of height and proposed unit numbers and adequate levels of outlook and light maintained to the surrounding neighbouring properties. Steve Weeks submitted that on balance, the scheme which had addressed the concerns previously raised at the Planning Committee was not considered to be an overdevelopment of the site. He continued that in addition to providing social rented housing to help meet the pressing need for affordable family accommodation in the borough, the proposal complied with the Council's parking and servicing standards and that the applicants had agreed to a Section 106 agreement, providing a range of benefits.

Members were minded to refuse to grant planning consent contrary to the officers' recommendation on grounds of over-development of the site and failure to comply with the SPG17. Voting on the substantive recommendation for approval was recorded as follows;

FOR: Councillors Cummins, Jackson, Long and R Moher (4)

AGAINST: Councillors Kansagra, Anwar, Baker, Hashmi and HM Patel (5)

ABSTENTION: Councillor Hirani (1)

DECISION: Refused planning permission.

9. 4 Tracey Avenue, London NW2 4AT (Ref. 09/2177)

09/2177 Erection of first-floor rear extensions, increase in height of existing roof, installation of two rear dormer windows and two front rooflights, two flank rooflights facing No. 3 Tracey Avenue and one flank rooflight facing No. 5 Tracey Avenue to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In reference to the tabled supplementary, Steve Weeks clarified the separation distances of the application site and 8 Henson Avenue and added that as the distances exceeded the minimum guidance outlined in SPG17, adequate levels of privacy would be maintained. He continued that the applicant had agreed to landscape to the rear of the boundary with No. 5 Tracey Avenue and in order to ensure that the appearance and setting for the proposed development enhanced the visual amenity of the locality he recommended an additional condition 6 as set out in the tabled supplementary. Steve Weeks then referred to additional letters of objection and stated that although the proposal would continue the projection out towards the rear garden thus resulting in some loss of light, it was not considered to be significant enough to warrant refusal. He addressed the concerns on the garage and its relationship with the proposed extension and also drew members' attention to the reasons as to why it was not considered appropriate to refuse the proposal on design grounds

Mr Derek Murrell an objector stated that the proposed development was likely to give rise to loss of light and outlook as well as overlooking to adjacent properties and their gardens. He therefore requested members to ask the applicant to ensure a sufficient set back in the interest of privacy.

Mr Derek Wax objected to the proposed development on the following grounds that it would overlook adjoining properties leading to loss of privacy and residential amenities. He added that the proposal, with an unacceptable increase in size and bulk would constitute an overdevelopment of the site with dominant features. Mr Wax added that the development would put pressure on parking, access and create a precedent for similar undesirable developments in the area.

Mr Brill, the applicant's agent stated that the proposal which would remain in use as a single family dwelling would maintain distances far in excess of the SPG requirements as explained by the Head of Area Planning. He submitted that with reduced overlooking from the site, the proposal would not impact on the residential amenities of the area.

At the start of members' discussion Councillor R Moher expressed a view that the proposal which would be overwhelming in size would constitute an over

development of the site. The Chair added that the application complied with planning guidelines and as far as 8 Henson Road was concerned it would have no impact, however it would have some adverse impact on 5 Tracey Avenue. Members were minded to refuse the application contrary to the officer's recommendation for approval for the following reasons; size of the building; its impact on No. 5 Tracey Avenue and the scale of the development.

Voting on the substantive recommendation for approval was recorded as follows;

FOR: Councillor Hirani (1)

AGAINST: Councillors Anwar, Cummins, Jackson, R Moher and HM Patel (5)

ABSTENTION: Councillors Kansagra, Baker, Hashmi and Long (4)

DECISION: Planning permission refused.

10. 17 Waltham Drive, Edgware Middlesex HA8 5PG (Ref. 09/2181)

09/2181 Erection of a part single and part two storey side and rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

11. 103A-D Malvern Road, London NW6 (Ref. 09/2153)

09/2153 Proposed installation of wheelchair lift (including railings) and new raised steps to stairs at front of building.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Mrs Jennifer Barnard an objector noted that the application would involve the removal of a bedroom in order to facilitate the proposal. Although she welcomed the application, she objected to it on the grounds that there already existed a number of suitable properties in the area and therefore the removal of one of the bedrooms was unnecessary and a waste of resources. She also alleged that there were structural problems in the house which resulted from poor construction.

DECISION: Planning permission granted subject to conditions and informatives.

12. Learie Constantine Open Space, Villiers Road London NW2 5QA (Ref. 09/3161)

09/3161 Creation of a public park with installation of children's play equipment, sand pit, seating, associated landscaping and installation of mesh fence, brick wall and wooden board fence to perimeter of site.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks in responding to comments by Councillor Sneddon stated that the proposed fencing of 2.4m in height and management of the public park including locking up from dusk to 8.00am would assist with the antisocial behaviour. He continued that improved design and management, which were both lacking previously, were proposed to work together to prevent antisocial behaviour.

DECISION: Planning permission granted subject to conditions.

13. 70 Donnington Road, London NW10 3QU (Ref. 09/3100)

09/3100 Erection part two-storey, part single storey rear extension, two rear dormer windows, new front porch and installation of two front and one side rooflights to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

14. 31 Pasture Road, Wembley HA0 3JB (Ref. 09/2019)

09/2019 Replacement of existing timber-framed windows with UPVC-framed windows to dwellinghouse (Article 4 Direction).

OFFICER RECOMMENDATION: Refuse planning permission.

The Planning Manager Neil McClellan informed the Committee that although the applicant had submitted revised details of the existing front windows to the dwellinghouse, they were not considered to be a good match to the original windows and as such would fail to preserve or enhance the character and appearance of the Sudbury Court Conservation Area.

Mr Patel the applicant indicated his willingness to submit further details to match the original windows and preserve the character of the Conservation Area. Members however decided to defer the application for a site visit.

DECISION: Deferred for a site visit.

15. 10 Littleton Crescent, Harrow, Middlesex HA1 3SX (Ref. 09/3179)

09/3179 Erection of a two-storey side extension and single-storey rear extension to the dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks reported that he had received further comments from Sudbury Court Residents' Association reiterating their initial concerns and addressed in the main report..

DECISION: Planning permission granted subject to conditions.

16. 111 Swinderby Road, Wembley, Middlesex HA0 4SE (Ref. 09/3191)

09/3191 First floor side extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

17. Tamil Community Centre, 253 East Lane, Wembley HA0 3NN (Ref. 09/1719)

09/1719 Erection of single-storey rear extension and first-floor side and rear extensions to drop-in day centre (as amended by revised plans dated 12/11/2009).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 8 and additional conditions 9, 10 and 11.

The Planning Manager Neil McClellan clarified that the primary use of the centre remained as a day centre. With reference to the tabled supplementary, he also clarified the hours of use and in responding to concerns expressed by an objector at the site visit, the Planning Manager stated that this application would give the Council an opportunity to exercise a control over the hours of use with times limited to 10pm through a condition. He continued that the proposed extensions would not result in a significant change in the pattern of attendance to the premises or the nature of use and therefore would not result in a significant increase in traffic. He drew members' attention to an amendment in condition 8 and the imposition of additional conditions 9, 10 and 11 as set out in the tabled supplementary.

DECISION: Planning permission granted subject to conditions as amended in condition 8 and the additional 9, 10 and 11.

18. Any Other Urgent Business

None.

19. Date of next meeting

It was noted that the next meeting would take place on **Thursday 10 December 2009 at 7.00pm**. As that meeting would consider reports on planning policies, there would be no prior site visits on the preceding Saturday.

The meeting ended at 10:10pm

S KANSAGRA
CHAIR

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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Committee Report

Planning Committee on 16 December, 2009

Case No. 09/3050

RECEIVED: 14 September, 2009

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 1 Dudden Hill Parade, Dudden Hill Lane, London, NW10 1BY

PROPOSAL: Change of use of ground floor to cafe/restaurant to (use class A3) and erection of single-storey rear extension to rear of building

APPLICANT: Mr Haider Mushetet

CONTACT: Mr Safa Alattar

PLAN NO'S: 01RevA - Site Plans and Design Statement
02RevA - Exist Ground Floor Plans
03RevA - Exist First Floor Plans
04RevA - Exist Loft Floor Plans
05RevA - Exist Elevations
06RevA - Proposed Ground Floor Plan
07RevA - Proposed Roof Plan
08RevA - Proposed Elevations
09RevA - Proposed Fair and Refuse Plans
Un-numbered plans including:
External Duct Details
Extraction System Location

RECOMMENDATION

Approval

EXISTING

Ground floor retail unit as part of a neighbourhood shopping centre.

PROPOSAL

Full planning permission is sought for the retention of a café use, single storey canopy to side and front and single storey rear extension to the business premises.

HISTORY

09/0497. Full planning permission sought for change of use of ground floor to cafe/restaurant to (use class A3) and erection of single-storey rear extension to rear of building. Withdrawn

08/3233 Change of use of ground floor to Use Class A3 (cafe/restaurant), erection of canopy to side and front, single-storey extension to rear, and single-storey storage area in rear yard of business premises. Refused for the following reasons:

1. *"The proposed retention of the existing use of the premises as a cafe by reason of the proximity of residential accommodation, the scale of outdoor seating area, the anti-social opening hours and the failure to provide a suitable extract/ventilation system has and will*

have a detrimental impact on the amenity of local residents in terms of noise disturbance and fumes contrary to policies BE17, SH10 and SH16 of Brent's UDP 2004.

2. *The existing projecting canopy by reason of its excessive forward projection and poor quality materials, is an unsightly extension to the building and has a detrimental impact on the character*

E/08/0762. Enforcement investigation opened in relation to the erection of a canopy to the front and side and the change of use of premises from retail to café.

95/0971. Advertisement consent was sought for the retention of free-standing illuminated advertisement hoarding. Appeal dismissed 24/05/1996.

89/1117. Full planning permission sought for change of use from retail to café (Use Class A3). Granted 07/11/1989.

- This planning permission was never implemented.

The property has been used for various uses including retail and office uses. For the purposes of this application the last authorised use was for retail.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context and Character

BE7 – Public Realm: Street scene

BE9 – Architectural Quality

BE17 – Building Services Equipment

EP2 – Noise and Vibration

SH4 – Local centres

SH10 – Food and Drink (A3) Uses

SH11 – Conditions for A3 Uses

SH16 – Local Centres

SH19 – Rear Servicing

SH23 – Forecourt Trading

Issues for any A3 use to address:

- Proximity of residential accommodation
- Specific nature and size of use
- Character of the area and the concentration and existing level of disturbance from a3 and similar uses
- Whether the proposed hours of opening would result in residential disturbance
- Practicality of providing extract ducting, ventilation, grease traps and/or noise insulation.

Impact on Residential Amenity

Character and Appearance

Parking and Servicing

CONSULTATION

24 neighbours, Thames Water, Transportation and Environmental Health consulted.

2 objections and a petition containing over 70 signatures from Dudden Hill Lane and Southview Avenue Residents Association have been received. On the following grounds:

- 1) Noise and Disturbance from those using the café
- 2) Not in keeping with the residential area
- 3) Impact on local primary school

- 4) Fumes from smokers
- 5) Anti-social operating hours
- 6) The works have already started
- 7) Loss of privacy
- 8) Lack of Parking and pressure on existing parking
- 9) Pedestrian Safety
- 10) Verbal abuse from the applicant
- 11) The ramp and raised concrete area is a hazard for pedestrians
- 12) Clarification of the legality of the wall in the courtyard of Mr Mushattat's premises.
- 13) Does the applicant have permission from the freeholder for the proposed extension.
- 14) Water, Sewage and Waste Disposal

Concerns have also been expressed that the Council is pandering to business over local residents

Transportation have no objections to the proposals provided that a condition is attached to ensure the provision of 2 cycle parking spaces.

Health, Safety and Licensing have notified the Planning Service that numerous complaints have been received from residents in relation to late night noise, late night refreshment and smoking within an illegal smoking shelter. Following investigation of these matters a prosecution was brought against Mr Haider in which he was found guilty. Since the prosecution Mr Haider has continued to allow smoking on the premises, knowing that this is illegal.

Environmental Health have commented that in recent months they have received complaints regarding noise and odour arising from the premises and successful enforcement action was recently taken against the owner in respect of breaches of smoking regulations. They have asked that should approval be recommended that they be consulted so as to ensure stringently worded conditions are attached to secure the necessary site improvements.

Further representations from local that were sent through to Sarah Teather MP, have also been sent through. Sarah Teather MP has requested to be kept informed as to how the application proceeds.

REMARKS

Previous Breaches of Planning Control

As set out in the history section of this report there have been breaches of planning control at this site over the past year since a the cafe has been in operation. While it is recognised that these breaches have resulted in significant disturbance for the neighbouring residents this report is based on the content of the submitted planning application. This report examines the current proposals in relation to the relevant planning policies in the UDP and whether the concerns of the residents could be addressed with the suitable conditions and reference to non-planning legislation.

Principle of the A3 use

The commercial unit at 1A Dudden Hill Parade forms part of a local neighbourhood retail centre which comprises of 4 retail units on the ground floor of a 3 storey terraced block at 1-4 Dudden Hill Parade. Policy SH10 sets out the criteria by which A3 uses are considered acceptable within shopping centres, this report will examine each of the criteria in turn in relation to the existing use of 1 Dudden Hill Parade as a café (A3 use)

- i) Proximity of residential accommodation:
1-4 Dudden Hill Parade is a 3-storey terraced block with commercial uses on the ground floor and residential on the first and second floors. It is on the corner with Southview Avenue which is a residential street and there are two storey residential dwellings on the opposite side Dudden Hill Lane from the subject property. While it is predominantly a residential area there is no reason to suggest that a café use is unacceptable solely by reason of the proximity of

residential. However policy SH10 states that there should be no detrimental impact on the amenity of neighbouring residential occupiers. The proposed hours of operation will now be restricted to between 8am in the morning and 7pm in the evening. Thus any activity in the premises will be within normal working hours. A cafe use is not usually considered to generate a level of noise that would be out of keeping with a local shopping parade. In addition the outdoor seating area has been removed from the proposal. Thus it is considered that there will be no detrimental impact on the amenity of neighbouring residents. Conditions will be attached to ensure that there will be no outdoor seating without the prior written consent of the local planning authority and that relevant sound insulation is installed to ensure that the amenity of neighbouring residents is protected.

ii) Nature and size of the use proposed

The café is to be used for the preparation and serving of hot food and drinks. The existing unit has an internal floor area of 47sqm with a further 25sqm proposed with the new extension. The total floor area for the proposed development is 75sqm. It should be emphasised that the applicant does not propose to have any outdoor seating areas and therefore if sheesha smoking is to occur it would need to take place in accordance with the relevant Environmental Health and Health Safety and Licensing legislation. Environmental Health have stated that successful enforcement action was recently taken against the owner in respect of breaches of smoking legislation and have concerns about the applicants ability to comply with this in the future. An informative will be attached to any approval to ensure that the applicant is aware of this and the need to comply with The Smoke-Free (Premises and Enforcement) Regulations 2006. The nature and size of the use proposed is considered to be acceptable.

iii) Character of the area, concentration of similar uses and disturbance from such uses. Dudden Hill Parade is on Dudden Hill Road which is classified as a distributor road through the Borough with a high vehicle flows. The predominant use in the area is residential while the other commercial uses in the parade include retail and A2 type uses. There is one vacant unit at the other end of the parade (unit 4). It is considered that there is not an over-concentration of A3 type uses in this area, the nearest similar uses are on Neasden Lane which is over 450m from the site and Burnley Road which is over 600m from the site. Therefore it is considered that a cafe use (use class A3) would not be out of keeping with the character of the local shopping parade and that there would not be an over concentration of such uses on Dudden Hill Parade.

iv) Proposed hours of opening causing disturbance.

The applicant has confirmed that the café opening hours will be from 0800hrs to 1800hrs 7 days a week. These hours are considered appropriate on what is a distributor road in through the Borough and while it is predominantly residential, the proposed opening hours would be in keeping with normal opening hours for similar type shopping parades. While there have been letters of objection and complaints relating to significant disturbance to local residents until the early hours of the morning, if the applicant abides by the opening hours there should not be any disturbance from the cafe after 1800hrs in the evening. Therefore the proposed use is considered to have acceptable operating hours, which will be enforced by condition. Should the applicant operate outside of these hours or occupy the premises with more than 2 people between the hours of 2200 and 0700 then appropriate enforcement action should be taken to address in breach of condition.

v) Practicality of providing extract ducting, ventilation, etc.

Details of the proposed extract system have been sought and Environmental Health have been consulted on these. The proposed ventilation shaft is shown on the plans with a width of 300mm and will terminate 1m above the neighbouring rear dormer. The applicant has also stated that they will attach a sound insulation system to ensure there is no noise disturbance for neighbouring residents. The detailed extract ducting shows that the width will be larger than this to reduce noise disturbance. To ensure that a suitable extract system that is in keeping with the character and appearance of the building and that it will not result in disturbance for neighbouring residents, a condition will be attached requiring the submission and written

approval of further details of the extract system prior to works commencing. The owner and residents of the residential flat above have no objection to the proposed routing of the extract system.

Proposed single storey rear extension

The proposed single storey rear extension is of a minor scale and is to be located at the rear of the building. It is not considered to have a detrimental impact on the character and appearance of the building as it is out of view from the principle streetscene and will not have a detrimental impact on the amenity of neighbouring residents.. It is proposed to be constructed of materials to match the existing. There is an existing rear access way to the upstairs flats which at present is completely enclosed by boundary fencing. A condition will be attached to the proposal to ensure that there is lighting installed on the boundary with the neighbouring pedestrian access-way to improve security on this access-way. The proposed single storey rear extension is in keeping with the relevant Council policies for extensions to buildings.

Parking/Servicing and Pedestrian Safety

The existing use in terms of car-parking and servicing standards is the same as the previous authorised use. As there is no change to the servicing or car-parking arrangements the use is considered to be acceptable in relation to parking and servicing. There is one servicing space, 2 parking spaces and a refuse storage area proposed in the rear service yard. The refuse storage area appears to show provision for domestic refuse, while it is of a size that could accommodate adequate refuse storage further details of this area will be sought by condition. Transportation have confirmed that this level of provision would be in keeping with the relevant parking and servicing standards. A condition will be attached to ensure that the rear servicing yard is reserved for these uses and not used to provide additional seating or facilities for patrons. However the applicants have failed to take the opportunity to provide additional secure cycle parking therefore it is not in compliance with cycle parking standards. A condition will be attached to approval requiring provision of cycle parking and the refuse storage details.

Other issues raised by objectors

The above headings have addressed the majority of the issues raised by objectors. The issues raised in relation to crime, the environment, health and safety and sewage and water services can be dealt with by legislation outside of planning control, where necessary the Council have attached conditions to control them or informative's to ensure that the applicant is aware of the need to comply with the relevant legislation. In particular the water and sewerage services would be covered by the relevant utilities provider which in this case is Thames Water while smoking legislation is enforced by the Council's Environmental Health Team. The Local Planning Authority are aware that certain works have already taken place and have taken enforcement action where possible.

Conclusion

The proposed cafe use and single storey rear extension are considered to be in accordance with the relevant planning policies as set out above. While it is recognised that the applicant has operated an unauthorised business in this location for the past 12 months the amended proposals are in accordance with the relevant policies and with the control permitted with the attached conditions it is considered that there will not be a significantly detrimental impact on neighbouring residents. Furthermore to alleviate the concerns of local resident the Council will investigate any reported breach of condition and if necessary will take suitable enforcement action to ensure that there is no detrimental impact on the residential amenity of neighbouring residents.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Brent Unitary Development Plan 2004

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

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

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

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

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) The premises shall only be used for the preparation or sale food and for ancillary purposes between the hours of 0800 and 1800 on Mondays to Sundays.

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

- (2) The proposed flue extraction systems shall be installed and maintained as per the manufacturers guidance and shall be fully removed at such time as the use hereby approved ceases.

Reason: To safeguard the amenities of the adjoining occupiers.

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

Reason: To safeguard the amenities of the adjoining occupiers.

- (4) No development shall take place before a scheme of sound insulation and ventilation for the building has been submitted to and approved in writing by the Local Planning Authority. Thereafter the building shall not be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the neighbouring residents.

- (5) No outdoor seating or tables may be place on the forecourt of the premises without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining occupiers.

- (6) The areas approved by the Local Planning Authority for car parking, loading, unloading and parking of service vehicles; and refuse storage shall be used only for those purposes.

Reasons: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- (7) Details of lighting, baffled so as to avoid glare, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, for the neighbouring pedestrian access-way to the first floor flats at Nos. 1a and 2a Dudden Hill Parade The approved details shall be fully implemented.

Reason: In the interests of safety, amenity and convenience.

- (8) No amplified sound or other music shall be played in the external courtyard areas as outlined in the plan.

Reason: To protect the amenity of neighbouring residents.

- (9) The premises shall be used as a cafe/restaurant and for no other purpose including for the sale and consumption of alcohol, as a bar, public house, food delivery or nightclub within class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 without the prior written permission of the Local Planning Authority.

Reason: To limit the use of the premises to protect the amenity of neighbouring residences.

- (10) No more than 2 persons shall occupy the premises between the following hours:

Monday to Sunday - 2200hours and 0700hours.

Reason: To protect the amenity of neighbouring residents outside normal hours of operation.

- (11) Further details of the refuse storage and secure cycle stores shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works on site. The works shall be completed in accordance with the approved details.

Reason: In order to ensure that the development is satisfactory and contributes to the character and appearance of the area.

INFORMATIVES:

- (1) The applicant's attention is drawn to the need to comply with (among other regulations) the requirements of the following legislation:
- (i) Food Hygiene (General) Regulations 1970
 - (ii) Smoke-free (Premises and Enforcement) Regulations 2006.

REFERENCE DOCUMENTS:

UDP 2004

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 1 Dudden Hill Parade, Dudden Hill Lane, London, NW10 1BY

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This map is indicative only.

Committee Report

Planning Committee on 16 December, 2009 Case No. 09/3116

RECEIVED: 22 September, 2009

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 1 Kenyngton Place, Harrow, HA3 0DW

PROPOSAL: Demolition of existing detached garage and erection of two-storey side extension, part single-storey, part two-storey rear extension and attached garage to dwellinghouse, and associated landscaping

APPLICANT: Mr J. Khagram

CONTACT: Construct 360 Ltd

PLAN NO'S: KP01_01;
KP01_02;
KP01_03A;
KP01_04A;
KP01_05;
KP01_06A.

RECOMMENDATION

Approval.

EXISTING

The subject site is a 2 storey end-of-terrace dwellinghouse with detached garage located on Kenyngton Place. The surroundings are residential. The site is not in a Conservation Area, however the property does bound the Northwick Circle CA. The property does not contain a listed building.

PROPOSAL

Demolition of existing detached garage and erection of two-storey side extension, part single-storey, part two-storey rear extension and attached garage to dwellinghouse

HISTORY

Planning permission was granted in 1968 for the erection of 10 2-storey terraced houses. Certain permitted development rights were removed by condition.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Local context and character

BE7 - Streetscene

BE9 – Architectural quality

SPG

SPG 5 – Altering and Extending Your Home

CONSULTATION

Consultation period: 24/09/2009 – 15/10/2009

7 neighbours consulted – 2 objections received. These related to:

1. Loss of privacy;
2. Loss of light;
3. Security of neighbouring property during construction;
4. Structural damage to neighbouring property during construction;
5. Harm to character of original dwelling and streetscene;
6. Loss of trees.

Transportation Unit – No objection, condition proposed.

REMARKS

Design:

The proposed extensions are in accordance with SPG5 guidance, and are considered to respect the scale and appearance of the original dwelling and streetscene.

The proposed 2-storey side extension is 3.3m wide, which is less than the width of the original front room. Both floors are set back behind the main front wall of the dwelling by 2.5m, to ensure that the extension appears subservient to the main dwelling, and is not overly prominent on the streetscene, given the orientation of this end-of-terrace property relative to the street. This detail was requested by officers following the original submission.

The single story rear extension, at 3.2m deep, is slightly greater than SPG5 guidance would allow, however it is considered acceptable given the neighbouring property has a lawful extension of a corresponding depth. Both the proposed extension and the existing neighbouring extension have flat roofs, 2.9m high, which is acceptable.

The proposed 2-storey rear extension comfortably complies with 2:1 guidance relative to the nearest habitable room window at the attached dwelling, 2 Kenyngton Place. Although the width of the extension is slightly greater than half the width of the resultant dwelling, this is considered acceptable as it will not result in a bulky roof extension - due to the flat roof nature of the extension.

The proposed garage is of a similar design to the other extensions, and the original garage. The garage will have a maximum height of 2.9m, and extends further toward the rear boundary than the existing garage. The plans currently show an exterior lobby to the front elevation, however it has been requested that this lobby be internalised in order to remove this incongruous feature and to comply with building regulations.

The elevational treatment of the extensions will match that of the original dwelling, with facing bricks to match, matching windows, and flat roof detail.

Impact on neighbouring amenities:

Residents of 2 Kenyngton Place will not be affected by the single storey rear extension, or the 2-storey side extension. The proposed 2-storey rear extension will have an impact on residents of this property, however as this extension complies comfortably with 2:1 guidance, this impact would not be considered significant.

The proposed rear extensions will encroach into the rear garden of the application property, which at 11m depth, is relatively shallow. This still leaves a generous rear private garden of over 110m², however the dwelling will appear more prominent from the rear gardens of numbers 10 and 12 Sedgcombe Avenue. As the gardens of these properties are at least 25m long, the proposal cannot be considered to significantly harm the outlook from any of the windows of these homes. The ground floor extension will be approximately 7.8m from the rear boundary of these properties, with the first floor extensions over 8m distant. As such, the extensions cannot be considered to have an overbearing impact even when viewed from the end of these gardens. The replacement garage will be approximately 1.5m nearer the rear boundary than existing. The replacement garage will be set 2.9m off the rear boundary, and will be 2.9m high. Again, the impact of this structure would not be considered significantly harmful as it is not close to any neighbouring dwellings.

The proposed extensions will not have a significant impact on any other properties.

Transportation/ parking

Transportation Officers consider that the parking requirement for the dwelling as extended can be accommodated on site, without the need for additional hardsurfacing. There will be no additional parking pressure on the surrounding area. A condition is proposed restricting the use of the garage to ensure it is not converted to living accommodation or used for any business purpose.

Landscape

The proposal will result in the loss of two existing trees to the side of the property, which contribute to the existing streetscene. The loss of these trees is not a reason to refuse the application, however an appropriate landscape scheme must be implemented to ensure that the development has a long-term positive impact on the streetscene. Therefore, it has been indicated on the proposed site plan where additional trees will be planted, to the side and front of the proposed extension, to soften its appearance and compensate for the loss of existing trees. The position of the tree to the front of the proposed side extension is near to an existing manhole. It has therefore been requested that the position of this tree be shown in a more realistic position. A more detailed landscape scheme is required by condition.

It has been explained above that any impact on properties to the rear in terms of outlook and privacy would not be considered harmful, however it is expected that additional screen planting be provided along the rear boundary to reduce any minor impacts over time, and enhance the overall garden setting of the area.

Response to objections:

Concerns relating to the impact of the proposal on light, privacy and outlook of neighbouring properties have been addressed above. The design and appearance of the extensions are not considered to cause harm to the character of the original dwelling and streetscene. Impact on existing trees and means of mitigating this have been explained above and addressed through conditions. Concerns related to security of, and potential damage to neighbouring properties during construction are not planning considerations.

The proposal is considered to comply with policies BE2, BE7, and BE9 of Brent's UDP, and policy guidance provided by SPG5 – Altering and Extending Your Home. Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

- (2) 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.

- (3) The site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. The submitted scheme shall pay particular attention to the following:

- i) Suitable screen planting along flank wall of proposed side extension, and along rear property boundary;
- ii) The planting of an appropriate tree to the front of the proposed side extension.

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

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

- (4) The windows shown in the flank wall of the approved side extension shall be:

- a) glazed with obscure glass and the windows shall open at high level only (not less than 1.8m above floor level), or;

b) glazed with obscure glass and non-opening,

and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained. No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank walls of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

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

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

- (6) The garage hereby approved shall be used solely for the housing of private vehicles. No business or industry shall be carried out therein nor shall the garage(s) be adapted or used for additional living accommodation or be sold, let or occupied separately from the dwelling.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the amenities of the locality by the introduction of commercial vehicles or uses which would be a source of nuisance to neighbouring occupiers by reason of noise, unsightly appearance or which would result in the loss of adequate off-street car parking for this property.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent UDP 2004;
SPG5 - Altering and Extending Your Home.

Any person wishing to inspect the above papers should contact Hayden Taylor, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5345



Planning Committee Map

Site address: 1 Kenyngton Place, Harrow, HA3 0DW

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Committee Report

Planning Committee on 16 December, 2009 Case No. 09/3220

RECEIVED: 1 October, 2009

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: GREENHOUSE GARDEN CENTRE, Birchen Grove, London, NW9 8RY

PROPOSAL: Outline planning permission for the erection of 71 dwellings with amenity open space (matters to be determined: access) (as accompanied by Planning Statement and Design and Access Statement prepared by Malcolm Scott Consultants Ltd; "Transport Assessment" prepared by i-Transport; "Phase 1 Environmental Assessment" prepared by WSP; "Assessment of Implications in Welsh Harp/Brent Reservoir SSSI and Site of Metropolitan Importance for Nature Conservation" and "Extended Phase 1 Habitat Survey" prepared by WYG Environment; "Flood Risk Assessment and Drainage Proposals" prepared by Simon Jones-Parry; and "Energy Statement" prepared by Cole Thompson Anders Architects)

APPLICANT: Garden & Plant Centre Developments Ltd

CONTACT:

PLAN NO'S: 1.3-01; 1.3-02; 1.3-03; and 1.3-04; and unnumbered "Proposed Illustrative Layout Plan"

RECOMMENDATION

Refusal

EXISTING

The application site comprises the Greenhouse Garden Centre located off Birchen Grove. The site is currently accessed through the Welsh Harp Environmental Education Centre although it also has planning permission for an additional access through the extension of Birchen Grove located at the southern end of the site.

The application site is located in Metropolitan Open Land (MOL). The area of land designated as MOL is situated within both the boroughs of Brent and Barnet. To the south and west of the site lies the Welsh Harp Site of Metropolitan Conservation Importance and public open space. The site is also designated as a Local Nature Reserve. To the north and east of the site lies the rear gardens of residential properties in Doreen Avenue and Glenwood Grove and the playing fields of Woodfield School. Approximately 140m to the south of the site is the Welsh Harp Site of Special Scientific Interest (SSSI).

PROPOSAL

This application seeks outline planning permission to demolish the existing buildings on site and erect 71 dwellinghouses (18 x 2 bed, 36 x 3 bed and 17 x 4 bed) with associated private and public external amenity space (matters to be determined access only)

HISTORY

E/06/0323: Enforcement investigation into the material change of use from Nursery Garden (sui generis) to Retail Sales (Use Class A1) - no action taken, 07/11/2006.

99/0868: Full Planning Permission sought for resurfacing to form car park, provision of open sales area, erection of open-sided structure, relocation of existing shed, erection of fencing, landscaping and cafe, which is ancillary to the garden nursery and the Welsh Harp Interpretation Centre, and formation of access road to Birchen Grove - Granted, 27/06/2003.

89/1230: Full Planning Permission sought for erection of single storey buildings to form garden and leisure centre together with public toilets, car parking, ancillary cafe, office, storage and boundary walls - Refused, 07/11/1990.

LE39226472: Full Planning Permission sought for establishment of central parks nursery incorporating glasshouses, ancillary buildings, access road and car parking - Granted, 03/12/1973.

LE20195229: Outline Planning Permission sought for establishment of central parks nursery and formation of access road from adjoining land - Granted, 04/04/1973.

18698 2114: Full Planning Permission sought for sports pavilion - Granted, 05/01/1951.

POLICY CONSIDERATIONS

National Planning Policy Guidance

Planning Policy Statement 1 – Creating Sustainable Communities

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Guidance 2 - Green Belts

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness.

There is a presumption against inappropriate development within the Green Belt. Inappropriate development, is by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Planning Policy Statement 3 – Housing

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities that is easily accessible and well-connected to public transport and community facilities and services. The guidance also requires Local Authorities to deliver sustainable development objectives.

Planning Policy Statement 9 - Biodiversity and Geological Conservation

Proposals on land within or outside a SSSI which is likely to have an adverse effect on an SSSI should not normally be granted. Where an adverse effect on the site's notified special features is

likely, an exception should only be made where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. Local authorities should use conditions and/or planning obligations to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.

Local authorities should ensure that these protected species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitat would result unless the need for, and benefits of, the development clearly outweigh that harm.

Sites of regional and local biodiversity, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well being of the community; and in supporting research and education.

Planning Policy Guidance 13 - Transport

The objectives of PPG13 are to integrate planning and transport to (i) promote more sustainable transport choices; (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and (iii) reduce the need to travel, especially by car.

Planning Policy Statement 25 - Development and Flood Risk

Flood risk should be taken into account at all stages in the planning process. Flood Risk Assessments should demonstrate how flood risk from all sources of flooding to the development itself and flood risks to others will be managed now and taking climate control into account. Assessment of surface water and drainage is required as part of a Flood Risk Assessment.

Regional Planning Policy Guidance

The London Plan - Consolidated with Alterations since 2004

Policy 3D.10 Metropolitan Open Land (MOL) should be protected from inappropriate development and be given the same level of protection as the green belt. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of the MOL.

Policy 3D.14 The Mayor will and borough councils should resist development that have a significant adverse effect on the population or conservation status of protected species identified in national, London or borough biodiversity action plans.

Policy 3C.17 Local authorities should include measures to support the Mayor's objectives on tackling congestion and reducing traffic.

Policy 3C.21 Development proposals should provide safe, convenient, accessible and direct pedestrian access to public transport nodes and key land uses.

Policy 4A.1 Development proposals should make the fullest contribution to the mitigation of and adaptation to climate change and to minimise emissions of carbon dioxide by adopting sustainable design and construction measures, prioritising decentralised energy generation and using renewable energy.

Policy 4A.4 Development proposals should provide an assessment of the energy demand and carbon dioxide emissions from proposed major developments.

Policy 4A.14 Seeks to ensure that surface water run-off is managed as close to its source as possible, in line with a specified hierarchy. In particular, it promotes the use of sustainable urban drainage systems for development unless there are practical reasons for doing so.

Policy 3A.3 Development proposals should achieve the highest intensity of use compatible with local context, the design principles in policy 4B.1, with public transport capacity and the density ranges as set out in Table 3A.2.

Policy 3A.5 New developments should offer a range of housing choices, in terms of housing sizes and types; all new housing should be built to 'Lifetime Homes' standards; and 10% of new housing should be designed to be wheelchair accessible or easily adaptable for wheelchair users.

Policies 3A.9 and 3A.10 The maximum reasonable amount of affordable housing should be negotiated on private housing scheme. Boroughs should meet the Mayor's strategic target for affordable housing provision of 50%.

Policy 3A.11 Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes, applying the density guidance set out in policy 3A.3

Policy 4B.1 Developments should maximise the potential of sites; are accessible, usable and permeable for all users; are sustainable, durable and adaptable; and respect local context, character and communities.

Policy 4B.5 New developments are required to meet the highest standards of accessibility and inclusion.

London Borough of Brent Adopted Unitary Development Plan 2004

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

STR 5 This policy attempts to reduce the need to travel, especially by car, for example by giving priority to public transport, walking and cycling.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

STR33 Strategic open space, i.e. Metropolitan Open Land, will be protected from inappropriate development.

STR36 Sites of nature conservation value will be protected and enhanced.

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

BE4 Access for disabled people.

BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.

BE6 High standards of landscape design is required as an integral element of development schemes.

BE12 Encourages adherence to sustainable design principles in terms of design, construction and pollution control.

- H1 Provides targets of additional number of housing proposed for the borough subject to suitable locations.
- H9 A mix of family and non-family units will be required on sites capable of providing 15 dwellings or more.
- H11 Encourages the use of housing on previously development urban land which the plan does not protect for other uses.
- H12 Seeks to ensure that all residential development has a high-quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H13 This policy refers to residential density. 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.
- TRN3 The development proposal should not cause unacceptable road safety problems or environmental problems. It should be easily and safely accessible to pedestrians and cyclists.
- TRN10 All new development should have safe walking routes which are overlooked, convenient and attractive within the site and to surrounding facilities and areas.
- TRN11 Major development would be expected to contribute towards improvements to the London Cycle Network and comply with the minimum Cycle Parking Standard (PS16) with secure and convenient cycle parking.
- TRN14 New highway layouts, visibility splays and accesses to and within developments should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance. There should be an efficient circulation as well as integrating with the existing road network.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS16 Relates to the standard for cycle parking.
- OS1 The Welsh Harp is designated and protected as Metropolitan Open Land (MOL)
- OS2 The predominantly open character of MOL will be preserved. Uses which may be acceptable on MOL are restricted to:
- Public and private open space and playing fields;
 - Agriculture, woodlands and orchards;
 - Rivers, canals, reservoirs, lakes, docks and other open water;
 - Golf courses;
 - Allotment and nursery gardens;
 - Cemeteries; and
 - Nature conservation
- OS3 Within MOL development will not be permitted unless any proposed building or use is complementary to the land uses listed in OS2 and any development is small in scale and is required to preserve or enhance activities associated with the particular open space.
- OS6 Development of public open space will not be permitted unless it is required to maintain or enhance activities associated with the open space.

OS12 Development will not be permitted on or adjacent to Sites of Special Scientific Interest and Sites of Metropolitan Nature Conservation Importance, unless it is demonstrated, that there will be no adverse effect on nature conservation.

OS15 Development which would have an adverse impact on protected species or national or local Biodiversity Action Plan species that are uncommon or under threat in London will be refused, unless steps to secure the protection of the species are implemented.

London Borough of Brent's Supplementary Planning Guidance

Supplementary Planning Guidance Note 17 - Design Guide for New Development

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

Supplementary Planning Guidance Note 19 – Sustainable Design, Construction & Pollution Control

Provides design and planning guidance on complying with Policy BE12 of the adopted UDP which requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally friendly landscape design, sustainable demolition and construction practices and reduction of pollution in the operation of developments.

London Borough of Brent's Core Strategy - Proposed submission Version, June 2009

Objective 7 - To achieve Housing Growth and Meet Housing Need

Objective 8 - To Reduce the Need to Travel and Improve Transport Choices

Objective 9 - To Protect and Enhance Brent's Environment

Objective 10 - To Achieve Sustainable Development, Mitigate & Adapt to Climate Change

Objective 12 - To promote Healthy Living and Create a Safe and Secure Environment

CP2 - The provision of at least 22,000 additional homes will be delivered between 2007 and 2026.50% to be affordable and 85% to be delivered in growth areas.

CP5 - New developments should be well connected and accessible.

CP18 - Open spaces of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and well being of Brent's residents, visitors and wildlife.

CP19 - All development should contribute towards achieving sustainable development, including climate change mitigation and adoption.

SUSTAINABILITY ASSESSMENT

The applicants have stated in their Planning Statement that the scheme will be designed to meet Code for Sustainable Homes Level 4. Such measures would be secured through a Section 106 Agreement.

The applicant has also submitted an Energy Statement in line with GLA requirements. These includes measures on how to mitigate climate change, and the carbon dioxide reduction targets that are necessary across London to achieve it, and how the development will be designed to be adaptable to the climate change over its lifetime. The information submitted is broadly acceptable

but additional information and clarification is required to ensure full compliance with London Plan energy policies.

CONSULTATION

Consultation Period: 08/10/2009 – 29/10/2009

Additional Consultation Period: 21/10/2009 - 12/11/2009

Site Notice displayed: 22/10/2009 – 13/11/2009

Public Consultation

224 neighbours consulted – 1 letter of support received and 101 letters of objections received together two petition with 38 signatures and 345 signatures. Objections raised on the following grounds:

- Welsh Harp and its surrounding area is an invaluable leisure and community resource, especially to young people and for outdoor activities and enjoyment in a built up area
- Proposal would be severely detrimental to wildlife. It would disturb wildlife on the nearby SSSI through a more intensive use – longer hours, increased traffic, noise, lighting
- Loss of open space
- Open space a valuable and rare resource
- Intrusive to the character of the open space
- Inappropriate development on MOL
- No benefits provided to compensate building on MOL
- Housing out of keeping with surrounding residential properties
- Pollution to the Welsh Reservoir from additional population
- Lack of infrastructure to support additional housing e.g. school places, medical care etc
- Garden centre a valuable community resource in the area
- Too many houses already being built in Brent
- Environmental considerations made by the developer are completely inadequate and fail to mitigate the impact of such a development on the Welsh Harp and its wildlife
- Additional traffic on Birchen Grove will lead to congestion. Additional problems created at the junction with Blackbird Hill
- Loss of trees and impact on climate change
- Greenfield site easier and cheaper to develop on
- Lack of consultation by both the Council and the applicant
- Need for other sites to be considered for housing
- Restrictions in nearby conservation area on extensions and alterations to properties but allowed to built 71 new houses on MOL
- New access road will remove trees and grass and would extent into natural space. This would be intrusive and noisy. New access road would be a risk to pedestrians walking in the Welsh Harp
- Risk of flooding through loss of trees and vegetation
- Adversely impact upon established sporting facilities in the area – sailing clubs, sea cadets, allotments and Welsh Harp Environmental Educational Centre
- Need for Environmental Impact Assessment
- Need for historic survey
- Integrity of the site as public open space would be threatened and a large block of MOL would be fragmented with the threat of further development
- Loss of privacy
- Subsidence to properties on Doreen Avenue
- Increased crime to area
- Damage to bridge over the Welsh Harp which is listed
- If application is granted it would set a precedent for further development such as the scheme for a residential development in Barnet at Cook Oak Lane

Springfield Estate Residents' Association

Objections raised on the following grounds:

- Residential development not an appropriate use on MOL
- The construction of an access roadway, residential buildings, road and utilities provision of this scale would severely and permanently affect an important national wildlife site.
- The development would require extensive road and pavement construction on land designated as public open space.
- The area is poorly served by public transport. Journeys to and from work and services by car would increase and add to the density of vehicle traffic in the area.

Silver Jubilee Residents' Association

A petition has been prepared with 61 signatures. Objections raised on the following grounds:

- Proposal contrary to policies on MOL and is an inappropriate use on MOL
- Poor public transport links to the site
- Additional need for car parking will considerably impact upon the parking in Birchen Grove
- Loss of a more beneficial land use for the community
- negative effect upon the character of the area
- no proposal for a secure boundary between the new housing and the bungalows (Glenwood and Parkfields Avenue) and Woodfield School which could attract more crime in the area and reduce a sense of security
- Increased noise from the cars and people - disturbed to wildlife and local residents

Church View Residents' Association

A petition has been received with 83 signatures objecting on the following grounds:

- Impact of the proposal on the SSSI and SINC would be negative and irreversible.
- No mitigation and compensation measures would be sufficient to overcome the adverse impacts on bats, nesting birds and other protected or notable species
- Inadequate consultation in adjacent Conservation Area

Internal Consultation

Policy & Research

The proposal should be refused as it proposal contradicts London Plan policy 3D.10 and UDP policies OS1, OS2, OS3 on the protection of Metropolitan Open Land and the proposal would be harmful to the Welsh Harp and its designation as Site of Metropolitan Conservation Importance and as a Local Nature Reserve, contrary to policies OS12 and OS16.

Transportation Unit

Recommends that the proposal is refused on the grounds that the development fails to provide safe, convenient and attractive walking routes to nearby key destinations such as shopping facilities, schools and public transport, contrary to policies TRN3 and TRN10 of the adopted UDP 2004. As such, it is likely to be over-reliant on journeys by private car to access the site, worsening the environmental impact as a result of the traffic generated.

In the event that planning permission is granted, a Section 106 Agreement would be sought to secure:- (i) provision of the proposed extension to Birchen Grove to provide the access route to adoptable standards and dedication as public highway; (ii) a Residential Travel Plan; and (iii) a financial contribution of £97,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site.

Environmental Health

No objections raised subject to conditions being attached to the planning consent on material transfer, general control over works and contaminated land.

Urban Design & Conservation

Raises concerns are raised about how to integrate this site with the wider area and the ability of an outline application to deliver the quality of architecture and detailing necessary.

Landscape Design Team

Recommends refusal for the following reasons:- (i) the development creates a barrier with the surrounding nature reserve, school and SSSI rather than integrating them. The layout makes little or no attempt to link with or supplement the existing suburban residential and green space network; (ii) the Environmental Statement does not seem to mention landscape and visual impact when it should be in such a sensitive area; and (iii) the design statement on landscape and appearance is unconvincing and not sympathetic enough to its surroundings, i.e. there is not enough emphasis on native planting, habitat creation and ecological planting.

Brent Parks Service

Raised the following planning related comments regarding this proposal:

- Residential development is not an appropriate use of MOL and would not allow for accessible open space over the substantial area of the development.
- The new access route would result in the loss of open space
- Proximity of the proposed development to the Welsh Harp Open Space and to the Brent Reservoir is a concern.
- The development would not only encroach upon the open land but would also visually impact on the views from the remaining open land
- If the development on the Barnet side was to proceed, the Greenhouse Garden Centre land would be even more precious given the loss of the nearby land

Section 106 Observations

If officers were minded to grant planning consent the following Section 106 Heads of Terms would be sought:

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) 50% Affordable Housing - the split to be agreed with the council.
- (c) A contribution £3,000 per bedroom (£2,400 for affordable housing) due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 4, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) 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.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) Prior to Occupation, submit, gain approval for and adhere to a residential Travel Plan.
- (h) Prior to Occupation the provision of the extension to Birchen Grove to provide the access route to adoptable standards and dedication as public highway
- (i) Prior to Occupation, re-instate the former access road as woodland.

(j) Prior to Material Start conduct a tree survey to be approved by the Council, with a 4:1 re-provision prior to Occupation

Welsh Harp Ward Councillors - Cllrs Singh and Farrell

Objections raised on the following grounds:

- The proposed development is contrary to the Borough Planning Guidelines - UDP
- Building a housing estate next to the SSSI would risk damage to the finely balanced ecosystem which supports the wildlife, the flora and the fauna of the SSSI
- Metropolitan Open Land must be protected for the use and enjoyment of future generations
- An increase in traffic resulting from the housing estate will have a negative impact on local roads and in particular Birchen Grove

Councillor Ann M John OBE (Leader of the Labour Group)

Objections raised to the proposal as it would spoil the 'rus in urbe' character of the whole area. The increased traffic flows which would inevitably result from these proposals will cause further problems.

Councillor Wharton (Sudbury Ward)

The application is inconsistent with UDP policies on MOL and does not show any benefits which compensate for building on MOL. The development would disturb wildlife on the nearby SSSI. It would create more disturbance than the existing use having activities for longer hours and lighting for longer hours.

External Consultation

Greater London Authority

The application does not comply with the London Plan for the following reasons:

MOL: The proposal represents inappropriate development on MOL for which there are no very special circumstances that would outweigh the resultant harm

Energy: Additional information and clarification is required to ensure full compliance with the London Plan energy policies.

Inclusive design: Inadequate information is provided in the design and access statement to ensure inclusive access for people with mobility impairments throughout the scheme, and to ensure compliance with London Plan policy 4B.5.

Natural England

- Recommended that presence or absence of bats is determined prior to the granting of planning permission.
- Recommended a number of conditions to ensure the Site of Metropolitan Importance for Nature Conservation (SMINC) is safeguarded from adverse impacts during construction and mitigate for the proposed loss of habitat to create the access road. Natural England would prefer to see no loss of habitat within the SMINC or Local Nature Reserve.
- Contribution to the Welsh Harp Conservation Group for management and interpretation of the site.

The Wildlife Trust - Herts & Middlesex

The following information shall be included in any further submissions for this application to ensure minimal disturbance to both protected species and the adjacent Local Nature Reserve and SSSI:

- Full bat survey with appropriate mitigation/compensation measures required.
- Presence/absence surveys for great crested newts should be carried out in the ponds opposite the Welsh Harp Environmental Education Centre with appropriate mitigation/compensation measures
- A reptile mitigation plan detailing measures taken to avoid disturbance or damage to reptiles.
- A detailed landscaping plan.
- Method statement demonstrating how giant hogwood is to be eradicated from the site
- Recommend that the access to the site is retained via the existing access road rather than the loss of an area of SINC. If new access road is approved then compensation measures for the loss of a part of the woodland as well as fragmentation of the remaining habitat should be proposed.

London Wildlife Trust

Objections raised on the following grounds:

- Fails to meet UDP policies on MoL. If granted would establish a worrying precedent for further damage and loss of the integrity of MOL within the Borough.
- Access road will result in the direct loss of habitat and in operation will serve to cause disturbance to the Local Nature Reserve. Acknowledges previous planning permission and that weekly trips reduced but difficult to accept that there would be no adverse impacts on the nature reserve (cumulative impacts of light, noise, pets etc). Fails policies OS12 and OS16
- Proposed mitigation is the removal of the existing access road and to replant this line with native woodland species. This complies with OS17. However not considered adequate mitigation for the proposed extension to Birchen Grove nor the development as a whole. No further mitigation measures are put forward for example the planting and landscaping of the estate's amenity space. or in respect to any garden/roadside planting. Some of the sites existing landscape features (border woodland strips) are deemed adequate measures to reduce (but not prevent) impacts from development, but these do not appear to take account of direct encroachment during construction and/or cumulative impacts of new housing over time.
- Issues of potential damage or likely changes to existing habitats or species populations are not covered by the statement that "will be no net habitat loss as a result of this proposed development" in the longer term. E.g. the reservoir surrounds support significant nos. of bats and impact of lighting could be significant – whilst referred to no specific mitigation measures proposed.
- impacts upon the SSSI interest of the reservoir (wildfowl and water margin flora) is less significant. However concerned that run off especially to the extension of Birchen Grove, and other pollution aspects have been adequately addressed.
- Granting permission could adversely impact upon the Council's ability to meet the objectives of National Indicator 197, which in the Welsh Harp SMINC the NI 197 assessment is part of the site beyond the SSSI boundary
- Reference made in reports to bats – expected a full bat survey of the site and its surrounds to have been commissioned and largely completed in order to provide a better insight to the likely impact of the proposal and inform more comprehensive mitigation proposals

London Wildlife Trust (Welsh Harp representative)

Objections raised on the following grounds:

- Proposal would adversely impact upon the SSSI and LNR
- Housing not an appropriate use on MOL
- Existing roads not suitable to cope with the increased traffic and new access road would involve the destruction of many trees and vegetation
- The development would reduce the overall area of the existing open space and would create a precedent for future developments thus threatening the existence of an area for nature conservation of national importance.
- More appropriate ways to meeting housing needs

RSPB South East Regional Office

Objections raised on the following grounds:

- An Environmental Impact Assessment has not been submitted
- The application has failed to fully consider the potential impacts on interest features of the SSSI, for example it has not considered the impact of construction work during the wintering period.
- No evidence has been given to quantify existing levels of recreational pressure or whether there is capacity at the site for additional recreational activity. An evaluation of the existing pressures is required, together with the impacts of increased visitor numbers on the designated features, both breeding and wintering
- Lack of detail for the proposed mitigation for construction noise impacts - type, scale and timing of mitigation.

The Welsh Harp Conservation Group

The following points raised for consideration:

- Integrity of the site as a public open space would be threatened and a large block of MOL would be fragmented with the threat of further developments in the future. The open space is made up of a mosaic of varying habitats into which a housing estate would not easily fit.
- Access via Birchen Grove is unsuited to increased volume of traffic. The transport links are inadequate.
- New access road would involve the loss of a number of trees and associated vegetation. Mitigation measures proposed not adequate. Previous application for the access road not discussed with the Welsh Harp Joint Consultative Committee (WHJCC).
- New access road will worsen problems of illegal dumping of waste
- Significant increase in disturbance to wildlife both during construction phase and when occupied.
- Adverse effect on bats at the site reducing the area for foraging, affecting possible tree roosts and introducing excessive lighting into an area that is currently dark.

NW London RSPB Group

Objections raised on the following grounds:

- The Welsh Harp is a valuable resource to the local community and for monthly educational bird walks. The proposal would degrade the habitat and defeat the core objective of providing a safe haven for wildlife in an urban/suburban setting.
- Integrity of the site will be threatened from this over development, in particular adversely impact upon bats who use the area for vital foraging and breeding.
- Additional residential lighting would reduce the area available for bats. New access road would

- add to night time disturbance.
- Risk of flooding through hardsurfacing and associated run off.

Birdwatch Magazine

The wildlife in general, and birds in particular, at Brent Reservoir are of local, regional and in some cases national importance. The building of homes and access roads and the installation of lighting will have a great impact. No proper environmental impact assessment has been undertaken to measure the long term impact.

Barn Hill Conservation Group

Concerns raised regarding the detrimental impact that the development would have on the waterbirds using this part of the reservoir, and consequently, on its value as part of a Local Nature Reserve

Environment Agency

Objections raised due to the absence of an acceptable Flood Risk Assessment (FRA).

English Heritage

Although not in an designated archaeological priority, there is a sufficient amount of known remains, historic settlements and findspots in the vicinity to warrant consideration of archeological matters in regards to this application. Condition recommended to secure the implementation of a programme of archaeological work.

Transport for London

TfL request a contribution of £6,500 is made towards pedestrian improvements on site and towards the improvement of the capital ring. Furthermore, a Delivery and Servicing Plan and a Construction Logistics Plan are requested.

Barnet Council

Objections raised in the strongest possible terms. MOL unsuitable for housing development of any scale. Fails to meet the objectives and purposes of MOL and would be detrimental to the character of MOL.

Concerns are also raised over the proposed scheme and the detrimental effect it could have on natural wildlife in the area.

Brent Green Party

Objections raised on the following grounds:

- Survey of bats on the site has not been undertaken without which a mitigation strategy cannot be finalised.
- Displacement of nesting birds would be contrary to legislation
- The MOL and Site of Metropolitan Importance would be damaged through the displacement of existing species and loss of biodiversity
- Inadequate consultation in adjacent Conservation Area

The Open Spaces Society

Objections raised on the following grounds:

- The open space is of vital importance not only for nearby residents but also for visitors from further afield. It is invaluable and irreplaceable. The Capital Ring long-distance path would be severely and adversely affected by the development as would other public rights of way in the vicinity.

Welsh Harp Joint Consultative Committee

Objections raised on the following grounds:

- Inappropriate use of land which is designated as MOL
- Close proximity to SSSI and SINC. Concerned about the impact in conservational terms of the disturbance which would be caused by the construction process and the completed development once occupied. Applicant has failed to demonstrate how to limit the impact of the development on the SSSI and SINC.
- Adverse impact upon wildfowl and bats through disturbance, lighting and loss of mature trees
- Residential use creates more of an impact in traffic terms than the garden centre
- application would set a precedent

Brent Friends of the Earth

- Inappropriate development
- Integrity of the site as a public open space would be threatened and a large block of MOL would be fragmented with the threat of further developments in the future. The open space is made up of a mosaic of varying habitats into which a housing estate would not easily fit.

Pressure Group "Save Our Remaining Bits of Green" (SORBG)

Objections raised on the following grounds:

- Adversely impact upon the Welsh Harp
- Alternative sites more appropriate for housing
- Inappropriate development

The Barnet Society

Objections raised as the application is on MOL and is close to the SSSI around the Welsh Harp.

REMARKS

Background

The application site is currently in use as a garden nursery. It has been in use as a garden nursery since around 1974 and was previously owned and occupied by the Council as the parks service's plant nursery.. The applicant who is the current owner of the garden nursery acquired a 125 year lease from the Council and has subsequently improved and expanded the facilities on site (LPA Ref: 99/0868). The application also included the extension of the Birchen Grove highway into the site. This application was considered acceptable as the expansion of the facilities fell within the same use as a garden nursery and as such the use was considered to be an appropriate form of development within MOL. The proposed structures were consistent with the use and existing structures on site and were considered to be preserve the predominantly open character of the site.

The applicant has also submitted an outline application on the Barnet side of the Metropolitan Open Land for 91 dwellings, located off Cook Oak Lane. This application is currently under consideration by Barnet Council. A number of local residents have informed officers that they are of the understanding the the applicant is intending to go ahead with either the Brent or the Barnet application but not both. This has not been stated within the application submission. Nevertheless, each application is required to be assessed on its individual merits.

Development on Metropolitan Open Land

The site is designated as Metropolitan Open Land (MOL). MOL should be protected from inappropriate development and be given the same level of protection as the green belt. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of the MOL. Residential development does not preserve the openness of MOL. It does not fulfil any of the clearly defined uses listed in PPG2 or policy OS2 of Brent's UDP, and is therefore inappropriate development.

PPG2 states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is reinforced in the London Plan in Policy 3D.10 which states that MOL should be protected from inappropriate development and be given the same level of protection as the Green Belt. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of MOL. The applicant has put special circumstances which they consider should be taken into account in allowing the development. None of these reasons provide a remotely acceptable justification for inappropriate development on MOL. Each of these is addressed below:

- The site only contributes to MOL purposes in regard to the perimeter mature tree planting which will be entirely retained on site and better preserved by these proposal

PPG2 makes clear that the extent to which the use of land fulfils specified objectives is not in itself a material factor in the inclusion of land within MOL, or in its continued protection. The purposes of including land in MOL is of paramount importance to its continued protection, and should take precedent over the land use objectives. In this instance, the MOL boundary is well defined and clearly distinguishable from the built up area.

- The site is brownfield land and in private ownership, with no future plans for transfer into public open space.

MOL is defined as any strategic open land, publicly or privately owned, with or without public access which amongst other criteria contributes to the physical structure of London, clearly distinguishable from the built up area. The horticultural use of the site and associated buildings are specified as an acceptable use of MOL, but that does not confer 'previously developed' status on the application site to an extent that justifies the introduction of an inappropriate residential use.

- There is a demonstrable need for housing, especially affordable family housing, both in Brent and the adjoining borough of Barnet. This site is particularly suited to that form of accommodation, given its links to open space and would make a valuable contribution to local housing needs. The site is available now with a willing Registered Social Landlord to deliver the housing.

Policy CF2 of the Core Strategy plans for an additional 22,000 additional homes between 2007 - 2026. Whilst a large proportion of these homes will be provided in the growth areas, approx. 15% will be provided elsewhere in the Borough. The Council is of the view that it has sufficient land and sites coming forward to meet housing demand without the need to develop on MOL. One of the key tenets of the London Plan is to accommodate London's growth within its boundaries without encroaching on open spaces.

- There would be no adverse effect on the nearby Welsh Harp Reservoir or its open space environs

The applicant has failed to demonstrate the likely impact upon the protected species in the area.

- The size, scale and massing of the illustrative housing would be considerably less than the

quantum of building presently existing on the site, much greener, more open and aesthetically pleasing.

The footprint of the existing buildings on site is approx. 5999sqm. The footprint of the proposed buildings is 3190sqm. The height of the existing buildings varies from 3.76m to 5.25m. The proposed buildings will be up to 6.3m at roof apex. Whilst it is acknowledged that the total footprint of buildings within the site may be reduced the layout is considered to be unacceptable because of its dispersal over the whole of the site and enclosed gardens having an adverse affect on the character and opennesses. The buildings will also be higher further adding to its adverse impact upon the opennesses of the site.

Transportation

This application is an outline proposal, the only issue for which permission is sought at this stage is the means of access.

Access road to the site

Access is proposed to the site by extending Birchen Grove into the site in a similar manner to that approved for the garden centre (LPA Ref:99/0868) with a 6m wide carriageway and a 2m wide footway on the northern side only. The existing access way which passes the Welsh Harp Education Centre would be removed and replanted. The proposed access road is acceptable in principle in highway terms as had previously been agreed for the garden centre. This could have potential impacts on the Site of Metropolitan Importance for Nature Conservation (SMINC) and the SSSI. This has been considered in more detail in the section on nature conservation below.

However, it will cross part of the Site of Metropolitan Nature Conservation Importance and Welsh Harp Local Nature Reserve and whilst the principle of this may of been acceptable in the past as a means of improving access to an existing garden centre that was being extended, this may not be the case for a residential development as it is required to be dedicated as public highway, with appropriate lighting, signage, drainage and extended use.

Access within the site

The indicative layout of access within the site shows a 6m wide shared surface and traffic calmed loop road serving dwellings around the site perimeter, together with two connecting 3 to 3.5m wide streets to serve 13 houses in the centre of the site. Your transportation officers have advised that in general the concept of a shared surface would be appropriate for a development of this scale, where through traffic would not be present, as long as the surface is provided in coloured block paving. The general width of 6m will ensure adequate space to manoeuvre into and out of parking spaces. The proposed traffic calming measures are generally supported, although additional features in the vicinity of plots 6/7 and 17 would be sought to ensure vehicle speeds are kept low. The layout has been tracked for a large refuse vehicle and is shown to accommodate this, although the restriction at the entrance of the site has not been tested. Overall, the layout generally satisfies the principles set out in Manual for Streets and could be accepted, subject to further detailed design with a reserved matters application.

The expansion of the car park for the garden nursery was approved with 13 low level lights. The illuminance level required for lighting for a residential scheme is likely to be higher than required for the car park associated with the nursery garden. The impact of this lighting and proposed mitigation measures will need to be considered. This is expanded upon within the section on nature conservation below.

Integration of the site with its surroundings

Public transport access to the site is extremely poor, with no bus services within 640m or railway stations within 960m, meaning the site has a very low PTAL rating. Your transportation officers

have raised a major concern over the lack of proposed pedestrian access routes into the site, with the only route being alongside the access road. The site is isolated and fails to be integrated with the surrounding area and linked to local facilities., namely eastwards towards Wood Lane/West Hendon and northwestwards towards Church Lane, with their school, shopping and public transport facilities. The lack of safe, convenient and attractive walking routes to nearby key destinations is likely to result in an over reliance on journeys by private car to access the site. This would be contrary to national, regional and local policy objectives which aim to integrate planning and transport through promoting accessibility to services and facilities through the use of alternative modes of transport and reducing the need to travel, especially by car. Furthermore, it is difficult to see how the applicant can successfully implement a travel plan without good pedestrian connectivity to the existing highway network and other pedestrian routes in the area.

Parking provision

The submitted Transport Assessment indicates that a total of 110 spaces are proposed within the site. Based on the submitted illustrative layout, your officers can see that each of the units around the perimeter of the site are shown with an in-curtilage parking space, whilst a further 32 shared spaces take the total car parking provision to 90 spaces. In terms of car parking provision, the development could be permitted up to 113 car parking spaces, so the provision of 90 spaces accords with standards, whilst being close enough to the maximum allowance to allay concerns regarding overspill parking from the site. However, the relative isolation of the site and the absence of a means of control would be likely to result in significant extra parking and within the roadways consequent congestion. Standard PS15 would require at least of the shared spaces to be marked at a width of 3.3m so that they could be used as disabled visitor spaces. Bicycle parking can be provided within each plot.

Traffic impact

Traffic impact has also been considered within the Transport Assessment, with the number of existing vehicular trips to and from the garden centre compared with estimated numbers of future vehicular trips for the residential development, based upon surveys of ten sites across the country.

In terms of total daily flows, the Transport Assessment indicates that weekday vehicular flows rising from an average of 436 two-way daily trips to 462 trip (+6%), whilst weekend trips would fall from 794 trips to 415 trips (-48%). However, the most marked impact on the road network would be during the weekday peak hours, with flows estimated to increase from 16 to 38 movements in the am peak (8 - 9am) and from 31 to 46 movements in the pm peak (5 - 6pm). Although such increases would represent a high percentage of the total flow on Birchen Grove, given that existing flows in the street are very light, they are not significant enough to be likely to result in any capacity problems at the signalised junction with Blackbird Hill and would be barely perceptible further afield. As such, the likely overall traffic impact of the development would be acceptable, with a beneficial drop in the number of servicing trips by HGVs to and from the site.

Nature Conservation

The Brent Reservoir and Surroundings (Welsh Harp) Site of Metropolitan Importance for Nature Conservation (SMINC) incorporates the Brent Reservoir (Welsh Harp) SSSI and the Brent Reservoir/Welsh Harp Local Nature Reserve. The SSSI is of interest primarily for breeding wetland birds. The diversity of wintering waterfowl and the variety of plant species growing along the water margin are also of special note for Greater London. The SSSI is approximately 170m south of the proposed development and approximately 130m south of the proposed access road.

In addition to the open water of the reservoir, the SMINC comprises reedbed, marsh, carr, grassland, scrub and woodland. These additional habitats support bird species other than the important wildfowl and wetland birds. It also supports amphibians, invertebrates, bats and reptiles. The SMINC lies to the immediate south and west of the application site and the proposed access road runs through the SMINC.

The applicant has submitted a habitat survey report and an assessment report on the impact that the proposal would have on the SSSI and SMINC. The potential impacts identified during the construction phase and operational phase have been identified together with a number of mitigation, compensation and enhancement measures to minimise these impacts. The initial assessment has identified that most of the impact could be mitigated but the impact on protected species, including bats and great crested newts has not been established. A full survey is required to determine the presence or absence of these protected species prior to the granting of planning permission. This is to provide a better insight to the likely impact of the proposal, and inform more comprehensive mitigation proposals. The full bat and newt surveys are required to demonstrate that there will be no significant impact on these protected species.

Environmental Impact Assessment

A number of objectors have queried whether the application requires an Environmental Impact Assessment (EIA). The application did not trigger a request for an EIA as it does not fall within the relevant criteria and was not sought in the initial period of assessment. However, some subsequent representations have indicated that there may be some concerns which may have warranted an EIA. On balance, as there are overriding reasons to refuse this application, it is however recommended that an informative is attached which advises that if the event of an appeal that the Secretary of State requests a screening direction.

Flood Risk Assessment

The applicant has submitted a Flood Risk Assessment and Drainage Proposal. The Environment Agency has raised objections advising that the FRA does not comply with the requirements set out in Annex E of Planning Policy Statement 25. The FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Design and Layout of proposed houses

Based on the indicative layout of the access roads within the site and information submitted in the Design & Access Statement, 71 two storey family houses are proposed comprising a mix of 18 x 2 bedroom, 36 x 3 bedroom and 17 x 4 bedroom units. The proposed density is 196 habitable rooms per hectare which complies with both the borough density range and London Plan density range.

As a result of the indicative layout of the access routes within the site, the houses are to be sited around the perimeter of the site with two connecting access routes running east to west serving 13 houses. The applicant has stated in the Design & Access Statement that all of the units will exceed the minimum unit size as set out in SPG17 but has not made reference to the amount of private external amenity space that is proposed for each unit or made reference to distances between properties to ensure adequate levels of privacy. Based on the indicative layout some of the units particularly to the south of the site significantly fall short on the minimum amount of private external amenity space required for family sized units. There are also concerns with a lack of privacy and overlooking between the 13 houses within the centre of the site.

The proposed indicative layout showing the location of the shared car parking spaces is considered to be poorly located adjacent to the flank and rear elevations of the dwellinghouse would result in a significant loss of enjoyment by the occupiers of these units by virtue of disturbance, smell and noise pollution.

No details have been provided in the Planning or Design and Access Statement to explicitly confirm that the homes would be built to Lifetime Home Standards, with at least 10% adapted or capable of being adapted to wheelchair accessible standards. In addition, a lack of information has been provided to tackle the issue of access for people with impaired mobility, which is of importance in this relatively remote location with low level of public transport accessibility.

Conclusion

In conclusion, the proposed development is an inappropriate form of development within MOL that would adversely impact upon the opennesses of the MOL. The applicant has not provided very special circumstances to justify that the harm caused would be clearly outweighed by other considerations. The proposed development is unacceptable in principle.

Notwithstanding the above, the location of the site is relatively isolated and fails to be integrated with surrounding facilities through a lack of pedestrian connectivity. The majority of impacts upon the SMINC and SSSI could be mitigated but the impact on protected species, including bats and great crested newts has not been established. The submitted FRA has failed to comply with the requirements set out in Annex E of Planning Policy Statement 25.

The applicant has failed to provide sufficient information to demonstrate that the scheme will provide adequate levels of external private amenity space and sufficient levels of privacy for the proposed occupants. Furthermore, a lack of information has been provided to consider inclusive access within the site.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development is inappropriate development on Metropolitan Open Land that would have a harmful impact on the openness of the Metropolitan Open Land, and that there are no special circumstances that would outweigh the resultant harm. This would be contrary to PPG2, Policy 3D.10 of The London Plan - Consolidated with Alterations since 2004, and policies OS1 and OS2 of Brent's adopted Unitary Development 2004.
- (2) The proposed development, by virtue of the lack of safe, convenient and attractive walking routes to nearby key destinations is likely to result in an over reliance on journeys by private car to access the site. This would be contrary to PPG13, Policy 3C.21 of The London Plan - Consolidated with Alterations since 2004 and policies STR5, TRN3 and TRN10 of Brent's adopted Unitary Development Plan 2004.
- (3) The Flood Risk Assessment accompanying the application fails to comply with PPS25 and as such does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. This would be contrary to PPS25, policies 4A.12 and 4A.13 of The London Plan - Consolidated with Alterations since 2004 and policies EP12 and EP13 of Brent's Unitary Development Plan 2004.
- (4) The proposed indicative layout of the shared car parking spaces adjacent to the flank and rear elevations of the dwellinghouse would result in a significant loss of enjoyment by the occupiers of these units by virtue of disturbance, smell and noise pollution. This would be contrary to policies BE9 and TRN3 of Brent's adopted Unitary Development Plan 2004.
- (5) The proposal has failed to provide sufficient information to demonstrate a satisfactory level of inclusive access in regards to the layout of the access routes and in the design of the dwellings. This is contrary to policy 3A.5 and 4B.5 of The London Plan - Consolidated with Alterations since 2004 and policy BE4 of Brent's Unitary Development Plan 2004.

- (6) Based on the indicative layout and absence of information in the Planning and Design and Access Statements, the proposed units fail to demonstrate compliance with the Council's standards on private amenity space and separation distances between properties in order to provide adequate levels of private garden amenity space for each of the units and levels of privacy between properties. This would be contrary to policy BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".

INFORMATIVES:

- (1) In the event of this application being considered at an appeal, it is requested that the Secretary of State includes a screening option to determine whether the proposal requires an Environmental Impact Assessment.

REFERENCE DOCUMENTS:

Planning Policy Statement 1 – Creating Sustainable Communities
Planning Policy Guidance 2 - Green Belts
Planning Policy Statement 3 – Housing
Planning Policy Statement 9 - Biodiversity and Geological Conservation
Planning Policy Guidance 13 - Transport
Planning Policy Statement 25 - Development and Flood Risk
The London Plan - Consolidated with Alterations since 2004
London Borough of Brent Adopted Unitary Development Plan 2004
Supplementary Planning Guidance Note 17 - Design Guide for New Development
Supplementary Planning Guidance Note 19 – Sustainable Design, Construction & Pollution Control
London Borough of Brent's Core Strategy - Proposed submission Version, June 2009
Letters of objection

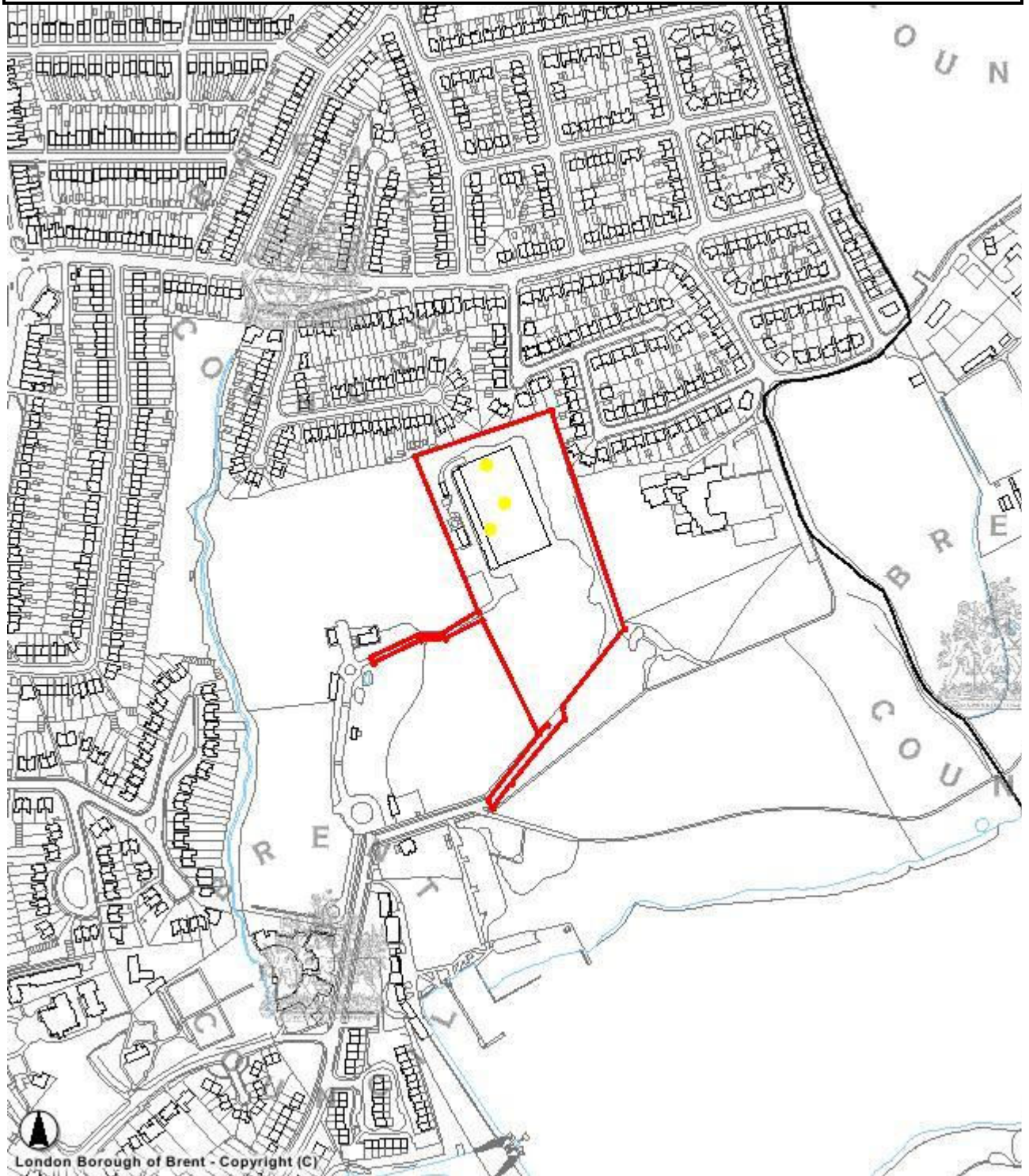
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: GREENHOUSE GARDEN CENTRE, Birchen Grove, London, NW9 8RY

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Committee Report

Planning Committee on 16 December, 2009

Case No.

09/3267

RECEIVED: 9 October, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Ark Academy, Forty Avenue, Wembley, HA9 9JR

PROPOSAL: Details required to be submitted in respect of the following conditions:

- 11 (design of sports hall and grounds to ensure access for all);
- 12 (details of proposed bird & bat roosting boxes);
- 14 (details of coach turning & parking provision);
- 17 (details of external lighting); and,
- 20 (details of floodlighting for all-weather pitch)

of planning permission reference 08/2842, granted on 4 June 2009, for new school academy at Forty Avenue HA9 9JR.

APPLICANT: Mr John Christie

CONTACT: Willmott Dixon Construction Limited

PLAN NO'S: 125733/E/251 Rev 0;
1010_PL_011 Rev C;
P904-409J;
1010_PL_012 Rev C;
1193 EL103 Issue 9;
1193 EL107 Issue 9;
Ark Academy Access Statement by Jane Simpson Access;
Letter from Willmott Dixon dated 8th October 2009 regarding Condition 20;
Email from Richard Davidson dated 13 November 2009;
Sports pitch lighting specifications document by PIP Electrics Limited;
Ark Academy Technical Submission 1 External Lighting Luminaire Schedule Revision A Dated 9th September 2009.

RECOMMENDATION

Approval.

EXISTING

The site is the Wembley Park Sports Ground which is designated as a Sports Ground in Brent's Unitary Development Plan 2004 (UDP). It is located in Wembley Park, between the London Underground Line to the south and Forty Avenue to the north. The eastern boundary is formed by Bridge Road and the west by Kenbrook House, a nursing home. It extends to approximately 4.3ha and is generally flat, with a fall from 44.92-40.92m above ordnance datum (AOD) (east to west along northern boundary) to 40.48-39.05m AOD (east to west along southern boundary).

In the north-western part of the site, near Kenbrook House, a temporary school now exists. This was granted temporary planning permission for three years, following approval by the Planning Committee on 3 June 2008. Use of the school commenced in September 2008, following phase 1 of construction, and currently accommodates approximately 60 primary pupils. The facilities consist of 2 x Reception classes, 2 x Year 1 classes and 1 x Common room, with ancillary staff rooms, stores and WCs. A playground and a staff car-park are also provided, with a new vehicular access from Forty Avenue.

Permission was granted on 4 June 2009 for the erection of a new school academy on the site. Construction has now begun on this development, on the remainder of the site not occupied by the temporary school.

PROPOSAL

Details pursuant to condition 11 (design for access), 12 (bird & bat boxes), 14 (coach turning & parking details), 17 (external lighting), and 20 (pitch lighting) of deemed (Reg4 Council other department) reference 08/2842 dated 4 June 2009 for new school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9.

HISTORY

09/1362 - Details pursuant to condition 6 (drainage strategy) and condition 15 (surface-water drainage system) of deemed (Reg. 4: Council's other development) planning consent reference no. 08/2842, granted 04/06/2009, for new school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9 - **Granted** permission 26 June 2009.

09/1360 - Details pursuant to Condition 5 (Tree Protection), Condition 7 (Breeding Bird Survey), Condition 9 (Tree Survey Details), and Condition 10 (Wheel Wash Facilities) of Deemed (Reg4 Council's Other Development) Reference No. 08/2842 dated 04/06/2009, for New school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9 - **Granted** permission on 10 June 2009.

08/2842 - Full planning permission **granted** on 04 June 2009, for 'New school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9.

08/0799 - Full planning permission **granted** on 04 June 2008, for 'The erection of single storey temporary building comprising a new primary and secondary school, with provision of new hardstanding and car parking an associated landscaping on site adjacent to Forty Avenue.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan - 2004

- STR11 - The quality and character of the Borough's built and natural environment
- STR13 - Environmentally sound
- STR35 - Improvements to Brent's open space and sports facilities
- STR37 - Accessible community facilities
- STR38 - Major regeneration should include proper provision for community facilities
- BE3 - Urban Structure: Space & Movement
- BE4 - Access for Disabled People
- BE5 - Urban Clarity & Safety
- BE8 - Light and Light Pollution
- BE12 - Sustainable Design Principles
- BE25 - Development affecting Conservation Areas
- TRN22 - Parking Standards – Non-residential Developments
- TRN35 - Transport Access for Disabled People & Others with Mobility Difficulties
- PS12 - Non-residential Institutions (Use Class D1) and Hospitals
- OS10 - Access to Sports Facilities
- OS13 - Development on Sites of Borough (Grade II) and Local Nature Conservation Importance
- OS15 - Species Protection
- CF7 - New Schools

Supplementary Planning Guidance

- SPG13 - Layout Standards for Access Roads
- SPG17 - Design Guide for New Development
- SPG19-- Sustainable Design and Construction

CONSULTATION

Public consultation was carried out in respect of the specific impacts that may be caused by the details for which permission is being sought, in particular sport pitch floodlighting (condition 20). As such, 557 premises surrounding the site were consulted, in addition to the Barn Hill and Empire and Danes Court Residents Associations, whose members may be directly affected by the proposals.

Due to some delay with the postal service, and with details being scanned onto the Council website, some residents have shown concern that they may not have the full 21 day period in which to make a representation. Furthermore, 5 complaints were received in relation to the clarity of the consultation letter sent out, and how well this conveyed to residents the scope of the proposals. Consequently, it was seen fit to send out a letter to follow up the initial consultation, which was clearer in its intentions, and gave residents an additional period in which to respond. This letter was sent out on the 21st of October giving a further 14 days to respond.

Following both of these consultation letters, 3 objections have been received. Two of these relate to the principle of the development approved under reference 08/2842, and is therefore not relevant to the current application. The issues raised by the third are:

- Submitted luminaire schedule provided by a lighting manufacturer;
- Use of 'uplighter' lights under porte-cochere - possible light pollution;
- Impact of lighting on bats, particularly with regard to document 'Guidance notes for bats and lighting in the UK';
- Impact of lighting on other wildlife;
- Visual impact of lighting on views across site.

Members are advised that any further representations received will be reported on in the supplementary report.

In addition, Councillors for Preston, Tokyngton, and Barn Hill Wards were consulted. No representations were received.

The following internal consultations were made:

- Transportation - No objection;
- Environmental Health - No comments received;
- Policy and Research - No objection;
- Streetcare - Lighting - No objection;
- Parks Service - No comments received.

The following external consultations were made:

- Brent Police - Secure By Design - No comments received, but verbal confirmation given that lighting scheme is adequate;
- London Underground Ltd - No objection;
- Sport England - No objection.

REMARKS

Planning permission 08/2842 was granted on 04 June 2009, for a new school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9. This permission was granted subject to various conditions. This application seeks the discharge of some of these conditions, which will be addressed individually below.

Condition 11:

Within 3 months of the date of this permission, details of the design and layout of the proposed sports hall and external playing areas (which shall comply with Sport England Design Guidance Notes and include consideration of 'Access for Disabled People 2002'), and of the overall site, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The design and layout of the site and facilities shall provide for access by all user groups, and shall honour the commitments made in the submitted Access Statement. The proposed facilities (external and internal) shall be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with Local Plan Policy.

This condition was imposed to address concerns raised by Sport England with regard to the original layout of the sports hall and outdoor sports facilities, which may have posed some

difficulties for disabled access. In order to address this (and access issues within the rest of the school), the applicant commissioned an independent access review, which highlighted access issues. These issues were addressed by making changes to: levels within the site and gradients between these levels; disabled drop-off points within the site; access to spectate sports; doorway widths; sports building lobby layout; disabled toilet facilities on each floor; layout of standard change facilities.

Although some of the suggested changes (in addition to those above) could not be incorporated due to site constraints, the resulting accessibility of the indoor and outdoor sports facilities have been significantly improved. Sport England have reviewed the changes and the submitted Access Statement, and are content that the proposal now complies with Sport England guidance. The accessibility improvements do not result in any change to the external appearance of the sports hall, as considered previously by Members.

Condition 12:

Within 6 months of the date of this permission, details of proposed bird and bat nesting boxes shall be submitted to and approved by the Local Planning Authority. The installation of the approved nesting boxes shall be undertaken prior to occupation of the development.

Reason: In the interest of wildlife preservation.

Comments made by the London Ecology Unit on the Phase 1 Habitat Survey submitted as part of application 08/2842 suggested the incorporation of bird nesting boxes on the site to enhance biodiversity. To address this requirement, 5 no. bird nesting boxes are to be provided within existing trees in the Site of Local Importance for Nature Conservation to the north of the site. Nesting boxes are to be installed in trees as opposed to within the fabric of the building in order to avoid long-term facade maintenance and management issues, and so as to provide a nesting environment as far removed as practicable from heat, light, and noise interference from the building. Bird nesting boxes are supplied by the Royal Society for the Protection of Birds, and are to be installed in accordance with their specifications which include height above ground, aspect, method of fixing to tree, and siting relative to flight paths.

In addition, the Bat Survey conducted as part of the initial application identified foraging bats on site, but no existing bat roosts. The recommendations to enhance the habitat for bat roosting was to retain those trees within the natural habitat area to the north of the site that may be suitable for roosting, and to introduce additional roosting boxes. The existing tree belt to the north of the site has been retained and strengthened, and 3 no. bat boxes are proposed toward the north of this area (away from building and therefore subjected to least light spill). The bat roosting/ hibernation box specifications recommended in the Bat Survey are proposed (Schwegler woodcrete boxes).

The submitted details are considered acceptable.

Condition 14:

Notwithstanding the plans hereby approved, a revised site layout plan shall be submitted and approved by the Local Planning Authority within 6 months of the date of this permission, showing how 2 coach parking spaces can be provided onsite as and when required, and the setting back of all vehicular gates at least 5 metres from the highway boundary. The development shall be carried out in full compliance with the approved layout.

Reason: In the interest of highway and pedestrian safety.

This condition was imposed as a result of a recommendation from the Council's Transportation Unit, to ensure that coaches (for school excursions etc, rather than regular bus services) could park and be loaded/ unloaded with passengers, without causing traffic congestion or harm to pedestrian or highway safety. The submitted details show this provision within the approved car-park area. The resultant layout is not significantly different to that previously considered by Members.

The number of car parks remains as approved, however the 3 large spaces (which are additional to the dedicated disabled spaces outside the main buildings) have been moved to the opposite side of the carpark. The proposed mounded and landscaped area between the carpark and pitch has been altered slightly, to allow a reinforced grass turning area for the coaches. This also serves as the parking space for the 2 coaches. The plans originally submitted show one coach standing in the car-park area, however Transportation have confirmed that the turning area is sufficient for 2 coaches to park. The plans have now been revised to indicate this. Details of how the parking area will be managed are to be required by condition, to ensure that the parking spaces in front of the coach turning area are appropriately cordoned off on days where coaches are expected on site. As the turning area is to be reinforced grass, the proposal will have no additional impact in terms of sustainable drainage and overall provision of soft landscaping. The proposed mounded and landscaped area will be compressed slightly, with the number of proposed trees remaining unchanged.

The details are considered acceptable with regard to transportation and landscape considerations.

Condition 17:

Prior to commencement of the use details of suitable and sufficient lighting, appropriately baffled where necessary to avoid glare, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be designed to ensure adequate security, safety, and convenience on roads, footpaths, carparks and other pedestrian and vehicular routes within the site, and so as to not harm the amenities of neighbouring residents, and shall be in accordance with 'Secured By Design' guidance. Details shall indicate how light spillage into the Site of Local Interest for Nature Conservation to the north of the site shall be minimised. The approved details shall be fully implemented.

Reason: In the interests of safety, amenity and convenience.

The proposed external lighting details have been designed to ensure the site is safe and secure outside of daylight hours, without causing harm to neighbouring amenity. The lighting details have been reviewed by the Councils Streetcare lighting specialists, and Transportation Officers.

Light intensity drawings have been provided which indicate that light spill from the exterior lighting (excluding pitch lighting) will not spill out of the site onto the Kenbrook site to the west, which is the most sensitive neighbouring residential property. Lighting to the carpark area adjacent to Kenbrook has been confirmed by Officers to be the minimum requirement to meet European Standards for outdoor carparks. Of course, the combined effect of the exterior and pitch lighting must be considered as well, as this will impact on neighbouring residents during the hours of pitch use. This will be addressed below, under 'Condition 20'.

Although the scheme initially proposed was considered acceptable, Transportation Officers recommended that an additional light be positioned near the carpark entrance to increase the light intensity here. As this is some distance from the buildings at Kenbrook (20-25m), no additional impact on residential amenity would be anticipated. Details of this additional light have now been included in proposed plans.

Light spill to the nature area to the north of the main school buildings is an area of concern, as it may impact on wildlife, particularly foraging bats. The details initially submitted showed both emergency lighting (activated by alarms) and low level wall-mounted lighting, provided to this side of the building. Officers considered that the additional lighting was not necessary as access to this part of the site will be restricted, and not in use outside of school hours. The applicant is in agreement with this viewpoint, and has subsequently removed the additional lighting from the proposed scheme. Only the alarm - activated emergency lighting remains to the north side of the school. It can therefore be considered that the impact on foraging bats will be minimised, as recommended by the Bat Survey submitted as part of the original application.

Condition 20:

Within 6 months of works commencing on site, further details of proposed flood lighting for the all-weather pitch shall be submitted to and approved by the Local Planning Authority. These details shall include lighting specifications and positions, appropriate shielding/ baffling, hours of use, and shall demonstrate that no light pollution will affect neighbouring residential properties, or the Site of Local Importance for Nature Conservation to the north of the site. The approved details shall be fully implemented, and no alterations to the lighting/ shielding carried out without prior approval of the Local Planning Authority.

Reason: In the interest of preserving neighbouring amenity and biodiversity of the site.

Light intensity on the All-Weather Pitch is the minimum required by Football Association guidelines. Changes to proposed light hood designs and the angle of the lights have been used to achieve this while minimising impact on neighbouring properties. The high columns (15m) allow for the direction of light to be more directly down on the pitch, which reduces lateral light spill. Nevertheless, a small amount of light will spill onto the neighbouring Kenbrook Residential Home. The extent of this expected lightspill is shown on the submitted diagrams. These indicate that the maximum acceptable lightspill intensity to residential buildings (as confirmed by Streetcare Lighting Engineers) of 7 lux would not be exceeded. As reported to Members previously, this level of light spill to neighbouring residential properties is similar to that approved recently for similar schemes such as that at Claremont School, under reference 09/0894.

The lightspill calculations do not take in to account the reduction in lightspill which would result from the implementation of the proposed landscaping scheme, which includes mounding and the provision of a mixture of evergreen and deciduous trees and shrubs between the pitch and Kenbrook. The resultant impact in terms of lightspill of the expected intensity would be no worse than on habitable rooms facing a normal street frontage lit by streetlights, and would be easily mitigated with the use of regular curtains or blinds. Furthermore, these lights will not be used outside of the hours indicated below. As discussed above, the amount of lightspill across this boundary outside of pitch hours will be zero.

Proposed hours of use of the pitch for community use are confirmed as the following:

Monday - Friday	17:00 to 22:00;
Saturday	09:00 to 18:00;
Sunday	09:00 to 20:00.

Use of the pitch before 17:00 on weekdays may require use of floodlights during the middle of winter, however a condition is proposed to ensure the lighting is not used any later than the specified times. These hours are comparable to approved hours of use for similar floodlit sporting facilities in the Borough which adjoin residential properties, and are necessary to achieve a satisfactory level of community use (45 hours per week). The proposed hours do not exceed those previously considered by Members as part of the Draft Community Use Agreement. A recent example of such details approved by the Planning Committee is at Claremont High School, where hours of use of the approved floodlights are restricted to 22:00 Monday - Saturday, and 21:00 on Sundays. The pitch at this school has a similar relationship to neighbouring residential properties. It is therefore considered that the use of floodlights for the hours specified above for pitch use, and no more, would be acceptable.

It has been indicated that lightspill from the proposed pitch lighting into the nature conservation area to the north of the site would be zero.

The submitted pitch lighting specifications and proposed hours are considered acceptable.

Response to objections:

Submitted luminiere schedule provided by a lighting manufacturer

The fact that a lighting manufacturer has compiled the submitted luminiere schedule is not considered to be an unusual arrangement, or one that should be treated with suspicion. The submitted drawings have been reviewed by Council engineers who have not raised issue with the accuracy or integrity of the submission.

Use of 'uplighter' lights under porte-cochere - possible light pollution

It is understood how the use of up-lighters could be viewed with concern, however the location of these particular lights is considered appropriate, being under the proposed porte-cochere on the Bridge Road frontage. These will be mounted on 3m columns, and will light the underside of the porte-cochere 3m above. The porte-cochere is a key architectural feature of this elevation, making a strong contribution to the street presence of the building. This is also the main entrance to the secondary school and sports hall, which will be used outside of school hours for community use. Effective lighting of this area is considered important for the safety and legibility of this entrance. Further detail has been requested of the applicant to ensure that these lights have appropriate hoods/ cowls to ensure that upward lightspill from these lights is minimised. These details will be reported in the supplementary report.

Impact of lighting on bats

It is accepted that the proposed development will have some impact on the nature conservation area to the north of the site, and any wildlife contained within. Recommendations of the Bat Survey submitted as part of application 08/2842 were that light spillage to the northern tree line be minimised to ensure these impacts are not significant. As outlined above, non-essential lighting on the north side of the main school building has been removed from the proposal. Alarm-activated emergency lighting is all that remains. As such, the submitted details are considered to adequately demonstrate that the proposed lighting scheme has been designed to have as little impact possible on any bats which may forage or roost in the nature conservation area to the north of the site.

Impact of lighting on other wildlife

The phase 1 Habitat Survey found that the site had overall nature conservation value, but that the nature conservation area to the north of the site had habitat of potential value for birds, bats, and invertebrates. No recommendations were made with regard to minimising light spill for the benefit of birds. As discussed above, it has been demonstrated that the potential impact has been minimised.

Visual impact of lighting on views across site

Views across the site during hours of pitch floodlight use will be affected. The exact appearance is difficult to quantify, however by way of comparison, the visual impact of similar developments such as the pitch lighting at the Capitol City Academy in Willesden should be considered. Views from some places on Barn Hill may take in the lighting columns, however it should be noted that the direction of the lighting is directly downward, so no direct light should be visible. Views from this direction will also be set against the existing light provided by streetlights on Bridge Road and Forty Avenue, Wembley Park Station, and Wembley Stadium in the middle distance. In this context the proposed lighting should not be overly dominant.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance SPG13

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) Prior to the bringing into use of the carpark area, further details shall be submitted and approved in writing by the Local Planning Authority, which show an additional column and light near the proposed carpark entrance. Such details shall be accompanied by a revised lightspill drawing which indicates that the combined lightspill from the exterior lighting and pitch lighting will not have a significant impact on the amenities of neighbouring residents. Approved details shall be fully implemented.

Reason: In the interest of pedestrian and highway safety, and the protection of residential amenity.

- (2) Prior to the bringing into use of the proposed carpark, further details shall be submitted to and approved in writing by the Local Planning Authority, outlining how the car park will be managed to ensure that parking spaces 42, 43, 44, and 45 (as shown on approved plan 1010_PL_011 Rev A) will be kept vacant on days when coaches will be expected on site. Approved details shall be fully complied with.

Reason: In the interest of pedestrian and highway safety.

- (3) The floodlighting for the All-Weather Pitch hereby approved, shall not be operated no later than 22:00 hours Monday - Friday, 18:00 hours Saturdays, and 20:00 hours on Sundays.

Reason: In the interest of preserving amenity.

INFORMATIVES:

- (1) The applicant is advised that the details of proposed refuse storage and substation enclosure shown in approved plan 1010_PL_012 Rev C have not been considered under cover of this application. A separate application must be made to allow the Local Planning Authority to formally consider these details.

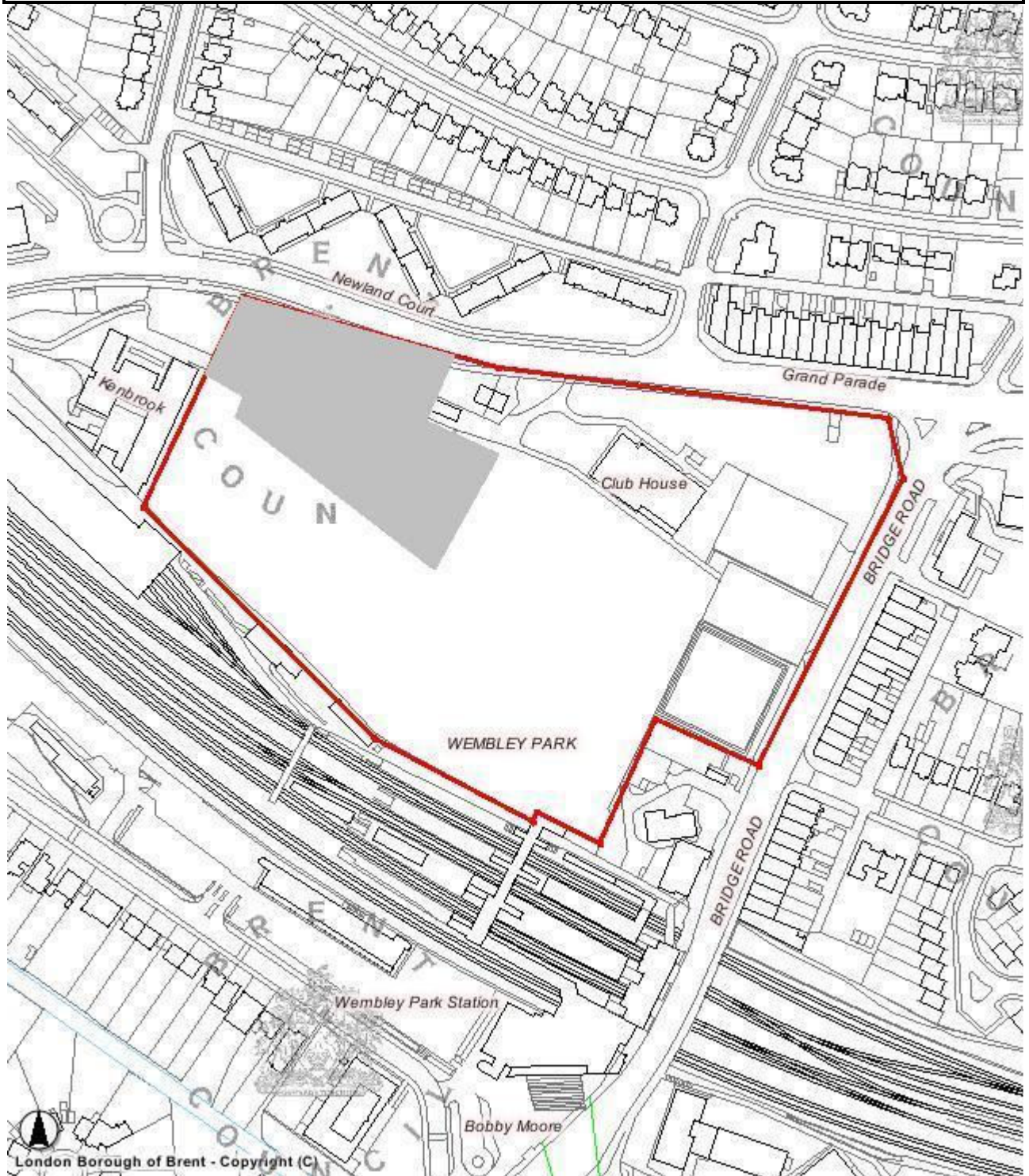
Any person wishing to inspect the above papers should contact Hayden Taylor, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5345



Planning Committee Map

Site address: Ark Academy, Forty Avenue, Wembley, HA9 9JR

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Committee Report

Planning Committee on 16 December, 2009

Case No.

09/3064

RECEIVED: 1 October, 2009

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 16B College Parade, Salusbury Road, London, NW6 6RN

PROPOSAL: Erection of a mansard roof extension to second floor flat

APPLICANT: Mr & Mrs Midson

CONTACT: deDraft

PLAN NO'S: S001 S020 Revision A
S010 Revision A S030 Revision A
A010 Revision C A020 Revision B
A001 Revision B

RECOMMENDATION

Approval

EXISTING

The subject site is a second floor flat within a 3-storey terraced property which is part of College Parade, Salusbury Road, NW6. The site is within a designated Local Centre. It is not within a conservation area and does not contain a listed building. A restaurant is located on the ground floor with a flat located on the first floor.

PROPOSAL

Full planning permission is sought for erection of a mansard roof extension to second floor flat.

HISTORY

02/2363: Full planning permission sought for extension of third-floor and installation of new railings to create roof terraced to second-floor flat - refused 04/12/2002 (see reasons for refusal within remarks section).

POLICY CONSIDERATIONS

Unitary Development Plan 2004

BE2: Townscape

BE7: Streetscape

BE9: Architectural Quality

TRN3: Environmental Impact of Traffic

TRN23 (PS14): Parking Standards - Residential Developments

Other policy documents

Supplementary Planning Guidance 5 - "Altering or Extending Your Home".

Policy considerations.

- Satisfactory design
- Impact on amenities of neighbouring occupants
- Transportation impact

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Public consultation undertaken between 06/10/2009 and 27/10/2009.

54 neighbouring properties were consulted; 3 objections were received outlining the following concerns:

- The extension would lead to a loss of view for neighbouring occupants
- The mass and positioning of the extension would result in a loss of privacy for neighbouring occupants
- The proposed design would adversely affect the visual amenity of the area
- A mid-terrace roof extension, considering the stepped nature of the corner buildings on Winchester Avenue & Salusbury Road, would detract from the additional height and dominance of College Mansions along the parade.
- The extension should carry the same building line as the neighbouring mansard roof

Response to objections: All of the above issues are addressed as part of the assessment of the application within the remarks section.

Statutory consultees: Comments were received from the Transportation Unit, who observed that the proposal may increase levels of on-street parking in the locality.

REMARKS

Amendments:

Amendments were requested to improve the design of the frontage of the mansard roof to compliment the design of neighbouring college mansions, and to alter the window layout to the rear of the extension in order to minimise the impact on the flank sole habitable window of 7 College Mansions.

Revised plans were received which addressed these issues.

Character appraisal

The site is located close to the junction shared by Winchester Avenue to the north-east, Chevening Road to the south-west and Brondesbury Park to the north. Buildings at the immediate junction are 4-storey red-brick properties. On Salusbury Road, the ground slopes downwards to the south, leading to the level of the buildings stepping down. College Mansions is located on the corner and is 4-storeys in height. College Parade, in which the property is located is immediately adjacent and steps down to 3-stories in height.

Context

A planning application for erection of a 3rd floor extension and installation of new railings to create a roof terrace for the flat (planning reference 02/2363) was refused in 2002 for the following reasons:

The proposed third-floor extension is out of keeping with the character of the existing property and would have an adverse affect on the appearance of the property and the visual amenity of the area

as a whole, contrary to Council policies E1 and H22 of the Adopted Unitary Development Plan 1996, policies BE9 and H24 of the Revised Replacement Unitary Development Plan 2000-2010, and Supplementary Planning Guidance 5 - 'Altering and Extending your Home'.

The propose third-floor roof terrace would be detrimental to the amenities of the area and the adjoining residents, by reason of loss of privacy and outlook, contrary to Council policies E1 and H22 of the Adopted Unitary Development Plan 1996, policies BE9 and H24 of the Revised Replacement Unitary Development Plan 2000-2010, and Supplementary Planning Guidance 5 - 'Altering and Extending your Home'.

The proposed third-floor extension would be detrimental to the amenity of neighbouring residential occupiers by reason of its bulk, dominance and resulting loss of outlook, contrary to Council policies E1 and H22 of the Adopted Unitary Development Plan 1996, policies BE9 and H24 of the Revised Replacement Unitary Development Plan 2000-2010, and Supplementary Planning Guidance 5 - 'Altering and Extending your Home'.

This application was assessed under a combination of the previous Unitary Development Plan, the draft of the current UDP 2004 and the currently adopted SPG 5. The current application differs from the previously refused application in that it carries a slightly splayed rear roof whereas the refused application was flush with the rear building line and no roof terrace is proposed in the current application.

Design

The proposed extension is in the form of a mansard roof to facilitate the addition of two bedrooms into the second floor flat. The mansard would measure 2.1 metres above the existing front parapet level. It is set back 0.3 metres from the parapet in order to reduce the prominence of the extension from the streetscene.

In terms of detailing, the extension shown in revised plans is considered to be sympathetic to the neighbouring mansard of corner property College Mansions and to the roofscape of the wider streetscene.

Impact on neighbouring amenity

To the rear of the property, the roof extension is hipped, with skylights instead of windows placed into the rear elevation; the intention being to minimise overlooking into neighbouring windows.

The key issue concerns the impact of the proposal on the flat of 7 College Mansions and the impact the extension would have on outlook, light and privacy. The window most affected by the extension would be the side sole habitable window of 1 of the 2 bedrooms within the flat. It is considered that on balance, sufficient outlook would be retained following the erection of the extension and that the obscure glazed rear rooflights as revised would ensure no overlooking would occur between the 2 properties.

For the avoidance of doubt, there is no right to a view across the flat roof of the application premises and the key issue relates to outlook. Things would change for the occupier of No. 7 but it is considered that the oblique nature of views outside of its windows would mean that it would be difficult to resist the application on these grounds.

Impact on transportation

At present the 2nd floor flat carries 2 bedrooms. The proposed extension would lead to an additional 2 bedrooms to the flat. The site benefits from local public transport accessibility (PTAL 3). The current flat requires 1.2 off-street parking spaces as per parking standards within the adopted Unitary Development Plan (2004). At present there is no parking provision for the flats above the restaurant. The site lies within a Controlled Parking Zone which operates Mon-Friday

08:30 - 18:30. The proposal would lead to an off-street parking standard requirement of up to a maximum of 2 parking spaces, equivalent to a maximum requirement for an additional 1 parking space.

However, given that the roof extension is in connection with an existing dwelling, your officer considers that the degree of increase in parking standard requirement would not give rise to an unacceptable impact on parking capacity in the locality and highway safety conditions, and is therefore acceptable. If the proposal was in connection with the creation of a separate dwelling, there may have been resistance to the application on this ground.

Conclusion

The proposal as amended is considered acceptable in design terms, and would preserve sufficient outlook, access to natural light and not impact upon the privacy enjoyed by neighbouring properties. The proposal is therefore in general compliance with policies BE2, BE7, BE9, TRN3 and TRN23 of the adopted UDP 2004 and Supplementary Planning Guidance 5 - "Altering or Extending Your Home", and is recommended for approval accordingly.

REASONS FOR CONDITIONS

Not applicable.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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

CONDITIONS/REASONS:

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

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

- (2) 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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

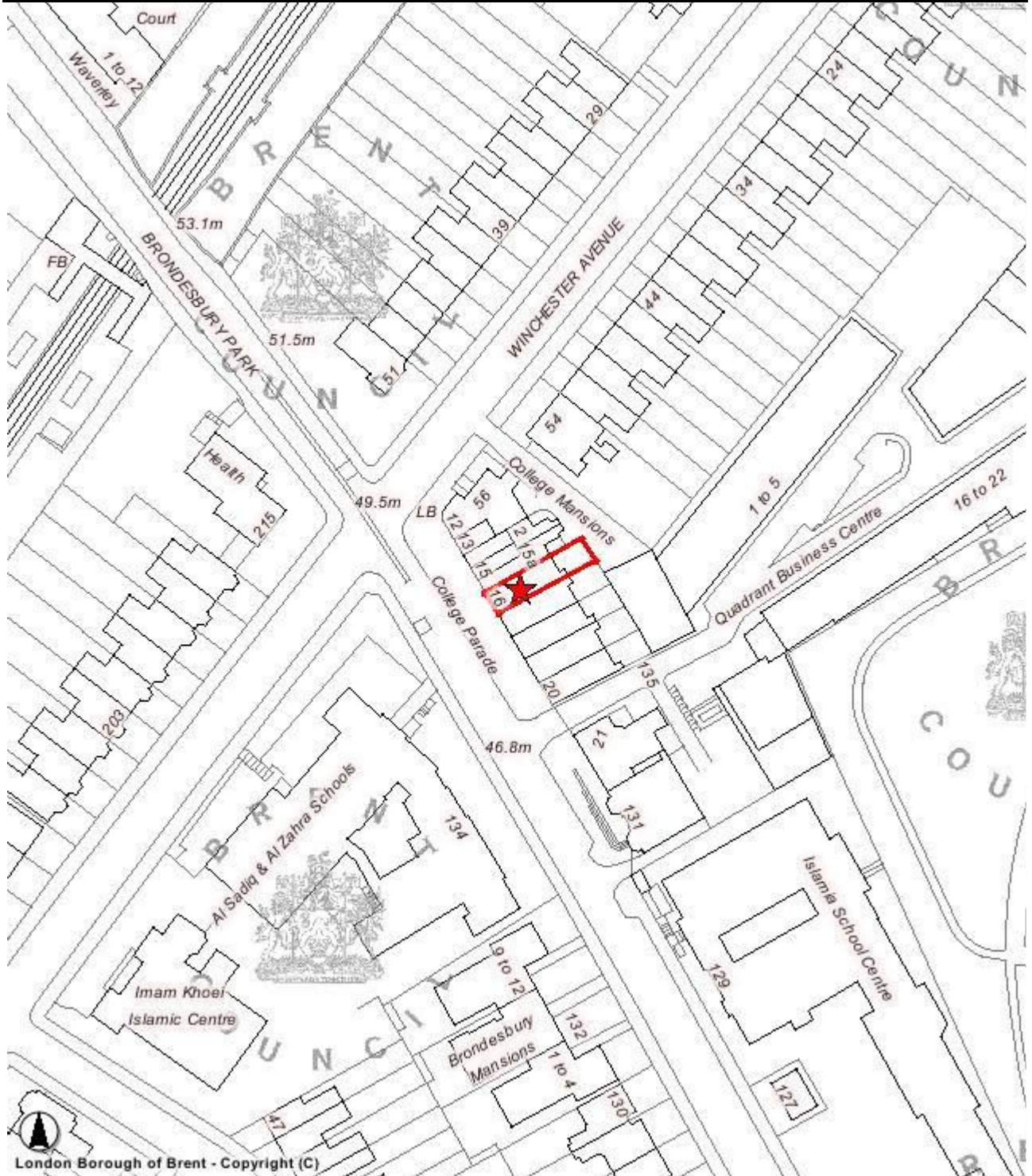
Any person wishing to inspect the above papers should contact Roland Sheldon, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232



Planning Committee Map

Site address: 16B College Parade, Salusbury Road, London, NW6 6RN

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Committee Report

Planning Committee on 16 December, 2009 Case No. 09/3384

RECEIVED: 28 October, 2009

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 95 Chatsworth Road, London, NW2 4BH

PROPOSAL: Demolition of attached garage and erection of a single and two storey side extension to dwellinghouse

APPLICANT: Mr Shahrestani

CONTACT: Mrs Samii

PLAN NO'S:

Site plan	
s-09-01	s-09-02
s-09-03	s-09-04
s-09-05	s-09-06
s-09-07	s-09-08
s-09-09	s-09-10
s-09-11	s-09-12
s-09-13	
Eaves detail	

RECOMMENDATION

Approval

EXISTING

The application site is a semi-detached dwellinghouse on the northern side of Chatsworth Road, NW2.

PROPOSAL

Demolition of attached garage and erection of a single and two storey side extension to dwellinghouse

HISTORY

84/0512 Granted 3rd July 1984
EREC.S/S SIDE & REAR EXTN.& EXTN.TO FRONT PORCH

91/1664 Granted 1st December 1991
ERECTION OF FIRST FLOOR SIDE EXTENSION, (AS REVISED BY PLANS RECEIVED ON THE 28 NOVEMBER, 1991)

92/0157 Refused 1st March 1992
ERECTION OF FIRST FLOOR SIDE AND REAR EXTENSION AND EXTENSION ROOF.

92/1602 Granted 1st April 1993
PART USE OF GROUND FLOORS OF BOTH 95 AND 101 CHATSWORTH

POLICY CONSIDERATIONS
Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE9 Architectural Quality

Supplementary Planning Guidance Note 5: Altering and Extending Your Home

CONSULTATION

Neighbouring occupiers were consulted on 6th November 2009, 4 objections have been received raising the following points:

- The use of the property is residential and religious.
 - People visit the property for prayer meetings and often partially block driveways.
 - The side extension would be an extension to the religious activities.
 - The very large storage area in the garden should be used rather than further expansion.
 - The first floor extension would change the character of the street
 - The site is overcrowded and there is concern that this application is a pretext for linking this and the adjoining property.
- Impact on water pressure.

REMARKS

The proposal is for the demolition of attached garage and erection of a single and two storey side extension to dwellinghouse.

Side extension

The existing garage is flush with the front elevation of the dwelling, the proposed single storey part of the side extension would be rebuilt on the same front elevation line and would also have a garage door as its opening to the front. The extension is 2.7m in width between the flank wall of the dwelling and the boundary of the site. A single roof light is proposed in the pitched single storey roof.

The front elevation of the first floor extension is proposed to be set back 2.5m to comply with SPG5. The positioning and design of the proposed window matches those existing in the front elevation, the eaves levels align and the proposed ridge is significantly below that of the original building resulting in a minimal visual impact. In terms of the front elevation the extension is designed to be sympathetic to the original building.

A large scaled section of the roof and flank wall junction demonstrates that the gutteing will be contained within the site boundary.

The non-attached neighbouring property (which somewhat confusingly is numbered 101 given that the application property is no. 95), has an extended garage structure at ground floor between its flank wall and the boundary, at first floor there are 3 windows which are all obscure glazed. As such there are no flank wall windows which will be affected in terms of outlook.

To the rear this building and its neighbours have an original staggered building line. The proposed 2 storey side extension projects 1m less than the furthest most rear building line and as such does not project beyond the closest rear elevation of the non-attached neighbour. As such there is no impact on outlook to neighbours at the rear.

At ground floor the extended space is labelled as a games room though this could also still be used as a garage. At first floor 2 small bedrooms and a WC are created.

Existing use and extensions

A neighbour comment has referred to the use of the building including the holding of religious prayer meetings as well as residential. In the planning history between 1992-1995 there was reference to religious education/prayer meetings at the site. The history includes an approved application for the part use of the ground floor, a refused application for the same and an application for a certificate of lawfulness for the same which was withdrawn for unknown reasons. There is no enforcement record relating to the use either at the time of these older applications or currently.

An internal site visit confirmed the layout of rooms at ground floor as shown on the existing floor plan. An email has been received from the agent stating that the above use was carried out by the late father of the current resident but has not been continued since 1999. Legal advice received indicates that a use may be considered to be abandoned and therefore not lawful if not undertaken for 10 years, and this considered alongside the email referred to above means that this application should be considered as a proposal for an extension to a domestic property.

It is not considered that the extension of a narrow garage/games room and creation of two small additional bedrooms is related to any non-residential use which has previously taken place at the site.

The building has fairly considerable extensions currently, at the rear the living room is extended and the kitchen is an extension, the planning history refers to rear extensions in 1984. There is also a large outbuilding used for storage. This is established in its appearance and is likely to be lawful.

The design and scale of the 2-storey side extension is considered to result in a subsidiary extension and its size and set back at first floor complement rather than dominate the house, as such it is not considered that the appearance would be detrimental to the appearance of this semi-detached building. The proposal complies with Policies contained in Brent's UDP 2004 and SPG5: altering and extending your house.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

- (2) 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.

INFORMATIVES:

- (1) The application has been determined upon the premise that the building is and will be in use only as a single family dwellinghouse.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: 95 Chatsworth Road, London, NW2 4BH

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Committee Report

Planning Committee on 16 December, 2009 Case No. 09/3391

RECEIVED: 2 November, 2009

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 2A Brondesbury Road, London, NW6 6AS

PROPOSAL: Erection of first-floor rear extension to create a one-bedroom flat (revised scheme from application 09/1624) (car-free development)

APPLICANT: Navera Trading Ltd

CONTACT: Michael George Design Ltd

PLAN NO'S: Site plan
RKHR/09/01
RKHR/09/02
RKHR/09/03
RKHR/09/04
RKHR/09/05C
RKHR/09/06C
RKHR/09/07B
RKHR/09/08C

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) A contribution of £3,000, due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (c) Permit Free - Removal of the rights 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 site is on the southern side of Brondesbury Road close to the junction with Kilburn High Road. There is a 4-storey building fronting Kilburn High Road and the application site is a single storey building to the rear of this containing a commercial unit (currently an employment agency).

PROPOSAL

Erection of first floor rear extension to create a 1 bedroom self contained flat (Revised scheme of application 09/1624) CAR FREE scheme

HISTORY

09/1624 Withdrawn

Erection of first floor rear extension to create 1 bedroom self contained flat

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STR11 – The quality and character of the Borough's built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the borough will be refused.

STR14 – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (Space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

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.

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

BE9 – New buildings should embody a creative and appropriate design solution, specific to their site's shape, size, location and development opportunities.

H13 – An appropriate residential density will be determined by achieving an appropriate urban design

H16 – Frontage development should make an equal or greater contribution to the character of the streetscene

TRN3 – Planning permission will be refused where it would cause or worsen an unacceptable environmental impact from traffic.

TRN11 – Developments should comply with the Plan's minimum cycle parking standards with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

Supplementary Planning Guidance 17: Design Guide for New Development.

Supplementary Planning Document: S106 Planning Obligations

CONSULTATION

Neighbouring properties were consulted on 11th November 2009 . 3 objections have been received raising the following issues:

- The extension would be built on a grass area which would effect the character of the area and surrounding Victorian properties (for clarity the extension would be on an existing roof and would not effect a grassed area).
- It would create an increase in noise in a dense residential area.
- Security of land at Addison Court would be compromised.
- There is no access available to provide refuse collections, storage is not acceptable to the rear of Kilburn High Road as there are no rights of access other than to Addison Court.
- There may be an increase in dumping on the land which belongs to Addison Court.
-

Internal

Transportation: No objection subject to s106 "car-free" agreement

REMARKS

The proposal is for the erection of first floor rear extension to create a 1 bedroom self contained flat.

The existing single storey building is a commercial unit. No. 101 Kilburn High Road, to which this site is attached contains a commercial unit at ground floor and offices for the 3 storeys above. The offices are accessed from a side entrance on Brondesbury Road which the proposed unit would share, details of the exact layout of the entrance are required as a condition.

Design

The proposed first floor extension includes the existing small first floor rear projection. It would project beyond the flank wall of 101 Kilburn High Road to share the front building line on Brondesbury Road with the existing building below, stepping slightly back in from this elevation as it continues along the Brondesbury Road elevation.

Above the office entrance, where the bedroom is proposed, there is a single window and floor to ceiling glazing is proposed along the rest of the Brondesbury Road elevation. White stucco is proposed which would match 101 Kilburn High Road and there is a projecting cornice to all elevations.

Given the elevational treatment of 101 Kilburn High Road and Addison Court to the west the proposed white stucco is suitable.

The western elevation of the extension is proposed to be curved, relating to the existing curve at ground floor. The proposed external material is rusticated white stucco but also involves vertical planting is proposed which would result in an attractive elevation when viewed from the west on Brondesbury Road.

The proposal involves a green roof to the remaining roof above the existing single storey building.

Solar panels are proposed on the roof in the location where there is an existing first floor extension.

Quality of accommodation

The proposal results in a 1-bed unit with a useable floorspace of over 45sqm. In layout a large open plan living/kitchen area is proposed, and while north facing in orientation it benefits from floor to ceiling windows on Brondesbury Road. Three steps lead to a small bedroom from which the bathroom is also accessed.

A rooflight is proposed above the shower, which must be obscure glazed. The 2 proposed windows which do not face Brondesbury Road must also be obscure glazed but provide additional light facing west.

Whilst amenity space is normally sought in all residential proposals it is considered that the introduction of an outside terrace here could impact on the amenity of neighbouring occupiers and the unit does provide adequate space internally in accordance with SPG17. Furthermore a single 1-bed unit is proposed and the requirement for amenity space for such a unit would be significantly less than if a family unit was proposed. A S106 contribution to mitigate this impact of this scheme is discussed below.

Refuse storage as well as storage for a bicycle can be accommodated within the entrance area, this is indicated on plans but specific details will also be requested by condition.

Neighbouring amenity

The earlier withdrawn application was considered to be unacceptable due to the significantly greater depth which was proposed and resultant potential impact on outlook from surrounding windows.

The identified windows, which are considered to be to habitable rooms, are to the front and flank wall of Addison Court and in the rear of the neighbouring Kilburn High Road property.

In depth from the rear of Kilburn High Road, the extension reaches a maximum of 10m. It is considered that this scheme would have no notable impact on outlook from windows to the front of Addison Court. The extension is positioned at least 6m to the north of the east facing flank wall windows of Addison Court and therefore does not impact on direct outlook, at an angle of 45° from these windows the extension is 12m away.

At first floor in 97-99 Kilburn High Road, which contains flats, there are a number of habitable room windows, the centre of the closest is 6.5m from the nearest part of the extension. As the extension projects it steps further in along this elevation and at an angle of 45° from the window in question the proposed extension does not impinge on the line of outlook until beyond a distance of 10m measured from the closest and therefore most affected window which is a kitchen. There is otherwise open outlook from these habitable rooms with no extensions above ground floor to the south and this relationship, with one additional storey proposed to the north, is considered to be acceptable.

The rear of 97-99 Kilburn High Road has a single storey rear extension which could be used as a terrace by the occupants of the flats above. The proposed extension complies with SPG17 in terms of its requirement for the structure to fall below an angle of 45° when measured from 2m above the floor level of the amenity space. It is also a consideration that the proposed site is to the north of the potentially sensitive windows and possible amenity space and should therefore not impact on light to an unacceptable degree.

S106

The road is defined as being "Heavily parked" and an increase in car-parking could not be accommodated on street, as such a "car-free" agreement is required restricting the right of occupiers to obtain a parking permit. In addition, in order to mitigate the impact of the new unit on local transport, education, open space and sport a contribution of £3000 is required.

Officer's consider the proposal to comply with Policies contained in Brent's UDP 2004 as well as Supplementary Planning Guidance 17: Design Guide for New Development and Supplementary Planning Document: S106 Planning Obligations.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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

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

CONDITIONS/REASONS:

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

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

- (2) The proposed rooflight and west facing windows must be obscure glazed.

Reason: In the interest of privacy of neighbouring and future occupiers.

- (3) Further details of the proposed layout of the shared entrance including storage for refuse and recycling and one cycle shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied.

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

- (4) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.. Such details shall include:-

(a) Construction details of green roof

(b) Details of the green roof plant species

(c) Species, size, location and number of climbing plants

(d) Construction details of climber support cables and of growing medium

(e) Maintenance arrangements for all planting

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.

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

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: 2A Brondesbury Road, London, NW6 6AS

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Committee Report

Planning Committee on 16 December, 2009

Case No.

09/3400

RECEIVED: 23 October, 2009

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Malorees Junior School, Christchurch Avenue, London, NW6 7PB

PROPOSAL: Use of school hard surface play area for car boot sale each Saturday between 8am and 3pm (as per undated Management Plan reference GUR/9102B).

APPLICANT: Ms Carol Karpellus

CONTACT:

PLAN NO'S: Ordnance survey

RECOMMENDATION

Refusal.

EXISTING

The subject site is a two and three story Junior School (Malorees) located on Christchurch Avenue and St Hilda's Close. The surrounding area is primarily residential, including a mix of two storey dwelling-houses and residential flat blocks. The subject site is not located within a conservation area nor is it a listed building.

PROPOSAL

Use of school hard surface play area for car boot sale each Saturday between 8am and 3pm.

HISTORY

The car boot sale has been in operation without planning permission from the Local Planning Authority. As a result, an Enforcement case, reference E/09/0528, has been opened for 'The change of use of the premises from a school to a mixed use as school and car boot sale'.

The car boot sale has moved from its previous location at St Augustine's School in Kilburn, and had been in operation there for over 12 years. The car boot sale has relocated to Malorees Junior School as a result of construction works at St Augustine's.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE4: Access for Disabled People

TRN22: Parking Standards - Non-Residential Developments

TRN24: On-Street Parking

SH28: Car Boot Sales

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

External:

Consultation letters were sent to 233 neighbouring owners/occupiers, dated 2nd November 2009. 15 letters of objection were received, including one from a Governor of the adjacent Infants school. The following comments were made:

- Entrance to driveways being blocked by pedestrians and vehicle obstruction;
- The car boot sale begins by 8am with the arrival of stall holders, by 10am the area is full of cars visiting the sale. Resulting in a reduction of parking spaces;
- Difficult to exit St Hilda's Close onto Christchurch Avenue on Saturdays;
- Increase in litter;
- If the application is granted, car parking should not be free on Saturdays;
- Car boot sale every week changes the character of the area;
- Noise at unsocial hours;
- There is limited presence of stewards and no parking enforcement;
- Residents contend with problems of: additional noise, traffic congestion, and litter during the school week. The proposal extends this disturbance another day;
- Public queuing along Christchurch Avenue;
- The area is residential and should not be used for commercial purposes.

One letter of support was received noting that the activity associated with the car boot sale is not intrusive or noisy, in addition to the car boot sale being well managed.

Ward Councillors were notified of the proposed development. Councillor Shaw commented on the application, noting that she has arranged visits in an attempt to mitigate the effects caused by the car boot sale, including less frequency with more supervision. In addition, there has been concern over people watching over onto the football pitch whilst games are on and the car boot sale is in operation.

REMARKS

The subject site is a junior school located on the south-western side of Christchurch Avenue. The applicant has applied for a change of use of the existing outside play area as a car boot sale every Saturday between the hours of 8am and 3pm.

Layout & Management

The proposed car boot sale utilises the existing hard surfaced play area at Malorees Junior School which is situated to the rear of the site and is opposite the school's playing field. The car boot sale uses the same access road as the Junior School, from Christchurch Avenue and is situated directly adjacent St Hilda's Close. Traders are situated on the hard surfaced play area in proximity to residential blocks on Brondesbury Park. The application was initially described as operating between 10am and 3pm residents noted that these are customer opening times and that trader vehicles start arriving to set up from 8am, this has been confirmed by the applicant.

In an attempt to reduce noise, the current management plan ensures that trader vehicles queue on Carlton Vale from 8am and are sent to the subject site five vehicles at a time. The applicant has stated that this was the arrangement at St Augustine's and no complaints were received in relation to queuing vehicles. The subject site is manned by two members of staff to manage the arrival of traders and the car boot sale. The management plan also notes that traders are requested to keep noise at a minimum and no music to be played.

The current management plan includes sections on: rubbish and recycling; customer parking; pedestrians; and trader plots. The applicant was informed that policy SH28 of the UDP 2004 requires the provision for the parking of all trading vehicles is made on-site with 20% of parking reserved for customers. As a result the applicant has allocated 8 spaces for customer parking and

37 plots available for traders. The proposed customer parking is located in allocated spaces adjacent to the access route, which is normally used by school staff during term-time and would also be used by traders.

Impact on Local Amenity

The Council recognises that car boot sales can be popular with sections of the local community and that the fees received are allocated to charity. In this case, the school have indicated that the income from the sale is an important consideration. However, it is also recognised that such activities often cause detrimental affects to residential amenity and policy SH28 of the UDP 2004 seeks to ensure that this does not happen by setting out certain criteria that need to be considered. Notwithstanding the details submitted within the management plan, there has been strong resident objection to the continued use of the car boot sale who have been able to confirm, from experience, that the car boot sale that has continued for a number of weeks has caused actual problems for residents. Therefore, whilst the management plan and parking arrangement has sought to address issues of: noise; litter; and traffic generation it is clear that the car boot sale has generated problems which are affecting the amenities of local residents, which cannot be "managed out".

Transportation

The subject site is accessed from Christchurch Avenue, and whilst Christchurch Avenue is not designated as a 'Heavily Parked Street' it is within a Controlled Parking Zone, between Monday - Friday. The area does not have good access to public transport, with a Public Transport Accessibility (PTAL) score of 2, and therefore customers are likely to visit the car boot sale by private vehicles or locally by foot. Therefore, without on-street parking controls to manage parking generation of the use, the traffic generated by the sales are likely to cause an unacceptable impact on residential amenity and the road network, contrary to policy SH28 of the UDP 2004. Again, this has been described by residents in their comments on the planning application.

The Council's Transportation Officers have commented they consider that the proposed car boot sale would be likely to be to the detriment of highway safety in the vicinity of the site. As indicated above, there is no CPZ in place at the time that the car boot sale operates and public transport access to the site is not high meaning that traffic problems are likely to result from the likely demand for on-street car parking. The Officers have considered the submitted Management Plan but do not consider that the contents of the Plan would be able to eliminate highway difficulties in this case. They have also raised concerns over the enforceability of some of the arrangements proposed within the document (see below).

Conclusion

In summary, whilst the Council recognises that there are some benefits to the use of the site as a car boot sale, the evidence provided within this application and public objection illustrate that the proposed use is detrimental to the amenities of neighbouring occupiers in terms of general noise generated and disturbance from traffic generated by customer parking. The proposal is thus considered as having an adverse impact on the locality contrary to policy SH28 of the UDP 2004.

There is particular concern here that the applicants are seeking to "manage out" these problems and that the means of doing this are not realistic in practice. For example, the suggestion that vehicles will wait on Carlton Vale, a good distance from the application site, and will only arrive at the site in a 5 vehicle convey, does indicate an unrealistic portrayal of how an enterprise such as this will operate on the day. The fact is that the use will generate a significant amount of vehicular traffic, and general activity, and that this, whether it be commercial or visitor, will cause harm.

A further consideration here is the relationship between the Junior and Infants Schools, alluded to in an objection from one of the Governors of the Infants School. Both schools share the same site access and the continued presence of a car boot sale will effectively limit any Saturday activities that the Schools may wish to organise. This relationship further emphasises the problems that the car boot sale would cause for those occupiers adjacent to it. It is considered to be telling that in the Management Plan provided by the applicant that they have sought to explain away the

"extraordinary circumstances" that a Council Officer witnessed on a recent Saturday by the fact that a football tournament and a music concert were taking place on the day. It is considered that whilst these latter two events may be expected to be part of the life of a school, a car boot sale is not. The continued operation of a commercial operation should not be allowed to cause problems, whether it be in terms of noise and disturbance or the unavailability of car parking areas that could otherwise be used for genuine school activities (for example, a football tournament or a music concert).

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed use of the hard surfaced play area for a car boot sale every Saturday is considered to create undue disturbance to the amenities of neighbouring residents and the adjacent school, in terms of excessive noise, general activity and restricting vehicular and pedestrian access in relation to the use, contrary to policy SH28 of the UDP 2004. Furthermore, the continued operation of the car boot sale, when considered in association with the normal range of school activities, would lead to a cumulative, and unacceptable, impact on the character of the locality.
- (2) The proposed use of the hard surfaced play area for a car boot sale every Saturday is considered to be detrimental to residential amenities, without car parking restrictions to control the matter. The level of commercial and visitor traffic generated will cause an unacceptable impact on highway safety, as well as residential amenity, resulting in increased instances of vehicles blocking driveways and parking in locations that are unsafe, and the problems cannot be successfully managed out. As a result, the proposal is contrary to policy SH28 of the UDP 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004
- Management Plan
- 15 letters of objection
- 1 letter of support

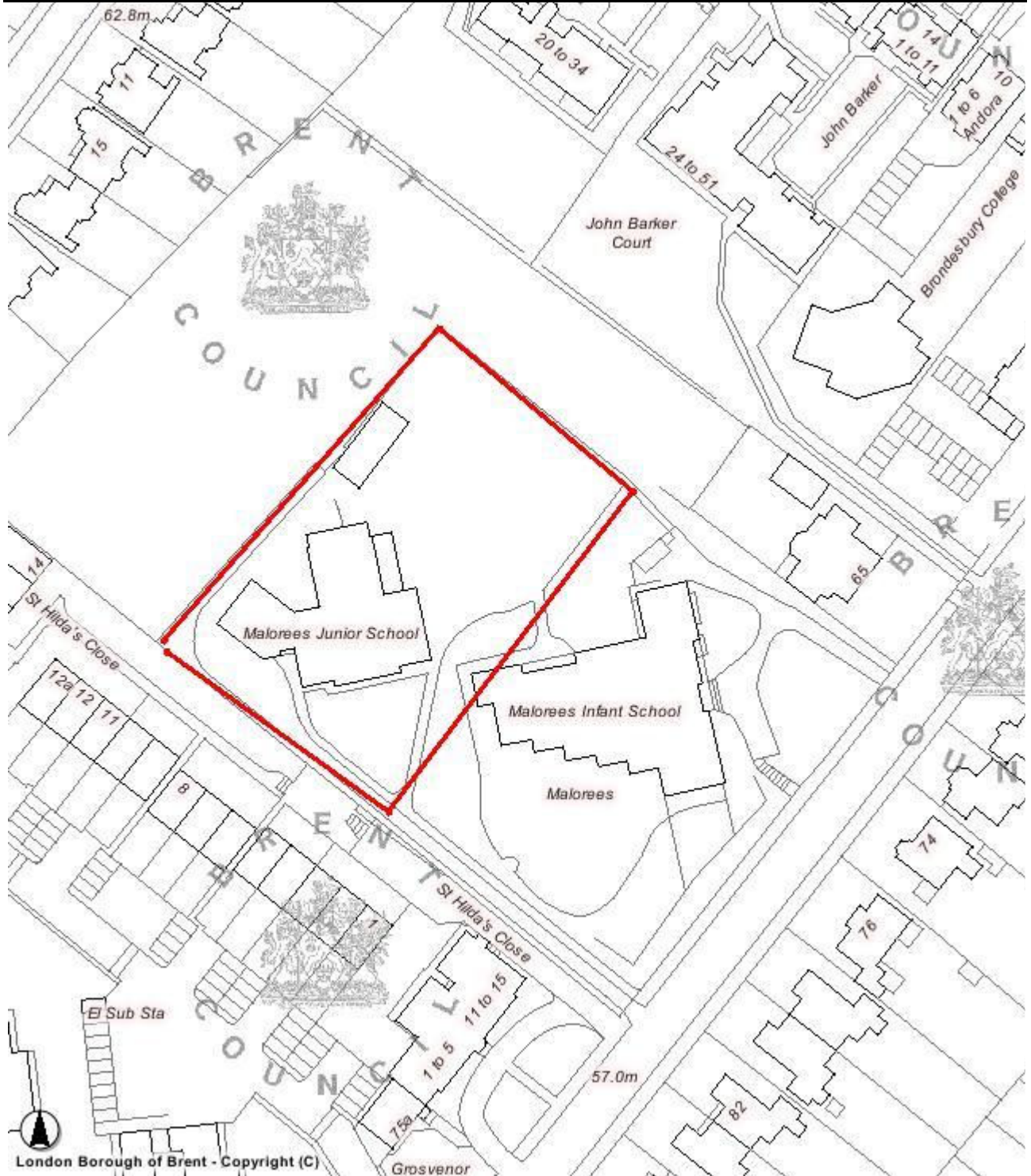
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

Site address: Malorees Junior School, Christchurch Avenue, London, NW6 7PB

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Committee Report

Planning Committee on 16 December, 2009 Case No. 09/2240

RECEIVED: 2 November, 2009

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 147-153 High Street, London, NW10 4TR

PROPOSAL: Outline application (matters included: access, appearance, layout and scale) for erection of a 4-/5-storey building (with basement) comprising 23 affordable flats (2 one-bedroom, 9 two-bedroom and 12 three-bedroom)

APPLICANT: Albemarle Trust plc

CONTACT: Robin Bretherick Associates

PLAN NO'S: 507GE00 REVP1; 507GE01 REVP1; 507GS01 REVP1; 507GS02 P1; 507GS03 REVP1; 507GAB1 REVP1; 507GA00 REVP1; 507GA01 REVP1; 507GA02 REVP1; 507GA03 REVP1; 507GA04 REVP1; 507GA05 REVP1.

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 Bertha Joseph.

Date and Reason for Request

30th November 2009

Proposed development contravenes Council guidelines: it is an over development of the site; is far too close to properties in Rucklidge Avenue and will cause loss of privacy, overlooking, and loss of light.

Details of any representations received

Representations received by the Residents' Association' and several tenants.

Name of Councillor

Councillor Reg Colwill

Date and Reason for Request

30th November 2009

Proposed development contravenes Council guidelines: it is an over development of the site; is far too close to properties in Rucklidge Avenue and will cause loss of privacy, overlooking, and loss of light.

Details of any representations received

Approached by Ward Councillor.

RECOMMENDATION

Refusal.

EXISTING

The application relates to a vacant site situated on the northeast side of High Street, Harlesden. The building was most recently in use as a petrol filling station (*sui generis*) but has since been demolished and cleared. The site is not within a conservation area or area of distinctive residential character, and is not within any designated centre. The High Street is a London Distributor Road.

PROPOSAL

Outline application (matters included: access, appearance, layout and scale) for erection of a 4/5 storey building (with basement) comprising 23 affordable self contained flats (2 one-bed, 9 two-bed and 12 three bed).

HISTORY

Planning reference 07/2829 was refused at Planning Committee 19th December 2007, for the "Erection of four-storey building comprising 449m² retail floor space (Use Class A1) on ground floor and 14 self-contained flats on upper floors, consisting of 3 x one-bedroom flats, 9 x two-bedroom flats, and 2 x three-bedroom flats, formation of roof terrace at first-floor and third-floor level to rear and third-floor front, new vehicular access to front, provision of 2 car-parking spaces, cycle storage for 19 cycles, refuse and recycling stores, hard and soft landscaping to site".

The applicants subsequently appealed the Council's decision, the appeal was dismissed 28th July 2008. The main issue highlighted by the appeal inspector was "*the effect of the proposal on the living conditions of neighbours*".

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STR11 – The quality and character of the Borough's built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

STR14 – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

STR20 – Where suitable and practical, housing development on sites capable of accommodating 15 or more units, or 0.5 hectares or over, should include the maximum reasonable proportion of affordable housing consistent with the Plan's affordable housing provision levels.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need

to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

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.

BE5 - Development should be understandable, free from physical hazards and to reduce opportunities for crime, with a clear relationship between existing and proposed urban features outside and within the site. Public, semi-private and private spaces are clearly defined in terms of use and control, informal surveillance of public and semi-private spaces through the positioning of fenestration, entrances etc., front elevations should address the street with, where possible, habitable rooms and entrances, with private areas to the rear and significant areas of blank wall and parking should be avoided on back edge of pavement locations, entrances should be overlooked by development with good lighting and visible from the street, rear gardens should not adjoin public space, parking spaces are provided within view and if not made safe in other ways and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

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, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

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 and durable materials of compatible or complementary colour/texture to the surrounding area.

BE11 – Proposals for higher densities than that prevalent in the surrounding area will be encouraged in appropriate locations, which will include town centre locations in Areas of Very Good & Good Public Transport Accessibility (as defined in the Transport Chapter section 6.7), and transport interchanges (Policy TRN6). Proposals in these areas are encouraged to include a mix of compatible land uses.

BE12 – Proposals should embody sustainable design principles.

EP6 – When development is proposed on or near a site suspected of being contaminated an investigation of the hazards posed and any necessary remedial measures will be required from the developer.

H4 – Where affordable housing is appropriate this should be provided “in-situ”, other than in exceptional circumstances.

H9 – On developments capable of 15 or more dwellings, or residential sites of 0.5 ha or more, irrespective of the number of dwellings, a mix of family and non-family units will be required, having regard to local circumstances and site characteristics. Exceptions may be made for developments of sheltered or supported housing, housing in or adjoining town centres or where the site is unsuited to family occupation. Special regard will be had to affordable housing developments designed to meet the needs of a particular priority group.

H10 – New residential accommodation should be self-contained unless it is designed to meet the known needs of a named institution.

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

H12 – The layout and urban design of residential development should comply with the policies in the Built Environment Chapter, and in addition they should have a site layout which reinforces or creates an attractive and distinctive identity, have housing facing onto streets and defining roads, have access to and layout which achieves traffic safety, have appropriate car parking, and avoid excessive coverage of tarmac or hard landscaping.

H13 – The primary consideration in determining the appropriate density of new residential development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of potential residents. The most dense developments will be appropriate in those parts of the borough with good or very good public transport accessibility.

H14 – Planning permission will be refused where development would under-utilise a site, where there are no pressing considerations to protect the character of an area. Outline permission will be subject of a condition specifying a minimum number of dwellings at reserved matters stage.

TRN11 – Developments should comply with the plan's minimum Cycle Parking Standard (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

TRN23 – Residential developments should not provide more parking than the levels as listed in standard PS14 for that type of housing, with its maximum assigned parking levels. Lower standards apply for developments in town centres with good and very good public transport accessibility. Where development provides or retains off-street parking at this level then on-street parking will not be assessed. Car-free housing developments may be permitted in areas with good or very good public transport accessibility where occupation is restricted by condition to those who have signed binding agreements not to be car owners. Such persons will not be granted residents' parking permits.

Supplementary Planning Guidance

SPG17 – Design Guide For New Development

SUSTAINABILITY ASSESSMENT

The development proposal aims to achieve a minimum Code Level 3 for sustainable homes with the potential to reach Code Level 4.

CONSULTATION

Consultation letters, dated 11th November 2009, were sent to 91 neighbouring owners/occupiers. Twelve letters of objection were received the following comments were made:

- Concerned of the height of the proposed building and its impact upon sunlight upon garden areas and habitable rooms, five stories at the southern end of the building is overbearing;
- "Right of Light Act 1959 & Prescription Act 1832" the proposed development would restrict the

- amount of daylight and increase energy consumption;
- Permanent loss of outlook;
- Overlooking, SPG17 states there should be a minimum of 20m between facing windows and this scheme is 15m;
- Balconies are closer than 20m;
- Additional noise;
- The overall size of the building;
- The design does not take into account the constraints or possibilities of the site, has ignored rights to privacy, overlooking and daylight;
- No parking on site for residents, and will have a negative effect on local parking conditions;
- The side flank of Number 155 High Street had always been visible from the street and a gap retained between Numbers 155 and 153 High Street;
- Privacy issues in relation to side windows at Number 139 High Street;
- Proposed front balconies are out of character in relation to the street-scene;
- The guard rails are not a natural feature and are out of character with the locality;
- The proposed multi-bed units have low areas of residential amenity and the communal area of amenity is restricted;
- No private units have been proposed and will thus encourage opportunities for crime.

Ward Councillors were notified of the proposed development. One letter of objection was received by Councillor Joseph, the following comments were made:

- The height of the proposed would over dominate the existing gardens and severely diminish natural daylight;
- The proposed five stories is out of character with the two-storey dwellings on Rucklidge Avenue;
- The applicant has not taken into account policy or guidelines, as the separation distance between facing habitable windows is less than 20m;
- The proposed design will therefore have a severely negative impact on properties on Rucklidge Avenue.

The issues highlighted above are discussed in detail below.

Internal Consultation:

The following consultees were notified of the proposed development:

Transportation Engineer;

Landscape Officers;

Design & Regeneration Manager;

Policy and Research Manager;

Environmental Health Officers;

Housing Officers;

StreetCare Officers.

Comments from: Transportation, Environmental Health and Housing Officers are included within the remarks section below.

REMARKS

The subject site is located on the north-eastern side of High Street, Harlesden, a London Distributor Road. The site is currently vacant and has been cleared. The applicant has sought

Outline planning permission for the erection of a 5 & 4 storey building (with basement) comprising of 23 affordable self contained flats (2 one-bed, 9 two-bed and 12 three bed).

Appeal decision 07/2829

As indicated earlier in this report, scheme for 14 flats and retail floorspace at ground floor level was dismissed at appeal following a Hearing to discuss the case. As a result of this decision, a critical consideration here is to assess how this revised proposal takes account of the Inspectors decision letter of July 2008.

For clarity, the proposed building is higher than the one considered at appeal (by approx.1.5 metres) in one particular part of the development and lower, by a similar amount, on other sections of the building. The number of flats has increased from 14 to 23 and the previously proposed commercial floorspace at ground floor has been replaced by additional residential accommodation. Duplex units are proposed arranged over the two lower ground floors and the site is being excavated to reduce overall height as much as is considered possible.

The 2008 Inspector stated that *“I consider that the main issue in this appeal is the effect of the proposal on the living conditions of neighbours.”*

The gardens to the rear are very short (6-7 metres) and are on a higher level than this site. Even though the previous scheme complied with SPG17’s 45 degree line (and 30 degree line) the Inspector concluded that the building would have a greater impact because of the small gardens. *“If the adjacent gardens were a minimum of 10m deep there would be areas of the garden further from the proposal where its visual impact would be less.”*

In terms of privacy, the 2008 Inspector referred to SPG17 (in particular the required 20m separation between windows and 10m from window to boundary). There were “numerous windows” proposed at first floor level approx 3.0 metres from rear boundary, whilst screening was not considered to overcome the problem. The current scheme is considered to represent a significant improvement in terms of direct overlooking.

Principle of Development

The loss of the petrol filling station use is acceptable as the Council does not consider a petrol station to be a local employment site. The site is not designated within any centre and therefore the principle of residential development is considered acceptable. As indicated above, this scheme is 100% residential and this is considered to be acceptable, subject to detailed design/amenity considerations as set out below.

Housing Mix

In terms of the mix of units proposed, these are summarised in the table below.

Bedroom Size	Number	Percentage
1	2	8.69%
2	9	39.13%
3	12	52.17%

The proposed housing mix provides 12 large family units, 7 of which are duplex units located on the ground and lower ground floors with immediate access to outside amenity, 5 of the three bedroom units are located on the first and second floors with balconies varying between approximately 11m² and 14m². Although there is a communal area of amenity space proposed to the rear of the site this is only approximately 52m² and this is not deemed sufficient for the proportion (and total number of people) proposed in terms of larger family units. Therefore, it is considered that the proportion of large family units is not suitable for the subject site, contrary to policy H9 and H18 of the UDP 2004.

Housing Officers are supportive of the principle of 100% affordable housing. However, as advised at pre-application stage, Officers are concerned with the occupancy levels of some of the large (6 person) family units which lack amenity space and will only support the proposal if they are reduced.

Residential Quality for Future Residents

Supplementary Planning Guidance 17 indicates minimum unit sizes for flats, 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 (5/6 person) – 80 square metres.

An assessment of the current scheme indicates that all flats shown on the plans either meet, or are in excess of, the Council's guidelines.

All habitable rooms should have natural daylight. The proposed internal arrangement of the duplex units located on the ground and lower ground floors, are inappropriate. For example, bathrooms are located to the frontage whilst kitchens are within the centre of the units, which will require constant artificial lighting. Members will be aware that kitchens are considered to be habitable rooms. This arrangement is also contrary to policy BE5 of the UDP 2004, as habitable rooms should be located at front elevations to aid natural surveillance.

Design and Appearance

Although it is considered that the design has improved from the appeal submission, it is noted that due to the combination of the overall width and height of the proposed building and its relationship with boundaries, the proposal would have an unacceptable impact on the character and appearance of the locality. The proposed rear elevation is poor, lacking a variation of materials and significant breaks, thus adding to the overall bulk and sense of overbearing of the scheme contrary to policy BE9 of the UDP 2004. Whilst no longer proposing the stepped arrangement envisaged with the appeal scheme, which meant that the building was further away from the rear boundary the higher up you were, this has been replaced by a building with a more uniform rear elevation, resulting in something of a sheer view when considered from the rear. This relationship needs to be considered in conjunction with the overall width and height of the proposed building referred to above.

Scale and Massing

Council guidance SPG17 and policy BE9 of the UDP 2004 state that proposals should be of a scale, massing and height that are appropriate to its setting. The applicant has been advised to remove the upper storey and to demonstrate that a building of this size would not relate unacceptably to people living nearby. Whilst the development has been reduced in order to respond to the height of buildings along High Street they have, however, neglected to illustrate a building which respects the size and scale of residential dwellings to the rear in Rucklidge Avenue. Although the proposal does meet the guidance on building heights, using 30° and 45° lines as described in SPG17, the proposal continues to fail to respect the characteristics and residential nature of Rucklidge Avenue.

The applicant has submitted a daylight and sunlight report. It is noted that in terms of daylight for affected windows in Rucklidge Avenue, the proposal fully satisfies the 'Vertical Sky Component (VSC) Daylight Distribution and Average Daylight Factor Guidelines'. Whilst the report notes that the results for sunlight availability are very good, one window will experience an impact. Although, it is stated that this window is recessed back between original rear projections and faces south-west, it is recognised that sunlight is lower than the standard in this instance. Members will

be aware that in cases such as this, light is one assessment that needs to be considered, but compliance with a Daylight & Sunlight report does not, in itself, demonstrate that a particular relationship is acceptable.

Amenity

The proposed duplex units on the ground and lower ground floors have their own access to rear private amenity space of approximately 41m². This amount of amenity space is considered acceptable in relation to the large family units. All units located on the upper floors have access to private balconies and a communal garden of approximately 52m² and whilst this may be acceptable for the proposed one and two bedroom units, the size and quality of amenity space for family accommodation is contrary to Council policy H18 of the UDP 2004 and adopted guidance SPG17.

Highway Considerations

Transportation Officers note that the subject site is located in an area with very good access to public transport and is located within a Controlled Parking Zone. In consideration that the site is located on a major London Distributor Road where demand for on-street parking is high and with no scope for overspill parking, a "car free" agreement would have been sought, which restricts the right of future residents to apply for parking permits, in the event that consent was forthcoming.

Officers recognise that the area allocated for bicycle storage has been reduced, to accommodate storage bins for family units, and could only house 16 bicycles. However, the private garden areas of the 7 ground/lower floor units should be sufficient for bicycle storage. The area designated for refuse is internal and located to the front of the building which allows for routine collection.

Impact on neighbouring residents

The appeal inspector for the previous refusal (07/2829) considered the main issues of the proposed development were the effect upon the living conditions of neighbouring occupiers. The Council's Supplementary Planning Guidance 17 offers guidance on how the potential impact of proposals will be assessed in terms of their impact on neighbouring residents.

Privacy standards for residential development are: 10m separation between habitable windows on the rear flank of the development and the rear boundary; and 20m distance between habitable rooms which face each other. The distance between windows on the main rear elevation and the rear boundary are 9.0m on the lower ground and ground floor, a reduced separation is considered detrimental in relation to outlook and overlooking. The proposed windows at first and second floor levels are likely to impact the amenities of existing and future residents, as the separation distance varies between 15.4m and 18.2m. The inspector considered these shortfalls "*add to the unacceptable effects of the proposal on the living conditions of neighbours*" making a specific point of attaching weight to the small gardens in Rucklidge Avenue and meaning that the impact on these external spaces needs to be even more carefully considered. The proposal would thus be detrimental in terms of privacy and create an undue sense of overlooking contrary to policies BE9 of the UDP 2004 and SPG17.

Contaminated Land

The site, a former petrol station, has the potential to be contaminated. The site has already been cleared and all the buildings and surface materials removed. If this application were being recommended for approval a condition requiring a site investigation focusing on sensitive areas (rear gardens) with soil samples analysed for a full suite of potential contaminants would have been requested.

Section 106 Contributions

On this particular application, the proposed Heads of Terms, including the total financial contribution required to comply with the Council's adopted SPD on the subject has been agreed, in

principle. However, the applicants have requested that the staging of the payments and the total sum paid, be subject to future viability testing. This has not been proven to the Council's satisfaction at this stage.

Sustainability measures also need to be more fully addressed. As a result, in the event that the application is refused then a reason for refusal covering the failure to secure a legal agreement to provided education, sustainable transportation, open space and sport contributions would need to be attached to the decision. In addition, [a separate one for sustainability measures and affordable housing would also need to form part of the formal decision.](#)

Conclusion

In summary, Officers have previously noted that the principle of residential development at the subject site is acceptable. However, proposals need to be developed in relation to the sites context and ensure that the amenities of neighbouring occupiers are maintained. In this particular instance, the existence of an appeal Inspectors decision letter, where an earlier scheme was dismissed, is also a material consideration here. The proposed development in terms of height, width and proximity to neighbouring residents of Rucklidge Avenue is considered to be overbearing and does not respect the character and nature of this residential street. Furthermore, whilst the proposed units meet floorspace standards, the quality of accommodation of some of the units is poor in terms of their internal arrangement and levels of external amenity, which is contrary to policy H18 of the UDP 2004 and SPG17.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed four and five storey building (with basement), by reason of its overall height, width, bulk, and proximity, relates poorly with properties on Rucklidge Avenue and would have an unacceptable impact on the amenities of neighbouring occupiers to the rear of the site, by reason of the creation of an overbearing impact on existing properties, impacting on privacy and outlook. The proposal would thus result in a development that is out of character with the existing and adjoining buildings to the detriment of the visual character and appearance of the area. As a result, the proposal would be contrary to policy BE9 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development."
- (2) The proposed flats are located in an area which is deficient in public open amenity space and, by reason of the limited amenity value of the private external space of some of the large family units, the development would be contrary to policies H9 and H18 of the Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17: "Design Guide for New Development".
- (3) The proposed treatment of the rear elevation, by reason of its poor use of materials and articulation, does not succeed to break the overall bulk and width of the development while resulting in a building which fails to add a positive contribution to the street-scene, and is thus contrary to policies BE2 and BE9 of the Unitary Development Plan 2004.
- (4) The proposed internal arrangement of the proposed flat units do not provide satisfactory living conditions, in terms of the duplex units on the ground and lower ground floors. All units should be arranged to achieve acceptable levels of natural daylighting and ensure natural street surveillance. The proposed fails this by placing bathrooms at the front elevation on the ground floor with centrally based kitchens and is thus contrary to policies BE5 and BE9 of the Unitary Development Plan 2004.

- (5) In the absence of a legal agreement to control the matter, the development would result in an increased demand for school places within the Borough, without providing any contribution to building new school classrooms or associated facilities; pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area; and increased pressure for the use of existing open space, without contributions to enhance that open space or make other contributions to improve the environment. As a result, the proposal is contrary to policies CF6, TRN10, OS18 and H7 of Brent's adopted Unitary Development Plan 2004.
- (6) In the absence of a legal agreement to control the matter, the proposal fails to comply with the principles of sustainable development and would be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, and is therefore contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004 and the guidance contained within Supplementary Planning Guidance SPG19: "Sustainable Design, Construction and Pollution Control.
- (7) In the absence of a legal agreement to control the matter, the development would result in an unacceptable transport impact and would be detrimental to highway and pedestrian safety. As a result the proposal is contrary to policy TRN23 of the Unitary Development Plan 2004.
- (8) In the absence of a legal agreement to control the matter, the proposal would result in the increase in the number of units without the provision for securing affordable housing. As a result, the proposal is contrary to policy H3 of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent UDP 2004
- Supplementary Planning Guidance 17
- Housing and Planning Statement
- Brent Sustainable Development Checklist
- Sustainability Statement
- Daylight and Sunlight Report
- Remedial Implementation and Verification Report
- Design and Access Statement
- 12 letters of objection

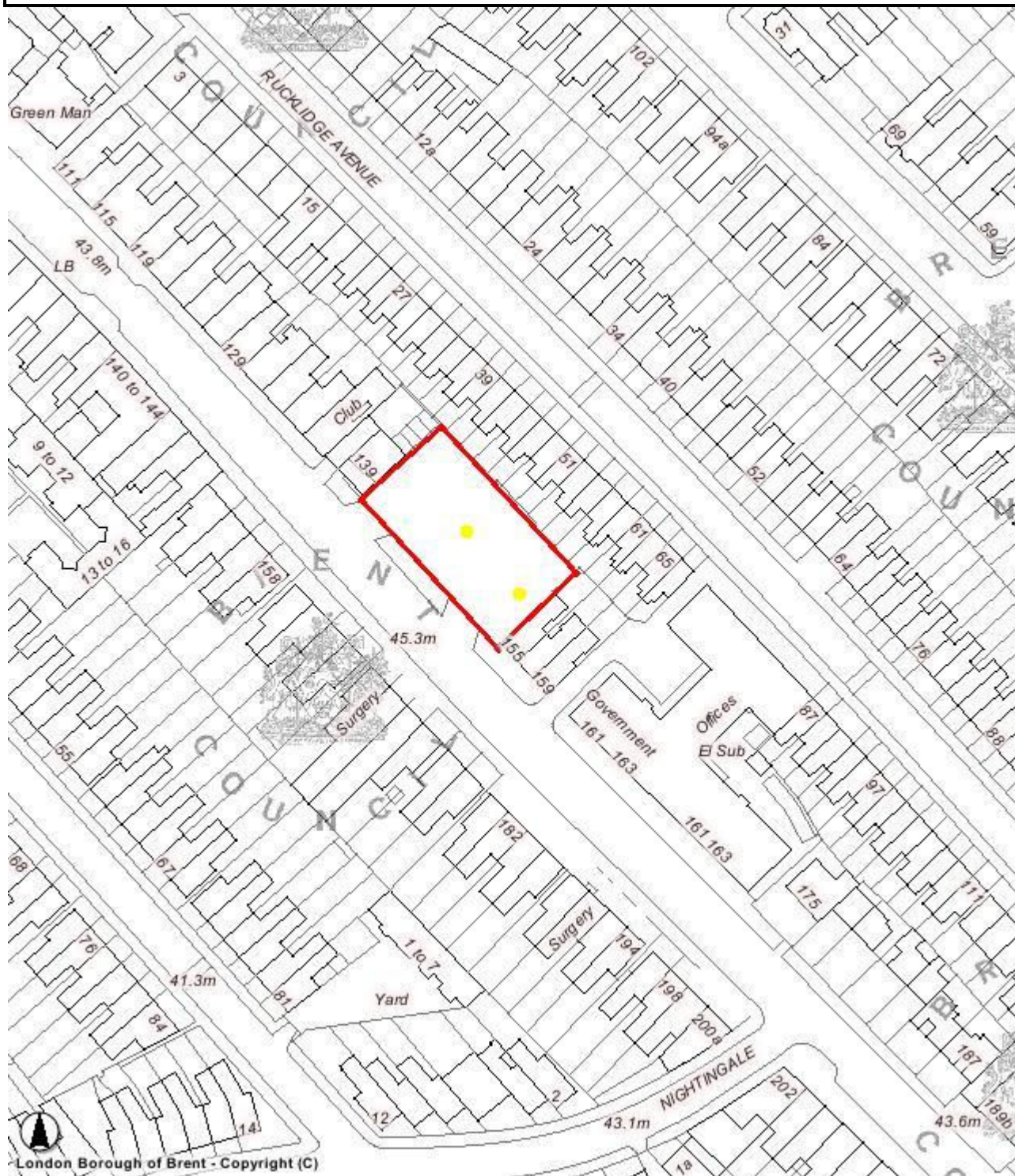
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

Site address: 147-153 High Street, London, NW10 4TR

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Committee Report

Planning Committee on 16 December, 2009 Case No. 09/2119

RECEIVED: 17 September, 2009

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 62 Station Grove, Wembley, HA0 4AN

PROPOSAL: Retention of ancillary outbuilding, with proposed internal alterations, in rear garden of dwellinghouse

APPLICANT: Mr Inayat Sardar

CONTACT: Kingsley Smith Solicitors LLP

PLAN NO'S: Site Plan
Floor Plan Proposed (revised)
Elevations Proposed

RECOMMENDATION

Refuse

EXISTING

The subject site is a two storey end of terrace dwellinghouse located on Station Grove, Wembley. A pedestrian alley way runs down one side of the property linking Station Grove with Lyon Park Avenue. Wembley Brook a narrow canalised waterway runs along the bottom of the rear garden. An electricity substation is located on the opposite side of the brook adjacent to the application site.

The application relates to an existing outbuilding located at the bottom of the rear garden.

The surrounding area is predominantly residential in character. The property is not within a Conservation Area, nor is it a listed building.

PROPOSAL

Retention of ancillary outbuilding, with proposed internal alterations, in rear garden of dwellinghouse

HISTORY

- 05/02/2008 Enforcement investigation instigated against the erection without planning permission, of an outbuilding in the rear garden of the dwellinghouse. This resulted in the issuing of an enforcement notice requiring the buildings removal. An appeal against the enforcement notice was dismissed on 08/05/2009 and the enforcement notice upheld. (Council Reference: E/08/0094)
- 23/11/2007 Certificate of lawfulness issued for the erection of a single-storey detached building in rear garden of dwellinghouse. (Council Reference: 07/2968)

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

SPG

SPG 5 – Altering and extending your home

- Respect for design, scale and character of existing building and surrounding streetscene.
- Respect for the amenity, privacy, outlook, daylight and sunlight of neighbouring properties.

CONSULTATION

Consultation period: 23/09/2009 – 14/10/2009. 7 neighbouring properties were notified.

One letter of objection from a neighbouring property has been received. The issues raised are summarised as follows:

- The outbuilding is being used as a separate dwelling which should not be permitted
- The land on which the building has been erected is liable to flooding
- The erection of the outbuilding has resulted in the oak tree on the property going into decline. It is believed that this tree is the subject of a preservation order
- The objector is generally disheartened by the whole planning and enforcement process
- Would like to know what implications the planning application has on the enforcement action.

REMARKS

Background

A Certificate of Lawfulness was issued by the Council in 2007 for the erection of an outbuilding in the rear garden of this property. No use was indicated for this proposed outbuilding with the plans simply showing one large un-subdivided space. This Certificate was assessed under the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended. This Order sets out the types and size of development that can be carried out without planning permission. At the time the Certificate was issued in November 2007 the Order allowed the erection of outbuildings within the curtilage of dwellinghouses provided that they fell within certain limits relating to their size, height, location and use. The restriction on the use of outbuildings requires that they be incidental to the enjoyment of the dwellinghouse.

When the Certificate was issued the proposed outbuilding was considered to comply with the requirements of the Order. However officers now consider this Certificate to have been issued in error due to the proposed outbuilding being sited closer to a highway than the original house (in this case the public footpath running between Station Grove and Lyon Park Avenue). At the time of the outbuildings construction this was one of the restrictions imposed by the Order. In any case the outbuilding that is the subject of this application and erected in 2008 differs in a number of ways from the one indicated in the certificate - it was subdivided internally, it was connected to the mains sewers and other services, it was equipped with a bathroom, kitchen and was clearly built in order to provide separate self-contained living accommodation. The Council was alerted to this situation and commenced an enforcement investigation. This revealed that the outbuilding had indeed been built as a dwelling and was being used as such. An enforcement notice was issued on 13 August 2008, to take effect on 22nd September 2008. The applicants appealed this enforcement notice, and the appeal was dismissed on 8th May 2009, as the Inspector determined that a breach in

planning control had occurred due to the use of the building not being incidental to the main house, having been used as separate living accommodation. The enforcement notice was therefore upheld, and took effect on 8th November 2009. This required the removal of the outbuilding. However, further enforcement action has been halted pending the outcome of this current planning application.

The Proposal

The existing outbuilding, the subject of this application, is located at the end of the rear garden of 62 Station Grove, approximately 1.0 metres from the rear boundary and 0.1 metres from the shared boundary with the neighbour at no 64. The dimensions of the building are 6.0 metres by 6.5 metres, giving a floor area of 39m², with a height of approximately 2.7 metres to the eaves, and 4.0 metres to the ridge. There are two doors for access into/out of the building; one within the front elevation and one within the rear elevation of the building. Also there are 2 windows in the front elevation and 2 windows in the rear elevation. The property has the appearance of a separate dwelling unit.

Between the outbuilding and rear boundary of the property, there is an oak tree located on the corner of the site where adjacent to the footpath. This tree has an application made for a tree preservation order, as it is considered by the Council to be an important tree which should be preserved. However at the time of writing this report the TPO was still waiting to be confirmed. In any case, the tree is considered to be an important tree which should be protected, regardless of whether it is protected by a preservation order.

The existing boundary fence along the public footpath also has a gate, which provides access into the rear garden of 62 Station Grove where the rear of the outbuilding is located. There is also a gated access in this same fence from the footpath into the rear garden of 62 Station Grove, located closer to the main dwellinghouse.

A site visit was made to the property, (19th October 2009) and an internal inspection made of the outbuilding. At the time of the visit, the outbuilding was subdivided into 5 separate rooms. The room on entering the building had a desk with a personal computer and also a television. Also noted was the existence of 2 central heating radiators in this room, a fuse-box and a loft access door. In another room a domestic boiler had been installed. This room also appeared as though it had previously been used as a kitchen area, as there were some tiled walls and kitchen units in the room, although there was no cooker. Since the enforcement notice was issued, the kitchen facilities have been removed within the outbuilding, although plumbing and electrical sockets in the previously used kitchen remain, as noted by the Inspector on his site visit at the time of the enforcement appeal. This was also noted at the time of the site visit made as part of the process to determine this current planning application, on Monday 19th October 2009.

Other rooms, at the time of the site visit, included a shower/wc; a room containing gym equipment, a television, a fitted wardrobe unit, and a central heating radiator; and a room containing a children's drawing board, chair, a wardrobe and a radiator.

The applicants are seeking full planning permission to retain the outbuilding as built but to modify its use from a self contained dwelling. The internal subdivision is to remain with the various rooms within the outbuilding to be used as a gym, store room, children's play/study room, and a toilet and shower room. The applicants have stated in a design statement, submitted with the planning application documents, that the application is for an outbuilding 'solely only for ancillary use to the dwelling i.e. No 62, such not containing the legally recognised attributes necessary for it to constitute a "dwellinghouse".'

Proposed Use

One of the tests as to whether or not an outbuilding can be considered permitted development is that its use must be incidental to the enjoyment of the dwellinghouse. It has been the view of the Secretary of State since the 1980s that a permission is not given by Class E if the accommodation to be provided in a new garden building is of the sort which would normally be considered as integral to the everyday requirements of a house. Thus, a building which was to contain facilities, such as a living room, bedroom, a kitchen or a bathroom, has not been considered to be incidental to the enjoyment of the dwellinghouse. The Secretary of State's interpretation has been that to be incidental, the function of the space provided must be subordinate to the basic or primary accommodation to be expected at a dwellinghouse, rather than being an incident of that main use. Thus, as the SOS would have it, to qualify as PD, accommodation must be of a type which would be needed for activities such as leisure pursuits, hobbies, playrooms, gardening, storage etc. Even use as a study has been ruled out in this scenario

As the application is for full planning permission to retain the outbuilding it cannot formally be considered whether the outbuilding is 'incidental to the enjoyment of the dwellinghouse' as defined in the *Town and Country Planning (General Permitted Development) Order 1995 as amended*. However, it can be considered whether the outbuilding is ancillary to the main dwellinghouse. In this particular case it is considered that the size of the outbuilding, the nature and combination of uses, the internal subdivision and layout of rooms that the proposed use of the outbuilding exceeds what can be considered ancillary use of the building to the main dwellinghouse. Although the outbuilding is not currently being used as self contained residence and some of the kitchen facilities have been removed, the appearance, size and the subdivision of the outbuilding means it still has the character of a separate self contained dwelling.

Impact

The excessive size of the building has a detrimental impact on the visual amenities of the neighbouring dwelling at no 64 Station Grove. It presents a large 4 metre high gable ended elevation to this neighbouring properties rear garden. Due to its size, height and proximity to the boundary the outbuilding appears as an overbearing and intrusive form of development when viewed from the neighbouring garden at 64 Station Grove.

The outbuilding is partly screened from being viewed from the adjoining public footpath by an overly high fence that itself is in breach of planning controls. Even with this excessively high fence partly screening it, the outbuilding is considered by reason of its size, height and appearance to appear as an obtrusive and incongruous addition to the street scene and detrimental to local visual amenities and the character of the area.

The view of the Council's tree officer is that while the outbuilding has had a detrimental impact on the large oak tree located behind it, the long term future of the tree had already been compromised by earlier damage probably dating from over a decade ago. While the tree probably has damage, its removal would not necessarily improve the situation.

Fall back position

The implication of refusing this application is that the existing enforcement notice requiring the buildings removal will be pursued. The applicants do have the fall back position of being able to erect a replacement outbuilding providing it complies with the requirements of the Order.

The Order was amended in Oct 2008 and various changes made to the permitted development rights of householders. In regard to outbuildings the changes impose a height limit of 2.5 metres on any part of an outbuilding within 2 metres of a boundary and restricts the eaves height of any pitched roof building to 2.5 metres. The previous requirement that an outbuilding be located no nearer to a highway than the original dwelling house now only applies to the principle frontage of the property and therefore no longer applies to roads or footpaths running down the side or to the

rear of a property. However the changes to the order will have a much reduced impact when viewed from neighbouring properties and from the adjoining public footpath.

Conclusion

The retention of this unauthorised outbuilding cannot be supported due to its detrimental impact on the amenities of neighbouring occupiers and its visual impact on the character of the area.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The existing outbuilding, by virtue of its excessive size and height, and proximity to the neighbouring boundary with no 64 Station Grove, appears over bearing and obtrusive form of development harmful to the amenities of occupiers of neighbouring properties and their enjoyment of their garden, and out of keeping with the character of the surrounding area, and is therefore contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.
- (2) The size and proposed layout of the existing outbuilding cannot be considered ancillary to the main dwellinghouse and as such the nature and intensity of the use of the proposed development, and its size and appearance as a separate residential dwelling is considered to be out of character in this area of small domestic rear gardens and is therefore contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Planning application papers ref 09/2119

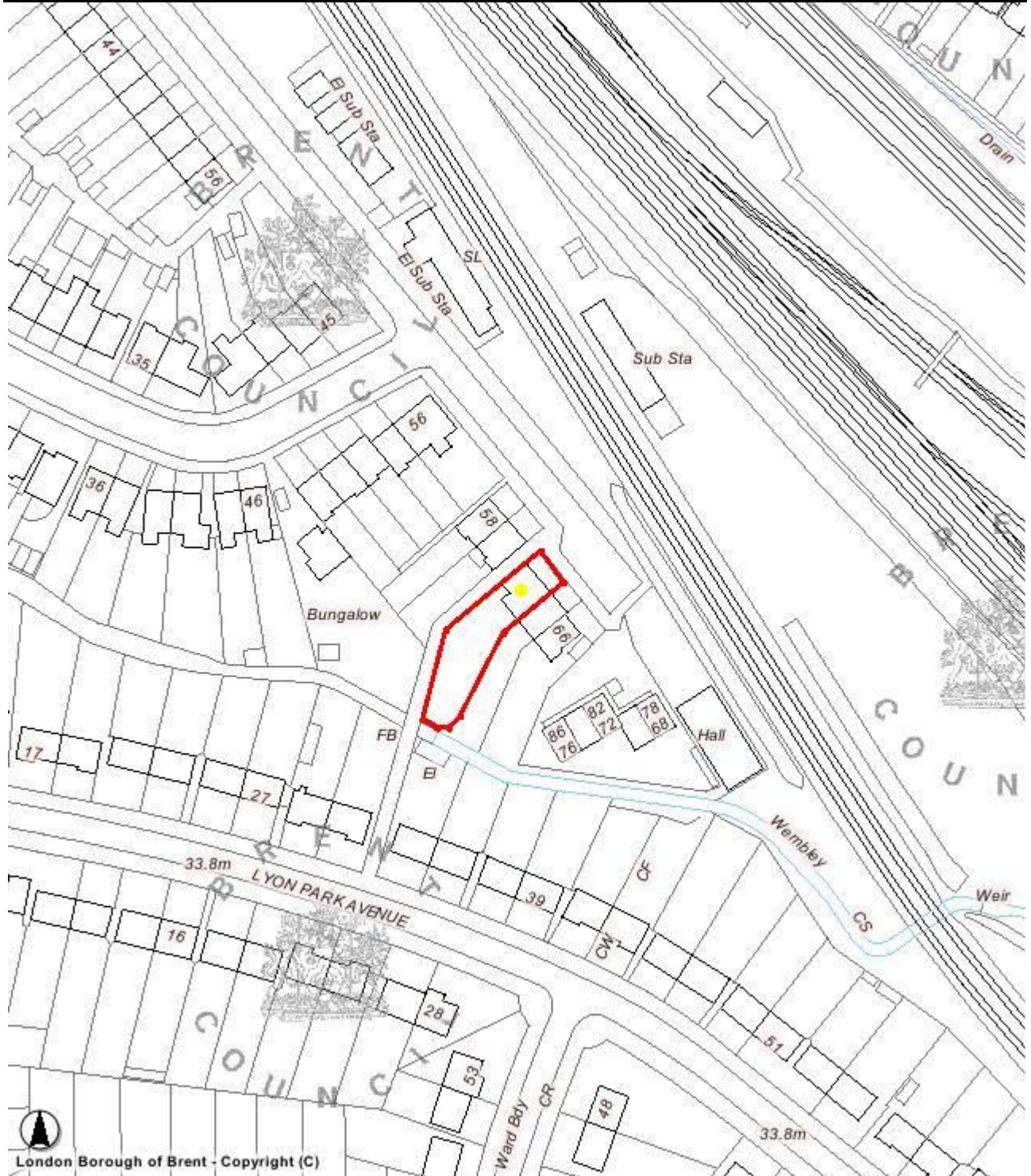
Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



Planning Committee Map

Site address: 62 Station Grove, Wembley, HA0 4AN

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Committee Report

Planning Committee on 16 December, 2009

Case No.

09/3143

RECEIVED: 24 September, 2009

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 22 Wembley Park Drive, Wembley, HA9 8HA

PROPOSAL: Retention of detached outbuilding in rear garden

APPLICANT: Mr Jignesh Patel

CONTACT: Mr C H Mckenzie

PLAN NO'S: -CHM/2855/A1 - Proposed Floor and Elevation Plans for the Detached Building in the Rear Garden

RECOMMENDATION

Refusal

EXISTING

The proposal relates to two-storey semi-detached dwellinghouse with a detached side garage and an outbuilding at the bottom of the rear garden area situated on the south side of Wembley Park Drive.

PROPOSAL

The proposal is for the retention of an existing single storey flat roofed outbuilding located at the bottom of the rear garden area of the dwellinghouse.

HISTORY

The following planning history is most relevant to the proposal:

- 27/05/2009 Enforcement Notice is issued in respect of the erection of a dwelling in the rear garden and the material change of use of the main house into a House in Multiple Occupation. Compliance date was 6/10/2009. However, no appeal against the enforcement notice has been received (ref: E/09/0091).
- 01/08/2008 Demolition of existing detached garage to side and erection of single and 2 storey side extension to dwellinghouse - Approved (ref: 08/1723)
- 23/07/2008 Certificate of lawfulness for a proposed single storey detached building in rear garden of dwellinghouse - Approved (ref: 08/1634)
- 16/11/1981 Garage & Car-Port with internal alterations - Approved (ref: M9939 811315)
- 23/02/1981 Erection of single storey side extension - Approved (ref: M8065 802190)

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

SPG

SPG 5 – Altering and extending your home

- Respect for design, scale and character of existing building and surrounding streetscene.
- Respect for the amenity, privacy, outlook, daylight and sunlight of neighbouring properties.

CONSULTATION

The following have been consulted on the proposal:

-Nos. 46, 48 & 50 Park Chase

-Nos. 20 & 24 Wembley Park Drive

-Ward Councillors

A letter has been received from neighbouring property No. 24 Wembley Park Drive raising objections to the proposal on the grounds that it was constructed for an illegal use.

REMARKS

Background

This application is submitted as a result of the Enforcement Notice issued against the erection of a dwelling in the rear garden and the material change of use of the main house into a House in Multiple Occupation. Currently, there is no appeal against the enforcement notice issued on 27/05/2009. The compliance date for the Enforcement Notice was on 6/10/2009.

The application is for the retention of single storey flat roofed detached building in the rear garden. The plan submitted with the application shows that the proposed outbuilding is 7.2m wide x 8m deep x 2.9m high. The outbuilding is set-in 0.5m from the side boundary adjoining no. 20 Wembley Hill Road, between 0.9m and 1.3m from the side boundary adjoining No. 24 Wembley Hill Road and between 0.45m and 1m from the rear boundary of the site. The property has a very long rear garden of approximately 40m. The outbuilding is positioned towards the end of the garden. The rear garden slopes away from the house with the highest part of the garden being towards the rear boundary of the site. The outbuilding is therefore positioned on the highest part of the rear garden.

A Certificate of Lawfulness was issued by the Council in 2008 for the erection of an outbuilding in the rear garden of this property. This Certificate was assessed under the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended. This Order sets out the types and size of development that can be carried out without planning permission. At the time the Certificate was issued in 2008 the Order allowed the erection of outbuildings within the curtilage of dwellinghouses provided that they fell within certain limits relating to their size, height, location and use. The restriction on the use of outbuildings requires that they be incidental to the enjoyment of the dwellinghouse.

When the Certificate was issued the proposed outbuilding was considered to comply with the requirements of the Order.

Proposal

The applicants are seeking full planning permission to retain the outbuilding as built but to modify its use from a self contained dwelling. The internal subdivision is to remain with three of the rooms within the outbuilding to be used for storage, one to be used as a gym and for the toilet and shower room to be retained. This arrangement complies with the Certificate of Lawfulness as granted in 2008.

In mitigation the applicants are claiming that the main dwelling was let out shortly after the outbuilding was constructed and that their tenants unbeknown to them had installed a kitchen and sublet the outbuilding as a separate dwelling.

Use

As the application is for full planning permission to retain the outbuilding it cannot formally be considered whether the outbuilding is 'incidental to the enjoyment of the dwellinghouse' as defined in the *Town and Country Planning (General Permitted Development) Order 1995 as amended*. However, it can be considered whether the outbuilding is ancillary to the main dwellinghouse. In this particular case it is considered that the size of the outbuilding, the nature and combination of uses, the internal subdivision and layout of rooms results in the proposed use of the outbuilding exceeding what can be considered ancillary to the main dwellinghouse. Although the outbuilding is not currently being used as a self contained residence and some of the kitchen facilities have been removed, the appearance, size and the subdivision of the outbuilding means it still has the character of a separate self contained dwelling.

The proposal to retain 3 of the internal rooms as storage would provide approximately 42 square metres of storage. This is considered too large to be able to be considered an ancillary use to the main dwelling.

Impact

The excessive size of the building at approximately 56 square metres together with the nature and form of its proposed subdivision is considered to result in an intensity of use and form of development incongruous to the character of the area and detrimental to the amenities of neighbouring occupiers. The building is also considered to be too large for it to be considered ancillary to the main dwelling. Officers consider that to service such a large building through the back garden of the main dwelling would result in an unacceptable level of nuisance and disturbance to neighbouring occupiers.

The buildings height at nearly 3 metres high and its proximity to the boundaries with neighbouring properties results in an obtrusive and uneighbourly form of development to the detriment of the visual amenities of adjoining occupiers.

Fallback position

The implication of refusing this application is that the existing enforcement notice requiring the buildings removal will be pursued. The applicants do have the fall back position of being able to erect a replacement outbuilding providing it complies with the requirements of the Order.

The Order was amended in Oct 2008 and various changes made to the permitted development rights of householders. In regard to outbuildings the changes impose a height limit of 2.5 metres on any part of an outbuilding within 2 metres of a boundary and restrict the eaves height of any pitched roof building to 2.5 metres. Any replacement outbuilding would therefore either have to be lower or be set further in from the boundary and would therefore have a much reduced visual impact.

One of the tests as to whether or not an outbuilding can be considered permitted development is that its use must be incidental to the enjoyment of the dwellinghouse. It has been the view of the Secretary of State since the 1980s that a permission is not given by Class E if the accommodation to be provided in a new garden building is of the sort which would normally be considered as integral to the everyday requirements of a house. Thus, a building which was to contain facilities, such as a living room, bedroom, a kitchen or a bathroom, has not been considered to be incidental to the enjoyment of the dwellinghouse. The Secretary of State's interpretation has been that to be incidental, the function of the space provided must be subordinate to the basic or primary accommodation to be expected at a dwellinghouse, rather than being an incident of that main use. Thus, as the SOS would have it, to qualify as PD, accommodation must be of a type which would be needed for activities such as leisure pursuits, hobbies, playrooms, gardening, storage etc. The Council was therefore incorrect to issue a Certificate of Lawfulness for a building that includes a shower and toilet.

Furthermore case law argues that when an outbuilding is disproportionately large compared to the existing accommodation this may have a bearing on whether or not it can be considered lawful. It is the Council's current position that an outbuilding of the size of the one in this application is unlikely to be considered incidental unless it can be demonstrated that the intended incidental use requires a building of the size indicated. In other words the likely fall back position is a building not only set further from the properties boundaries and or lower in height but also one with a considerably smaller footprint.

Conclusion

The retention of this unauthorised outbuilding cannot be supported due to its detrimental impact on the amenities of neighbouring occupiers and its visual impact on the character of the area.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The existing outbuilding, by virtue of its excessive size and height, and proximity to the neighbouring boundary with no 64 Station Grove, appears over bearing and obtrusive form of development harmful to the amenities of occupiers of neighbouring properties and their enjoyment of their garden, and out of keeping with the character of the surrounding area, and is therefore contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.
- (2) The size and proposed layout of the existing outbuilding cannot be considered ancillary to the main dwellinghouse and as such the nature and intensity of the use of the proposed development, and its size and appearance as a separate residential dwelling is considered to be out of character in this area of small domestic rear gardens and is therefore contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
- 2.

Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



Planning Committee Map

Site address: 22 Wembley Park Drive, Wembley, HA9 8HA

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Committee Report

Planning Committee on 16 December, 2009 Case No. 09/3376

RECEIVED: 22 October, 2009

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: 979-981, Harrow Road, Wembley, HA0

PROPOSAL: Demolition of existing petrol station and erection of part 4-storey and part 2-storey building comprising 10 flats (6 x three-bedroom, 4 x two-bedroom) with 16 cycle spaces, 7 parking spaces, bin stores, associated landscaping and alterations to access from Harrow Road, and formation of new vehicle access from Thomas A Beckett Close (as amended by revised plans dated 03/12/09).

APPLICANT: Turnhold Properties Ltd

CONTACT: Stephen Davy Peter Smith Architects Ltd

PLAN NO'S: 0915(PL)01 (1:1250)
0915(PL)03, revF (1:200)
0915(PL)04, revF (1:100)
0915(PL)05, revC (1:100)
0915(PL)06, revC (1:100)
0915(PL)07, revC (1:100)
0915(PL)08, revB (1:100)
0915(PL)09, revC (1:100/1:200)
0915(PL)10, revF (1:100/1:200)
0915(PL)11, revF (1:100/1:200)
0915(PL)12, revC (1:100/1:200)
0915(PL)13, revC (1:100)
0915(PL)14, revC (1:100)
0915(PL)15, revC (nts)
0915(PL)16, revD (1:200)
0915(PL)17, revC (nts)
0915(PL)18 (1:200)
0915(PL)20 (nts)
0915(PL)21, revA (1:60/1:10)
10423-01 (1:200)

RECOMMENDATION

Approve

SECTION 106 DETAILS

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 40% Affordable Housing - Tenure split to be agreed with the council's Affordable Housing officer.

- (c) A contribution of **£45,000, if MS is made within 6 months of any permission, £67,200 if made after**, due on Material Start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Sustainability -Prior to Material Start, submit and then comply with a revised Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) 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.
- (f) Join and adhere to the Considerate Contractors scheme.

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.

(b) If the legal agreement has not been entered into by the application's statutory expiry date of the 21st January 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) If the application is refused for the reason in (b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

EXISTING

A roughly rectangular site approximately 35 metres wide and between 23 and 30 metres deep, lying on the south side of Harrow Road to the east of the junction with Thomas A 'Beckett Close. The surrounding land uses are residential with a mix of 3 storey flatted developments and two storey houses.

The site is presently used for car sales, having previously been used as a Texaco petrol filling station. On site is a central canopy over the former pumps set 6-9 metres from the back edge of the pavement, with a 6 x 11 metre single flat roofed building behind located abutting the rear boundary. The site is substantially concreted. A 1.6 metre high brick wall demarcates the southern part of the site from a 3 storey block of flats to the rear on Thomas A 'Beckett Close.

The site has two 6 metre wide vehicular accesses to Harrow Road at either end of the frontage.

PROPOSAL

This application is submitted following refusal of application 09/1719 at Planning Committee on 26th August 2009. This scheme was recommended for approval by Officer's but Committee overturned the recommendation refusing the application because of concerns firstly with the design and massing, in particular its excessive height and bulk in relation to Thomas A'Beckett Close. The second reason being the location of two balconies on the north western elevation of the building, facing TABC and a loss of privacy that would result. The other reasons for refusal (3, 4 & 5) are due to the failure to secure an appropriate legal agreement and can easily be addressed.

Summary of key changes to the proposal;

1. *The building height has been reduced. The proposed building is part 2, 3 & 4-storeys high and is lower than the previous refusal. The building height is in line with the existing consent for 13 flats (07/3815).*

2. *The massing has been reduced. The elevation facing TABC has been reduced to 3-storey's, with a terrace at 3rd floor level maintained. The fourth storey is set in from the boundary which is in line with the existing consent (07/3815).*
3. *Balconies facing towards TABC have been removed due to privacy concerns. With 'unit 7' the balcony has been flipped and faces south west as opposed to north west. Second floor balconies facing TABC previously proposed have also been removed. The building has been reduced to 3-storeys here facing TABC with a roof terrace provided for the top floor flats as per the consented scheme (07/3815), this is to be treated with privacy screens and planting. No balconies are now proposed facing flats on the opposite side of TABC.*
4. *The number of parking spaces proposed increases from 6 to 7 space 7 will be served by a new vehicle crossover off TABC and is for the sole use of unit 2.*

Current application 09/3376;

It is proposed to demolish the buildings and structures on site and erect a building that will be 31.2 metres wide ranging in depth from 15.4m to the western end of the site at the corner with Thomas A' Beckett Close (TABC) and 8.2m deep at the eastern most end. The replacement building will be part, 2, 3 and 4-storey's in height. The 2-storey element is at the eastern end of the site, stepping up to 4-storeys within the centre of the site, before the building drops down in height to 3-storeys at the corner with TABC. Amenity space is to be provided for the units through a combination of private gardens to ground floor flats, private balconies and a communal roof terrace.

- *The ground floor is to have 3 x three bedroom flats.*
- *The first floor will have 3 x three bedroom flats.*
- *The second floor will have 2 x two bedroom flats.*
- *The third floor will have 2 x two bedroom flats.*

The main entrance to the flats is centrally located. An internal bike store is proposed with 10 cycle stands, (with a further 6 external spaces on the frontage), this is provided adjacent to the refuse and recycling store area. 7 parking spaces (including 2 disabled bays) are provided overall with spaces 1-6 being accessed from the existing easternmost vehicle access point, and space 7 to be accessed via a new vehicle access from TABC.

The siting of the proposed block respects the established building line along this side of Harrows Road, and maintains space to the rear for amenity purposes. Amenity space to the ground floor flats is provided in the form of private gardens, each of these will exceed the minimum 50m². Flats on the upper floors are each provided with either a private balcony or roof terrace, with the exception of units 4 & 5 on the first floor, however there is a generous communal roof terrace (88m²) at second floor which will provide useable outside space for these flats.

The proposed development also makes provision for new landscaping within the frontage and to the front verge immediately outside of the application site along Harrow Road, and makes provision for the creation of a 1.5m wide footpath along Thomas A Beckett Close. As well a new vehicle crossover is proposed off TABC (to serve parking space 7).

HISTORY

(09/1419) - Demolition of existing petrol station and erection of part 2- and 4-storey residential block comprising 10 flats (6 three-bedroom, 4 two-bedroom), 14 cycle spaces, 6 parking spaces, bin stores, associated landscaping and alteration of access from Harrow Road. ***Following an Officer recommendation to approve Members overturned the recommendation and refused the application for the following reasons;***

1. The proposed development by reason of its design and massing, in particular its excessive size and bulk would have an overbearing relationship to Thomas A'Beckett Close.
2. The proposed development by reason of the location of two balconies on the north western elevation of the building and their proximity to the existing flats located on the opposite side of Thomas A'Beckett Close would result in an unacceptable loss of privacy.
3. Failure to provide sufficient affordable housing.

4. Failure to achieve and employ sustainable design principles.
5. The absence of a legal agreement.

There is an existing consent (**07/3815**) granted at Planning Committee in March 2008, which is for 13 flats. Your Officer's consider that the consented building which is part 2, 3 and 4-storey's is very similar in terms of footprint and massing to the current proposal, however Members should be aware of the following key differences;

- The consented scheme is for 13 private flats comprising of 9 x 1-bed and 4 x 2-bed, whereas the current proposal is for 10 units comprising of 6 x 3-bed and 4 x 2-bed. The 10 units will be for Notting Hill Housing Association and will be for affordable rent.
- The building envelope deviates slightly from the consented scheme, the main implications for this are a reduced separation of 8.8m to the 3-storey block to the rear. The consented scheme achieved 10m separation.
- The maximum height at 4-storey's is 11.2m to parapet, whereas the consented scheme has a maximum height of 11.8m
- More generous private gardens are proposed to each ground floor unit, recessed balconies are proposed to some of the upper floor units and private terraces to the top floor. Better quality more generous amenity provision is now proposed.
- The number of off-street parking spaces has been reduced from 9 to 7, with a new crossover proposed off TABC.
- The proposal will achieve Code for Sustainable Homes Level 3 and 20% on-site renewables.

Prior to the granting of planning permission for 07/3815 as described above the following applications were refused permission;

(07/2771) - Demolition of existing petrol station and erection of three-storey residential block comprising 12 self-contained flats, 14 cycle spaces, 9 parking spaces, bin stores and alteration of access from Harrow Road (as accompanied by Travel Plan). **Refused at Planning Committee on 28th November 2007 for the following reasons;**

- Unsatisfactory design and appearance which fails to make a significant contribution to the character of the area.
- The proposed development by virtue of its height and massing to the eastern end of the site and relationship to the rear would impact upon the outlook and amenity for occupiers to the rear.
- The siting of habitable rooms at ground floor (to single aspect units) would be afforded a poor rearward outlook.
- Failure to secure s106 contributions.
- Failure to comply with the principles of sustainable development.

(06/3304) - Demolition of existing petrol station and erection of two-, three- and four-storey residential block consisting of 14 self-contained flats, comprising 7 x one-bedroom flats and 7 x two-bedroom flats and 9 car-parking spaces **Refused at Planning Committee on 15/02/07 and dismissed on appeal (ref: APP/T5150/A/07/2041217)**

Reasons for refusal:

- Failure to provide the required level of amenity space.
- Unsatisfactory design and appearance which fails to make a significant contribution to the character of the area.
- The proposed development by virtue of its height and massing to the eastern end of the site and relationship to the rear would impact upon the outlook and amenity for occupiers to the rear.
- The siting of habitable rooms at ground floor (to single aspect units) would be afforded a poor rearward outlook.

- Failure to secure s106 contributions.
- Failure to comply with the principles of sustainable development.

Summary of Inspector's decision APP/T5150/A/07/2041217:

Despite the Council's concerns related to scale height, massing and relationship to the rear block, as set out in the above reasons for refusal the Appeal was not dismissed on these grounds. In terms of its impact within the streetscene the Inspector writes "***I consider the basic layout and massing of the building is satisfactory.....and the height, proportions and design of the frontage to Thomas A'Beckett Close would relate reasonably well to the existing dwellings there***". To add some context to this quote this is said in relation to a proposed building, which is part 4-storeys high (11m) facing TABC, it must be said that the current proposal for a part 3-storey building facing TABC.

Despite the Council's concerns at this time about the relationship to the block at the rear the proximity of the proposed building to the flatted development at the rear was considered satisfactory to the living conditions of future occupiers in terms of outlook despite this separation being only 4.7m. Concerning the relationship to the flats at the rear, neighbouring impacts and the living conditions of these occupiers the Inspector concluded that although the rear elevation would be within 5m of the boundary the applicant's had demonstrated through a daylight and sunlight report that sunlight and daylight to the flats would not be materially affected. The main part of the building which would be visible from the rear windows of existing flats would only be 2-storeys high, and whilst some overlooking would be possible it would only be obliquely. In conclusion the Inspector found that additional enclosure which would result from the development would not harm the living conditions of the occupiers of the existing flats.

The Inspector dismissed the Appeal partly on design grounds considering the "***design of the Harrow Road frontage to be unsatisfactory***" and the front entrance to be low key in character and poorly situated. The scheme was also dismissed owing to its inadequate amenity space provision which the Inspector found to be less than adequate.

(06/1486) - Redevelopment of site with the erection of a three-storey building comprising a 336m² commercial (Use Class A1/A2) unit on the ground floor and 7 two-bedroom, self-contained flats on the upper floors. ***Refused under delegated powers on 21/02/07 and dismissed on appeal (ref: APP/T5150/A/07/2041302)***

POLICY CONSIDERATIONS

NATIONAL

-Planning Policy Statement 1 – Creating Sustainable Communities (2005)

-Planning Policy Statement 3 – Housing (2006)

-Planning Policy Guidance Note 13 – Transport (March 2001)

REGIONAL

The London Plan

The London Plan, which was adopted in February 2004 and later amended in 2008, sets out an integrated social, economic and environmental framework for the future development of London. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: Making the most sustainable and efficient use of space in London; encouraging intensification and growth in areas of need and opportunity;

Objective 2: Making London a better City for people to live in;

Objective 3: Making London a more prosperous city with strong and diverse economic growth;

Objective 4: Promoting social inclusion and tackling deprivation and discrimination;

Objective 5: Improving London's transport;

Objective 6: Making London a more attractive, well designed and green city.

LOCAL

Adopted Unitary Development Plan 2004

STR11 *The Quality & Character of the Borough's built and natural environment.*

BUILT ENVIRONMENT

BE2 *Townscape: Local Context and Character*

BE3 *Urban Structure*

BE5 *Urban Clarity and Safety*

BE6 *Public Realm: Landscape Design*

BE7 *Public Realm: Streetscape*

BE9 *Architectural Quality*

BE12 *Sustainable Design Principles*

HOUSING

H11 *Housing on Brownfield Sites*

H12 *Residential Quality – Layout Considerations*

H13 *Residential Density*

TRANSPORT

TRN3 *Environmental Impact of Traffic*

TRN10 *Walkable Environments*

TRN11 *Cycle Parking*

TRN12 *Road Safety & Traffic Management*

TRN14 *Highway Design*

TRN16 *The London Road Network*

TRN17 *Restriction on New Roads*

TRN20 *London Distributor Roads*

TRN23 *Parking Standards – Residential Developments*

TRN34 *Servicing in New Development*

TRN35 *Transport Access for Disabled People and others with Mobility Difficulties*

PS14 *Parking Standards – Residential Development*

PS15 *Parking for Disabled People*

PS16 *Cycle Parking*

Brent Supplementary Planning Guidance

-SPG 17 “Design Guide for New Development” Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

-SPG19 “Sustainable Design, Construction & Pollution Control” Adopted April 2003

Provides design and planning guidance on complying with Policy BE12 of the Adopted UDP, which requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally-friendly landscape design, sustainable demolition and construction practices, and reduction of pollution in the operation of developments.

-Housing – Supplementary Planning Guidance (Draft) (November 2005)

-SPD 's106 Planning Obligations'

SUSTAINABILITY ASSESSMENT

As with most major developments the Local Planning Authority requires that the applicants consider sustainable development from an early stage, in order to maximise the level of sustainability that can be incorporated into the proposal. To this end the application is supported by

Eco Consulting Energy Report, Eco Consulting Code for Sustainable Homes Strategic Report and a TP6 Sustainable Development Checklist. The applicant's Sustainable Development Checklist achieves a score of 52%.

The applicant's checklist findings have been assessed by your sustainability officers who have scored the proposal lower at 43.5%, which is considered *'fairly positive'* in sustainability terms.

As in other instances where the sustainability assessment produces a score that falls below 50%, officers are recommending approval subject to a section 106 legal agreement Head of Term requiring the submission and approval in writing of a revised TP6 "Sustainability Checklist" which achieves the required "Very Positive" rating (i.e. a score of 50% or more).

Officer's have identified the following areas where improvements could be made to improve the rating, these include;

- Sign up to Considerate Contractor Scheme
- Provide a commitment to sign up to ICE Demolition Protocol to verify/confirm use of recycled materials on-site.
- Further evidence should be provided to demonstrate rainwater run-off use, use of recycled materials and how future occupiers/leasholders will be involved in future management decisions.

Regarding the use of on-site renewables, the submitted Energy Report assesses potential renewable energy sources to reduce CO₂ emissions by 20% through the implementation of on-site renewable technologies. This is required to meet London Plan policy. Of the various technologies considered four have been found to be potentially viable and will achieve a 20% reduction in carbon emissions; Biomass, Ground Source Heat Pumps, Solar Hot Water panels and Photovoltaics. The section 106 agreement requires compliance with the target to ensure a minimum of 20% of the site's carbon emissions to be supplied from renewables.

Code for Sustainable Homes Level 3 is to be achieved for this development, this is stated and to be secured through the s106 agreement.

CONSULTATION

75 letters of notification were sent to surrounding properties, as well as statutory consultees, Ward Councillors, internal departments and Thomas A'Beckett Close Resident's Association.

Site notices were displayed on the 5th November 2009, and a press notice advertised on the same date.

The applicant also entered into pre-application consultation with local residents and ward councillors. Letters were sent advising of the redesign and a meeting also took place prior to the application being formally submitted.

10 objections have been received from 3rd parties. In summary these objections raise the following points/issues;

- The height of the flats will result in a loss of light to residents on Thomas A'Beckett Close
- The proposed roof terrace will result in a loss of privacy to residents of 1, 4 & 7 Thomas A'Beckett Close.
- The terrace will overlooking flats on Thomas A'Beckett Close.
- There will be associated road safety problems during construction and the proposed development will lead to further road congestion.
- The proposal has insufficient parking levels.
- 4-storeys is incompatible and out of keeping with the surrounding area which has 2 and 3-storey development.
- The proposed development is too dense.

- Additional flats will place more strain on existing infrastructure and local services.

Environment Agency

No response to this application. Their previous responses have been to raise no objection in principle to the development provided that the suggested conditions are attached to any planning permission. The Agency confirm verbally they maintain their position.

Transportation

- As the site does not have good access to public transport, the full parking allowance applies.
- Affordable housing is estimated to generate car parking demand at 50% of the maximum standard (this being 14.4 spaces), which would lead to an estimated 7-8 cars being owned by future residents. It is noted (as with previous applications) that there is spare capacity along the TABC site frontage to accommodate up to 4 cars, subject to the provision of a footway along the eastern side of that road. The application proposes 7 parking spaces on-site to meet estimated parking demand from the site. This extra provision and means of access is welcomed by Transportation.
- The provision of 2 disabled parking spaces accords with standards.
- Standard PS16 for cycle parking is satisfied.
- The siting of the refuse/recycling storage area ensures it is within 10m of Harrow Road and accords with refuse requirements, and fire access requirements remain fine.
- Confining vehicular access to at one point along Harrow Road is welcomed as it reduces access points to a London distributor road.
- The segregated pedestrian access into the building is welcomed, as is the dedication of a strip of land along the western boundary of the site to allow a footway to be provided along that side of TABC.
- Summary – No objections subject to a section 106 agreement and planning condition relating to highway works around the site..

Environmental Health

- Advised that the Contaminated Land Risk Assessment, previously submitted does not take into account potential contamination from the site uses over the last 3 years. In order that the proposed development does not pose a significant risk to the site end users contaminated land conditions are recommended relating to fuel infrastructure removal, site investigation works and remediation measures. A condition is also recommended for the submission of a construction method statement as the site falls within an air quality management area.

Landscape;

- No objection in principle.
- It is advised that the ground floor communal amenity strip be incorporated into the private gardens and that balconies be added to each of the first floor units.
- It should be noted that the landscaping proposals will see additional trees planted within the frontage. Exact species and locations of these will be confirmed through the landscaping condition.

Sustainability Officer; (see sustainability section for detailed comments).

REMARKS

Policy

The site at present is a former petrol garage with ancillary shop used for car sales, there is no policy basis to resist it's loss. With regard to the site's suitability for redevelopment there is no objection in principle to residential development. This principle has already been established, permission for a 13 unit scheme was granted under planning ref 07/3815.

The principal issues in relation to the proposed development therefore focus upon the massing,

design of the building, quality of accommodation provided, impact of the development on adjacent properties, associated transport impacts and the schemes sustainability credentials.

Density

The scheme provides a total of 36 habitable rooms which equates to a residential density of 310 hr/ha, or 86 u/ha. This is a more dense development than the consented scheme for 13 units (255 hr/ha), due to the increase in habitable rooms. The Council's Supplementary Planning Guidance 17: "*Design Guide for New Development*" sets out appropriate density ranges for residential development. It states that for sites within an area of moderate or above moderate public transport, as is the case with the proposed site the appropriate density range is 150-350 habitable rooms per acre, subject to site constraints. The proposal for 10 units as with the consented scheme for 13 would therefore comfortably falls within the upper end of the density ranges set out in the Council's own guidance as well as the London Plan's density matrix which considers a density range of 200-450 hra to be appropriate in this location.

Proposed form of development, site layout and SPG17

Design;

The proposed building which is to be flat roofed will be constructed mostly in brickwork with a colour render to the communal staircase and corridor areas. A light brown/grey colour brick is proposed to reflect the mixture of brick types in the area. The circulation core is distinguished from the rest of the building by the use of a medium grey render, this reflects the contemporary design of the building and the use of different materials and storey heights helps to breakdown the scale and massing. Windows are to be aluminium with coloured metal panels fixed to some of these. Recessed balconies with galvanised steel balustrades are used which add an interesting architectural feature, these avoid the inclusion of any projecting elements so that the elevations are clean, simple and as a result the building appears cube like in appearance. Notwithstanding the samples board and details already submitted a condition is recommended requiring approval of materials to be used.

The siting of the building does not deviate greatly from the consented scheme. The building is set back from Harrow Road by an area of landscaping and frontage parking similar to the previous application, with space maintained at the rear for private amenity space and a landscaping strip along the boundary. The footprint of the building deviates from the consented scheme at the western end, resulting in a reduced separation from 10m as previously approved to 8.8m when measured from the rear wall of proposed building to the block at the rear.

The height of the proposed building largely mirrors the consented scheme. This existing consent includes a part 4-storey element maximum 11.8m high fronting Harrow Road, stepping down to a 3-storey element 8.4m high at the corner facing TABC, with a roof terrace above this 3-storey part. In comparison the current scheme is part 4-storey and steps down to 3-storey's at the corner where it faces TABC. The height proposed isn't greater than the consented scheme. Officer's are comfortable with the proposed height and massing firstly on the basis this is a corner site which gives scope for a greater building height than surrounding forms of development, and the blocks on the opposite side of TABC are 11m away and separated by a road. Secondly because the proposed scheme keeps as closely as possible to the building envelope already approved (07/3815). Thirdly the appeal scheme which was 4-storeys to the corner and approximately 11m in height was considered satisfactory by the Inspector in terms of massing, height, proportions, design and how it relates to existing dwellings. Therefore an objection on these grounds would be unreasonable given the Inspector's support for a building of this scale and massing.

Officers consider the building to be of a scale, massing and height that is appropriate, the building has a direct relationship with the street at ground level with well proportioned windows, habitable rooms and entrances on the frontage and as such is considered to meet the intentions of policy BE9.

SPG17 discussion;

A minimum 10 metre separation is normally required from any habitable room window on a main rear elevation and the rear boundary, or flank wall of adjoining development, in order to maintain a reasonable outlook and to avoid any development resulting in an obtrusive appearance or poor outlook. A failure to achieve this has been a failing of previously refused schemes which proposed a separation less than 5m away. The current scheme proposes a separation of 8.8m, although this is less than 10m as set out in SPG17 the shortfall is not considered enough to result in a poor outlook for future occupiers, partly because the affected units will due to the siting of the building benefit from an aspect and outlook onto TABC. Furthermore this relationship will not compromise neighbouring privacy as there are no sensitive windows on the flank wall of the development to the rear.

The 2-storey element which is to the eastern end of the site maintains a gap of 6m from rear elevation to rear boundary, this is as per the consented scheme (07/3815). The shortfall can be justified in this instance as the affected units benefit from being dual aspect, and therefore are not solely reliant on this relationship to the rear for outlook. In addition this relationship does not compromise privacy as the views to the adjacent block are oblique only, and no direct overlooking would result an approach supported by previous Inspector's decision.

Accommodation;

The units have been designed to meet Noting Hill Housing's need for 2 and 3 bed units. It should be noted that the units all exceed minimum SPG17 floor area standards, some quite significantly and will deliver good quality accommodation, with 60% of the units for family accommodation (i.e. 3-bedrooms). The units have been designed to meet lifetime homes, Housing Corporation standards (HQI) and English Partnership standards as well as providing for a disabled wheelchair accessible unit on the ground floor. The Council's Housing department confirmed they are supportive of the provision of larger social rented family units which this proposal offers.

Schedule of floor areas

Unit	Proposed Unit Size	SPG17 Standard
Unit 1 (3-bed/5p)	85sqm	80sqm
Unit 2 (3-bed/5p)	85sqm	80sqm
Unit 3 (3-bed/5p/disabled)	94sqm	80sqm
Unit 4 (3-bed/5p)	85sqm	80sqm
Unit 5 (3-bed/5p)	85sqm	80sqm
Unit 6 (3-bed/5p)	87sqm	80sqm
Unit 7 (2-bed/4p)	67sqm	65sqm
Unit 8 (2-bed/4p)	67sqm	65sqm
Unit 9 (2-bed/4p)	67sqm	65sqm
Unit 10 (2-bed/4p)	67sqm	65sqm

Impact on living conditions of adjacent occupiers

One of the main considerations for the site's redevelopment, which is consistent with previous applications on this site, is how the proposed building will relate to the neighbouring properties. With earlier schemes there was a concern with the relationship of the proposed building to the occupiers of the block to the rear, situated on Thomas A 'Beckett Close. This was addressed by reducing the building height to part 2-storey at the eastern end of the site. This approach was supported by the Inspector's in his decision who considered that the replacement part 2-storey building, albeit sited much closer to the rear boundary than this current proposal would not be harmful to the neighbouring occupiers living conditions. The point made by the Inspector has been taken into account in assessing this proposal and the previous approval. So far as the current scheme is concerned the proposed building, at its eastern end is 2-storey's high (5.7m high), this is

no higher than the approved scheme. The roof terrace treatment above the 2-storey element is a balustrade with planters behind, at Officer's request this has been set in from the edges to reduce the height and bulk of this part of the building.

The Daylight and Sunlight Report submitted by CHP looks at the potential for impact from the proposal on daylight and sunlight to surrounding properties. This analysis finds that in relation to daylight and sunlight the neighbouring properties will not be materially affected by the proposed development, in that they meet BRE guidelines.

Balconies which are recessed are proposed for 2nd floor flats but these do not face flats on the opposite side of TABC, all balconies have been removed from this elevation to address Members and residents concerns with the previous scheme. Where the building steps down to 3-storeys private roof terraces are now proposed above the 3-storey element, as per the consented scheme. These private terraces are to be screened with planting and privacy screens to mitigate and reduce potential for overlooking. Officer's confirm the distance from the edge of the terrace to the flank wall of the front block on TABC, which only contains secondary windows is 11.4m. The previous Inspectors decision raises a concern about the proximity of siting balconies along this elevation facing the opposite side of the road. However there is a key difference between the schemes because this was said in response to external balconies fixed to the face of the building. Officers consider though that due to the fact balconies along this elevation are removed, and the roof terrace is to be well screened and will face directly a flank wall with secondary windows that there will not be a significant loss of privacy to the occupiers of 1, 4 & 7 TABC.

Amenity space

The provision of quality, useable amenity space has been a difficulty with previous attempts to develop this site, due to its size constraints. The Inspector's decision to dismiss the earlier appeal found the under provision of amenity space to be unacceptable, only 145sqm was proposed for a 14 flat scheme for which we would normally require 280sqm as a minimum.

The overall amount and quality of amenity space has been significantly improved. With the current proposal amenity space is provided in the form of private gardens in excess of the minimum 50m² for each of the ground floor family units, this is an improvement on the consented scheme. The first floor units, 4, 5 do not have direct access to balconies. Whilst it would be preferable for these units to be afforded with direct access to outside space their inclusion is not supported for reasons of design, potential for overlooking and harm to the units below in terms of restricting outlook. It should also be noted units 4 & 5 exceed SPG17 minimum floor area standards and provision is made for amenity space on-site in the form of a communal roof terrace, which is 88m². This will still provide useable outside space. For these reasons the absence of direct, private amenity space is supported. Unit 6 is afforded a private roof terrace above the single storey element which houses the refuse bins and bikes. The terrace is set in from its edges and positioned to the front section of the flat roof to ensure no loss of privacy to the adjacent 2-storey dwelling. There are no windows along the flank wall of the neighbouring dwelling 977a Harrow Road.

At second and third floor these 2-bed units each have generous recessed balconies 17m², this is a significant improvement on the consented scheme in terms of quality of accommodation and access to amenity space.

The total quantum of amenity space has increased and is an improvement on the consented scheme. Overall there is in excess of 300m² of quality, useable amenity space, this is to be a mixture of private and communal.

Transportation

The applicable parking standard can be found in PS14 of the Adopted UDP 2004, but full standards apply as the site does not have good access to public transport (PTAL 2). The parking allowance for the 10 units is in the order of 14 spaces. However as these units will be affordable, for social rent by a registered social landlord then Transportation supports a reduction of 50% (as

per policy PS14). Applying this policy the proposal would lead to an estimated demand of 7-8 cars. The proposal makes provision for 7 spaces off-street (including 2 disabled bays), with the extra space provided at Officer's request. Transportation supports the level of parking proposed for this 10 unit scheme. In terms of the ratio of spaces to units this represents an improvement; the proposal provides 7 spaces for 10 units, in comparison the consented scheme provides 9 spaces for 13 units. Your officer's have also visited the site on a number of occasions during day and night to survey the parking levels. On each day time visit there was capacity on TABC for additional parking for as many as 6 cars on one occasion. It is accepted TABC does experience higher levels of night time parking, however Officer's confirm that parking on TABC was not at full capacity when surveyed at night.

Furthermore it is important to take into account the residents of TABC have the option to use individual "lock-up-garages" which would help to reduce parking pressures residents refer to in their representations and the proliferation of on-street parking. There are 27 garages to the rear of the site, if these were used to capacity this would alleviate parking pressures.

The dedication of a strip of land along the western boundary of the site to allow a footway to be provided along that side of TABC is welcomed. The works to provide this footway and dedicate the required strip of land as highway should be undertaken by the developer under a S38/S278 Agreement.

The revised plans which show the provision of an extra parking space will require the formation of a new vehicle crossover off TABC. This is supported on Transportation grounds.

Refuse/cycle storage

The scheme meets the required level of refuse and cycle spaces (16), the siting of the storage areas are easily accessible for the units and refuse servicing vehicles being within 10m of Harrow Road.

Officers have explored the feasibility of a shared refuse area which could also be used by existing resident's on TABC, as local residents had raised this issue. Unfortunately this is not considered feasible given the site constraints, and due to concerns Officers have about how effective a shared facility would be in practice, because if this was to be sited on the application site it would be a considerable distance from blocks furthest away to the rear on TABC.

Conclusion

This site offers a number of constraints and has proven to be a difficult site to develop, as evidenced by the history of refusals on the site and unsuccessful appeals. The consented scheme for 13 private flats is not being pursued in the current economic climate, instead the current proposal is to provide 10 affordable units for social rent. The units are to be managed by Notting Hill Housing who will use the accommodation for the decant of nearby Barham Park Estate.

The current proposal has been considered on its merits but also with regard to the consented scheme and the Inspectors decision. Furthermore the proposal reduces the massing and removes balconies facing TABC in order to address Members concerns which resulted in a refusal of the previous scheme. Improvements have also been made to parking with the provision of an extra space, resulting in 7 overall.

At a density of this level, it falls within the upper end of the UDP residential density range specified as being acceptable for this location, The development will provide levels of parking in accordance with the Council's adopted standards for affordable housing and will provide a reasonable standard of accommodation for future occupiers, furthermore it is considered a building of this proposed scale and massing will sit comfortably in this location whilst maintaining the amenities of surrounding residents. The success of this contemporary design will to a degree be dependent on the quality of materials and detailing, further details of this and landscaping will be required through condition.

RECOMMENDATION: Grant Consent subject to Legal agreement

CONDITIONS/REASONS:

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

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

- (2) Notwithstanding any landscaping details submitted with the application, prior to commencement of works on site, a detailed scheme of landscaping for the areas within the site surrounding the building (including roof terraces), depicting the size, density and number of trees, shrubs and plants, rooting systems, retention of any existing landscaping, means of enclosure, areas of hard and soft landscaping and any other features on the site shall be submitted to and approved in writing by the Local Planning Authority. The landscape work shall be fully completed during the first available planting season following completion of the development hereby approved. Any trees or shrubs which, within 5 years of planting, die, are removed or become seriously damaged or diseased, shall be replaced with others of the same species and size and in the same locations, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance, to provide a suitable setting for the development, so that the proposal enhances the visual amenity of the locality, and to provide suitable tree planting in pursuance of Section 197 of the Town and Country Planning Act 1990.

- (3) Notwithstanding any description of materials given in the application, further details of the materials, including samples, proposed for:

- (a) all external surfaces of the building (including windows and doors)
- (b) all areas of hard landscape works
- (c) boundary walls, fencing and any other means of enclosure (i.e. balconies) including materials

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with any such approval. Where appropriate, a schedule of the exact product references shall be provided.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

- (4) The parking spaces detailed on the approved plans (including cycle storage spaces) shall be constructed in full prior to the occupation of the buildings and shall be permanently retained and used for the parking of private vehicles directly associated with the dwellings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (5) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full.

Reason: In the interests of safety, amenity and convenience and in the interests of the amenities of the adjoining residents.

- (6) The development hereby approved shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing, by the local planning authority. The scheme shall be implemented as approved.

Reason; To protect the local watercourses

- (7) Prior to the commencement of building works, all structures associated with fuel storage and retail including tanks, fuel lines and pumps shall be removed from site. This work must be validated to ensure that no residual hydrocarbons remain on site at levels above agreed concentrations.

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

- (8) Following the demolition of the petrol station and removal of the fuel infrastructure, a site investigation shall be carried out by competent persons to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. 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 proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (9) Any 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 permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- (10) The proposed highway works to include the provision of a new vehicular crossover onto Harrow Road, a new vehicular crossover onto Thomas A Beckett Close, the reinstatement of the two existing redundant crossovers onto Harrow Road to footway and provision of a new 1.5m wide footway along the Thomas A'Beckett Close frontage to the site (including dedication of a strip of land along the western edge of the site as public highway) through an Agreement under S38/S278 of the Highways Act shall be carried out prior to the occupation of the development hereby approved.

Reason; In the interests of pedestrian and highway safety.

INFORMATIVES:

- (1) During construction on site:-
 - (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
 - (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
 - (c) Vehicular access to adjoining and opposite premises shall not be impeded.
 - (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
 - (e) No waste or other material shall be burnt on the application site.
 - (f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
 - (g) A barrier shall be constructed around the site, to be erected prior to demolition.
 - (h) A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (2) The applicant is advised to contact the Director of Transportation regarding adoption of land along TABC frontage of the site as footway is maintainable at public expense under S38 and S278 of the Highways Act 1980.
- (3) If the development is carried out it will be necessary for a new crossings to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 0181 937 5050.
- (4) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (5) With regard to surface-water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface-water sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. They can be contacted on 08454 850 2777.

REFERENCE DOCUMENTS:

- Brent's Adopted Unitary Development Plan, 2004
- SPG17 'Design Guide for New Development

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 979-981, Harrow Road, Wembley, HA0

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Committee Report

Planning Committee on 16 December, 2009

Case No.

09/3210

RECEIVED: 20 October, 2009

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: Preston Park JMI School, College Road, Wembley, HA9 8RJ

PROPOSAL: Erection of a single-storey detached building to provide a children's centre (use class D1) at Preston Park Primary School, as amended

APPLICANT: London Borough of Brent

CONTACT: Frankham Consultancy Group Ltd

PLAN NO'S: Design & Access Statement received 30/11/09; School accommodation strategy received 30/11/09; Travel Plan 30/11/09; Revised application form, Children's centre management plan received 30/11/09; Pathway lighting P115-1814-01; Holophane light details; 223325/A/900 Rev2- plan and site plan received 30/11/09 ; 223325/A/901 Rev1- elevations received 30/11/09; letter dated 27/11/09 from Chris Holt

RECOMMENDATION

Recommendation:

- (a) To resolve to **Grant Planning Permission**, subject to the submission of a flood risk assessment that the Environment Agency does not object to
- (b) If within a reasonable period the Environment Agency is not satisfied with the Flood Risk Assessment, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and
- (c) if the application is withdrawn or refused because of a unsatisfactory Flood Risk Assessment, to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that the Environment Agency has been satisfied

EXISTING

The site comprises the school buildings and grounds of Preston Park JMI School. The site is accessed via College Road. The site is not situated within a conservation area nor is it a listed building. Surrounding uses are predominantly residential.

PROPOSAL

Erection of a single-storey detached building to provide a children's centre (use class D1) at Preston Park Primary School, as amended

HISTORY

Many history records, but the most relevant recent applications are:

22/04/09 - 09/0288 –deemed

Two storey extension located in the school's internal courtyard to provide a lift and new toilets at ground and first floor level

03/10/2008 - 08/1849 - granted

Additional single-storey temporary classroom adjacent to existing school building

Temporary building until 01/09/10

14/08/07 – 07/2094 -Granted

Temporary classroom located adjacent to main building of Preston Park Primary School

Temporary building until 01/09/09

29/07/2005 - 05/1826 - Granted

Demolition of 2 portable buildings and northwest wing of building and erection of two-storey entrance and single-storey building to northwest of main building, provision of pedestrian access to College Road, play areas, landscaping and modification to car park to provide 22 spaces (revised version of scheme approved under planning permission ref. 05/0040)

21/04/2005 - 05/0040 – Granted

Demolition of 2 portable buildings and northwest wing of building and erection of two-storey entrance and single-storey extension to northwest end of main building, roofing over courtyard to form hall, provision of pedestrian access to College Road, play areas, landscaping and modification to car park to provide 22 spaces

POLICY CONSIDERATIONS

Planning Policy Statement 25 – Development & Flood Risk

Brent's Unitary Development Plan 2004

BE2- Townscape- Local Context and Character

BE5 – Urban Clarity & Safety

BE8 – Lighting and Light pollution

BE12 – Sustainable Design Principles

BE17 – Building services equipment

BE9- Architectural quality

EP2 – Noise & Vibration

EP6- Contaminated Land

H22 – Protection of Residential amenity

TRN3 – Environmental Impact of Traffic

TRN4 – Measures to make Transport Impact acceptable

TRN11 – The London Cycle Network

TRN22 – Parking standards- non-residential developments

TRN34 – Servicing in New development

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

CF2- Location of small scale Community Facilities

CF10 – Development within school grounds

OS8 – Protection of Sports Grounds

Submission version of Brent's LDF Core strategy

Policy CP18 – Protection and Enhancement of Open Space, Sports and Biodiversity

SPG17 - Design Guide for New Development

SPG12 – Access for disabled people, designing for accessibility

Considerations:

- Size and scale of proposed building upon surroundings including residential amenities and the school grounds
- Impact on open space and sports provision
- Transportation impacts
- Community facility/ need
- Flood risk

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Consultation letters were sent out on the **23/10/09** in which 60 properties were consulted.

4 objection letters received raising the following issues:

- The extra traffic congestion generated by the children's centre and associated traffic safety issues cause concern
- The school already has a traffic problem, with inconsiderate parking blocking access to local properties, and parking in the local park car-park
- The school already creates parking problems for park users, including the bowling club and cricket games, the proposal will worsen this
- College Road's traffic is particularly bad, they request that Grasmere Avenue be used more
- The school is building over its school fields, and this is considered an important amenity space for the children. 2-storey buildings should be considered

Environmental Health – no objections

Highways- No objections subject to an adequate Travel Plan, and one disabled parking space should be provided on site

Thames Water- recommend informatives

REMARKS

The proposed use

The application proposes a single storey 21.6m by 10.2m children's centre. This is required by the London Borough of Brent in order to meet the government's phase 3 Sure Start initiative. The centre is proposed to meet local need, for families with children aged 0-5 years and particularly assists disadvantaged children. The centre has a catchment of up to 800 children within 1.23 miles, which is designated as "pram pushing" distance. The applicants indicate that the absolute maximum number of people using the centre including staff, visitors, children and adults, could be up to 69 people, but in practice this number of people is unlikely. Proposed activities within the centre include: outreach advice for local families regarding health and nutrition, counselling, citizen's advice bureau, training and employment advice, parenting support and a sessional crèche for children and their carers. The centre will not operate as a full-day nursery care provision but is intended to compliment the Early Years Centre and education use of the site. The centre will provide a community facility, (use class D1.) Policy CF2 of Brent's Unitary Development Plan primarily directs this type of use to accessible sites within local centres. However, the centre is to serve a particular local catchment, and this proposed site may be considered to meet a local need, subject to the protection of neighbourhood amenity.

The proposed siting within the school playing field

The proposed children's centre is proposed within the school grounds of Preston Park Primary School. The centre is to operate separately to the school, although its educational purpose is aligned with the school's. The centre is located to the north of the existing nursery building within the school fields, towards the north-west corner of the school grounds.

The Submission version of the Core Strategy, which forms part of Brent's forthcoming Local Development Framework places great emphasis on the protection of Open Space. Policy CP18 states that "inappropriate development" of open space should be resisted. This is defined as any development harmful to the use or purpose of open-space unless very special circumstances apply. It has been demonstrated that there is a specific local need for a children's centre. The applicants have explained in supporting documents that other siting options were explored but were discounted for reasons of cost, or enabling level public access to the site. In addition the children's centre is functionally linked to the existing nursery on site, which provides a locational rationale for the building in this part of the school grounds. The siting will allow a shared pedestrian access through the school grounds, minimising security risk. The applicants consider the siting minimises impact upon the school's operation.

Policy OS8 within Brent's UDP 2004 seeks to protect sports grounds. In order to comply with this policy the application should demonstrate that "the development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting / ancillary facility on the site." The Brent Outdoor Sports Audit' by Ashley Godfrey Associates 2008 revealed that the school currently benefits from 1 junior football pitch (80m by 38m.) The applicants have provided revised drawings that demonstrate that this existing pitch is retained. They confirm that the proposed children's centre siting has not been used by the school for recreation for over 5 years. They provide information that demonstrates that the school still has an appropriate level of hard surfaced play area, (in excess of 1510sqm.) The supporting documents demonstrate that the current operation of the school will not be harmed by the application.

Your officer's site visit revealed 3 temporary classrooms within the north-eastern part of the site, and only one of these currently benefits from planning permission. Temporary permission for the first building consented in 2007 (07/2094,) has now lapsed. The third building was granted under application reference 08/1849 but this was also for a temporary period and the consent expires on 01/09/10. The second building has not ever been proposed to the Local Planning Authority. The applicant has advised that the curriculum needs of the school require all 3 buildings until July 2015. They have confirmed that they will be submitting planning application in the near future for these buildings. Officers share neighbours concerns about buildings sited on the school fields and the applicants have been advised that the buildings do not have sufficient permanence and quality of design to warrant long approvals, even if there is a pupil roll demand. They will therefore need to consider other solutions if the pupil demand continues. A School Accommodation Strategy of how the school intends to meet current and forecast pupil numbers would need to accompany these anticipated applications. The applicants have confirmed that the proposed siting of the children's centre will not impinge upon the school's ability to expand in the future in compliance with Policy CF10 of Brent's Unitary Development Plan 2004. It is therefore not considered appropriate to refuse the current children's centre application on the grounds of harm to the school's potential future expansion.

Impact of the building upon neighbouring residential amenities

The proposed building complies with SPG17 in terms of the building massing in relation to neighbouring gardens. It is closest to properties fronting onto College Road. These properties benefit from gardens in excess of 23m long, which are commonly backed by outbuildings. To the west of this is a vehicle access track, and the school boundary. The vehicle access track is level with the proposed building, but does not extend entirely along the whole length of the site. The proposed children's centre is set in from this boundary by 5m. The children's centre's pitch is split into 2 distinct sections, reducing the visual massing of the building. The highest part of the structure is the southern element, which extends up to 4.4m high. The applicants propose a brick and cedar cladding building. A green sedum roof is also proposed that is considered to reduce the visual impact of the structure in addition to assisting water drainage and the building's overall sustainability in accordance with policy BE12. The applicants have agreed to a condition of the requirement for a green sedum roof.

The proposed children's centre is to be accessed from the existing pedestrian access route from College Road. This route is currently used for the existing nursery building. The access path extends beyond the nursery to the north towards the proposed centre. The applicants have amended the proposal so that a 2m high (solid) euroguard fence (timber and wire mesh fence, giving the appearance of timber but the strength of wire mesh) is proposed along the back of the residential properties. In addition, the path has been re-sited off the shared boundary, an average of 1.5m. This allows the introduction of soft landscaping alongside the proposed boundary treatment. The current boundary is a close-boarded fence, and there are conifer trees within the neighbouring gardens. However, the applicants cannot rely on these existing features on land outside of their control. The proposed boundary treatments are considered significant improvements, and will be conditioned to be installed prior to the occupation of the building.

The access route is to be used whenever the centre is in use, and this may include during after-dark hours. The applicants have provided details of low-level light columns to be sited along the path –edge. The applicants have provided a light contour map, and this shows that some of the levels within the site itself are higher than expected. However, the low height of the lights, (1m) and the fact that they are one-directional combined with the proposed solid fence and planting proposed on the boundary ensures that there is no light back-spill into the residential gardens in accordance with Policy BE8. This ensures that neighbouring amenities are not harmed by the development.

The proposal originally appeared to incorporate a bund around the north-eastern corner of the building. The applicants have now removed this. The ground levels slope up towards the north-west of the site, by approximately 0.50m and the applicants have provided levels details that indicate that the building and its access path will not be built-up in relation to its surrounds.

Noise

The applicants have confirmed that the principal use of the building will be during normal business hours: 9am to 5pm Monday to Friday, and 9.30am to 13.30pm on Saturdays. However as the centre is a community facility it may occasionally be in use for training courses up to 2 evenings/ week or 2 weekend days/ month. This would compliment the use of the centre as an outreach facility. The applicants have confirmed that the centre would not be used for social gatherings such as parties, and no amplified music will be used. A condition will restrict any noise-generating equipment in order to avoid noise nuisance to neighbouring dwellings. The applicants have confirmed that air conditioning units are not proposed. The layout of the building places the publicly accessible rooms towards the eastern end of the building, which is further away from shared boundaries with neighbouring occupiers, reducing potential for nuisance further. The applicants have also submitted a Children's Centre Management Plan that covers the types of use proposed for the centre, hours of use and numbers of visitors. Any approval would be subject to a condition requiring compliance with these working practices and it is anticipated that this will safeguard neighbouring amenities in accordance with policies H22 and EP2.

Transportation issues

Concerns have been raised by neighbouring properties about the traffic levels associated with a new use on the school grounds. They state that parking is already problematic with the existing school and nursery on-site. The site only has moderate public transport accessibility rating, (PTAL3,) and the local roads only have parking restrictions on Event Days. The Design and Access Statement (D&A Statement) implies that children will not normally be left at the proposed centre unaccompanied by a parent/ guardian and this has the potential to increase footfall and traffic generated by the centre further. The D&A Statement indicates that up to 69 people may occupy the centre at any one time.

Brent's Unitary Development Plan 2004 sets out maximum parking standards of D1 -1 space per 5 employees, (the equivalent of 12 full-time staff equating to 2 spaces,) and as a community facility, (rather than standard nursery or education facility,) visitor parking of 5% of the maximum attendance of 53 people, equating to 2.65 spaces. This provides a total maximum allowance of 5 parking spaces according to planning policy. No standard on-site parking is proposed. This is not

contrary to planning policy, and the Council's Highway Engineers do not object to this, but the lack of on-site provision could lead to greater pressure on the local highway network. The Council's Highway Engineers comment that none of the adjoining streets such as College Road, Glendale Gardens, Grasmere Avenue and Woodford Place are Heavily Parked Streets whereby the night time parking on the roads can exceed 80% of the parking capacity of the road. There are no reported accidents in the area related directly to the school activities. There is a Traffic Calming Scheme in operation on Grasmere Avenue and it is being renewed.

The applicants are now proposing a Travel Plan specifically for the proposed children's centre to help address the potential impacts of the proposed centre. The applicants seek to provide a local facility and only intend people to travel up to 1.23 miles in order to use the facility. The school already operates a Travel Plan for the existing site. The proposed Travel Plan indicates that activity times within the centre have been designed not to conflict with the school. The main group sessions would usually run twice a day, at 9.30am and 1.30pm, which are timed to avoid the existing peak school opening/ closing hours. Parents/ guardians could drop-in at other times of the day, but they are not expected in large numbers and the centre will not open until 9am, after the school opening of 8.45am.

The Travel Plan encourages use of sustainable transport measures providing information on local bus and train routes on all literature associated with the centre and when families enrol. The centre will help families use the site's IT facilities to plan routes where walking is not possible. Secure buggy and cycle storage is provided on site. The store is located under the roof overhang to shelter the cycles and buggies. More cycle storage than required by planning policy is proposed and this will be conditioned to be provided prior to the occupation of the building in accordance with policy TRN11. Staff will be told that they are not entitled to parking spaces and car sharing encouraged. The centre users' modes of travel will be monitored through recommended ITrace methodology and reviewed to create appropriate targets in accordance with good practice guidelines over the first few years of operation. Compliance with the submitted Travel Plan will form a condition of any granted planning permission.

The Travel Plan is expected to minimise the transportation impacts of the proposed centre, but it will not remove local parking caused by the centre completely. Local residents concerns have been raised with the applicants and the Travel Plan will enable the centre's impact to be periodically reviewed. Traffic concerns are a material planning consideration of the principle of the proposed development. Nevertheless there is an identified local need for the centre, which is a government target for the provision of local child-care. The methodologies proposed by the applicants appear to reduce the impacts of the centre. However, the submitted Travel Plan still needs to be reviewed by the Council's Highway Engineers and Travel Plan Officers in detail.

Policy TRN35 of Brent's Unitary Development Plan requires a minimum of one disabled parking space on-site, (measuring 4.8m deep by 3.3m wide). This is also required in accordance with SPG12. Amended drawings show the provision of a disabled space within the school grounds, which may be used by the centre.

The applicants have proposed an enclosed bin store that has capacity for 5 bins. The submitted Children's Centre Management Plan indicates that these bins will be taken to a designated area for collection. This complies with policy TRN34 of Brent's Unitary Development Plan and the provision of the bin store will be required as a condition of any approval.

Construction access

The proposal seeks to rely on access between 63 and 65a&b Grasmere Avenue for construction traffic, which is currently a tarmac track. This is not an adopted highway but the applicant has confirmed that they are the sole landowner and therefore have a right of way over this land. 63 and 65a&b Grasmere Avenue have windows within their side facing elevations. These windows are already exposed to traffic associated with the track's use by local residential properties, but the construction traffic will increase the intensity of this use. The applicant has agreed to limit the hours of use of the track by construction traffic, and this will be conditioned to only 8am to 5pm Monday

to Friday and 9am to 12pm on Saturday. The applicant has also agreed to the installation of a wheel-washing facility for construction traffic, to prevent soil being taken by vehicles wheels onto the local highway network and access track. In addition, the applicant has agreed that once construction works are completed, they will reinstate the tarmac access track to its current condition. This is considered to mitigate against the impacts of the development.

Flood Risk

The site area is 2.0447ha within Flood Zone 1. In accordance with PPS25 on Development and Flood Risk, the development cannot be supported without a satisfactory Flood Risk Assessment, which needs to be sent to the Environment Agency and supported by them before an approval could be issued. The applicants have indicated that they are about to submit a Flood Risk Assessment, which will then need to be agreed by the Environment Agency, (EA.) This application cannot be approved unless the EA supports the Flood Risk Assessment and this is not currently known.

Therefore officers are seeking that members agree to the principle of the recommendation, and delegate the final determination to the Director of Environment and Culture, or other duly authorised person, to approve the application if the Flood Risk Assessment is considered satisfactory by the Environment Agency (EA). If within a reasonable period the EA is not satisfied with the Flood Risk Assessment, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and if the application is withdrawn or refused because of a unsatisfactory Flood Risk Assessment, to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that the Environment Agency has been satisfied.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Submission version of Brent's LDF Core strategy
SPG17 - Design Guide for New Development
SPG12 – Access for disabled people, designing for accessibility

CONDITIONS/REASONS:

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

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

- (2) Details of materials for all external work such as walls, windows, doors, roof, 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. The roof shall be a sedum, green roof unless otherwise agreed in writing by the Local Planning Authority

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

- (3) No new plant machinery and equipment (including air conditioning systems) associated with the proposed development shall be installed externally on the building without the prior written approval of the Local Planning authority. Details of the equipment and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to installation, unless agreed otherwise in writing by the Local Planning Authority, and thereafter shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance

The noise level from this plant together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".

Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise mitigation measures and to safeguard the amenities of adjoining occupiers and future occupiers

- (4) Prior to the commencement of the use of the building, a 2m high euroguard combi fence shall be installed along the western boundary (level with and along the length of the proposed pedestrian route) unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard satisfactory levels of neighbouring amenity

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development

- (6) The applicants will comply strictly in accordance with the measures set out within the submitted Travel Plan dated November 2009, unless otherwise agreed in writing by the Local Planning Authority. The Travel Plan shall be monitored on an annual basis and the results of the ITrace-compliant monitoring incorporated into the submission requirements below:

a) Within 3 months of occupation, the Travel Plan shall be audited, with a site and staff ITrace-compliant survey and these details shall be submitted to the Local

Planning Authority and approved in writing within 6 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

b)A review of the Travel Plan measures over the first 12 months of operation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

c)A review of the Travel Plan measures over the first 3 years months of operation shall be submitted to the Local Planning Authority within 36 months of the commencement of the use and the review shall be approved in writing within 39 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

d)A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 60 months of the commencement of the use and the review shall be approved in writing within 63 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to promote sustainable transport measures where on-street parking and manoeuvring may cause highway safety problems.

- (7) The existing disabled parking space within the site shall be retained for use for such purpose only by users with mobility difficulties and shall not be obstructed or used for any other purpose(s).

Reason: To ensure the retention of adequate parking in the interests of an accessible development

- (8) The refuse store for refuse and recyclable materials, shall be implemented in full prior to the commencement of the use of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

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

- (9) Construction vehicles shall only access the site between the hours of
0800 - 1700 Mondays - Fridays,
0800 - 1300 Saturdays and
At no time on Sundays or Bank Holidays; unless otherwise agreed in writing by the Local Planning Authority

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (10) The building works hereby approved shall not commence until details of wheel-washing facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities shall be provided on site prior to construction commencing and maintained in working order until completion of the appropriate stages of development.

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

- (11) The construction access track between 63 and 65a&b Grasmere Avenue shall be reinstated to its current tarmac condition after the development hereby approved has been constructed or within 3 months of occupation of the building, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard local residential amenities

- (12) No external lights shall be installed other than the 12 luminaire columns DBL.26PL4.LYA.SO.H100 indicated on drawing 223325/A/900 Rev 2 submitted 30/11/09, unless otherwise agreed in writing by the Local Planning Authority through the submission of further details, which shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the details so approved

Reason: In order to safeguard local residential amenities

- (13) The applicants will comply strictly in accordance with the approved Children's Centre Management Plan in particular with regards to the types of use of the centre, hours of use of the centre, centre operational plan in order to reduce as far as possible the impacts of the centre on surrounding amenities and maximum numbers of visitors/ staff. The Management Plan shall be fully implemented save insofar as varied with the agreement in writing of the Local Planning Authority (in which case the Management Plan as varied shall be fully implemented).

Reason: In order to safeguard local residential amenities

- (14) No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

INFORMATIVES:

- (1) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 2007 for the erection or alteration of any advertising signs for the centre. The applicant is advised to contact the Local Planning Authority regarding any proposed signage for the centre prior to installation
- (2) With regard to the surface water drainage it is the responsibility of the developer to make proper provision for ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on/ off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Development Services will be required. They can be contacted on 0845 850 2777.
- (3) The applicant is advised that a public sewer crosses the subject site and therefore no building will be permitted within 3m of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to

your building/ development work, please contact Thames Water Developer Services on 0845 850 27 77.

- (4) Water supply is covered by the Three Valleys Water Company. Their address is Three Valleys Water Company, PO Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL, Tel- 01707 268 111

REFERENCE DOCUMENTS:

Planning Policy Statement 25 – Development & Flood Risk
Brent's Unitary Development Plan 2004
Submission version of Brent's LDF Core strategy
SPG17 - Design Guide for New Development
SPG12 – Access for disabled people, designing for accessibility

Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: Preston Park JMI School, College Road, Wembley, HA9 8RJ

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Committee Report

Planning Committee on 16 December, 2009 Case No. 09/2246

RECEIVED: 3 November, 2009

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land Adjacent to Kodak Court, Nightingale Avenue, Harrow

PROPOSAL: Erection of a 4-storey building on land adjacent to Kodak Court, comprising 26 self-contained flats (11 one-bedroom, 13 two-bedroom, 2 three-bedroom) and communal garden; and the provision of access to the public footpath running alongside Northwick Park Golf Course via Northwick Close.

APPLICANT: London Strategic Housing

CONTACT: PCKO Architects

PLAN NO'S: 0845 PL001; 0845 PL002 RevA; 0845 PL100 RevB; 0845 PL101 RevB, 0845 PL102 RevB; 0845 PL103 RevB; 0845 PL104 RevA; 0845 PL201 RevC; 0845 PL202 RevC; 0845 PL203; 2167-LA-01 RevC; 2167-SK-02; 2167-SK-03; Design and Access Statement RevD; Energy Strategy Report by Calford Seaden; Arboricultural Report by Broad Oak Tree Consultants;

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Affordable Housing – 100% Affordable Housing-Intermediate rent with priority for Northwick Park Hospital Workers, then other public sector health workers, unless otherwise agreed in writing by the Local Planning Authority.
- A contribution of £103, 200 (£2400 per bedroom) due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- Submission and approval of a 'Sustainability Implementation Strategy' at least 4 months prior to commencement, demonstrating:
 - how the development will achieve Code for Sustainable Homes Level 3 rating
 - how the measures identified within the Sustainability Checklist measures will be implemented

- how the proposal will offset a minimum of 20 % of the site's carbon emissions from onsite renewables or if technically unfeasible, an equivalent level of off-site renewables, provided on a local school/community facility, and maintained for the life of the development
 - details of how ICE Demolition Protocol Methodology has been applied in setting DRI &/or NBRI targets for recycled materials or content.
- Upon completion, an Independent (BRE Post-Construction) review shall be submitted on the scheme as built, verifying achievement of Sust. Homes Code Level 3 and the implementation of sustainability measures indicated on the approved Brent Checklist & subsequently negotiated/stipulated in the Strategy.
 - Join and adhere to the Considerate Constructors scheme.
 - A contribution of £1,000 for the planting of trees due on Material Start and index-linked from the date of committee
 - To allow access through the new gate on the southern boundary with Northwick Park to the public during daylight hours.

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.

(1) If the legal agreement has not been entered into by the application's statutory expiry date, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(2) If the application is refused for the reason in (1) above, or withdrawn, to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

EXISTING

The application site is located towards the eastern end of Northwick Park Hospital, within an area of residential key-worker housing known informally as Northwick Village. The precise location is on the southern side of Nightingale Avenue, between Kodak Court and Nightingale Close. A public footpath runs along the southern side of the site, adjacent to Northwick Park Golf Course This footpath leads to Northwick Park, which is located approximately 170 metres from the site.

Kodak Court, located to the west of the site and Hodgson Court, to the north of the site, are both 4 storey residential blocks, and to the east of the site are two storey dwellinghouses, located on Northwick Close

PROPOSAL

Erection of a 4-storey building on land adjacent to Kodak Court, comprising 26 self-contained flats (11 one-bedroom, 13 two-bedroom, 2 three-bedroom) and communal garden; to include provision of access to the public footpath running alongside Northwick Park Golf Course via Northwick Close.

This application is the re-submission of a previously withdrawn application, ref 09/1659. The proposal is identical to this previous application, which was withdrawn by the applicants due to the Section 106 agreement not been signed within the 13 week Statutory timeframe. The previous

application was approved by the planning committee on 13th October 2009 subject to the Section 106 agreement. The original committee report is contained within the Remarks section of this report.

HISTORY

09/1659 – Erection of a 4-storey building on land adjacent to Kodak Court, comprising 26 self-contained flats (11 one-bedroom, 13 two-bedroom, 2 three-bedroom) and communal garden; amended to include provision of access to the public footpath running alongside Northwick Park Golf Course via Northwick Close. *Withdrawn*

97/2700 - Demolition of existing staff housing and erection of replacement houses and multi-storey residential blocks together with associated site works including the provision of car parking, landscaping and layout of estate road (as revised by plans received on 10 and 19 February 1998). Granted 30/03/1998

There have been various planning applications relating to the hospital site itself, which do not directly relate to the application site.

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.

Brent's Unitary Development Plan 2004

Strategy

- STR3 Development of previously developed land will be maximised.
- STR5 Seeks to promote a pattern of development that reduces the need to travel.
- STR11 Protection and enhancement of the quality and character of the borough's built and natural environment.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR15 Major development should enhance the public realm by creating and contributing to attractive and successful outdoor spaces.

The following Part 2 polices apply and are briefly summarised below:

Built Environment

- BE1 Requires the submission of urban design statements.
- 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 and not cause harm to the character and/or appearance of an area.
- BE4 Accessible development for disabled people.
- BE5 Development should be designed to be understandable to users, free from physical hazards and reduce opportunities for crime.
- BE6 High standard of landscaping will be required as integral element of new development.
- BE7 High quality of design and materials required for the street environment.
- BE8 Sensitively designed proposals, which create and improve lighting, will be encouraged.
- BE9 New buildings should be designed to embody a creative and high quality design solution specific to the sites shape, size, location and development opportunity and be of a scale, massing and height appropriate to their setting, civic function and location.

BE12 Development should embody environmental design principles commensurate with the scale of development.

Environmental Protection

EP6 Contaminated Land

Housing

H5 Policy for Key Worker Housing.
H9 Dwelling Mix
H10 Containment of Dwellings
H12 Residential Quality – Layout Considerations
H13 Residential Density
H14 Minimum Residential Density

Transport

TRN1 Planning applications will be assessed, as appropriate, for their transport impact, including cumulative impacts on the environment and on the road network, and all transport modes, including: public transport, walking and cycling.
TRN2 Development should benefit the public transport network.
TRN4 Measures to make an unacceptable transport impact acceptable will be required.
TRN10 The “Walkability” of public environments should be maintained and enhanced.
TRN11 Development should comply with the Councils minimum standards for cycle parking.
TRN14 New highway layouts should be designed to satisfactory standards.
TRN23 Parking Standards for Residential Development (PS14)
TRN31 Car parking should be carefully designed to be safe, well landscaped, have convenient links and not be visually intrusive.
TRN35 Access to parking areas and public transport should facilitate access for disabled people and the mobility impaired. (PS15)

Open Space, Sport and Recreation

OS21 Metropolitan Walks

Community Facility

CF12 Northwick Park Hospital/Higher & Further Education (HFE) Zone

Brent Council Supplementary Planning Guidance and Documents

SPG17 Design Guide for New Development
SPG19 Sustainable design, construction and pollution control
SPD Section 106 Planning Obligations

Planning Policy Guidance and Statements

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS1 Supplement: Planning and Climate Change
PPS12 Planning Policy Statement 12: Local Spatial Planning
PPG13 Transportation
PPS22 Renewable energy
PPG24 Planning and Noise

SUSTAINABILITY ASSESSMENT

As with most major developments the Local Planning Authority requires that the applicants consider sustainable development from an early stage, so that the maximum amount of sustainable measures can be incorporated in the proposal up-front. The applicants have submitted an Energy Demand and Sustainable Assessment and a Sustainable Development Checklist. The submitted Sustainable Development Checklist has a score of 52%. (the applicant’s score was

53.5%)

On the basis that the Sustainability obligations, would include a score of at least 51% on a submitted Sustainability Checklist and "EcoHomes "Very good rating" (with appropriate compensatory measures should they not achieve the 51% rating;) the matter may be covered within agreed Heads of Terms as part of a s106 agreement.

The applicants have submitted an Energy Strategy which has demonstrated 20% reduction in carbon emissions using solar PV panels in accordance with London Plan policies.

CONSULTATION

The same consultations were carried out as were for the previous application ref 09/1659. This includes site notices posted and the application was advertised in the local paper. No external letters of representation were received.

The consultation responses received on the previous application for the same scheme, ref 09/1659 are all relevant to this current application and are detailed in the original committee report, attached as an appendix to this report. Further to the responses received at the time of this application, the following responses were received in response to this current application:

Environment Agency: - No comments as the proposal is considered to have a low environmental risk within our remit.

REMARKS

There are no additional remarks further to the previous planning application ref 09/1659, which was approved by the planning committee on 13th October 2009, subject to the Section 106 agreement. The application was withdrawn by the applicants due to the S106 agreement not being signed within the deadline, and this current application is a re-submission for the same scheme.

The Consultation and Remarks sections of the original Committee Report can be found below. Information contained in the Supplementary Report is highlighted in italics in the appended report.

Extracts from Original Committee Report:

CONSULTATION

Consultation period: 21/07/09 – 18/08/2009.

Letters were sent to 26 neighbouring properties.

Site notices were erected on 28/7/2009 and the application was advertised in the local paper on 6/8/2009.

Re-consultation period (amended description to proposal to include the provision of access gate): 16/09/2009 – 30/09/2009. 26 neighbouring properties were notified.

No objections or comments were received from neighbouring properties.

Internal consultation responses:

Landscape – No objection

No objections to the proposal in principle

4 trees, including a dead sycamore, will be removed in total. The 3 young alder and 5 young whitebeam will

be relocated within the proposed landscape scheme. The tree protection method statement is satisfactory

Along the boundary nearby the proposed building, the trees are overgrown hedgerow hawthorns. This most southerly part of the proposed building would benefit from some larger trees being planted nearby, possibly in the adjacent open space; in order to soften it visually and screen it from the adjacent open space.

A section 106 sum of £1000 is suggested in order to pay for 2 or 3 decent tree specimens to achieve this partial screening.

Conditions are recommended requiring a fully detailed landscape scheme, including all hard materials; plant species, quantities, densities and maintenance schedule.

Highways – Original plans: objection; revised scheme: no objection

Objection to original plans:

Without a formal pedestrian link between the site/Northwick Village and the existing public footpath along the southern side of the site, this proposal cannot be supported, on the grounds that it would reduce 'walkability' of the area, particularly to the nearby playing fields and South Kenton Station, contrary to Policy TRN10 of the adopted UDP 2004. In addition, the development fails to make adequate provision for disabled parking, contrary to Policy TRN34 of the adopted UDP 2004.

Regarding provision of disabled parking on the site: Parking Standard 15 requires at least two spaces to be widened and marked for disabled parking – preferably close to the building entrances. This has not been done and a minor amendment to the parking layout will therefore be required to accommodate this requirement, as a condition of any approval

Regarding provision of a pedestrian link to the public footpath which runs along the southern boundary of the site: It is considered essential to formalise a pedestrian between the site and the public footpath and it is suggested this be done by extending the path along the western side of the site to link Nightingale Close to the footpath.

No objection to the amended scheme, which makes provision of a link to the footpath and disabled parking, subject to recommended conditions and informatives.

Urban Design – Objected to the original design

Some objections to the original design of the scheme, in terms of blank facades, legibility of entrances, and provision of balconies.

Housing – No objections

Environmental Health – recommends conditions to any approval

Have also advised the applicants regarding Brent's Waste Planning Policy

External consultation responses:

Architectural Liaison Officer – No objections

The proposal is designed to take into account Secured By Design principles, and recommendations have been incorporated.

Thames Water

No objection to the proposal. A standard informative if the application is approved regarding contact details for Three Valleys Water Company is recommended.

REMARKS

Introduction

A revised Design and Access Statement has been submitted to reflect other amendments made to the proposal previously during the process of this application.

This application proposes to erect a 4-storey building comprising of 26 self-contained flats, with the provision of 24 car parking spaces (16 of which are to be new spaces), including 2 disabled parking spaces. A total of 27 secure bicycle storage spaces are proposed within the site, plus two publicly accessible Sheffield Stands.

The principle of a residential development on this site is compatible with the local land policies. An application for replacement residential development in this area was approved under planning application ref 97/2700. The application site was not developed at the time; however the proposed site plans show annotation on the area, which is the subject of this current application that this site was to be developed for future use as a nursery.

The applicants have submitted a statement to explain why there is no longer a requirement for the originally proposed nursery on this site. The existing nursery on the hospital site has capacity for additional intake and it accordingly meets the current requirements for nursery spaces.

The proposal also includes the provision of formal gated access to the existing footpath, which runs along the southern boundary of the site, adjacent to Northwick Park Golf Course. This is to enable better access for the residents of the staff accommodation at Northwick Village to the footpath which leads to South Kenton Underground Station.

Tenure / Mix of Units

The proposal provides 26 flats. All of the proposed units meet Lifetime Homes Standards. Two wheelchair accessible 3-bedroom flats are also provided with corresponding larger parking spaces. All flats proposed are to be Affordable key-worker housing, Intermediate Rent, with priority for Northwick Park Hospital Workers, and then other public sector health workers.

The proposed tenure of housing accordingly meets a specified housing need associated with the Hospital.

Design and Massing and Impact on the Streetscene

The surrounding buildings are a mixture of 4-storey residential blocks, (Kodak Court and Hodgson Court) and two storey residential dwellings on Northwick Close to the east of the application site.

The proposed building is to be an 'L' shape, with the main frontages onto Nightingale Close and Northwick Close. The building line is to be in line with Kodak Court, to the west. The south-west corner of the site is to be residential communal garden, with a footpath to run between Kodak Court and the new building.

The design of the building will respect the building lines of Kodak Court, facing Nightingale Avenue, and will form a link between the 4-storey 'dormitory' style keyworker residents of Kodak Court and Hodgson Court and the dwellinghouses on Northwick Close and other surrounding dwellings further east into Northwick Village.

The design of the elevations facing Kodak Court and Hodgson Court have been revised, and the amended scheme provides increased articulation of what were previously 'blank' elevations, (West and South elevations). Detailing for the main entrances to the building has also been made more visually prominent. A condition will be attached requiring further details of this, should the application be approved.

The revised scheme increased the size of the balconies, which further breaks up the mass of the elevations, and is considered an improvement in design terms.

Layout, landscaping and Trees

A green (Sedum) roof is to be introduced on the flat roof section on the third floor where adjacent to plot 26.

This is a green roof which would improve Sustainable Urban Drainage as well as in terms of visual amenity.

Further details of this will be required in the landscaping condition should the application be approved.

The proposal will involve the removal of four trees, including a dead sycamore. The proposed landscape scheme submitted by the applicants also show trees will be re-located within the site, including 3 alder and 5

whitebeam trees. The submitted Tree protection method statement has been checked by the landscape designer who is satisfied with the proposals. The Landscape Designer has recommended tree planting along the southern boundary of the site to improve the screening. Further details of this, and all communal landscaped areas, will be requested within the landscaping condition of the application should the application be supported.

Further details of low planting to serve as a buffer between the parking spaces and the northern and eastern elevations of the building will be sought from the applicants.

The applicants have provided further details of the landscaping proposed for the frontages of the new building, as shown in the revised proposed ground-floor plan (plan number 0845PL00 Rev B).

The Design and Access Statement contains further details of the proposed landscaping for the scheme. Further more detailed information will still be required in the form of a full landscaping scheme to satisfy a landscape condition.

Quality of Residential Accommodation

The proposed unit sizes vary. There are 11x 1 bedroom, 13x 2-bedroom and 2x 3 bedroomed flats proposed.

All of the proposed units comply with minimum unit size guidelines within Brent's SPG17. The indicative room layouts demonstrate that all of the units have an element of integral storage space. Room layouts are largely replicated between the floors in order to minimise stacking problems whereby living areas are over living areas, and bedrooms over bedrooms. This reduces opportunities for potential noise nuisance.

The proposed building comprises 4 floors with a total of 26 flats. All of the units have two or more aspects, with 12 of the units having a southern outlook.

It is considered that all units will have a sufficient quality of outlook, and complies with SPG17 guidelines.

Amenity Space

The proposal includes private amenity space to all 2 and 3-bed units in the form of gardens or small terraces on the ground floor and balconies on all upper floors only. 1bed flat has a balcony. Whilst your officers consider that it would clearly be preferable for private amenity space to be provided for all units, there is no requirement for such provision within SPG17 and the units will benefit from access to the communal garden area. However this issue is being pursued with the applicants and is covered by condition 12.

Further details of the balconies will be required to satisfy condition 12.

This is compliant with SPG17 guidance.

Impact on adjoining residential development

Surrounding development comprises of residential accommodation, distances to windows to Kodak Court.

No windows on elevation facing Kodak Court, except for obscure glazed windows. This is acceptable as this

helps to break up the blank mass of this elevation, yet does not impact on the privacy of residents at Kodak Court.

The distance between Kodak Court and the closest wall of the new building is approximately 8.5 metres.

However, there are only obscure glazed windows proposed in this part of the building facing Kodak Court and so there would be no impact on the privacy of residents of Kodak Court. All habitable room windows/balconies of the new building are over 20 metres away from all the nearby existing residential buildings, including Hodgson Court and the houses on Northwick Close. This is in compliance with SPG17 guidelines.

Transportation

The application site has a PTAL rating of 3. Northwick Park (Metropolitan line) and South Kenton (Bakerloo and London Overground lines) are within 960 metres, and there are five bus services from Watford Road, which is within 640 metres.

The proposal includes the provision of 24 parking spaces, including 2 disabled parking bays, around the perimeter of the site, which equates to 0.92 parking spaces per unit. This is in accordance with the parking standards which would allow a maximum of 29.8 spaces. (PS14 and PS15).

The proposed provision for cycle parking also meets the cycle parking standards (PS16), as sufficient storage is to be provided for 27 spaces, plus two further Sheffield stands indicated on the plans for visitors.

A revised scheme incorporates proposed gated access via Northwick Close allowing better accessibility to public transport, as formalising access to South Kenton station and 'walkability' of the proposal, to comply with UDP policy TRN10. This is to be incorporated within the S106 Heads of Terms and further details of the proposed gate and its management required in a condition.

An informative will also be attached to any approval regarding travel information for the future residents of the proposed development.

Flood Risk

The site is within Flood Zone 1 (low risk of flooding) and is less than 1 hectare in size; therefore no detailed flood risk statement is required.

Density

For density purposes, the site area of the application site is 2550m². This gives the proposed density of the development to be 345 habitable rooms per hectare.

As the development is to provide residential accommodation for keyworkers at the nearby Northwick Park

Hospital, your Officers consider that the proposed density of residential development is acceptable. The proposed pedestrian link to the existing footpath to the south of the site, which will allow better access to public transport links (South Kenton Station), also helps to support the proposed residential density.

Summary

The proposal will provide Affordable Keyworker Intermediate Rented accommodation for Northwick Park

hospital workers and addresses a specified housing need. The accommodation is in accordance with Brent

Council policy and guidance and your officers recommend that planning permission is granted.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

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

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

Supplementary Planning Document - S106 Planning Obligations.

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

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

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

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

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

- (2) No development shall commence unless details of materials for all external work, including samples where necessary, (including choice of cladding, windows, roofing, balcony details and screens) shall be submitted to and approved in writing by the Local Planning Authority and those details, once approved, shall be fully implemented.

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

- (3) All areas indicated for hard and soft landscape works on the approved plan including the communal roof gardens shall be suitably landscaped with trees/shrubs/plants and hard surfacing in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any construction work on the site, and such landscaping work shall be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme.

The scheme shall also indicate:-

- other appropriate matters within the context of a landscaping scheme, such as details of seating, and usage of areas;
- treatment of the balconies and roof terraces including (notwithstanding the details on the submitted drawings,) methods of screening the areas and the screen heights;
- details of the proposed third floor *Sedum Roof*
- potential for additional tree planting along the site boundaries
- details of boundary treatments and any other means of enclosure

Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and size to those originally planted.

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

- (4) Prior to development commencing, further details of proposed gated access to the public footpath to the south of the site via Northwick Close shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied. Details should include setting, design and materials for the gate, boundary treatment, management and security measures.

Reason: To ensure the secure and well designed and managed access.

- (5) No development shall commence unless further details of:
- a) the proposed refuse and recycling facilities
 - b) 2 private secure bicycle storage facilities
- have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out and completed in all respects in accordance with the details so approved before first occupation of any of the dwellings hereby approved.

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

- (6) Detailed drawings including, where necessary, sections and detailed elevations, of the various elements of the facades of the building, particularly the main entrances to the building, detailing the junctions between different elements of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted unless agreed otherwise in writing by the Local Planning Authority, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure the design detail for this site results in a high-quality development in compliance with the requirements of Built Environment policies within the Unitary Development Plan and Supplementary Planning Guidance 17 "Design Guide for New Development"

- (7) Prior to the commencement of the use of any part of the approved development all
- a) parking spaces
 - b) access and turning areas
 - c) footpaths and access ways
- shall be constructed and permanently marked out in accordance with the approved plans. Thereafter they shall be retained and used solely in connection with the development hereby approved and for no other purpose.

Reason: To enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety along the neighbouring highway.

- (8) Prior to the commencement of construction works, a site investigation shall be carried out by competent persons to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. 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 proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (9) Any 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 permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- (10) Details of the drainage system for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site and the development shall be carried out in full

accordance with the approved details.

Reason: To ensure an adequate and appropriate means of dealing with surface and foul drainage from the site is provided in the interests of the water environment and the environment of the locality.

- (11) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full.

Reason: In the interests of safety, amenity and convenience and in the interests of the amenities of the adjoining residents.

- (12) Further details to maximise the number of balconies which the development shall be submitted to and approved in writing by the Local Planning Authority, before the development commences.

Reason: To increase provision of access to private amenity for those units above ground floor level.

INFORMATIVES:

- (1) The applicants are advised to provide travel information to residents in public areas via leaflets etc. and access provided for residents to any future Car Club at the hospital.

REFERENCE DOCUMENTS:

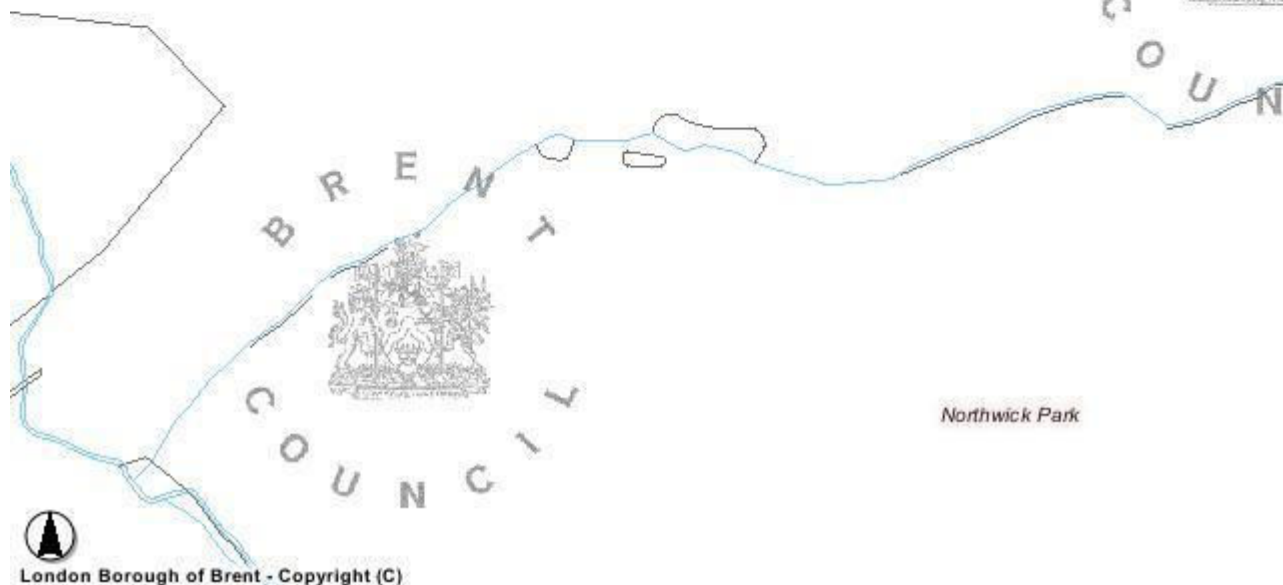
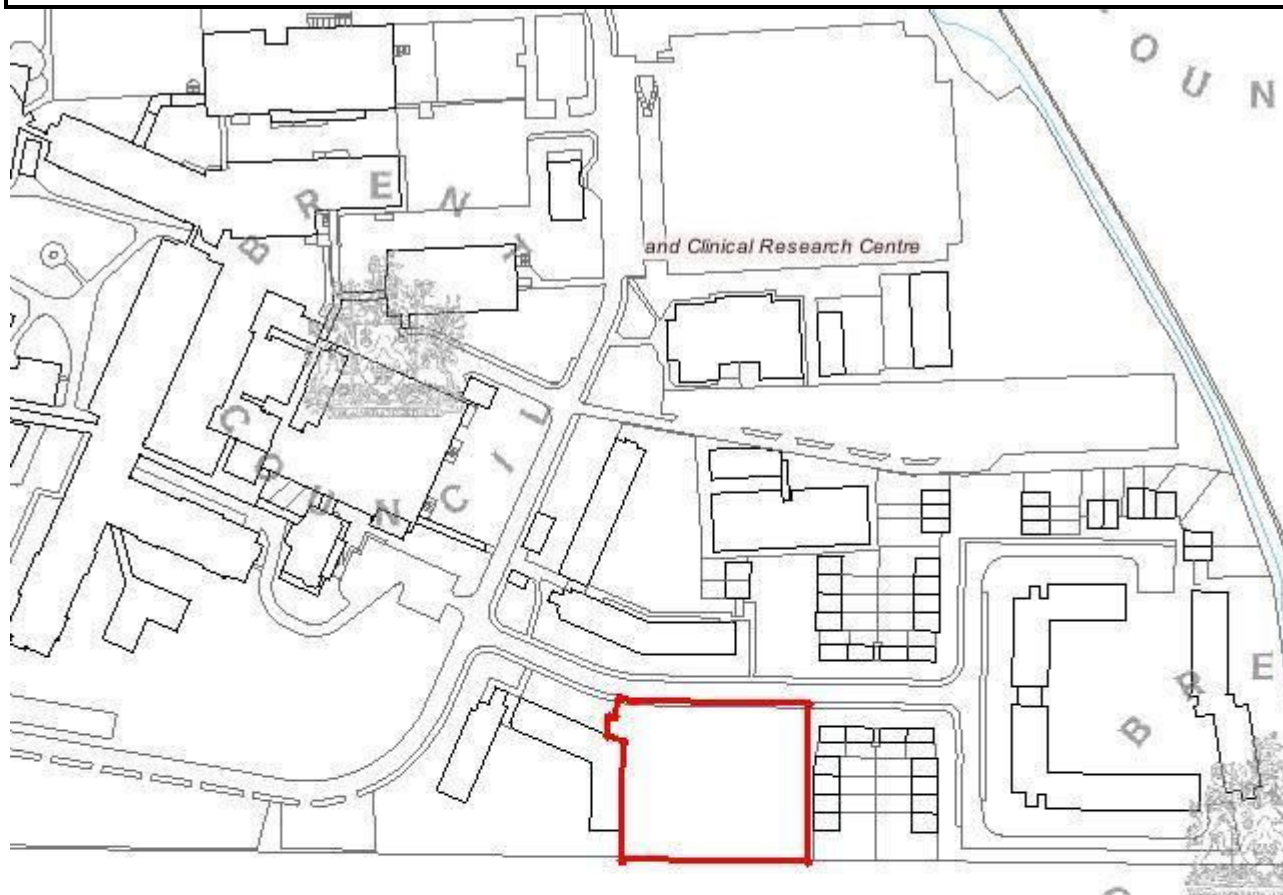
Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



Planning Committee Map

Site address: Land Adjacent to Kodak Court, Nightingale Avenue, Harrow

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