



Planning Committee

Tuesday, 20 July 2010 at 7.00 pm

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

Membership:

Members

Councillors:

R Patel (Chair)
Sheth (Vice-Chair)
Adeyeye
Baker
Cummins
Daly
Hashmi
Kataria
Long
McLennan
CJ Patel

first alternates

Councillors:

Kabir
Mistry
Hossain
Steel
Cheese
Naheerathan
Castle
Oladapo
Thomas
J Moher
Lorber

second alternates

Councillors:

Kataria
Mitchell Murray
Mashari
HM Patel
Allie
Ogunro
Clues
Powney
Powney
Moloney
Castle

For further information contact: Joe Kwateng, Democratic Services Officer,
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For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

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 - 30 June 2010		1 - 12
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. 22 Wembley Park Drive, Wembley, HA9 8HA (Ref. 10/0054)	Tokyington;	17 - 22
NORTHERN AREA		
4. Chalkhill Estate Redevelopment, Chalkhill Estate, Wembley (Ref. 10/0774)	Barnhill;	23 - 36
5. 3 Burnt Oak Broadway, Edgware, HA8 5LD (Ref. 10/1088)	Queensbury;	37 - 54
6. 61 Exeter Road, London, NW2 4SE (Ref. 10/0868)	Mapesbury;	55 - 62
7. Dollis Hill House Gladstone Park, Dollis Hill Lane, London, NW2 6HT (Ref. 09/1470)	Dollis Hill;	63 - 78
SOUTHERN AREA		
8. ELMWOOD HOUSE, Harlesden Road, London (Ref. 10/0949)	Kensal Green;	79 - 92
9. 91 Dyne Road, London, NW6 7DR (Ref. 10/1221)	Kilburn;	93 - 100
10. 91 Dyne Road, London, NW6 7DR (Ref 10/1173)	Kilburn;	101 - 110
11. 24E Brondesbury Road, London, NW6 6AY (Ref. 10/0726)	Kilburn;	111 - 114
12. 6 Montrose Avenue, London, NW6 6LB (Ref. 10/1286)	Queens Park;	115 - 120
13. 42A & 42B Okehampton Road, London, NW10 3ER (Ref. 10/0915)	Queens Park;	121 - 126
14. 60 Milverton Road, London, NW6 7AP (Ref. 10/1160)	Brondesbury Park;	127 - 132
WESTERN AREA		
15. 41 Littleton Road, Harrow, HA1 3SY (Ref. 10/1149)	Northwick Park;	133 - 138
16. Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9 (Ref. 10/0413)	Wembley Central;	139 - 156
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 64.

Site Visit Details - 17 July 2010

SITE VISITS – SATURDAY 17 JULY 2010

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/1173	91 Dyne Road, London, NW6 7DR	9	Kilburn	9:50	93-100
10/1221	91 Dyne Road, London, NW6 7DR	10	Kilburn	9.50	101-110
10/0868	61 Exeter Road, London, NW2 4SE	6	Mapesbury	10:15	55-62
09/1470	Dollis Hill House Gladstone Park, Dollis Hill Lane, London, NW2 6HT	7	Dollis Hill	10:40	63-78
10/0054	22 Wembley Park Drive, Wembley, HA9 8HA	3	Tokyngton	11:20	17-22

Date of the next meeting: Wednesday, 18 August 2010

The site visits for that meeting will take place on the preceding Saturday 14 August 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 Paul Daisley 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, 30 June 2010 at 7.00 pm

PRESENT: Councillors R Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Daly, Hashmi, Hossain, Kataria and McLennan

ALSO PRESENT: Councillor Muhammed Butt, Councillor Barry Cheese, Councillor Bhagwanji Chohan, Councillor Kana Naheerathan and Councillor Carol Shaw

Apologies for absence were received from CJ Patel

1. Declarations of personal and prejudicial interests

6. 2 Scrubs Lane NW10 (Ref. 10/0585)
Councillor Daly declared that she had been approached by a member of the public in connection with this application.
8. Storage Land next to 75 St Pauls Avenue (Ref. 10/0677)
Councillor Cummins declared pecuniary interest as a member of the board of a subsidiary company of Genesis Housing Group. During consideration of the application he left the meeting room and therefore did not take part in the discussion or voting on this item.
- 18 22 Wembley Park Drive
All members declared that they had received correspondence from the applicant.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 8 June 2010 be approved as an accurate record of the meeting subject to the following amendments;

Add "Councillors Kabir and Naheerathan" to the list of those also present.

Paragraph 4, page 4 in the 2nd sentence, delete "there may be a Controlled Parking Scheme in operation" and replace with "if CPZ was introduced in future it would probably involve changes for new residents who would then not be allowed to apply for parking permits".

Item 7 paragraph 4, add after "spaces" " , when the property would have five bedrooms".

Item 13, replace paragraph 4 with the following: "Councillor Kataria said he had been disappointed to note that in a large number of streets in Wembley Central, Neasden and Kingsbury, family homes had been converted into flats. He expressed pleasure that for this property the reverse applied. "

Item 15, page 12 correct the spelling of a member's name to "Adeyeye".

Add a footnote after the end of meeting as follows:

“At 10.30pm the meeting voted to disapply the guillotine procedure to enable members to consider all applications on the night”.

3. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW10 (Ref. 10/0932)

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

OFFICER RECOMMENDATION: Planning permission granted subject to conditions including an additional condition requiring details of mechanical ventilation, 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.

With reference to the supplementary information Andy Bates, the Area Planning Manager stated that the principle that this site was acceptable for the erection of a dwellinghouse had been established by earlier appeals on the site, first in 2000, but more recently in 2008. In reference to the Planning Inspector's decision for 08/1976 he added that the effect of the proposal on the living conditions of neighbouring residents, in terms of outlook, privacy as well as noise and disturbance, would be acceptable. He informed the Committee that the issue of precedence was not usually a planning consideration, as each case was assessed on its own individual merits. The Planning Manager continued that the proposed basement would be used for utility/storage and that the quantity and quality of external amenity space in the current application with the useable outside space would exceed the Council's guidance.

The Planning Manager continued that in order to address concerns raised by some neighbours about the implications for extraction from bathroom and kitchen areas on adjoining residents an additional condition requiring details of mechanical ventilation as set out in the supplementary information tabled at the meeting was recommended. This condition would allow the Local Planning Authority to exercise proper control over the development and to safeguard the amenities of the adjoining occupiers.

Mr Martin West an objector considered that the proposal would constitute a cramped form of development and an over-development of the site which would be out of character with the surrounding area. He added that the detrimental impact of the proposal would be significant and was likely to set a precedent for similar undesirable developments in the area. Mr West urged members to refuse the application and that a decision on any future application for the re-development of the site should involve the local community.

Mr Sillis an objector stated that since the appeal decision for this application, there had been a fundamental change to national Planning Policy Statement 3 (PPS3)

which would directly affect the way the current application should be assessed. He expressed a view that the policy change had given Local Planning Authorities new powers to stop the re-development of land in built up areas such as private residential gardens.

Mr Mike Mills the applicant's agent stated that the principle of development and its suitability had been firmly established. He continued that the impact of the proposed development in terms of outlook and privacy was acceptable as it would make a positive contribution to the character of the locality. Mr Mills added that the design of the scheme had incorporated views expressed by the local residents during consultations, adding that the objection raised on grounds of precedence was not a valid one.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw a ward member stated that she had been approached by objectors to the application. Councillor Shaw objected to the proposed development on the grounds that it would constitute an intrusion into neighbours' gardens to the detriment of their amenities. She added that the excavations proposed within the application would destroy the mature trees in the area and that the proposal would set a precedent for future undesirable developments in the area.

In accordance with the provisions of the Planning Code of Practice, Councillor Cheese a ward member stated that he had been approached by objectors to the application. Councillor Cheese reiterated that the policy change to the development of back garden and brownfield sites to which the objector had referred meant that the site could no longer be re-developed.

The Head of Area Planning confirmed that copies of the recent policy change had been circulated to all Local Planning Authorities however, the policy change did not mean that officers' conclusions and recommendations were flawed. He added that the issue of precedent was not absolute as each application was decided on its own merit.

During discussion Councillor Kataria moved an amendment for deferral in light of the recent policy change pending a further report with input from the Borough Solicitor. This was put to the vote and declared lost. Members then voted on the substantive recommendation which was declared carried by a majority.

DECISION: Planning permission granted subject to conditions including an additional condition requiring details of mechanical ventilation, 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.

4. 15 Grenfell Gardens, Harrow, HA3 0QZ (Ref. 10/1066)

Erection of a two-storey side extension, part two-storey/part single-storey rear extension, erection of a rear dormer window and insertion of rear rooflight to dwellinghouse (variation of planning permission ref: 09/1750).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The applicant Mrs Soneji decided to forgo her right to address the Committee as she was satisfied with the officer's recommendation for approval.

DECISION: Planning permission granted subject to conditions.

5. 149 Chatsworth Road, London, NW2 5QT (Ref. 10/1000)

Erection of a single and two storey rear extension, installation of a rear dormer window with juliette balcony, two front rooflights, 4 side rooflights, installation of new first floor side window, 2 ground floor side windows, installation of additional front door and conversion of extended dwellinghouse into 2 self-contained flats.

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

The Area Planning Manager, Andy Bates updated the Committee that since the report was published 2 additional representations had been received raising a number of points which had been sufficiently covered in the main report. He clarified that there was no objection in principle to the conversion into flats adding that the proposed conversion would include a family size dwelling unit of a 3 bed ground floor flat without being over-intense. He drew members' attention to a condition requiring a landscaping scheme as set out in the main report.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by some objectors to the application. Councillor Shaw expressed a view that the pre-application advice had not been followed through hence, she felt that the scheme was ill-conceived and would constitute a cramped form of development. She criticised the layout, the lack of fire escape for flat B and questioned the need for ground floor balcony. Councillor Shaw continued that the proposal which in her view was contrary to Government policy to encourage family dwelling units would detrimentally impact on residential amenities through noise and disruption whilst the conversion was being carried out.

DECISION: Planning permission granted 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.

6. 2 Scrubs Lane, London, NW10 6RB (Ref 10/0585)

Continued display of internally illuminated 7.5m x 5.0m advertisement hoarding on site of church on south of Harrow Road adjacent to existing petrol station and the installation of internally illuminated 6.0m x 3.0m hoarding at the junction of Harrow Road and Scrubs Lane.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary information the Planning Manager Andy Bates outlined the details of the landscaping which were required through the original planning consent for the church but which the applicant had failed to provide. He continued that the proposed retention of Panel 1 and the erection of Panel 2 of the advertising hoardings which would be sited directly in front of the giraffe sculptures, granted planning permission in 1996, would conflict with adopted planning policy to improve the appearance of the street-scene, a requirement which was needed to balance the impact of a far larger building at this prominent corner location. In reference to the documents distributed by the applicant to members at the site visit the Area Planning Manager submitted that the proposed advertisements by reason of their size, scale and location, were considered to appear incongruous and over-dominant in the street-scene. They would be out of character, visually obtrusive to pedestrians and contrary to policy BE21. He added that the Council's Transportation Officers had advised that due to the location of the advertisement hoarding at major signalised junction it was likely to be distracting to drivers and therefore detrimental to highway and pedestrian safety. In conclusion, the Planning Manager stated that whilst he understood the financial benefits to the applicant (City Mission Church) the demerits of the advertisement hoardings including the size, location, being visually obtrusive in the streetscene, would detract from the character and appearance of the newly erected church and community building and cause conditions which would be prejudicial to public and highway safety.

The applicant Reverend Desmond Hall in support of the application submitted the following;

- The site had been used for advertisement hoardings for more than 20 years and that the panel which the Council had previously deemed unacceptable was twice the size of the hoarding for this application.
- Planning policies and supplementary planning guidance that applied in 2003 and against which planning permission was granted for the advertisement hoarding had not changed.
- He was not aware of any objection or vehicular accident as a result of the advertisement displays.
- The removal of the advertisement panel next to the petrol filling station would create greater harm to visual amenity.
- Panel 2 would be erected in line with the site boundary to form an integral part of the church building, thus enhancing the architectural quality of the Church

DECISION: Planning permission refused.

7. 45 & 45A Torbay Road, London, NW6 7DX (Ref. 10/0502)

Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension and conversion of two self-contained flats into a single family dwellinghouse.

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

DECISION: Planning permission granted subject to conditions and informatives.

8. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (Ref. 10/0677)

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report, the Planning Manager, Andy Bates in response to members' concern about contaminated land on the site submitted that if the grant planning permission was to be recommended a condition would be attached requiring site investigation to determine the nature and extent of any contamination and a remediation report would also be sought. He then outlined the following 3 key issues to support the recommendation for refusal;

In view of the proximity of the land to the railway line the proposal for residential development would require a number of conditions including details of glazing, balcony screens and insulation works to mitigate and address issues of noise and vibration.

The relationship of the proposed development with the adjacent garage and the level of noise produced by the garage which members observed at the site visit would have a significant impact on the residential amenities. As this concern had not been satisfactorily addressed at this stage, he recommended an additional reason for refusal as set out in the tabled supplementary report.

He added that although a revised plan had been received which made amendments to the design, it was not significant in terms of design and failed to address the objections raised by Highways' officers. For this reason the Planning Manager amended reason 1 for refusal and also drew attention to the amendment to reason 2, as set out in the tabled supplementary report.

Miss Ann Marie Glynn an objector stated that the proposed residential development posed an inherent danger particularly to children using the nearby play area. She added that the proposal with unacceptable design, would conflict

with the right of way of the garage and its users in particular the height of vehicles that could use the garage. Miss Glynn added that the proposal failed to present a comprehensive development which could have included the present garage site.

Mr Dicks an objector circulated some photographs of the area to illustrate his objections. He stated that the site which was used as a petrol filling station suffered from a history of flooding through surface and rain water, matters of serious concern to local residents and which Thames Water Authority had been unable to resolve.

Mr Ben Thomas the applicant's agent stated the principle of land use in terms of height, massing and the building line along St Pauls Avenue and the mixed use of the site had been established. He added that the proposed development by providing affordable housing of high quality design which would complement the area, would assist in the regeneration of a brownfield site. Mr Thomas also drew members' attention to the provision of the Section 106 legal agreement for £40,000 and on behalf of the applicant, undertook to reach a deal with the garage owners on the right of way issue.

In responding to the issues raised, the Head of Area Planning, Steve Weeks advised that whilst the principle of a residential development and its general scale was accepted, the form of proposal would be significantly impacted upon by the Right of Access through the site and its impact on design, landscaping, residential environment and highway and pedestrian safety. He reiterated the recommendation for refusal with amended and additional reasons as set out in the tabled supplementary report.

DECISION: Planning permission refused with amended and additional reasons.

9. 36 Kingswood Avenue, London, NW6 6LS (Ref. 10/0909)

Erection of one front rooflight, one rear dormer window and rooflight and single storey side extension to dwelling-house.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

10. 20 Talbot Road, Wembley, HA0 4UE (Ref. 10/0702)

Conversion of dwellinghouse into 3 self-contained flats (2 x 1-bedroom and 1 x 2-bedroom), installation of new door to side of property, alterations to first-floor rear window, removal of existing crossover, formation of new landscaping to front and provision of private amenity space to rear.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

11. 326 High Road, Wembley, HA9 6AZ (Ref. 10/0700)

Change of use of premises to a cafe (Use Class A3) and installation of an extraction flue to rear.

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

The Head of Area Planning drew members' attention to an amendment to condition 5 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 5 and informatives.

12. 113 Sudbury Court Drive, Harrow, HA1 3SS (Ref. 10/0607)

Demolition of an existing ground floor side and rear extension and front porch and erection of a new replacement ground floor side and part rear extension, first floor side and rear extension, new front porch, alterations to the front garden area to provide part soft landscaped and part hard standing area for 2 off-street car parking spaces and external alterations involving replacement of existing windows and door at ground floor east elevation of the dwellinghouse.

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

DECISION: Planning permission granted subject to conditions and informatives.

13. 3 Kingswood Road, Wembley, HA9 8JR (Ref. 10/0586)

Erection of a light-industrial building (Use Class B1c) comprising 3 smaller units, a loading/servicing area, 7 parking spaces, a cycle-storage area and associated landscaping.

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

The Head of Area Planning drew members' attention to an amendment to informatives as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions and informatives.

14. 91 Sudbury Court Drive, Harrow, HA1 3SS (Ref. 10/0854)

Conversion of garage into habitable room and erection of single-storey rear, single-storey side and two-storey side and rear extension to dwellinghouse and alterations to frontage, as amended.

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

DECISION: Planning permission granted subject to conditions and informatives.

15. 16 The Broadway, Wembley, HA9 8JU (Ref.10/1031)

Change of use from retail (Use Class A1) to cafe (Use Class A3), erection of bin and cycle store, roof-top flue, replacement lattice roller shutter and boundary fence to rear of premises.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary information, the Area Planning Manager Neil McClellan reported that a petition with 22 signatures objecting to the proposed change of use had been received. He submitted the following responses to the issues raised in the petition;

- There were only 2 existing A3 uses in the parade, and a further A3 use was not considered to result in over concentration, noting that the Council's Transportation Department did not object to the proposal. He added that a condition had been recommended to secure the provision of a rear servicing bay so that any loading/unloading can be done without impeding the free flow of traffic on the adjoining highway.
- The application was for the use of the premises as a cafe/restaurant only and that the applicant had stated that there would no shisha smoking in the future. He drew members' attention to a number of conditions which would control the use and prevent anti-social behaviour including restricting the hours of use, prohibiting the use of the rear yard by customers, restricting the use of amplified music/sound and requiring the installation of a suitable kitchen extract system.
- The applicant would be liable to prosecution by the Council's Environmental Health Team if he continued to allow shisha to be smoked on the premises.

In reiterating the recommendation for approval subject to conditions and informatives, the Planning Manager drew members' attention to an amendment to condition 13 as set out in the tabled supplementary.

DECISION: Planning permission granted subject to conditions as amended in condition 13 and informatives.

16. 10 Berkhamsted Avenue, Wembley, HA9 6DT (Ref. 09/3364)

Demolition of existing detached garage and erection of a single storey detached bungalow with a basement in the rear garden of No. 10 Berkhamsted Avenue, HA9 6DT with associated landscaping and refuse/recycling bin storage area.

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

DECISION: Planning permission granted 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.

17. 2 & 2A Hannah Close, London NW10 (Ref. 09/2245)

Proposed demolition of rear ancillary prefabricated office block, change of use from warehouse (Use Class B8) to materials-recovery facility (Sui Generis), installation of 2.5MW biomass combined heat & power plant with flue stack, installation of new vehicle access to front and rear elevations, 6 cooler tanks to the rear and 2 sprinkler tanks to front, erection of detached three-storey side building consisting of ground-floor workshop (Use Class B2) and first-floor & second-floor offices (Use Class B1), new hard and soft landscaping, parking provision, erection of security office to front, new pedestrian access from Great Central Way and associated works.

OFFICER RECOMMENDATION: Grant planning permission Planning permission granted subject to conditions as amended in conditions 4, 5 and 6, the completion of a satisfactory Section 106 with amended heads of terms or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning drew members' attention to amendments to condition 4, 5 and 6 as set out in the tabled supplementary report and to the Section 106 heads of terms to include an additional contribution of £5,000 to upgrade the bus stop on Great Central Way.

DECISION: Planning permission granted subject to conditions as amended in conditions 4, 5 and 6, the completion of a satisfactory Section 106 with amended heads of terms 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.

18. 22 Wembley Park Drive, Wembley, HA9 8HA (Ref. 10/0054)

Retrospective application for a single storey outbuilding and proposed reduction in height to outbuilding in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager, Neil McClellan provided a summary of the main issues as follows:

Although the applicant obtained a certificate of lawfulness in 2008 for the erection of a large outbuilding for use as a gymnasium and for storage, the building was actually built as a self contained dwelling. He drew members' attention to the amount of work that was carried out in order to prepare the outbuilding as dwelling unit together with the fact that the applicant was already letting the main house out as an unauthorised and unlicensed HMO (house in multiple occupation), to support officers' views on the application. It was noted that the enforcement action served on the property had resulted in the cessation of the use of the outbuilding as a dwelling unit and the use of the main dwelling as an HMO. He continued that the applicant's application for planning permission to retain the outbuilding for use as a gymnasium, had in the past been rejected by members rejected on the grounds that the outbuilding was too large. The Planning Manager reiterated the recommendation for refusal because even at a reduced height the outbuilding with a floor area of nearly 60 square metres was still considered excessive to be a domestic residential garden development.

Mr Dignesh Patel, the applicant stated that he had reduced the height of the building as requested by members at the last meeting and that he would not use the outbuilding as a separate dwelling unit. He added that under permitted development he was entitled to build up to 50% of his rear garden and confirmed that he had submitted evidence of similar large outbuildings in the area to officers. Mr Patel confirmed that he was away from the country (in India) when one of the tenants made the changes to the use of the outbuilding.

In accordance with the provisions of the Planning Code of Practice, Councillor Butt ward member stated that he had been approached by the applicant. Councillor Butt stated that the applicant had reduced the height and internal walls of the building and was willing to comply with officers' requirements including the terms of the enforcement notice. He continued that in addition to the applicant's undertaking, he (the applicant) had provided evidence that he was out of the country when the unauthorised works and use were carried out by a tenant.

In response to a member's request to comment on its size and height, the Head of Area Planning stated that the outbuilding was required to be incidental to the use of the main house and also be of small footprint but not built to the technical maximum.

Following a brief discussion, members voted on the amendment by Councillor Kataria for a site visit to enable Members to assess the outbuilding and its impact which was put to the vote and declared carried.

DECISION: Deferred for a site visit to enable members to assess the outbuilding and its impact.

19. Any Other Urgent Business

At this meeting there were none.

The meeting ended at 9.55pm

COUNCILLOR R PATEL
CHAIR

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 20 July, 2010**

Item No. 0/01
Case No. 10/0054

RECEIVED: 12 January, 2010

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

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

PROPOSAL: Retrospective application for a single storey outbuilding and proposed reduction in height to outbuilding in rear garden of dwellinghouse

APPLICANT: Mr Patel

CONTACT: Construct 360 Ltd

PLAN NO'S: Site location plans WPD22_01

This application was deferred at the 30th June Committee in order to allow members to undertake a site visit.

RECOMMENDATION

Refusal

EXISTING

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

PROPOSAL

This application relates to the existing unauthorised outbuilding located at the bottom of the applicants garden. Planning permission is sought for the retention of the outbuilding at a reduced height.

HISTORY

The following planning history is most relevant to the proposal:

- 16/12/2009 Planning permission refused for the retention of detached outbuilding in rear garden (ref:09/3143).
- 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).

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

Members attention is drawn to the planning application for the retention of an outbuilding at 41 Littleton Road that is also on this Committee's agenda. Members will note that proposal is recommended for approval, however that outbuilding has a foot print of only 12 square metres and is of a more appropriate scale and appearance to its domestic back garden setting than is the case for the outbuilding at 22 Wembley Park Drive.

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.

An earlier application for the retention of the outbuilding without any modification was refused by the Planning Committee at the end of last year. At the time some members indicated that they may be prepared to support a revised application that reduced the height of the building. This application proposes to reduce the height of the outbuilding to 2.5 metres and remove the internal walls that sub-divide it, however its foot print will remain unchanged - approximately 57 square metres.

The plan submitted with the application shows that the proposed outbuilding is 7.2m wide x 8m deep x 2.5m 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 but with its height reduced to from 2.9 metres to 2.5 metres. The internal subdivisions will be removed along with the toilet s and shower.

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 exceeds what can be considered ancillary to the main dwellinghouse. Although the outbuilding is not currently being used as a self contained residence and it is proposed to reduce its height, the appearance and size of the outbuilding means it still has the character of a separate self contained dwelling.

Its size is considered too large to be able to be considered an ancillary to the main dwelling.

Impact

The excessive size of the building at approximately 57 square metres 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 proximity to the boundaries with neighbouring properties results in an obtrusive and unneighbourly 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 restricts 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 reduction in the height of this unauthorised outbuilding does overcome previous concerns raised by officers.

The outbuilding, by virtue of its excessive size and proximity to the neighbouring boundary with nos 20 and 24 Wembley Park Drive, appears an 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.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The outbuilding, by virtue of its excessive size and design, would appear as an unattractive and incongruous form of development, out of keeping with the character of the surrounding area, to the detriment of local visual amenity and contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

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 20 July, 2010

Item No. 1/01
Case No. 10/0774

RECEIVED: 6 April, 2010

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Chalkhill Estate Redevelopment, Chalkhill Estate, Wembley

PROPOSAL: Demolition of Chalkhill Medical Centre, Rook Close, and creation of public park with play, performance and wildlife areas and formation of new pedestrian accesses on land adjacent to Chalkhill Road and Dugolly Avenue, HA9 (as accompanied by Chalkhill Park Community Consultation Final Report prepared by Groundwork London)

APPLICANT: London Borough of Brent

CONTACT: London Borough of Brent

PLAN NO'S:
Refer to condition 2

RECOMMENDATION

Approval

EXISTING

The application site is an area of rough grassland which formed part of the Master Plan for the redevelopment of the Chalkhill Estate and was designated as an area for a public park (LPA Ref: 94/1212). The site is surrounded by residential properties to the north (Chalkhill Road), east (Dugolly Avenue) and west (Rook Close) and abuts the railway line to the south. The site has been occupied on a temporary basis by the Chalkhill Medical Centre whilst works have been carried out on the new permanent Medical Centre located off Chalkhill Road (LPA Ref: 05/0968). The new Medical Centre is now occupied and the application site is vacant.

The site is designated on the Unitary Development Plan 2004 Proposal Map as an area of public open space. The railway line is designated as a wildlife corridor.

PROPOSAL

Demolition of temporary Chalkhill Medical Centre and creation of public park with play, performance and wildlife areas and formation of new pedestrian accesses on land adjacent to Chalkhill Road and Dugolly Avenue.

HISTORY

05/0968: Full Planning Permission sought for erection of 14 no. 1-bedroom and 28 no. 2-bedroom flats, office accommodation for Housing Association, community centre and Brent Primary Care Trust incorporating 2 GP practices, 38 car-parking spaces, landscaping to car park, re-alignment of 1 turning-head and 1 crossover, with elevated walkway linking PCT to Asda car park - Granted, 28/06/2005.

02/2681: Full Planning Permission sought for construction of 150 private dwellings comprising of

138 two-bedroom, 12 one-bedroom flats and 94 social-housing dwellings comprising 64 one-bedroom, 4 two-bedroom, 8 three-bedroom flats and 9 one-bedroom, 9 two-bedroom lifetime home units, together with associated landscaping - Granted, 31/03/2003.

94/1212: Outline Application: Demolition of Bison blocks and redevelopment to provide retail superstore, residential accommodation, parking, public open space and support facilities including health centre, rehabilitation and refurbishment of Scientist Estate Properties - Granted, 25/06/1996.

POLICY CONSIDERATIONS

National Policy Guidance

PPS9: Biodiversity and Geological Conservation

PPS9 states that wildlife should be protected from the adverse effects of development, where appropriate, using planning conditions or obligations.

Brent's Unitary Development Plan 2004

OS7: Provision of Public Open Space

The provision of new public open space will be sought on appropriate sites in local public space deficiency areas when redevelopment takes place.

OS14: Wildlife Corridors

Wildlife corridors will be protected from developments which sever or otherwise unacceptably harm their importance for wildlife conservation and/or visual amenity, unless where appropriate, compensatory provision is provided.

OS17: New Wildlife Habitats

The creation of wildlife habitats will be sought as part of the landscaping scheme in major developments in locations which are adjacent to areas of nature conservation importance and in areas of wildlife deficiency.

EP6: Contaminated Land

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

BE5: Urban Clarity & Safety

Public open spaces should be informally surveilled through the positioning of fenestration, entrances and other forms of overlooking.

CONSULTATION

Consultation Period: 20/04/2010 - 11/05/2010

Public Consultation

A total of 351 properties were consulted as detailed below:

- 1 - 8 Anton Place (inclusive)
- 1 - 49 Bowater Road (inclusive)

- 51 - 59 Bowater Road (odd)
- 84 - 104 Chalkhill Road (even)
- 89A-H Chalkhill Road (inclusive)
- 110 - 132 Chalkhill Road (even)
- 1 - 16 Moore View, 91 Chalkhill Road (inclusive)
- 113 - 115 Chalkhill Road (odd)
- 1 - 10 Dugolly Avenue (inclusive)
- 1 - 47 Rawlings Crescent (odd)
- 1 - 14 Rook Close (inclusive)
- 2 - 22 Walton Avenue (even)
- 1 - 23 Wellspring Crescent (odd)
- 1 - 23 Windsor Crescent (odd)
- 8 - 40 Windsor Crescent (even)

A total of 6 representations have been received, raising the following comments

1. Proposal will provide children with a good play area.
2. Play areas are small. Play equipment such as a sliding rope, tennis courts or basketball court would be welcomed.
3. Concerns raised with the lack of parking provision.
4. A separate area for dogs should be provided.

Internal Consultation

Environmental Health - No objection raised subject to a condition securing details of soil testing and disposal of the car park area.

Transportation - No objections raised on transportation grounds

Landscape - No objections raised subject to details of the proposal secured by condition

External Consultation

London Underground Limited - No objections raised in principle subject to being consulted on the details of the landscaping to ensure that there is no adverse effect to railway infrastructure.

Environment Agency - No objections raised.

Pre-application consultation

From May to September 2008, Groundwork London, together with officers within the landscape team, carried out an extensive community consultation with Chalkhill residents to inform designs for the new public open space. The consultation process commenced with a "Chalk Hill Community Café" in June 2008. 1,300 questionnaires were distributed across the estate and events such as the Health/Community Centre Information Day on 10th June 2008 and the Community Consultation and Sports Day on 30th August 2008 were organised and attended by Groundwork to engage as widely as possible with Chalkhill residents. In addition two steering groups were established and involved throughout the consultation and design process. These comprised an adult steering group made up of 10 representatives from the residents groups (SLIC, Chalkhill Residents Association and Chalkhill Community Action) and other interested residents, and a youth steering group formed in partnership with the Chalkhill Youth Forum and involved 21 young people. A summary of the main issues that came out of the consultation is provided below:

Play Areas

- Widely agreed that one large play area with sections for different age groups was needed

- Play provision for 5 – 12 years olds was identified as a priority followed by outdoor sports provision
- Location of play areas caused much debate with locations including close to the border with Chalkhill Road and Rook Close. The main issue was to ensure that the play areas were not situated too close to housing because of potential noise nuisance but sufficiently close to be overlooked.
- Adults, children and young people were keen to see designated play areas with varied relief that incorporated planting, trees, grassy mounds, slopes and other natural elements
- Impacting absorbing surfaces were discussed together with boundary fencing.
- A large amenity grassland was identified as a key priority throughout the consultation and should be a central feature of the park to allow for a large space to hold events and for informal sports e.g. cricket, football etc.

Sports Provision

- The highest priority identified by the male youth was a MUGA or an area set aside for football within the amenity grassland area.
- Lighting was welcomed so that football could be played throughout the year.

Performing Arts Space

- A performance arts space within the park was identified as a high priority for the majority of residents.
- Opinions on the exact design were varied with some residents preferring the more formal band stand like structures and other preferred a more informal amphitheatre like design using earth mounds.

Paths, Benches and Bins

- Residents preferred paths with gentle curves rather than uniformly straight ones.
- A main path encircling the park with a tree-lined section was identified together with benches and bins located along the pathway.
- Additional paths criss-crossing the amenity grassland was also identified as a need.
- Both traditional park benches and informal seating were popular, together with the use of memorial benches in memory of those who have passed away.

Picnic Areas

- Residents were in favour of informal picnic areas with tables and benches.

Dogs

- Majority of residents expressed concerns with dogs and dog fouling seriously affecting people's enjoyment of outdoor space.
- Many residents and the views of the consultation exercises and steering groups felt that dogs should be banned from the park and a separate dog exercise area installed.
- The northeast corner of the park was identified as an area for dog exercise located on the edge of the park.
- Dog litter bins and appropriate signage throughout the park was seen as important.

Security and fencing

- Discussions were held over whether the park should be locked at night. One solution was

to leave certain areas open for young people to access which was welcomed by the Youth Steering Group

- Residents did not want to see hiding places
- Residents would like to see wide vehicular access gates into the park to allow vehicles to enter to set up for events. The preferred location was the north-west of the park at the junction of Rook Close and Chalkhill Road.

Planting

- The Adult Steering Group preferred the use of indigenous planting rather than exotic plants and that low maintenance is preferable.
- An ornamental flower garden was welcomed with the suggestion that it could be incorporated in the quiet/reflective garden.

Nature Conservation Area

- Residents supported an area for nature conservation within the park.
- An area was identified to the east of the park and the existing space bordering the railway line to the south of the park.
- Residents have identified that they would like to see a wildflower meadow and natural "wild" grassland within this area and for a circular bench around the existing willow tree.

Lighting

- Adequate lighting throughout the park, particularly along the circular path encircling the park was identified as a priority.
- Solar-powered lighting was suggested in place of traditional lighting to reduce maintenance costs.

Temporary Cafe Site

- Residents expressed interest in a temporary cafe site, such as a caravan-type snack bar.
- Northwest corner near the proposed vehicular access gates was identified as the preferred location.

Cycling

- There was strong opposition from residents about cyclists using the paths in the park, although children and young people disagreed with banning bikes from the park, subject to riding responsibly when encountering pedestrians.

Parking

- Residents felt that there was a need for some parking facility near the park to enable the elderly or immobile to access and use the park. They were also concerned that the new health and community centre did not have any parking provision.

Concerns were also expressed with the existing parking situation getting worse as a result of the loss of the temporary car park on the site.

REMARKS

The proposed public open space

The proposed park is a requirement made under a Section 106 Agreement associated with the recent residential development to provide the area with a new public open space. The proposal seeks to provide amenity green space, formal recreational areas, play features, art and sculpture as well as habitat creation and enhancement to the wildlife corridor. Once complete, the park will be maintained by Brent Council Parks Services.

Concept Development

The initial concept was developed by the London Borough of Brent. The concept developed through sketch design and changed as different elements were integrated and precedents explored. Following on from extensive community consultation, the park space evolved into different character areas which form the basis of the final design and overall landscape strategy. These are discussed below:

1. Open Parkland

These areas seek to provide a combination of open, naturally established, rough grassland with dedicate areas for more intense recreational use, such as kickabout areas. This has been provided to meet the needs of children and young adults who have expressed a need for football facilities. A performance area is also proposed. Wildflower meadows will be introduced in order to establish biodiverse habitats and mown grass areas will be associated alongside footpaths, play areas, formal areas and sculpture garden.

2. Formal Planting Areas

These areas will form eye-catching, bold, colourful floral planting beds for the public enjoyment. They will create a memorable scene to key entrances and formal spaces within the park.

3. Play Areas

A playground for all ages will be incorporated into the parkland. The play area will be created using colourful structural and sculptural forms which will incorporate both formal and informal play features and equipment.

Play area planting will be confined mainly to the perimeter built will endeavour to provide a sensory stimulating plant experience. This will be provided through a range of attractive, interesting, touchable, aromatic, colourful, old and shapely selection.

4. Wildlife Corridor

Bird boxes and bat roosts are proposed in the existing trees.

Existing vegetation and trees will be retained where possible, although due to the grading of the site, some of the grassland will need to be re-established. Additional planting will be introduced to boost the existing habitat and replace those that are lost. These include native trees, native shrub planting, a native hedge mix, native bulbs and a swathe of native wildflower and rough grassland.

5. Aquatic and marginal areas

Natural marginal and aquatic habitats in the form of swales, shallow depressions with reed planting and a pond will be created to enhance biodiversity and aims to attract amphibians and insects. The majority of the proposed marginal and aquatic plant species will be established through plug planting and sowing seeds.

Details of the planting proposed within each of the character areas together with a detailed landscape maintenance and management plan are recommended to be secured by a planning

condition to ensure the ongoing vitality of the planting and wetland/wildlife habitats.

Foundation and sculpture

A foundation is proposed within the main entrance acting as a key focal element in the park and forms a destination point. It is also designed to form an end point and feature to the pedestrian access from the Town Hall and Forty Lane. The design of the foundation is a juxtaposition between the formal straight lines and smooth finished and the natural curved irregular forms and rough surfaces.

Sculpture and sculptural forms will be incorporate throughout the park to create an interaction and play element and to assist in way finding.

Full details of the sculptures and foundation are recommended to be secured by condition.

Surfacing and edging

Buff aggregate or asphalt is proposed for the main circulation routes which are envisaged to be 3m wide to provide suitable surface for maintenance vehicles and provide sufficient width for both pedestrians and cyclists. A mix of real stone and/or imitation stone in an attractive laid pattern is proposed for the formal entrance areas and spaces. This type of material is proposed as it will provide a smart, clean and easily maintenance hard surface suitable for high wear.

Full details of the hardsurfacing materials and treatments throughout the park are recommended to be secured by condition.

Street Furniture

Seating is proposed to be constructed with stone in the formal areas to compliment the paving and ornamental planting. In open parkland and the wildlife areas rustic timber seats are proposed.

Signage is proposed throughout the park to indicate zoning and way finding of the park. A welcome sign/sculpture is also planned for the entrance to the park.

Waste disposal will be provided through recycling bins at the main entrances and litter bins throughout the park. In formal areas these may be stone or metal while timber and other materials will be used throughout the rest of the park. Dog litter bins will also be provided.

The park will be open on three sides allowing easy access and increasing the sense of openness and freedom. The play areas, water fountain and formal gardens will be enclosed by simple architectural 1.2m high railing in response to residents concern over dogs.

Street lamps will be provided along the footpath/cycle route and at main entrances. Feature trees, shrubs, sculptures and the foundation are all proposed to be lit in various manners to create interest at night with various displays and colours.

Full details of the seating, signage, waste disposal, boundary treatments and lighting are recommended to be secured by condition.

Flood Risk

The Environment Agency do normally require a surface-water Flood Risk Assessment for site that are over 1 hectare in Flood Zone 1 (low flood risk areas). Whilst this site is over 1 hectare, the Environment Agency have advised that due to the nature of the site and the topographical survey, they find the scheme acceptable and do not require the submission of a surface-water Flood Risk Assessment.

Contamination

The proposed end use of the site (a public park) is deemed to be "sensitive" under Planning Policy Statement 23 and as such, as a minimum, a desk study is required to determine whether there are any potential risks to future site users from soil contamination. A Phase 1 Desk Study has been carried out by officers within the Council's Environmental Health Team. The outcome of the desk study has led to a site investigation carried out by Southern Testing. The site investigation report has been reviewed by Environmental Health.

The site investigation revealed that none of the potential contaminants exceeded their screening values apart from total PAH and benzo(a)pyrene. The levels of these contaminants exceeded their screening values due to two hotspots which coincide with the car-park area. As the car-park area is to be broken up and removed, this will effectively deal with this contamination.

The rest of the soil, according to the findings of the investigation, is suitable for use. The report recommended that 200 - 300mm of topsoil be used as cover in all soft landscaped areas. Officers in Environmental Health have advised that any topsoil brought onto the site will need to be tested for suitability and if any previously undiscovered contamination is uncovered during the landscaping works, then this will need to be brought to the attention of Environmental Health for further assessment. Such details are recommended to be secured by condition.

Nature Conservation

An ecological survey and nesting bird, bat and reptile survey have been carried out. This is discussed in further detail below:

Nesting Birds

No active nests were recorded at the time of the survey. However, it is advised that vegetation or site clearance should ideally take place outside of the nesting season (1st March - 31st July inclusive). If any active nests are identified prior to tree works then they must be protected until the young have fledged.

The survey recommended that the weeping willow is retained (T3 on the tree survey) as this tree has high potential to support starlings which are Red listed by the RSPB and are also a UKBAP species.

Bird boxes and careful pruning of the retained trees are also recommended.

Bats

Activity surveys revealed the presence of pipistrelle bats foraging and feeding around several trees on the site. The survey recommends the use of bat boxes together with an emphasis on the retention of natural roosting features. Additional tree planting along the eastern edge of the site was recommended to improve bat foraging opportunities.

The survey recommended that lighting should be at a low level and directed away from sensitive areas.

Reptiles

No reptiles were recorded at the site. The report however recommends that if any reptiles become evident on site then works shall cease and the advice of a suitably qualified ecologist be sought.

The survey recommends that the wildlife corridor be enhanced by creating artificial hibernacula and

south facing slopes to provide basking opportunities to increase the suitability of the site for local reptiles.

Further details will be required by condition.

Tree Protection

A tree survey and tree-root protection plan have been provided which have identified the trees on site and any recommended works to be carried out to these trees. A condition will require works to the trees to be carried out in accordance with the submitted survey.

Access points to the park and parking

Five pedestrian entrances are proposed (four along Chalkhill Road and one on Rook Close), with the main entrance being directly opposite the linear park alongside Asda Superstore. Officers in Transportation have advised that the positions shown for the pedestrian entrances into the park are well thought out - each linking a pedestrian desire line from adjoining streets.

Whilst no future means of vehicular access for parks vehicles have been indicated on the plans, it has been agreed that use would be made of the two existing crossovers from Rook Close. Full details of the vehicular are recommended to be secured via condition.

No parking provision is proposed for the park. On-street parking is prohibited on Chalkhill Road alongside the northwestern corner of the site, but otherwise unrestricted parking is available along Rook Close, Bowater Road and Dugolly Avenue and these roads are not generally heavily parked. Whilst it is noted that residents are concerned with the lack of parking provision for the park, given that the park is intended to be a local facility, the majority of trips to the park are likely to be by foot or bike. With spare on street capacity being available on adjoining roads, it is not considered necessary to provide a designated parking area.

Conclusions

The proposed park is considered to be of benefit to the local community by providing outdoor recreation for local residents. Following significant consultation, the proposal has evolved to meet the needs of all age groups. Accordingly, subject to appropriate conditions, 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

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

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

CONDITIONS/REASONS:

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

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

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

L 201 02

L 201 03

L 201 04

L 201 05

L 201 06A

L 3706/1 Sheet 1 of 2

L 3706/2 Sheet 2 of 2

Landscape Strategy

"Nesting Bird, Bat & Reptile Survey for Chalkhill Park, Wembley" prepared by Wychwood Environmental

"Chalkhill Park, Wembley: Ecological Survey" prepared by Brent Council

"Phase 1 Desk Study" prepared by Brent Council

Site Investigation prepared by Southern Testing

Tree Survey

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

- (3) Tree works shall be carried out in accordance with the approved Tree Survey and Root Protection Plan L 201 06A. Any works to the existing trees shall take place outside the main breeding period for birds (March to September) unless preceded by a survey, to be submitted to and approved in writing by the Local Planning Authority, to check for the presence of breeding birds. Should nesting birds be identified, all works to the trees shall stop until the young birds have left the nest.

Reason: In the interests of wildlife.

- (4) The tarmac and underlying soil associated with the car park area is not suitable for re-use on the site and must be disposed of appropriately. Evidence of disposal in the form of waste transfer notes must be provided to the Local Planning Authority. The quality of any soil brought into site must be tested for contamination at a ratio of 1 sample per every 100 cubic metres. Details of the soil testing must be provided to the Local Planning Authority for approval. Should any previously undiscovered contamination be uncovered during the landscape works, this must be brought to the attention of the Environmental Health department immediately.

Reason: To ensure the safe development and secure occupancy of the site proposed as a public park.

- (5) Notwithstanding the details referred to in the landscape strategy, further details of the landscape scheme for the proposed park shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground Limited (LUL) prior to any works commencing on site, and thereafter fully

implemented in accordance with the approved details. Such details shall include:

- i) Hard Surfaces including details of materials and finishes including boundary treatments including evidence of sustainable construction techniques.
- (ii) All planting including location, species, size, number and density.
- (iii) Measures to protect/enhance wildlife habitat
- (iv) The location and details of all proposed furniture and lighting including but not limited to bollards, litterbins, light columns and up lights.
- (v) Details of water feature, mechanics, materials and any other relevant construction details.
- (vi) Proposed contours and levels to incorporate natural drainage feature.
- (vii) The location of all proposed signage on site.
- (viii) Details of the proposed vehicular access arrangements for maintenance vehicles.
- (ix) A 5-year maintenance plan showing aims and objectives and details for maintenance of hard and soft landscaping.

Any planting that is part of the approved scheme that, within a period of 5 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 appearance and setting of development so that the facilities provide a benefit to the local community and residents.

- (6) Details of all play spaces (formal and informal) shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the park.

Such scheme shall also indicate:-

- (i) Any proposed boundary treatments including walls and fencing, indicating materials and heights.
- (ii) Equipment including details of types of equipment to be installed.
- (iii) Surfaces including details of materials and finishes.
- (iv) Existing contours and levels and any alteration of the ground levels, such as earth mounding.
- (v) All planting including location, species, size, number and density.
- (vi) The location of all proposed signage on site.
- (vii) The location and details of all proposed furniture and lighting including but not limited to bollards, litterbins, light columns and up lights.
- (viii) A 5-year maintenance plan showing aims and objectives and details for maintenance of hard and soft landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and setting of development so that the facilities provide a benefit to the local community and residents.

INFORMATIVES:

- (1) The applicant is advised to contact London Underground Limited prior to carrying out works to the trees near to the boundary with the railway line.

REFERENCE DOCUMENTS:

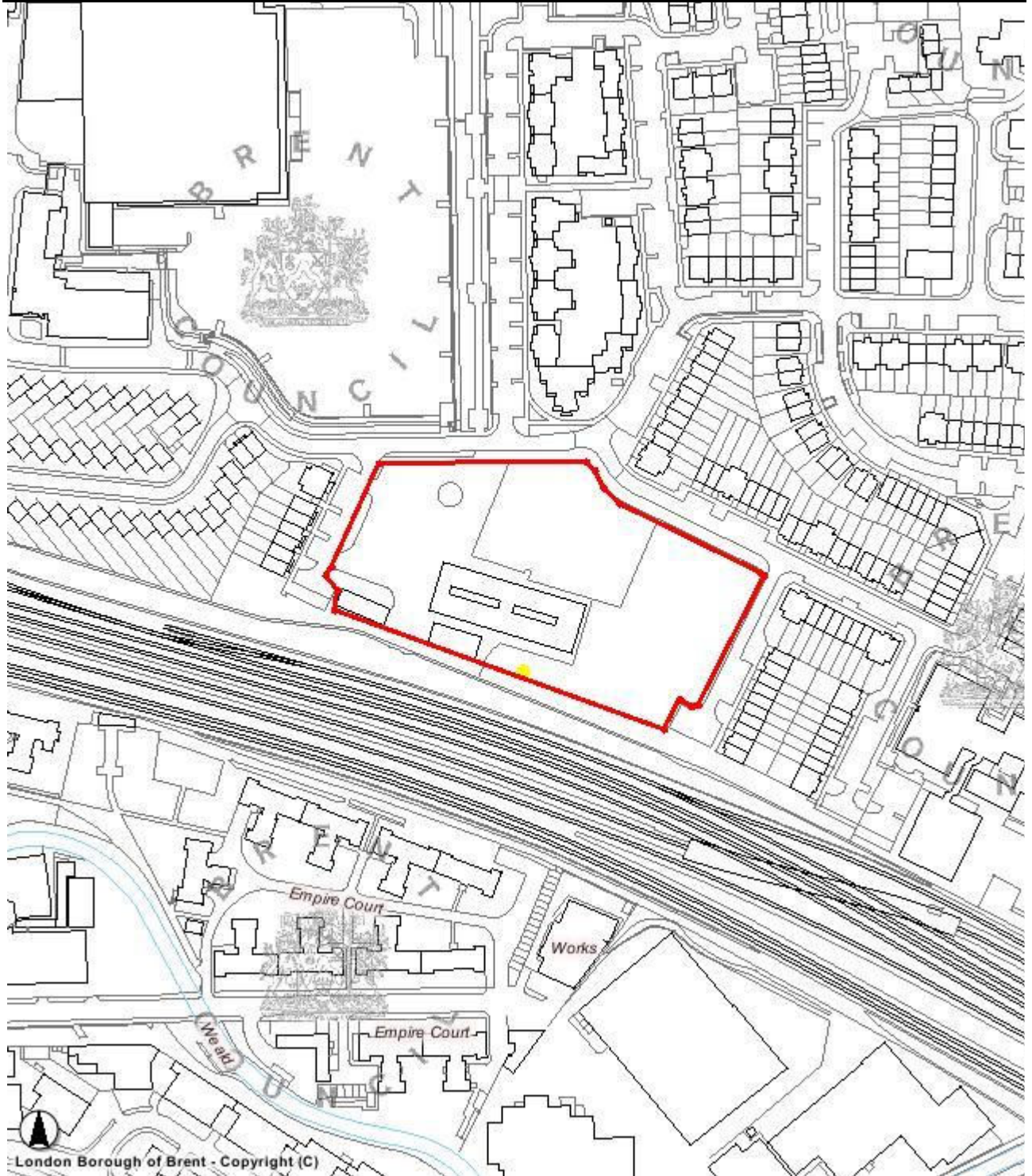
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Chalkhill Estate Redevelopment, Chalkhill Estate, Wembley

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This map is indicative only.

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**Committee Report
Planning Committee on 20 July, 2010**

Item No. 1/02
Case No. 10/1088

RECEIVED: 7 May, 2010

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 3 Burnt Oak Broadway, Edgware, HA8 5LD

PROPOSAL: Extension to time limit of application 05/0380 dated 12/05/05 for demolition of existing building and replacement with a 5- and part 6-storey building to provide a mixed-use development including basement car-parking, retail at ground and mezzanine levels, and 73 flats in 2 separate blocks and subject to a Deed of Agreement dated 12th May 2005 under Section 106 of the Town and Country Planning Act 1990, as amended. This represents a car free development

APPLICANT: Devenshire (South) Ltd

CONTACT: PAD Consultancy Ltd

PLAN NO'S:
See Codition 4

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 Deed of Variation 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
- 40% Affordable Housing – unless otherwise agreed by the Council
- A contribution of £266,400 (£3000/£2400 per additional bed space) due on material start and index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 4 for the residential and BREEAM level "Excellent" for non-residential, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- 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.

- Join and adhere to the Considerate Contractors scheme.
- Permit Free
- Travel Plans for the retail and residential elements of the development
- Car Park Management Plan;
- An agreement under Section 38 of the Highways Act 1980 to reconstruct the service road to the rear of the site to an adoptable standard and thereafter offer it to Brent Council for adoption as highway maintainable at the public expense and to facilitate the reconstruction of the length of rear service road to the rear of 1 Burnt Oak Broadway to adoptable standards under the Private Street Works code of the Highways Act 1980 (with a view to future adoption under S.228 of the Highways Act 1980);

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 at present occupies a stated area of 2,740 sq. metres. The site fronts Burnt Oak Broadway along a distance of approximately 74 metres. The site is currently occupied by a three storey structure with a large scale retail facility at ground floor level, parking at first floor level and ancillary office space at 2nd floor level. There is an approximate drop of 2 metres in levels across the site from north to south.

PROPOSAL

Extension to time limit of application 05/0380 dated 12/05/05 for demolition of existing building and replacement with a 5- and part 6-storey building to provide a mixed-use development including basement car-parking, retail at ground and mezzanine levels, and 73 flats in 2 separate blocks and subject to a Deed of Agreement dated 12th May 2005 under Section 106 of the Town and Country Planning Act 1990, as amended. This represents a car free development

HISTORY

05/0380. Full planning permission sought for Demolition of existing building and replacement with a 5 and part 6 storey building to provide mixed use development including basement car parking retail at ground and mezzanine levels and 73 flats in 2 separate blocks. Granted 12/05/2005.

There is also a development currently under construction nearing completion at the neighbouring Theoco Site. This development was approved in 2003. Demolition of existing building and erection of a new car showroom with ancillary facilities to the ground floor, basement car-parking and 53 flats above (03/3436).

POLICY CONSIDERATIONS

National

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)

This PPS supports the reform programme and 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 Statement 3 (PPS3): Housing (2006)

This document's objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth (2009)

PPS4 consolidates the key economic policies of PPG4, PPG5 and PPS6 (and part of PPS7). It sets out how planning can help achieve the Government's objective of sustainable economic growth by: improving the economic performance of cities, towns, regions, sub-regions and local areas; reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation; deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change; promote the vitality and viability of town and other centres as important places for communities.

To achieve this, the Government wants: new economic growth and development of main town centre uses to be focused in existing centres; competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres; the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced; raise the quality of life and the environment in rural areas

Greater Flexibility for Planning Permissions (2009)

This was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly.

Regional

London Plan (consolidated with alterations since 2004)

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces

Objective 2: To make London a healthier and better city for people to live in;

Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth

Objective 4: To promote social inclusion and tackle deprivation and discrimination;

Objective 5: To improve London's accessibility;

Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

The London Plan sets targets for the provision of new homes and the proportion of affordable dwellings together with the accessibility of dwellings in relation to the Lifetime Homes standards and the proportion of wheelchair or easily adaptable units.

The London Plan sets out policies relating to climate change, setting out the Mayor's energy hierarchy (using less energy, supplying energy efficiently, using renewable energy) which includes consideration of the feasibility of CHP/CCHP and a reduction in carbon dioxide emissions of 20% from on site renewable energy generation.

Housing – Supplementary Planning Guidance (2005)

This guidance relates to the housing policies within the London Plan and covers policies on housing provision (following draft SPG published for consultation in December 2004) and policies on affordable housing (following draft SPG published for consultation in July 2004). It gives detailed guidance for boroughs on how to develop sites for housing and how to determine housing mix and density for any individual site. It emphasises that new developments should make the most effective and appropriate use of the land available, consistent with the principles of Sustainable Residential Quality. The Mayor is concerned that new housing in London should meet the full range of housing needs. The guidance sets out how this must include in particular a higher level of new family housing than is currently being built in London.

Providing for Children and Young People's Play and Informal Recreation – Supplementary Planning Guidance (2008)

This Planning Guidance seeks to ensure that a high quality environment is provided for all residents with sufficient high quality play and recreation space accessible by children and young people of different ages. Targets are set for the amount and types of play and recreation space based on the child yield of the development and accessibility of the existing and proposed play and recreation facilities.

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

The SPG provides guidance on the way that the seven measures identified in the London Plan 2004 Policy 4B.6 (Policy 4A.3 of the 2008 amendment to the London Plan) can be implemented to meet the London Plan objectives.

The seven objectives are as follows:

- Re-use land and buildings
- Conserve energy, materials, water and other resources
- Ensure designs make the most of natural systems both within, in and around the building
- Reduce the impacts of noise, pollution, flooding and micro-climatic effects
- Ensure developments are comfortable and secure for users
- Conserve and enhance the natural environment, particularly in relation to biodiversity
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP schemes and other treatment options

Local

Brent Unitary Development Plan 2004

Set out below is a summary of the key policies within the adopted Brent UDP 2004 which are directly relevant to the determination of the application. The policies prior to adoption were subject to an Equalities Impact Assessment.

Strategy

STR 1–4 (prioritising locations and land uses to achieve sustainable development)

STR 5 & 6 (reducing the need to travel)

STR 11–17 (protecting and enhancing the environment)

STR 19 & 20 (meeting housing needs)

STR 37–38 (meeting community needs)

The Built Environment

BE 1 (which requires the submission of an Urban Design Statement)

BE 2 (townscape; local context and character)

BE 3 (urban structure; space and movement)
BE 4 (access for disabled people)
BE 5 (urban clarity and safety)
BE 6 – 7 (public realm; landscape design and streetscape)
BE 9, (which requires developments to be of high architectural quality)
BE 11 (intensive and mixed-use developments)
BE 12 (sustainable design principles)

Environmental Protection

EP 2 (noise and vibration)
EP 3 (local air quality management)
EP 6 (contaminated land)
EP 10 (protection of surface water)
EP 15 (infrastructure).

Housing

H 4 (off-site affordable housing)
H 8 (dwelling mix)
H 10 (housing on brownfield sites)
H 12 (residential quality)
H 29 (accessible housing).

Transport

TRN 1 (transport assessment)
TRN 2 (public transport integration)
TRN 3 (environmental impact of traffic)
TRN 4 (measures to make transport impact acceptable)
TRN 10 (walkable environments)
TRN 11 (the London Cycle Network)
TRN 12–13 (road safety)
TRN 16 (the London Road Network)
TRN 22–25, 28 (parking)
TRN 34 (servicing)
TRN 35 (transport access for disabled people).

Town Centres and Shopping

SH 1 (network of town centres)
SH 3 (major town centres and district centres)
SH 19 (rear servicing)

Open Space, Sport and Recreation

OS 18 (play areas for children)

Waste

W8 (construction/demolition/commercial waste)
W9 (construction/movement of spoil)

Core Strategy - Proposed Submission DPD June 2009

Declared sound by Inspector following Examination in Public (EIP) in April 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries

Objective 5: to meet social infrastructure needs
Objective 6: to promote sports and other recreational activities
Objective 7: to achieve housing growth and meet housing needs
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 11: to treat waste as a resource
Objective 12: to promote healthy living and create a safe and secure environment

CP 1 (spatial development strategy)
CP 2 (population and housing growth)
CP 11 (Burnt Oak/Colindale Growth Area)
CP 16 (town centres and the sequential approach to development)
CP 19 (Brent strategic climate mitigation and adaptation measures)

Brent Supplementary Planning Guidance

SPG4 – “Design Statements” adopted 2004

Provides guidance on the preparation and content of coherent and comprehensive design statements as required by Policy BE1 of the Adopted UDP.

SPG17 – “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.

SPG21 – “Affordable Housing” draft consultation (2003)

This SPG note seeks to ensure that all appropriate new housing developments makes it proper permanent contribution towards alleviating Brent's affordable housing needs. This SPG note amplifies national guidance, supplements the policies of the UDP and sets out in detail the considerations the Council will apply in determining planning applications.

SPD “Section 106 planning obligations” October 2007

Provision for a standard charge for planning obligation contributions.

SUSTAINABILITY ASSESSMENT

Sustainability and energy sources are considered the key policy areas to have changed since the application was determined (see *Remarks* section, below).

At the regional level, the London Plan, originally published in 2004, has been revised to include a requirement for developments to “achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy)” (Policy 4A.7 Renewable Energy, 2008: p205).

At the local level, Brent's Core Strategy, found sound by Inspector's binding report in April 2010, includes policy CP19 *Brent Strategic Climate Mitigation & Adaptation Measures* which requires Code for Sustainable Homes Level 4 (CSH4) in Housing Growth Areas and BREEAM Excellent for non residential development.

Turning to the changes to local planning policies, the proposal is in the Burnt Oak/Colindale Housing Growth Area (as identified in the Core Strategy, policy CP11) where major proposals are required to meet CSH4 and BREEAM 'Excellent', subject to feasibility. The original S106 agreement sought BREEAM 'Very Good' or the Code for Sustainable Homes equivalent. The increased weight attributed to the Core Strategy following it being found sound by the Inspector in April 2010 means the provisions of policy CP19 *Brent Strategic Climate Mitigation & Adaptation Measures* should be sought.

A sustainability checklist was submitted with the original application this had a score of 31% which was considered to be fairly positive at the time. While this is below the 51% currently this policy was in effect at the time of the previous application. However it is considered that the proposed deed of variation to the section 106 will result in an improvement of the sustainability checklist rating.

CONSULTATION

A site notice was displayed at 2 points adjacent to the site and 94 letters were sent out to neighbouring residents that may be affected. In response to this 1 objection has been received from a resident on Lemsdale Gardens who objects on the following grounds:

- The proposed development in conjunction with other recent approvals for high density development on the Edgware Road will overload the existing infrastructure in particular the transport system. These comments are addressed in the remarks section of the report

A number of external agencies were also consulted on the proposed extension. The comments are summarised below:

TFL have no objection to the proposal but consider that conditions should be attached to ensure that highway and transport issues are acceptable. Conditions should be attached in relation to the following matters:

- 1) Full construction management plan and construction logistics plan should be submitted and approved before commencement of works to minimise impact on A5 during construction. This could be done by condition or a clause in the section 106
- 2) No construction vehicles should park or drop-off on the footway and carriageway on A5 at any time without prior consent.
- 3) Deliver and servicing plan should be submitted prior to works commencing.
- 4) The applicant shall obtain further approval from the local planning authority when the exact use of the proposed (i.e. whether it is food or non-food retail).
- 5) The proposed retail space must not be sub-divided into small units for multiple use without prior consent

They also recommend that the number of cycle parking spaces be increased and that residential and work place travel plans should be produced.

- In response to the matters relating to the first 3 requests are covered in existing and proposed additional conditions. In relation to the additional control of the retail space these are matters that were not included as conditions at the application stage and there is no additional alterations to policy to justify adding these at this stage.

The Council's Highways Engineer has no objection to the proposed extension subject to an amended Section 106 Agreement to secure:-

- (i) a financial contribution of £100,000 towards non-car access/highway safety improvements and/or parking controls in the area;
- (ii) Travel Plans for the retail and residential elements of the development;
- (iii) a Car Park Management Plan; and
- (iv) an agreement under Section 38 of the Highways Act 1980 to reconstruct the service road to the rear of the site to an adoptable standard and thereafter offer it to Brent Council for adoption as highway maintainable at the public expense and to facilitate the reconstruction of the length of rear service road to the rear of 1 Burnt Oak Broadway to adoptable standards under the Private Street Works code of the Highways Act 1980 (with a view to future adoption under S.228 of the Highways Act 1980);

together with a condition requiring an increased in the bicycle parking provision of nine spaces in the basement car park and eight publicly accessible spaces along the site frontage, there would be no objections on transportation grounds to the extension of this planning permission for a further period.

Landscape Design have not changed their comments and request that a section 106 contribution is made toward landscape improvements. This is covered in the standard charge set out in the section 106 paragraph above.

The Environment Agency have no objections to the extension of time limit but request that a condition restricting the use of piling or other foundation designs unless written consent is received from the LPA. This is required to demonstrate that there will be no unacceptable risk to groundwater in the deep aquifer. A condition has been attached to this effect.

Environmental Health have no objection to the proposal provided that the same conditions are applied as to the original permission.

REMARKS

Introduction

This application is for extension of the time limit on the original permission granted on 12 May 2005. As discussed below, the development proposed in this application for extension has by definition been judged to be acceptable in principle by members. The issues discussed in the original reports will not be discussed in this report unless the relevant policies have changed.

Background

The recession has had a significant impact on the development industry over the past two years. The ability for developers to raise finance to purchase and construct schemes has been restricted as bank lending has contracted. Demand for retail space has declined in the face of reduced household income and the ability of potential homeowners to secure mortgage finance has been severely limited, although house prices have remained surprisingly resilient.

As a result a number of consented schemes are at risk of not being commenced within three/five years of the permission being issued. The need for homes remains, however, and it is expected that the construction sector, which makes a significant contribution to the economy, will recover as the recession eases and liquidity returns to the credit markets.

Government response

In 2009 the Government recognised the difficulties facing the industry and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able apply to their Local Planning Authority (LPA) for a new

planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Procedural matters

The process is referred to as 'extension' for convenience. More formally, a new permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes (see below).

Communities and Local Government stresses that, although this is not a rubber-stamp exercise, "development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date" (2009: 7-8).

How Brent should approach such applications

Guidance titled 'Greater Flexibility for Planning Permissions: Guidance' has been published by the Government and this document informs LPAs how to approach these types of applications (Communities and Local Government, 2009). LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly (2009: 7). The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) "which may have changed *significantly* since the original grant of permission" (2009: 8, author's emphasis).

Policy changes since 12 June 2005

Below is a table of the main policy changes to have occurred since planning permission was granted. Not all policy changes affect the scheme and of those that do, not all would make the scheme unacceptable. If any policy is now at odds with the scheme, its significance should be balanced against the guidance from the Government that LPAs take a positive and constructive approach to deciding these applications, which should be given substantial weight.

<i>Level</i>	<i>Document</i>	<i>Adopted?</i>	<i>Changed since 12th May 2005?</i>
Brent	Unitary Development Plan 2004	2004	Yes, since 27 September 2007 a number of the policies have been deleted, including policies H2 and H3. The application is considered against the saved policies
	Supplementary Planning Guidance	Various, none after May 2005	No
	Supplementary Planning Document - s106	October 2007	Yes, wholly new. Most s106 financial contributions are calculated using the standard charge.
	Local Development Framework	Emerging	Yes
	Core Strategy	Emerging	Yes, found sound at Examination in Public (EIP). To be adopted 12/07/10
Regional	London Plan (consolidated)	February	Yes,

	with alterations since 2004)	2008	
	London Plan 2009 (draft)	Emerging	Yes, currently undergoing Examination In Public
National	Planning Policy Statement 1 (PPS1): Delivering Sustainable Development	January 2005	Yes, supplement to PPS1, entitled Planning and Climate Change published December 2007
	Planning Policy Statement 3 (PPS3): Housing	November 2006	Yes, replaces PPG3
	Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth	December 2009	Yes, see below for more detail
	Planning Policy Guidance 13 (PPG13): Transport	April 2001	No

Although there are a number of revised or new national policy statements these have not changed significantly the way in which LPAs should consider individual cases. National policy statements explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. Although the guidance is relevant to development management decisions on individual planning applications and appeals, they are also important for plan-making. Local authorities must take their contents into account in preparing their development plan documents. Changes to the national policy framework will be incorporated into Brent's local development framework and development plan documents, a process which is under way.

Regional policy changes

London Plan (consolidated with alterations since 2004)

At the regional level, the London Plan, originally published in 2004, has been revised to include a requirement for developments to "achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy)" (Policy 4A.7 Renewable Energy, 2008: p205). The implications of this are discussed in the *Sustainability Assessment* section above.

Draft London Plan 2009

The draft London Plan is currently undergoing Examination In Public which is scheduled to be concluded in October 2010. The draft plan includes policy 3.5 relating to the quality and design of housing developments. this states:

"The design of all new dwellings should take account of factors relating to 'arrival' at the building and the 'home as a place of retreat', meet the dwelling space standards set out in Table 3.3, have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process"

As this is draft policy and has not yet been adopted, limited weight when assessing the extension of time limit to this application. However an assessment of the proposed accommodation has been made in relation to the draft dwelling space standards set out in Table 3.3 of the Mayor's draft London Plan. Of the private units there are 15 1-bed flats that would be below the 50sqm standard for a 1-bed flat while of the affordable units there are 7 1-bed units that would be below this guidance. Given that the units are all in compliance with Council guidelines for minimum floor areas and the number that are marginally below the GLA draft standards is small, the proposal is considered to be acceptable. The applicant has not stated the number of persons for each unit which is a requirement of the draft guidance however, if each unit is assessed on the basis that

they will provide the minimum number of persons per bedroom, the remainder of the units would comply with this table. Notwithstanding this it should be noted that the policy is only at draft stage it is not considered to have sufficient weight to warrant refusing permission for the extension of time.

Local policy changes

Brent Core Strategy

The process to replace Brent's Unitary Development Plan (2004) with a Local Development Framework (LDF) had begun prior to the decision to grant planning permission in 2007. The Core Strategy DPD was submitted to the Secretary of State on 30 September 2009. The Core Strategy has now been examined and the Council received the Inspector's report on 16 April 2010. This concludes that the Strategy is sound subject to a number of recommended changes. This increases the weight to be given to the Core Strategy policies; those of particular significance are CP 11 and CP 19, relating to Housing Growth Areas, of which Burnt Oak/Colindale is one, and sustainability and climate change mitigation measures. The implications of this are discussed in the *Sustainability Assessment* section above.

Changes to the scheme

No changes to the scheme considered and approved by members at committee in May 2005 are proposed. Any changes required to satisfy new or revised climate change policy objectives can be incorporated into the reports required to be submitted to the Council for approval before commencement of works as secured in the S106 agreement; it is standard practice to leave these aspects of a development until after permission has been secured as the expensive and technically demanding process of designing the building to meet the agreed standards requires the certainty of what is to be built that permission confers.

Alterations to conditions and section 106

To reflect the changes in policy described above, the following changes are made to the decision notice:

1. Update 'Summary reasons for approval'
2. Add condition listing approved plans
3. Add condition requiring provision of 73 cycle parking spaces
4. Removal of conditions of conditions relating to travel plans, car park management plan and adoption of service road.

The S106 agreement will be subject to a deed of variation to reflect the agreed heads of terms as set out in section 106 and the *Sustainability Assessment* section, above. The proposed level of contribution is now in accordance with the requirements of *SPD: S106 Planning Obligations*, and have been agreed in principle with the applicant.

Three of the Transportation conditions attached to the original permission have been included in the S106 deed of variation to reflect the amended agreed heads of terms therefore these conditions have been removed from the original permission those relating to the adoption of the rear service road, the submission of travel plans and the submission of a parking management plan.

Substantial physical changes to the area since 12 May 2005

There have been two significant approvals of planning permission at Oriental City and Capitol Way in the Burnt Oak and Colindale areas of Brent since the original approval while at the neighbouring Theoco site construction of a planning permission granted in 2003 is nearing completion. The Theoco site development was approved in 2003 and therefore was a material consideration at the time of the original application. The other sites at which developments have been approved are over 300m from the site and included assessments considering the cumulative impact of existing

permissions. Decisions on these applications were made with consideration given to the cumulative impact of the proposed and existing permissions and it was found that the impact would be acceptable. Furthermore there is a change in the level of contribution to be sought that will increase it as a result of the consideration of the changes to the SPD: Planning Obligations and the impact the proposed development is likely to have on local infrastructure.

Objections

1 objection has been received from a local resident on the grounds that the proposed development will overload the existing infrastructure as a result of approvals at Oriental City and the Wickes Capitol Way scheme on Edgware Road.

This point has been addressed in the previous section.

Conclusion

The Government, when introducing this legislation, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive those planning applications which would otherwise lapse during the UK recession. Some policy changes were anticipated in the legislation and although the guidance made it clear that applications to extend planning permissions should not be considered a rubber stamp exercise, it also made clear that LPAs should be positive and constructive in their approach to determining them.

Your officers are of the opinion that there are no planning policy changes which mean permission should not be given to extend the planning permission. In reaching this decision, your officers have attached substantial weight to the Government's guidance on how to approach these applications.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent's Unitary Development Plan 2004
PPG3 Housing and PPG4 Industrial and Commercial Development Central
Government Guidance
Council's Supplementary Planning Guidance SPG17
BPG1 and BPG3 Mayor's Best Practice Guide

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
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
Design and Regeneration: in terms of guiding new development

CONDITIONS/REASONS:

- (1) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved by the Local Planning Authority prior to the commencement of any demolition/construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed, in writing, with the Local Planning Authority. Such a scheme shall include:-
- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained
 - (b) full landscaping details of the stip along the bodies frontage.
 - (c) full details of the green roofs and communal areas of open space
 - (d) details of the proposed arrangements for the maintenance of the landscape works.

Any planting which is part of the approved scheme that in the period of five years after completion is removed, dies or become seriously damaged or diseased, should be replaced in the next planting season with planting of a similar size and species, unless the local planning authority first gives written consent to any variation.

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

- (2) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of development. Such details shall include detailed drawing(s) of those areas to be so treated, a schedule of exact materials and samples if appropriate. The approved scheme shall be fully implemented.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (3) 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.

- (4) The development hereby permitted shall be carried out in accordance with the following approved drawings:

2263/P/012 RevA
2263/P/013 RevA
2263/P/014 Rev A
2263/P/015 RevA
2263/P/016 RevA
2263/P/017 RevA
2263/P/018 RevA
2263/P/019 RevA
2263/P/020
2263/P/021 RevA
2263/P/022 RevA
2263/P/023 RevA
2263/P/024

2263/P/025
2263/P/026

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

- (5) The 8 spaces indicated for disabled car parking shall have a minimum width of 3.6m. These shall be provided prior to the occupation of the premises, for the exclusive use of disabled people. The spaces shall be clearly marked and shall be maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory facilities for disabled people.

- (6) During demolition and/or construction works on site:-
- (a) 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 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;
 - (b) vehicular access to the adjoining and opposite premises shall not be impeded
 - (c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;
 - (c) no waste or other material shall be burnt on the application site;
 - (d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.
 - (e) a barrier shall be constructed around the site, to be erected prior to demolition
 - (f) a suitable and sufficient means of suppressing dust must be provided and maintained
 - (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
 - (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
 - (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
 - (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

- (7) The car parking spaces shown on the approved plans shall be retained at all times. The eight disabled car parking spaces shall be marked as being available for use by disabled drivers only. A detailed car parking scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. This shall show the separation of the affordable and private housing spaces in compliance with the Council's parking standards.

Reason: To safeguard the amenities of the future occupiers of the development.

- (8) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Deep piling, foundations or basements could penetrate the London Clay, which protects the Chalk principal aquifer. Therefore details on maximum depth and the techniques used to assess the risk to groundwater in the deep aquifer are

required to ensure the proposal complies with PPS 23.

- (9) Notwithstanding the details of materials indicated in revised plan no.2263/P/o21A prior to the commencement of development full details of materials for all external work, i.e. bricks, fenestration and roofing materials, including samples, shall be submitted to and approved by the Local Planning Authority with the works carried out in accordance with the approved details

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

- (10) Before building works commence on the site a scheme be submitted to and approved by the Local Planning Authority providing for the insulation of the proposed dwelling unit(s) so that externally generated road traffic noise levels do not cause internal noise levels to exceed:

-In living rooms an average hourly noise level between 0700 and 1900 hours of 50 dB(A) for more than 10% of the time.

-In bedrooms an average hourly noise level between 2200 and 2400 hours of 35 dB(A) for more than 10% of the time.

Such works shall be completed to the satisfaction of the Local Planning Authority prior to occupation.

Reason: To safeguard the amenities of the occupiers.

- (11) Details of the provision of a minimum of 73 secure cycle parking spaces for prospective residents and eight publicly accessible spaces along the site frontage for the commercial unit, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (12) Full details shall be submitted to and agreed in writing by the Planning Authority for all details of noise insulation between residential units and the retail units within the approved plans. Adequate noise insulation shall be provided to walls and/or floors between units in separate occupation in accordance with the Local Planning Authority's preferred design standards, or to such other alternative specifications as may be submitted to and approved by the Local Planning Authority, and the insulation shall be installed prior to occupation of the units hereby approved.

Reason: In the interests of neighbouring occupiers.

- (13) Prior to the commencement of development on site hereby permitted:

(a) a site investigation shall be carried out by an appropriate person (approved in writing by the Local Planning Authority) 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 by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found and

(b) a completed report and certification of completion shall be provided to the Local Planning Authority by an appropriate person (approved in writing by 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

Reason: To ensure the safe development and secure occupancy of the site proposed for use.

- (14) The demolition/ building works hereby approved shall not commence until vehicle wheel washing facilities have been provided on site, in accordance with details of such facilities to be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and no work shall take place at any time the said facilities are not present or are otherwise incapable of use.

Reason: To ensure that the construction of the proposed development does not prejudice the conditions of safety and cleanliness along the neighbouring highway.

- (15) No development shall commence on site until the a programme of archaeological work has been secured in accordance with a written scheme of investigation approved by the Planning Authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Planning Authority.

Reason: To ensure the redevelopment of the site does not prejudice archaeological remains

- (16) No works which result in the discharge of foul or surface water from the site shall be commenced until sufficient capacity is available within the local system. The approved details shall be fully implemented.

Reason; To ensure that the foul and surface water discharge from the site shall not be prejudicial to the existing sewerage system.

- (17) Further details shall be submitted to the Planning Authority for approval prior to the commencement of development which shall consist of:

- (i) The gradient and access arrangements of the basement ramp.
- (ii) Security measures for the underground car parking area.
- (iii) CCTV measures overlooking the rear service road to provide safety and security.
- (iv) the location of the 8 cycle spaces required to service the retail component of the development to the front of the site for the

The details as approved in writing by the Local Planning Authority shall be fully implemented.

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

- (18) Prior to the commencement of development on site the applicant shall undertake at his own expense an impact study to the satisfaction of Thames Water on the existing sewage infrastructure.

Reason: To determine the magnitude of any new or additional capacity required to satisfactorily service the approved scheme

INFORMATIVES:

- (1) The applicant's attention is drawn to the need to comply with (among other regulations) the requirements of the following legislation:
 - (i) Control of Pollution Act 1974
 - (ii) Environmental Protection Act 1990
 - (iii) London Local Authorities Act 1990

- (2) Detailed design of the building should take appropriate account of the British Standard Code of Practice on Access for the Disabled to Buildings (B.S.5810:1979) and Part M of the Building Regulations 2004. Consideration should also be given to the needs of ambulant people having other disabilities and to those with sight or hearing problems, as well as those of wheelchair users.

- (3) Arrangements should be made to ensure that no surface water from the proposed development will drain onto the public highway.

- (4) In order to ensure adequate fireproofing of the building, the applicant is advised to contact the Fire Prevention Officer of the London Fire Brigade, Fire Prevention Branch, Fire Station, 500 Pinner Road, Pinner, Middlesex, HA5 5EW.

- (5) The applicant's attention is drawn to the requirements of the Control of Pollution Act 1974, Section 13, and is advised that adequate storage facilities for refuse must be provided.

REFERENCE DOCUMENTS:

UDP 2004
Emerging Core Strategy 2010
London Plan 2004 (with consolidated amendments)
Draft London Plan 2009
SPG 17

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: 3 Burnt Oak Broadway, Edgware, HA8 5LD

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This map is indicative only.

**Committee Report
Planning Committee on 20 July, 2010**

Item No. 1/03
Case No. 10/0868

RECEIVED: 9 April, 2010

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 61 Exeter Road, London, NW2 4SE

PROPOSAL: Demolition of existing rear conservatory, erection of single-storey rear extension with green roof and extension of terrace area to the rear; installation of external cladding to flank and rear wall, raising of the height of the roof by 100mm to allow for additional insulation in the loft and installation of 2 additional rooflights adjacent to 59 Exeter Road and 1 rooflight adjacent to 61 Exeter Road; replacement of door with window and installation of 2 new ground-floor windows to side of dwellinghouse (as amended by plans received 07/07/2010).

APPLICANT: Mr Monty Wates

CONTACT: Bere:architects

PLAN NO'S:

B3.G20.P00 RevA
B3.G20.P02 RevA
B3.G20.E01 RevA
B3.G20.E03 RevA
B3.G20.S01 RevA
B5.G20.P00 RevA
B5.G20.P02 RevA
B5.G20.E01 RevA
B5.G20.E03 RevA
B5.G20.S01 RevA
B5.G20.S03 RevA
B5.G20.S05 RevA

B3.G20.P01 RevA
B3.G20.P03 RevA
B3.G20.E02 RevA
B3.G20.E04 RevA
B3.G20.S02 RevA
B5.G20.P01 RevA
B5.G20.P03 RevA
B5.G20.E02 RevA
B5.G20.E04 RevA
B5.G20.S02 RevA
B5.G20.S04 RevA

RECOMMENDATION

Refusal

EXISTING

Two-storey detached dwellinghouse located within the Mapesbury Conservation Area. It is not a listed building. It is located on Exeter Road which is characterised by similar large detached red-brick dwellinghouses with large rear gardens. The property was likely to have been constructed between 1895 and 1905. It has a prominent two storey front gable that is replicated in style and proportions on the neighbouring property at No. 59 Exeter Road.

PROPOSAL

Demolition of existing rear conservatory, erection of single-storey rear extension with green roof and extension of terrace area to the rear; installation of external cladding to flank and rear wall,

raising of the height of the roof by 100mm to allow for additional insulation in the loft and installation of 2 additional rooflights adjacent to 59 Exeter Road and 1 rooflight adjacent to 61 Exeter Road; replacement of door with window and installation of 2 new ground-floor windows to side of dwellinghouse (as amended by plans received 07/07/2010).

HISTORY

03/0994. Full planning permission sought for erection of rear dormer window and installation of flank roof lights to dwelling house. Granted 03/06/2003

01/1850. Full planning permission sought for the formation of a vehicular crossover. Granted 08/11/2001

POLICY CONSIDERATIONS

PPS 5 Planning for the Historic Environment.

HE7.1 In decision making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of:

- (i) evidence provided with the application
- (ii) any designation records
- (iii) the historic environment record and similar sources of information
- (iv) the heritage assets themselves
- (v) the outcome of the consultation with the usual interested parties
- (vi) expert advice from in-house or external experts or heritage agencies

HE7.4 Local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and
- the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of the factors set out in HE3.1

HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

HE9.2 Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:

- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
- (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
- (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

Brent UDP 2004

- STR 13 Forms of development with a reduced overall demand for energy and better integration

with ecological and natural processes will be sought.

- STR 16 The particular Characteristics of the Borough's Conservation Areas will be conserved or enhanced.
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
Incorporating built forms, technologies, orientation and layout that will contribute to reduced energy consumption and associated emissions.
- BE26 Alterations and Extensions to Buildings in Conservation Areas
Alterations to elevations of buildings in Conservation Areas should (as far as is practicable) retain the original design and materials, or where not practical should retain the original design in terms of dimensions, texture and appearance, having regard to any design guidance issued by the Local Authority.

Characteristic features such as doors, canopies, windows, roof details (e.g. chimneys, chimney pots, roof line and pitch) and party wall upstands should be retained, even when elements may be redundant.

Extensions to buildings in conservation areas should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area and should be complementary to the original building in elevational features.

Mapesbury Conservation Area Design Guide

- Rendering of un-rendered brickwork, cladding and the painting of unpainted original brickwork will not be permitted under any circumstances.

Mapesbury Character Appraisal

The character appraisal was produced to identify, analyse and describe the historic and architectural character of the Mapesbury Conservation Area.

It states that the Mapesbury Conservation Area is characterised by largely unaltered townhouses from between 1895-1920. The special character of the area is based not only on the design of the buildings but also their relationship to the streetscape and each other.

While the variation in the character and styling of the buildings is sometimes significant, there is an overall coherency and rhythmic pattern of development, as well as similar materials and details within the estate which binds the estate together as one cohesive area.

SPG

- SPG5 Extending your home in Brent

How to Achieve Sustainable Design and Construction - A Householders Guide

This document was produced by Brent Council and Energy Solutions (North West) in 2004. While it is not adopted policy it does provide guidance for Brent Residents in renovating dwellinghouses in an environmentally friendly way. In particular there is guidance on 'Listed Buildings and 'Conservations Areas' where it states:

"...alterations to wall surfaces are usually damaging to the overall character and appearance of historic buildings and can, in some cases, increase the levels of moisture in original wall structures. Stone work and brick work should not normally be rendered unless the surface was rendered originally."

CONSULTATION

Mapesbury Residents Association, 3 neighbouring residents and the Council's Urban Designer were consulted regarding the proposal.

A total of 7 letters of objection were received raising the following issues:

1. The proposed development is out of keeping with the character and appearance of the dwellinghouse and would fail to preserve or enhance the dwelling within the Conservation Area.
2. The proposed single storey rear extension will have a detrimental impact on the amenity.

2 letters of support have been received from local residents in support of the applicants desire to improve energy conservation measures.

The Mapesbury Residents Association has objected to the proposed external cladding and raising of the roof on the following grounds:

1. That the proposal fails to preserve or enhance the character and appearance of the dwellinghouse within the streetscene
2. The difference between internal and external insulation in terms of energy savings is negligible.
3. The raising of the height of the roof will fail to preserve the detailing of the roof within the streetscene.

The Council's Urban Designer has objected to the loss of the chimneys and the rendering of the external facades.

REMARKS

Pre-application Discussions

There were no detailed pre-applications discussions regarding the proposed development at No. 61 Exeter Road however the architects have had detailed discussions with the Council regarding the proposed cladding system in respect to the planning application at 91 Dyne Road, which is within the North Kilburn Conservation Area. A report on this application appears elsewhere in this Agenda. In these discussion the Council advised that additional insulation should be provided internally rather than externally as the property was within a Conservation Area.

Amendments

Amended plans showing the following were received during the process of this application:

- 1) The retention of the chimney stacks
- 2) Removal of the proposed render sections from part of the flank walls.
- 3) A reduction in the height of the rear patio area.
- 4) Clarification regarding the alterations to the roof.

The amended plans were received on 03/06/2010 and 07/07/2010. Further clarification of the proposed alterations was provided by the architects at a meeting with Council officers on 07/07/2010. The amended plans address some but not all of the Council's concerns as outlined below.

Principle of Demolition of Rear Conservatory

The existing conservatory is not an original feature of the dwellinghouse and will not have a detrimental impact on the character and appearance of the dwelling if it is demolished. Therefore in principle the demolition is acceptable.

Character and appearance

The alterations are proposed as part of wider proposals to retro-fit the house to improve energy

conservation and sustainability. The architects are particularly keen to emphasise the level of insulation that can be achieved with external cladding is more effective than that which can be achieved by internal insulation and that the proposal will result in a significant improvement of the level of energy conservation. It is anticipated that the proposal alterations including internal and external cladding insulation, insulation under the floor boards, roof insulation and green roof, will result in a 90% reduction in annual heat demand. No details have been provided of how this is calculated in terms of the savings attributed to each measure.

Proposals that make alterations to the external appearance of a building within a Conservation Area are required to preserve and enhance the characteristics of the property that contribute to the quality of the Conservation Area. Policy BE26 of Unitary Development Plan 2004 requires that

"Alterations to elevations of buildings in Conservation Areas should (as far as is practicable) retain the original design and materials, or where not practical should retain the original design in terms of dimensions, texture and appearance, having regard to any design guidance issued by the Local Authority"

When considering such proposals for improving insulation and reducing the impact on the environment within Conservation Areas there should be consideration of the impact on the character and appearance with any alterations with a presumption in favour of methods that do not impact on the external features of the building.

The Mapesbury Conservation Area is not only defined by the red brick design of the large Victorian/Edwardian detached and semi-detached dwellings but also the relationship of the buildings with the streetscape. The Article 4 direction has removed the permitted development rights for the painting of any exterior of any building, including walls and piers, brickwork and rendered surfaces. The Design Guide states that the rendering of un-rendered brickwork, cladding and the painting of unpainted original brickwork will not be permitted under any circumstances. In essence any alterations to the external appearance of the building require careful consideration and to retain and protect the red brick appearance.

The proposal for 61 Exeter Road involves the rendering of both flank walls and the rear wall and the raising of the existing roof to install additional insulation in the loft (according to further details submitted this will raise the height of the roof eaves by 10cm). A detailed sample of the rendered cladding has been provided and the proposed plans show that this will increase the thickness of the external walls by approximately 200mm. On one side views of this will be partially restricted behind the chimney breast although it will still project 50mm beyond this and will be visible from the neighbouring properties side access. On the other side facing No. 63 the cladding will not be screened and will be clearly visible from the streetscene. Given the 1m gap between the buildings the first floor level the external cladding will be prominent on the flank walls from the street. Furthermore it will result in the loss of the original brickwork on these elevations. Due to the increased thickness of the walls the windows are to be brought forward in the flank and rear elevations. However the windows will have reveals of some 200mm as a result of the proposed cladding which again is out of keeping with the character and appearance of the original dwellinghouse.

There are also concerns that the raised roof eaves will have a detrimental impact on the detailing and proportions of the roof features such as the soffit and fascia which will be particularly evident on the front gable. The applicants have not provided details to demonstrate the full impact of the proposal on the design and appearance of the dwellinghouse. On the basis of the information provided the front fascia will increase in width from approximately 180mm to 360mm. It is considered the proposal will have a detrimental impact on the design and appearance of dwellinghouse and its relationship with the neighbouring dwellinghouses, and thus a detrimental impact on the uniformity of the building in relation to the rest of the Conservation Area.

The proposed single storey rear extension will be to the same depth as the existing single storey conservatory although it will not project as far out as the existing bay feature of the conservatory.

There will also be refurbishment of the existing rear terrace area which will include additional shrub planting on the boundary. The single storey rear extension will have a green roof planted with native species to enhance local biodiversity. It will result in the removal of the first floor rear terrace which will reduce overlooking of neighbouring gardens. The proposed single storey rear extension is shown to have a height of 4.5m above the ground-level of this and the neighbouring property at No. 59 Exeter Road. This is considered acceptable as there is an existing single storey rear extension to the neighbouring property that is currently under construction. (For clarity an enforcement investigation is to be started in relation to this property as the extensions do not appear to have been constructed in accordance with the approved plans).

Additional side rooflights are proposed in the roof planes facing 59 & 63 Exeter Road. Rooflights are acceptable in the side roof planes provided they are flush with the roof and are not clearly visible from the streetscene. If the application was to be approved this would be secured by condition.

Whilst some elements of the proposal are acceptable, overall the proposal would fail to preserve or enhance the character and appearance of the Conservation Area. Officers have given consideration to the environmental improvements from the proposal though they are not considered to outweigh the significant harm to the appearance of the building. Although some information has been provided to justify the use of external cladding a detailed breakdown of energy improvements has not been clearly shown and there has been a lack of assessment by the applicant of alternative measures such as the feasibility of insulating the property internally.

Residential Amenity

The proposed single storey rear extension will be the same depth as the existing conservatory and therefore the depth will not have detrimental impact on the amenity of neighbouring residents. However the height with the parapet wall of the proposed single storey rear extension is 4.2m. This is over the recommended 3m in SPG 5. However the neighbouring dwelling is also extended to the rear and is on a slightly higher ground-level, therefore the height will not have a detrimental impact on the amenity of the neighbouring residents.

There are also alterations proposed to the existing single storey structure adjacent to the side boundary with No. 59 Exeter Road. The pitched roof with an average height of 3.5m and an eaves height of 2.5m will be replaced with a flat green roof with a maximum height of 2.7m at the parapet wall. The extent of the structure in terms of floor area will remain unchanged. Therefore it is considered that the proposed increase in height of 20cm at the eaves level will be offset by the overall reduction in height of the structure from an average height of 3.5m to overall height of 2.7m.

The terrace area to the rear will be retained as existing therefore there will be no detrimental impact on the amenity of neighbouring residents.

Conclusion

While it is recognised that there is a need to improve the sustainability of dwellinghouses to meet climate change legislation any alterations to a dwellinghouse within a Conservation Area need careful consideration to ensure that the features and characteristics that give the building its historic and architectural significance are retained. Following consideration of the proposed render and additional insulation in the loft it is considered that the method by which the applicants seek to improve the energy performance of the building would fail to preserve or enhance the character of the dwellinghouse within the Mapesbury Conservation Accordingly the proposal is recommended for refusal for the reason set out below.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed external cladding for the flank and rear walls and the raising of the height of the roof of the dwellinghouse by reason of the excessive projection of the render, loss of the traditional red-brick finish on flank wall and first floor rear elevation, deeper reveals to first floor rear windows and the increase in width of the front fascia detailing out of proportion with neighbouring dwellings fails to preserve the character and appearance of the dwellinghouse within the Mapesbury Conservation Area contrary to policies BE9, BE25 and BE26 of Brent's UDP and the guidance contained with the Mapesbury Conservation Area Design Guide.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004
Mapesbury Conservation Area Design Guide
SPG5: 'Altering and Extending Your Home'

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: 61 Exeter Road, London, NW2 4SE

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Committee Report Planning Committee on 20 July, 2010

Item No. 1/04
Case No. 09/1470

RECEIVED: 12 June, 2009

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Dollis Hill House Gladstone Park, Dollis Hill Lane, London, NW2 6HT

PROPOSAL: Listed Building Consent for demolition of Dollis Hill House

APPLICANT: London Borough of Brent

CONTACT: DPP Heritage

PLAN NO'S:
Refer to condition 2

RECOMMENDATION

Grant Listed Building Consent subject to Referral to the Government Office for West Midlands.

EXISTING

The application site relates to Dollis Hill House, a Grade II listed building, located within Gladstone Park. The site is accessed off Dollis Hill Lane.

PROPOSAL

Listed Building Consent sought for the demolition of Dollis Hill House. As referred to above, following on from the recommendation of the planning committee, the application is required to be referred to the Secretary of State.

This application was deferred from the Planning Committee meeting which was held on 3rd February 2010 to allow for further consideration of matters raised by the North London Chinese Association, regarding the potential re-use of the building.

HISTORY

95/0798: Full Planning Permission sought for internal alterations and external additions, including demolition of two-storey rear extension and change of use of existing building to provide restaurant and bar and first-floor meeting room and staff accommodation, car parking and landscaping - Withdrawn, 02/08/1995.

95/0816: Listed Building Consent sought for internal alterations and external additions, including demolition of two-storey rear extension and change of use of existing building to provide restaurant and bar and first-floor meeting room and staff accommodation - Withdrawn, 02/08/1995.

LM36371377: Full Planning Permission sought for reconstruction of garden wall - Granted, 30/04/1980.

LM36381378: Listed Building Consent sought for demolition and reconstruction of existing wall - Granted, 27/03/1980.

POLICY CONSIDERATIONS

National Planning Policy Guidance

The national policy guidance for the heritage environment is "Planning Policy Statement 5: Planning for the Historic Environment". This was adopted in March 2010 and supersedes PPG15. When the application was submitted and due to be presented to the Planning Committee on 3rd February 2010, "Planning Policy Guidance 15: Planning and the Historic Environment" was the relevant legislation. Both PPG15 and PPS5 have been referred to below and a detailed assessment provided in the remarks section of this report.

Planning Policy Guidance 15: Planning and the Historic Environment (now replaced by PPS5 - see below).

In essence PPG15 acknowledges a general presumption in favour of the preservation of Listed Buildings unless a convincing case can be made for alteration or demolition. Where works are proposed to a listed building that it is necessary for these to be justified, showing that they are desirable or necessary. Any proposals for alteration or demolition will, it states, be subject to "careful scrutiny".

PPG15 sets out four issues that are generally relevant to the consideration of all Listed Building Consent applications:

1. The importance of the building, its intrinsic architectural and historic interest and rarity both in national and local terms. (The historic interest is due to age and rarity.)
2. The particular physical features of the building which justify its listed status.
3. The building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park or townscape or where it shares particular architectural forms or details with other buildings nearby;
4. Whether substantial community benefits will arise for the community, in particular by contributing to the economic regeneration of the area or the enhancement of the environment.

PPG15 consider the approach to the demolition of Listed Buildings. It notes that only "very occasionally" will demolition be unavoidable and the destruction of Listed Buildings is rarely necessary for reasons of good planning but rather the result of neglect or failure to incorporate them into new development.

PPG15 advises that consent is contingent upon a need to provide clear and convincing evidence that all reasonable efforts have been made to find a use for the building, whether existing or new uses. This includes evidence that some form of charitable or community ownership is not possible; or that a substantial community benefit might arise from the replacement of the Listed Building. The case that redevelopment may be economically more attractive than repair and reuse is not necessarily a sufficient reason for consent to be granted for demolition.

The policy guidance note underlines three aspects that must be addressed in applications for total or substantial demolition of a Listed Building, namely:

1. The condition of the existing building and the cost of repair/maintenance in relation to importance and value derived from the use: this must be based upon consistent and long-term assumptions and include the possibility of tax allowances and of grants from public or charitable sources. The Listed Building may also offer proven technical performance, physical attractiveness and functional spaces that, in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments.
2. The adequacy of efforts made to retain the building in its current use or to find compatible alternative uses: In effect, the Secretaries of State must be satisfied that real efforts have been made, without success, to continue the present use or to find compatible new uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting its condition.

3. The merits of alternative proposals for the sites: the architectural merits of the replacement building may not be sufficient in themselves to justify demolition: The advice states that there may very exceptionally be situations whereby the community benefits that arise from the new development arising from demolition must be weighed against the arguments in favour of preservation. It continues that even in this case, it will often be feasible to incorporate Listed Buildings within new development and this must be carefully considered.

Planning Policy Statement 5: Planning for the Historic Environment

PPS5 was adopted in March 2010 after the submission of the application to the Planning Committee and correspondences between English Heritage and the Council and now supersedes PPG15. In summary PPS5 seeks to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

PPS5 contains a number of policies in which development proposals need to be assessed against. These include policy HE7 which requires the particular significance of the heritage asset to be identified and assessed. Policy HE9 reinforces the presumption in favour of the conservation of designated heritage assets. Loss affecting an designated heritage asset should require clear and convincing evidence and should be exceptional.

A full assessment of the proposal in relation to PPS5 has been provided in the form of a supplementary report prepared by DPP Heritage and consideration against the relevant policies contain within PPS5 has been examined within the remarks section of this committee report.

London Borough of Brent Adopted Unitary Development Plan 2004

Policy BE22 - Protection of Statutory Listed Building

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

29/06/2009 - 20/07/2009

Site Notices Displayed: 02/07/2009 - 23/07/2009

Public Consultation

87 neighbours consulted - 13 letters of objection received on the following grounds:

- Queried as to whether a Council/private enterprise partnership could be formed to fund the restoration and to continue to finance the building.
- Queried whether there is scope to retain part of the ruin and utilise this area for plays.
- Dollis Hill House should be used as an arts centre/community use.
- Loss of an important symbol of local history.

One letter of support received. Suggested that the historic interest could be marked by a plaque or small statue.

Internal Consultation

Landscape Team - requested a Full Tree Protection Method Statement as there are trees in close proximity to the existing building.

External Consultation

Dollis Hill Art Group

Dollis Hill Art Group currently used the stables gallery and need room to expand. They would like to see Dollis Hill House restored and used as an Arts & Community Centre.

Greater London Authority

No comments to make as the application is not one classed as strategic by the Town and Country Planning (Mayor of London) Order 2008.

Brent Arts Council

Objections raised on the following grounds:

- The demolition of Dollis Hill House as it would result in the loss of an important symbol of local history.
- Prior to the fires, the House was used as an Arts and Community facility and as a retreat for Prime Minister William Gladstone.
- Brent Arts Council is the trustee for the Stables Arts Centre and Gallery (once the stables block for the house). Existing space is limited making it difficult to expand activities in accordance with Brent Council's corporate strategy, in particular with regard to working with youth organisations and older people, due to access constraints.
- The Council has not exhausted all possible avenues for restoration.

Gladstone Park Consultative Committee

Objections raised on the following grounds:

- The demolition of Dollis Hill House would result in the loss of one of the very few historic buildings left in Brent.
- Prior to the fires, the House was used as an arts and community facility by local art groups and other organisations.
- Brent Arts Council is the trustee for the Stables Arts Centre and Gallery (once the stables block for the house). Existing space is limited, making it difficult to expand activities in accordance with Brent Council's corporate strategy, in particular with regard to working with youth organisations and older people, due to access constraints.
- GPCC would like to see the House refurbished and put to both arts and community use with the Council more seriously considering undertaking the funding or part of the costs.

The Georgian Group

Objections raised to the demolition of Dollis Hill House as a "convincing" case for its demolition, as set out in PPG15, has not been met as there is no structural report to demonstrate the structural imperative for demolition.

Suggest that it is feasible, in the short to medium term, for the House to be preserved as a established ruin and serve as an eye-catcher in Gladstone Park. Demolition is premature given the level of active interest in the building's preservation.

Dawn Butler MP (Labour MP for Brent South)

Objections raised to the demolition of Dollis Hill House as it is not considered that there has been careful consideration of all the viable options.

Dollis Hill House Trust

Objections raised on the following grounds:

- The requirements of PPG15 for demolition of a Listed Building have not been made.
- The Council has not made adequate efforts to save the building.

- The historical associations connected to the house remain today.
- Details of the cost of bringing the building back into weatherproof use are not provided. Instead the costs quoted are for complete projects which are higher than the costs to bring the building back into a usable condition.
- The effectiveness of the Council's marketing exercise has not been evaluated.
- The application does not refer to the Heritage Lottery Funding (HLF) stage one grant.
- The Council has not put any of its own funds into Dollis Hill House other than the insurance monies.

English Heritage

English Heritage have provided the following observations on the application on 13th November 2009:

In their comments, they acknowledged the poor condition of the house but advised that they were not convinced that the case for demolition had been fully satisfied and wished to be satisfied that all possible options for retention or reuse, in whole or in part had been fully tested. Such options include the possibility of the retention of elements of the existing fabric, such as the Portico.

In response to comments from English Heritage, and following on from a meeting with officers of the Council, English Heritage and the Council's consultants (DPP Heritage), a detailed response was provided by DPP Heritage on 25th January 2010. A summary of the content is summarised below:

1. The nature and extent of special interest

The report concluded that Dollis Hill House was not listed for its architectural interest and in light of minimal architectural interest and latterly dereliction of the building over the past 20 years as a result of extensive fire damage, the special interest of Dollis Hill House, has been completely lost. As such, its 'communal value' as a 'focus' of the public park is considered to be unjustified.

2. The context of the surrounding public park

The relationship between the remains of the house and the surrounding public park have been discussed in detail. The report concluded that the weight attached to the relationship between the house and the surrounding public park is unjustified, given the description of the listing, the history of the site and its use, function and relative disconnection of plan form and principal axis from the public park as found today.

3. Part retention of the building

In response to English Heritage's suggestion for the existing portico entrance to be retained, the structural viability of retaining the portico structure has been explored by a structural engineer. In the response letter to English Heritage, it was concluded that given the limited architectural value of Dollis Hill House (even at the time of listing), it is not considered how the retention of part of it, together with necessary but incongruous structural support, which has no rear value in terms of surviving fabric will provide a coherent representation of Gladstone. The report referred to the significant potential to commemorate the historical association of the site of the original house through re-use of the existing commemorative plaque in the remedial ground works and/or a new commemorative feature.

4. Marketing/viability assessment

The report refers to two unsuccessful marketing campaigns that have been carried out in seeking to find a viable use for the building. Reference is also made to recent advice of Knight Frank which concluded that the value of Dollis Hill House is nil.

5. The merits of alternative proposals for the site

The report refers to the PPG15 and queries whether it is appropriate to consider the proposal against PPG15 criteria for the merits of alternative proposals as the application does not involve an alternative development.

English Heritage have provided a follow on response in which they advise that they remain concerned that the proposed mitigation scheme does not adequately secure the significance of the site, but they also acknowledge that the current condition of the house and the costs involved would have a serious detrimental impact on the viability of a scheme for restoration.

English Heritage have since advised that full consideration of the revised report assessing the proposal against PPS5 (in particular policies HE7 and HE9) would be carried out at the referral stage to Government Office for West Midlands.

REMARKS

Deferral of application

This application was due to be reported at the Planning Committee meeting on 3rd February 2010. The application was deferred to allow for further consideration of matters raised by the North London Chinese Association, details of which are set out in section 2.0 of the remarks section of this report. PPG15, the national policy guidance for assessing applications affecting the historic environment has also been superseded by PPS5 in March 2010. A detailed assessment of the proposal in respect to PPS5 has been prepared by the Council's consultants, DPP Heritage, and further details provided below.

1.0 Background and History

Dollis Hill House was statutory listed at Grade II on 23 January 1974 because of its role in the life of Gladstone. The description on the statutory list is as follows:

"Built in 1825 by the Finches, a Willesden family, and later became the property of the Earl of Aberdeen and a favourite residence of Mr Gladstone, who stayed as a guest here for long periods between 1882 - 1896 (plaque). A square, 2-storey, 3-window House in yellow stock brick, with hipped slate roof and boxed eaves. Entrance front: wide central doorway and double door with fanlight, in stucco porch arcaded at sides, with pilaster treatment and rosettes in frieze, supporting cast iron balcony with stucco piers. To the right the front is built out to the line of the porch, with cement cornice and blocking course (probably later extension). The east front overlooking the park is plain with grounds floor windows altered to doors, and wood and glass veranda for restaurant. North front has projection to left with cornice, as entrance front. West front towards Dollis Hill has service extensions. Graded for its historic rather than architectural importance".

Dollis Hill House was declared surplus to the needs of Brent Council in 1994. The building has unfortunately struggled to provide viable accommodation for new uses ever since. As a result of extremely destructive fires (suspected arson) in June 1995, April 1996 and a third fire in June 2003, the building is a burnt-out, derelict shell. The plight of Dollis Hill House is not unusual nationally, and is recognised in English Heritage's survey of large Houses in publicly owned parks. **"Park Mansions at Risk in London"** (2004) (The Drury Partnership).

The building is has been included on English Heritage's "Heritage at Risk Register" since 1993; the 2008 entry for the building identifies it as a vacant property and its condition is recognised as "Very Bad". The House is currently listed at the "Priority Category A", which is defined by English Heritage as the highest priority for a building which is deteriorating rapidly with no solution to secure its future.

Since 1994, officers have made a number of attempts to secure partners to deliver the

rehabilitation of the listed House but none of these options have proven to be successful and/or viable. Unfortunately the application for the demolition of the structurally compromised Dollis Hill House has become the only realistic safe option.

2.0 Reasons for Decline

Dollis Hill House has suffered the same way as many Houses in public parks throughout the country. Its vulnerable location has made it the victim of vandalism and arson attacks and its situation within publicly owned Metropolitan Open Land means that its development potential is severely limited. The viability of the House for reuse is also seriously compromised by its relatively remote location in terms of public transport; the lack of parking also restricts the accessibility and versatility of the site. These constraints mean that the Council has found it extremely difficult to secure development partners to find a viable new use. Unfortunately, the House has also suffered from a sustained insidious decline described below:

A summary chronology of the recent history of the building from this time is set out below:

1994 June	Declared surplus to needs by Council.
1994 October	Proposal by Whitbread PLC for reuse as a public House restaurant was resisted by a significant lobby of local residents.
1995 June	First arson attack.
1996 June	Application submitted for Whitbread proposal (withdrawn August 1995).
1996 April	Second arson attack.
1999 June	Torkilsden & Barclay Leisure Management report concludes that reuse is unlikely to succeed without substantial subsidy from Council.
2000 March	Property marketed on open market for nine months.
2000 November	Council agreed a four-month delay to allow setting up of Dollis Hill House Trust (DHHT).
2001 November	Council agrees £30,000 from insurance fund for DHHT to develop business plan and funding applications.
2002 September	Council agrees £28,350 from insurance fund to further develop DHHT business plan.
2003 June	Third arson attack.
2003 December	Council Executive considers future of Dollis Hill House. Decision to demolish.
2004 Spring	Brent Primary Care Trust (PCT) expresses interest in site as a community health centre.
2004 June	Gladstone Park Heritage Lottery Funded restoration scheme completed.
2005 May	Brent PCT decides not to progress their proposal.
2005 September	DHHT agrees to submit revised business case for consideration.
2006 October	Council agrees to second marketing exercise.
2007 June	Marketing exercise completed and no viable proposal obtained. One of the bidders, Training for Life (TFL), given three months to submit a feasibility study

for the future of the House.

- 2007** September Council officers instructed to prepare application for Listed Building consent to demolish subject to outcome of TFL study
- 2008** February Council Executive gave TFL twelve months to develop full business plan, secure capital funding and obtain planning permission.
- 2008** December TFL not able to progress their proposal due to funding constraints.
- 2009** March Council instruct DPP Heritage to submit application for Listed Building consent for demolition of House.

3.0 Efforts to secure Retention and/or Adaptive Reuse

Planning guidance advises that consent for demolition is contingent upon a need to provide clear and convincing evidence that all reasonable efforts have been made to find a use for the building, whether existing or new uses. This includes evidence that some form of charitable or community ownership is not possible; or that a substantial community benefit might arise from the replacement of the Listed Building.

The Council has committed significant financial resources in trying to identify a suitably experienced and resourced partner to help in securing a future for the House. The Council has tried two major marketing exercises advised by experienced estate consultants. The two exercises in 2000 and 2007 were rigorous, comprehensive and open but did not attract a partner with a sustainable, viable proposal for the future of the House that would have complied with the planning requirements of the House's Public Park setting. Unfortunately most of the proposals submitted to the Council were predicated on the transfer of the House ownership for a nominal minimal sum and a large grant to support the restoration. In 2005 the GLA indicated that they would match funding of any monies invested by the Council in the restoration. However, the grant aid was never forthcoming and the offer was withdrawn.

Although the marketing exercise did not secure a new owner and/or appropriate reuse for the building, the Council and technical officers have supported the initiation and development of two serious proposals for the House. Unfortunately, although much effort has been expended to guide these proposals towards a successful scheme; the financial viability and poor structural condition of the building have prevented resolution and delivery. The schemes were:

PCT Health Centre

The Health Centre scheme, based on a Conservation Management plan and initial survey work in collaboration with the Preservation Trust, proposed a full conversion and restoration with some sensitive reticent extension. The scheme was fully developed but after consideration by Quantity Surveyors, the cost of the historic restoration made the project too expensive.

Training For Life

Training for Life (TFL) represented the best opportunity for the future of Dollis Hill House, the organisation is experienced in the sensitive rehabilitation of Listed Buildings and has completed a number of projects elsewhere in London and the Country. The proposal by TFL was for the conversion of the House into a catering training facility. After a year's work, the organisation and Council officers came to the conclusion that the cost of restoration, the difficult location and withdrawal of the GLA funding offer, meant a scheme was not possible at Dollis Hill House.

A number of surveys have been undertaken to assess the condition of the House and the cost of repair and reconstruction. The House was assessed in July 2003 by WPG Surveys where it was reported that "the basic condition of the building is that the brick remains, but the timber elements (floors, roof, staircase, etc.) and finishes are either destroyed or badly damaged (except in the cellar and parts of the north extension)". In 2003 -2004 Integrated Surveying Partnership

(Commissioned by the Dollis Hill House Trust) estimated that the costs of repairs to bring the ruined building back into a secure and weatherproof shell where further fit-out would then facilitate a new use, were in the order of £2.8 million. Subsequently in 2007, it was established that these costs had risen to £5.5 million (survey commissioned by Training for Life).

Unfortunately, after so much work, the Council has come to the conclusion that if the PCT and TFL, with all their resources, experience and skill, cannot deliver a future for the House, then it is difficult to see which organisation can. Whilst the Council were developing its response to the criterion of PPG15's sequential test, the Chinese Welfare Trust (CWT) approached the Council in October 2009 with some suggestions for a new proposal. Officers invited the organisation to come and explain their scheme but they were unable to develop their ideas and withdrew from the meeting.

As referred to above, the application was deferred from a previous committee meeting to allow further consideration of the proposals put forward by the CWT. In February 2010 the CWT approached the Council with a scheme for the conversion of the remains of Dollis Hill House into an elderly persons care home. They presented their scheme to officers from Environment and Culture. The CWT proposals were assessed using the same criteria matrix used on the competition selection process in 2007 when considering the Training for Life scheme. Unfortunately, their scheme scored poorly in comparison to other proposals and the Council cannot be confident that their ideas could be realised within the financial and planning constraints. As such, a viable alternative scheme has not been brought forward to enable the retention of the building.

4.0 Future Commercial Viability

The Council's property consultants who carried out the 2007 marketing exercise also assessed the future of Dollis Hill House as a commercial proposition. Unfortunately their conclusions do not suggest a positive future for the remaining derelict structure. They suggested:

"Even if the property was offered at a nil premium, potential leaseholders would not be confident of being able to generate sufficient income or secure appropriate funding to pay for the long-term maintenance of the property. Should the building be refurbished then the cost of undertaking such works (the Training for Life Study budgeted for £5.5 million, though this did include an extension) would represent a significant 'conservation deficit'."

4.0 Testing the Policy Case for Demolition - PPG15

The case for demolition can only be made if the demands of the sequential test are strictly met - National Policy Guidance PPG15 sets out the fundamental issues that need to be considered for all applications calling for the demolition of a Listed Building. Whilst it is acknowledged that during the course of this application, PPG15 has been superseded by PPS5, the revised guidance is considered to reinforce that set out previously in PPG15. As such, consideration against PPG15 is considered useful to assist in the assessment of the proposal. The criteria are set out below, together with a summary of the Council's consultants' assessment of the application for demolition of Dollis Hill House in relation to these issues. The cases are made in more detail in the Design and Access statement and letter to English Heritage by the Council's consultants DPP Heritage. The sequential test requires assessment of:

PPG 15 (Para. 3.5) Criteria (i) "The importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms."

Dollis Hill House was listed for its special historical interest and association with William Ewart Gladstone. The listing was not initiated by the architectural character of the House, indeed Dollis Hill House is considered to be an unexceptional piece of architecture. The Council and its consultants argue that the listing was made because of an association with an historic person, so although the demolition of the building is regrettable, it does not remove the historic association or the celebration of Gladstone, as the park is named after him. The Council is proposing that some interpretative material will be available either on an independent display or attached to the

surviving stables complex.

PPG 15 (Para 3.5) Criteria (ii) “The particular physical features of the building which justify its inclusion in the list.”

As the statutory listing description establishes, even in good condition, the House was not included on the list for its architecture. Therefore, now that the building has been significantly altered and ravaged by three fires there is nothing physical left to justify retention of the seriously compromised derelict structure.

PPG 15 Criteria (iii) The building's setting and its contribution to the local scene

Dollis Hill House does not form part of or contribute to the character and quality of an associated group of other Listed Buildings. The House stands within what would originally have been its own landscaped grounds, independent of the Park. The House was not laid out to respond to any part of Gladstone Park or any axis or landscape and natural features. The House is at the top of the Hill but was not composed to be the focus of views from around the park location.

PPG 15 Criteria (iii) The extent to which the proposed works would bring substantial benefits to the community. In particular by contributing to economic regeneration.

The demolition of the remains of Dollis Hill House will not in itself bring a regeneration benefit to the community of Brent. However, the building is in a very poor structural condition and is difficult to keep secure, therefore posing a threat to anyone who might get inside. At present the security and structural stability of the House is a financial burden to the Council and the demolition of the remains would enable an area of the Park to be brought back into public access and provide amenity for park users that is not now available behind the security fence.

Should the consent be granted for demolition, it is proposed to landscape the remaining space expressing the footprint of the building in a combination of hard and soft landscape surfaces. This will indicate that the building once stood on the site. A plan has been submitted providing an indicative landscape though full details would be required by condition.

It has been suggested by English Heritage that an element of the remaining structure, in particular the entrance Portico, should be retained as a memory of the House. The Council has appointed structural engineers to assess the surviving elements of the House and they are of the opinion that the most suitable elements for retention are structurally compromised and their condition has deteriorated too much for viable restoration. In any event, the basement beneath the remaining structure makes the retention of walls and/or the Portico a very complex and difficult construction problem.

5.0 Testing the Policy Case for Demolition - PPS5

Any consideration of listed building consent for demolition would now need to be measured against the new criteria as outlined in PPS5. The relevant policies are HE7 and HE9. In light of the need to assess the proposal against PPS5, a supplementary report has been prepared by DPP. This report is intended to be read in conjunction with the Design & Access Statement that was submitted for the planning application.

Consideration of the proposal against policies HE7 and HE9 are discussed below:

Policy HE7: Policy Principles Guiding the Determination of Applications for Consent relating to all Heritage Assets

This policy requires local planning authorities to identify and assess the particular significance of any element of the historic environment that may be affected by the proposal. In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. It goes on to refer to the positive contribution that conservation of heritage

assets and the historic environment can make to the establishment and maintenance of sustainable communities and economic vitality.

As referred to above in Section 4.0 (PPG 15 (Para. 3.5) Criteria (i) and (ii) and the Design & Access Statement accompanying the application, the case has been made that even at the time of listing, Dollis Hill House was considered to be of limited significance in terms of architectural interest. Its significance has since been further eroded after serious fire damage and loss of fabric. This has been noted by English Heritage. As described in the listing, the historic interest is associated with William Ewart Gladstone, but there is no tangible evidence of this association evident in the remaining seriously fire damaged fabric of the building.

As referred to above in Section 4.0 (PPG 15 Criteria (iii)), the impact of the proposal upon the community has been discussed. It recognised that the building is currently in a very poor strictly condition and is difficult to keep secure, therefore posing a threat to anyone who might get inside. The scaffolding around the building are considered to be an eyesore when viewed from the park. The demolition of the remains would enable an area of the Park to be brought back into public access and provide amenity for park users that is not now available behind the security fence.

Given that the significance of Dollis Hill House is now very limited, and despite repeated efforts by experienced and well-resourced professionals (refer to Section 3.0 above), it has been impossible to develop a viable, sustainable, long-term commercial proposition for the remaining structure. This illustrates that conservation of the heritage asset is not viable. English Heritage recognise that the current condition of the house and the costs involved would have a serious detrimental impact on the viability of a scheme for restoration.

Policy HE9: Additional Policy Principles Guiding the Consideration of Applications for Consent relating to Designated Heritage Assets

This policy advocates the presumption in favour of the conservation of designated heritage assets. Loss affecting an designated heritage asset should require clear and convincing evidence and should be exceptional. In the case of demolition Policy HE9 has a series of criteria for which the proposal needs to be considered against. Details of which are set out below:

(i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss

As discussed above, Dollis Hill House is recognised to be of limited significance. It is considered that the loss of significance is outweighed by the public benefits of the proposals in enhancing the appearance of Gladstone Park by removing the currently scaffold ruin which detracts from the visual amenity of the public park and the creation of new, safe and fully accessible public space within the park.

The historic association or the celebration of Gladstone, is not considered to be lost as the park is named after him. The Council is proposing that some interpretative material will be available either on an independent display or attached to the surviving stables complex or a commemorative plaque.

(ii)(a) the nature of the heritage asset prevents all reasonable uses of the site

The ruinous condition of the building and the costs associated with basic repair serve to prevent all; reasonable use of the site. As referred to above a number of surveys have been carried out to establish the costs to bring the ruined building back into a secure and weatherproof shell where further fit-out would then facilitate a new use. The latest survey prepared for Training For Life in 2007 established that the costs were in the order of £5.5 million.

(ii)(b) no viable use of the heritage asset itself can be found in the medium term that will

enable its conservation

As described in Sections 2.0 and 3.0 above, extensive and successive efforts have been made since 1990 to find a new use for the building and these have been hampered by the severe damage caused by three fires, the associated costs of reconstruction, limitations posed by the building's location in Metropolitan Open Lane and the objective of a community-based use being found. Successive marketing attempts, last conducted by Knight Frank, have also failed to find a viable interest in a new use of the building.

(ii)(c) conservation through grant-funding or some form of charitable or public ownership is not possible

The detailed chronology of the efforts made to secure a future of use Dollis Hill House, including actions undertaken to access funds over previous years is set out in Appendix 3 of the Design and Access Statement and discussed above in Sections 2.0 and 3.0 of this report. It is considered from the details accompanying this application that the failure of efforts to secure appropriate and sufficient capital to repair and reconstruct the building to facilitate a new use has not been due to any deficiency in searching widely for sources of potential funding.

(ii)(d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use

As discussed above, the loss of the limited significance of the designated heritage asset (Dollis Hill House) is outweighed by the opportunity to return the site to wider public park, where it will be brought back into use a public amenity.

In summary, it is considered that the application proposal addresses and meets the objectives of PPS5, and that a full case has been made and justified in respect of the proposal to demolish Dollis Hill House.

6.0 Conclusions

The recommendation to seek consent for the demolition of Dollis Hill House has not been reached easily and is the regrettable but inevitable result of a series of factors, they are:

1. The architecture of the House is not exceptional and, as the 1974 statutory listing describes, the significance of the House is through an historic association, not its built fabric and architecture.
2. The House's role in the Park has always been secondary and, because of vandalism and fire, it is now a significant blight on the local landscape.
3. The original, undistinguished House is now a burnt-out, derelict shell which seriously reduces its architectural relevance and structural integrity.
4. The building cannot provide the accommodation, location and development potential for a viable reuse.
5. Despite repeated efforts by experienced and well-resourced professionals, it has been impossible to develop a viable, sustainable, long-term commercial proposition for the remaining structure.

RECOMMENDATION: Refer to Secretary of State

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

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

Built Environment: in terms of the protection and enhancement of the environment
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

CONDITIONS/REASONS:

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

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

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

Design and Access Statement prepared by DPP Heritage
Supplementary (PPS5) Heritage Statement prepared by DPP Heritage
Biodiversity Survey Report prepared by Aspect Ecology)
1035708/01;
573/03;
8772/SK1
Unnumbered "Site Interpretation"

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

- (3) Prior to works commencing on the demolition of Dollis Hill House, details of the hard and soft landscaping works which form part of the site interpretation shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape scheme shall be implemented within six months of the demolition of Dollis Hill House. Such details shall include:

(a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;

(b) soft landscaping planting schedule and layout plan (including details of species, size, location, density and number);

(c) areas of hard landscape works and proposed materials;

(d) details of the proposed arrangements for the maintenance of the landscape works.

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

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004

Planning Policy Guidance 15: Planning and the Historic Environment

Planing Policy Statement 5: Planning for the Historic Environment

Letters of objection

Valuation Report from Knight Frank dated 19 October 2009

Letter in response to observations made by English Heritage prepared by DPP Heritage dated 25 January 2010

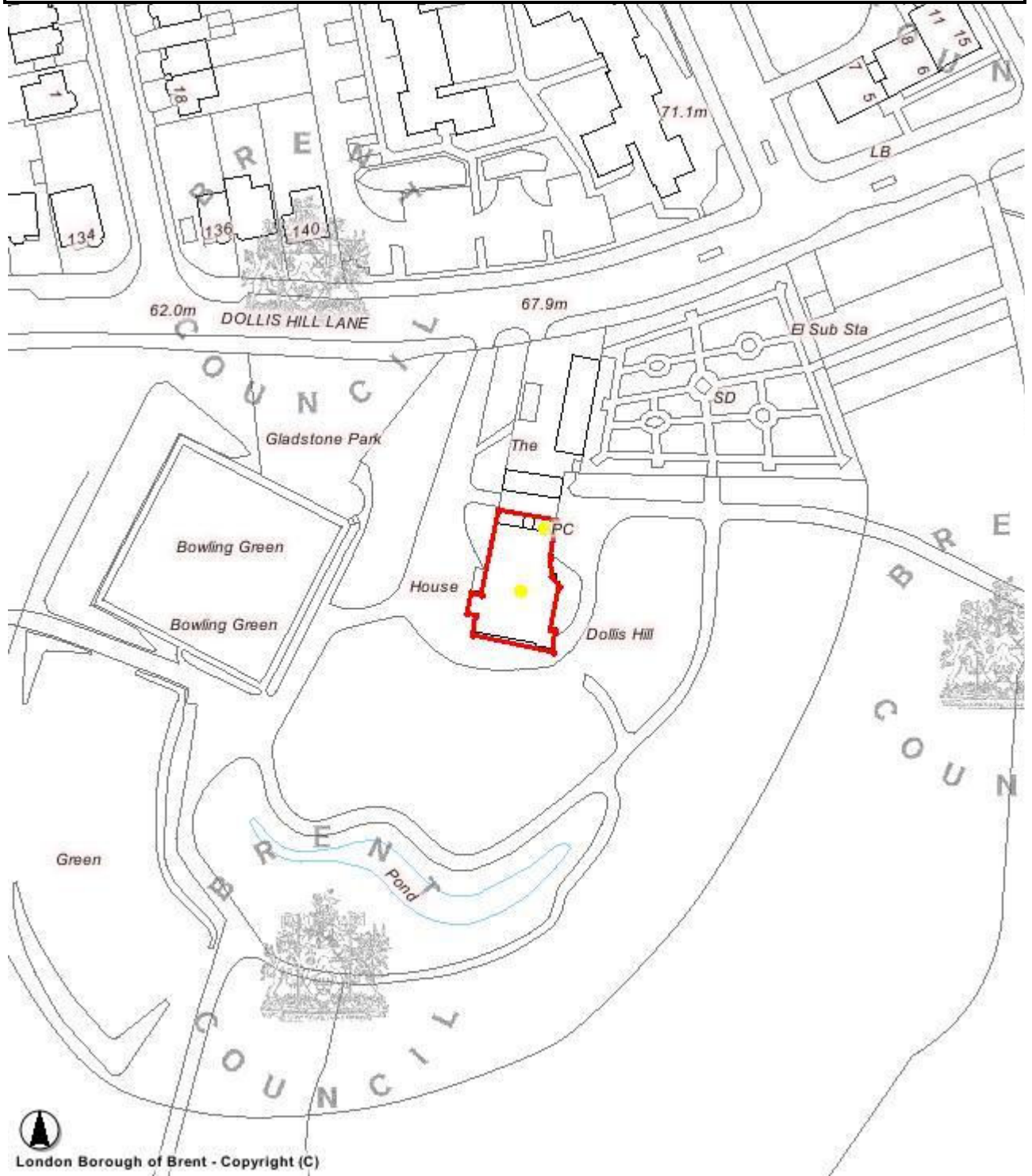
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Dollis Hill House Gladstone Park, Dollis Hill Lane, London, NW2 6HT

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Committee Report
Planning Committee on 20 July, 2010

Item No. 2/01
Case No. 10/0949

RECEIVED: 5 May, 2010

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: ELMWOOD HOUSE, Harlesden Road, London

PROPOSAL: Demolition of existing three-storey building and erection of new part four-, part five- and part six-storey building comprising 38 flats (8 one-bedroom, 18 two-bedroom, 12 three-bedroom, all affordable), with private amenity space at lower ground-floor level, terrace areas and balconies at upper-floor levels, 25 off-street parking spaces, communal garden, play space and associated landscaping to site

APPLICANT: Network Housing Group

CONTACT: Stephen Davy Peter Smith Architects Ltd

PLAN NO'S:
See condition 2

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:-

- 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%)
 - A contribution of £192,000 (£2.4k per additional AH bedroom), index-linked from the date of Committee and due on Material Start to be used for the provision of education/training, sustainable transportation, open space and sports within the local area
 - Sustainability - submission and compliance with the Sustainability check-list, ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3 in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
 - Offset 20% of the site's carbon emissions through on-site 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.
 - Join and adhere to the Considerate Contractors scheme.
 - The provision of a pedestrian footpath to provide access to the Furness Road allotments
- 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 by 4 August 2010.

EXISTING

The application site, an irregular shaped plot with an area of approximately 0.19 hectares, lies on the north-western side of Harlesden Road opposite the Cardinal Hinsley RC Boys High School. The site is bounded to the north by Willesden Ambulance Station, to the north-west by the Roundwood Centre and to the south-west by residential properties at 178 – 212 Harlesden Road.

Constructed in the 1970s, the existing two and three-storey building on the application site has now been internally gutted and currently lies vacant. The building had previously comprised of 12 units at ground-floor level and 18 units at first-floor level for use as sheltered accommodation, with a warden's flat, a common room and a laundry room at first-floor level. At second floor level, the building had been occupied by three one-bedroom flats.

PROPOSAL

Demolition of existing three-storey building and erection of new part four-, part five- and part six-storey building comprising 38 flats (8 one-bedroom, 18 two-bedroom, 12 three-bedroom, all affordable), with private amenity space at lower ground-floor level, terrace areas and balconies at upper-floor levels, 25 off-street parking spaces, communal garden, play space and associated landscaping to site

HISTORY

Full planning permission (04/4123) was approved by Planning Committee in March 2005 for the demolition of the existing building and the erection of a part four-storey and part five-storey building comprising of 38 flats (8 one-bedroom flats, 14 two-bedroom flats, 12 three-bedroom flats and 4 two-bedroom flats for disabled residents), with basement-level parking and associated landscaping. Permission (04/4120) for demolition only was also approved at the same time.

However, the applicants have been unable to implement this previous permission, largely due to the fact that it has been discovered that there are a number of service mains crossing a part of the site which was to be built over. These service mains cannot be built over as this would prevent access for maintenance. The applicants have also identified a number of inaccuracies in the approved plans which would make it impossible for them to implement the approved development. The current application, for a similar form of development on the site, seeks to overcome these issues.

Other planning applications that have been made on the site include a grant of planning permission (01/0584) to retain replacement uPVC windows in 2002 and a refusal (02/0998) to grant permission for a change of use from sheltered housing for the elderly to temporary housing for homeless families in 2003. This application was refused primarily on the basis that it would result in a loss of permanent residential accommodation, although other reasons related to the location of the site away from any Town Centre, the insufficient amount of on-site amenity space for the numbers of residents proposed and poor pedestrian access arrangements, considered unacceptable for use as a hostel for homeless people.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act 1990 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.

Part1

- STR 11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- 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 or contributing to attractive and successful outdoor areas.
- STR20 Maximum reasonable proportion of affordable housing should be provided on sites over 10 units.

Part 2

- BE1 Urban Design Statements
- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled people.
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
- H9 Dwelling Mix
- H12 Residential Quality - Layout Considerations
- H13 Residential Density
- TRN3 Environmental Impact of Traffic
- TRN4 Measures to Make Transport Impact Acceptable
- TRN10 Walkable Environments
- TRN11 The London Cycle Network
- TRN23 Parking Standards – Residential Developments
- TRN34 Servicing in New Development
- TRN35 Transport Access for Disabled People and others with Mobility Difficulties
- PS14 Car Parking Standards – Residential Development
- PS15 Parking for Disabled People
- PS16 Bicycle Parking

London Borough of Brent Supplementary Planning Guidance

- Supplementary Planning Guidance 17:- Design Guide For New Development
- Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control
- Supplementary Planning Document:- s106 Planning Obligations

The London Plan (Consolidated with Alterations since 2004)

SUSTAINABILITY ASSESSMENT

SUSTAINABILITY CHECKLIST

The application is a Major Case proposing in excess of 10 residential units and consequently reference needs to be had to the Council's SPG19. As such, the applicant has completed the Council's Sustainability Checklist which, following review by the Council's Sustainability Officer, achieves a score of 38.5%. At present the proposal therefore fails to exceed the Council's required score of 50% and the development would be likely to achieve a 'Fairly Positive' rating. However, the Council's Sustainability Officer has suggested a number of realistic measures that could be implemented by the applicant to raise the checklist score to in excess of 50%. As such, it is recommended that provided a sustainability checklist score of a minimum of 50% is secured by way of a s106 legal agreement that the development would realise the full sustainability benefits of the proposal.

CODE FOR SUSTAINABLE HOMES

As the proposal is for social housing it is considered that the development would be required to reach a minimum of Level 3 under the Code for Sustainable Homes, if Homes and Communities Agency (HCA) funding is to be secured. This would also be required by the Planning Service and would be secured by way of a s106 agreement

ENERGY ASSESSMENT

The London Plan adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible. The development would generally seek to meet this target through the provision of PV panels on the roof of the building. The applicants have submitted an energy statement for the proposed development, which has been checked by the Council's Sustainability Officer. The statement confirms that the development would achieve a reduction in carbon dioxide emission of 21.8% which should be secured in s106 agreement.

DRAINAGE & FLOODING

A flood risk assessment has been submitted as part of the application. The report concludes that as the site is not within a EA Flood Zone that there are no significant flood risks to the site. Surface water will be collected and attenuated in underground storage before discharging into the Thames Water surface water sewer.

CONSULTATION

EXTERNAL CONSULTATION

Consultation letters, dated 13th May 2010, were sent to Ward Councillors and 86 neighbouring owner/occupiers. Site notices, dated 14th May 2010, were posted outside of the site and a press notice was published on the 20th May 2010. No external representations were received in response to the consultation.

INTERNAL CONSULTATION

URBAN DESIGN TEAM

Initial comments from the Council's Urban Design Team raised some concerns regarding proposed materials for external finishes and elevational design. These issues have been addressed by the applicant.

LANDSCAPE DESIGN TEAM

No objection to the development in principle although some concerns were raised regarding the quantity and quality of the landscape proposals originally submitted with the application. In response, and following a meeting with the Landscape Officers, the applicant has amended the landscaping proposals for the site.

TREE PROTECTION OFFICER

The Council's Tree Protection Officer has highlighted the issue that there are TPO trees on the adjoining site which will require protection during construction of the proposed development. The Tree Protection Officer has recommended that conditions be attached to any permission to ensure that the proposed development would not harm the health of these TPO trees.

TRANSPORTATION UNIT

No objection subject to the removal of three parking spaces to allow refuse vehicles to turn within the site and a s106 agreement securing a financial contribution towards non-car access improvements within the vicinity of the site. The proposals have been amended to reflect the comments of the Transportation Unit.

ENVIRONMENTAL HEALTH

No objection to the proposal provided the development is carried out in compliance with Building Regulations in terms of noise insulation.

PROPERTY & ASSET MANAGEMENT/ALLOTMENTS

No objection to the proposals provided that an pedestrian access route and two parking spaces can be secured for the allotment users.

STREETCARE

No objection to the proposed arrangements for the storage and collection of refuse/recycling, subject to acceptable vehicle turning circles to be checked by the Council's Transportation Unit (see above).

OTHER

THAMES WATER

Have requested that an informative be placed on any permission regarding the water main crossing the site.

REMARKS

APPLICATION BACKGROUND

As discussed in the 'History' section of this report, the current application seeks to address issues that have prevented the implementation of a previous permission for a similar development on the site. The current proposal seeks to provide the same quantity and mixture of units as the previously approved scheme but within a different building with a reduced footprint. In order to compensate for this reduced footprint whilst maintaining the dwelling composition, other physical changes have been incorporated into the current proposal including the introduction of a part sixth-storey and the replacement of basement parking with undercroft parking to the rear to allow six units to be located towards the front of the lower ground floor. Despite the differences in the form of the building it should be noted that there are still a number of similarities between the current and previous scheme which should be afforded some weight in the determination of the current application. For example the previous application established the principle of providing permanent affordable residential accommodation on a site previously used to provide sheltered accommodation. However, whilst some regard should be had for these similarities, it is clear that the current scheme constitutes a different form of development from that previously approved and there are many aspects of the current proposal that should be determined entirely on their own merits

HOUSING ISSUES

AFFORDABLE HOUSING

The scheme proposes to provide 100% affordable accommodation with all of the 38 flats to be let on a social rented basis through Stadium Housing Association. Policy STR20 of the UDP requires that housing developments capable of providing 10 or more units should provide the maximum reasonable proportion of affordable housing on site. The London Plan seeks to achieve a minimum of 50% affordable housing on sites of this nature. UDP policies and the London Plan strategy are elaborated in respective Supplementary Planning Guidance, but it is clear that any housing scheme proposing 100% affordable accommodation on a site is acceptable in policy terms.

UNIT MIX

The proposed development would consist of the following unit mix.

Property Size	Total
1 bed (2 person)	8 (21%)
2 bed (3 person)	14 (37%)
2 bed (3 person w/c*)	4 (10.5%)
3 bed	12 (31.5%)

*wheelchair accessible unit

Policy CP21 of the Council's Core Strategy sets out to provide a balance housing stock for the Borough and, in particular emphasis is placed on addressing the acute shortage of family sized accommodation (units with 3+ bedrooms). In this case, almost one third of the proposed units would be considered suitable for providing family sized accommodation. As such, the proposal is considered to respond appropriately to Brent's wider housing needs, including the desire for affordable family sized units.

URBAN DESIGN

CONTEXT

The surrounding area consists of various forms of development and is not defined by buildings of a consistent character. The existing three-storey building on site lies at the end of a terrace of four-storey flats, which continues around the corner of Harlesden Road and Longstone Avenue. Cardinal Hinsley RC Boys High School, a four storey building, is situated towards the south -east on the other side of Harlesden Road. Towards the north-east, the adjoining Ambulance Station is currently occupied by a one and a half storey building although planning permission has recently been granted for the demolition of this structure and the erection of a five-storey residential building. Beyond this lies Larix Court, a three-storey residential block with a pitched roof. In general, despite the variety of architectural styles present, there is an established rhythm of development of four-storeys within the area.

SCALE & MASSING

The proposed building has been designed to provide a continuation of the four-storey building height where it adjoins the existing terrace of properties along Harlesden Road. The building would then step up to five, and then six, storeys as the building moves away from the adjoining terrace. Matching the height where the proposed building adjoins the existing terrace helps to provide a transition between the scale of the existing streetscene and the taller elements of the proposed building. The sixth-storey of the proposed building would be set back from the main building frontage by approximately 8m which would ensure that it appears subsidiary to the main bulk of the building. The sympathetic siting of the six-storey would help to reduce the perceived massing of the proposed building, to that resembling a five-storey building, when viewed from the street. Although it is acknowledged that in fact the proposed building would be taller than any other building in the surrounding area it is considered that the design measures that have been incorporated, including the stepped building heights and the siting of the sixth-storey, would result in a building of a scale that is compatible with the pattern of development within the surrounding area.

ELEVATIONAL DESIGN

The facade of the proposed development would be unashamedly modern which within the context of the surrounding area is considered appropriate. The elevations are generally well considered incorporating elements of vertical emphasis which help establish an appropriate rhythm within the streetscene and reduce the perceived scale of the buildings. The elevations are also treated with a number of well proportioned windows and balconies which would add visual interest.

In terms of materials, the building elevations will be predominately finished externally with a

mixture of terracotta cladding and brown brick work. The sixth-storey would be finished externally with white render to lighten its appearance and emphasize its subsidiarity. The proposed balconies will be enclosed with textured glass balustrades. The proposed windows, many of which would be full height, would be constructed from an aluminium/timber composite. Where the full height windows are fixed the lower portions would be screened by several rows of terracotta tubes which would complement the proposed terracotta cladding. Whilst the proposed materials appear to be acceptable in principle, to ensure sufficient quality a condition should be attached to any permission requiring the submission of samples for approval.

SITE LAYOUT, ACCESSIBILITY & ALLOTMENT ACCESS

The proposed development would comprise of a single block, with the main residential entrance within the frontage, along Harlesden Road. The on-site parking would be provided towards the rear of the site, which is welcomed in streetscene terms, and would be accessed by an existing service road which leads to Longstone Avenue. Access between floors would be provided by a single core consisting of a stairway and lift although access controls will be provided to subdivide the building into separate areas with no more than a maximum of 8-10 units per area. The applicants have discussed the proposals with the Crime Prevention Design Advisor and the proposed development is to comply with Secure By Design Standards.

All of the proposed units have been designed to be 100% Lifetime Homes compliant and in excess of 10% of the proposed units would be suitable for wheelchair access having been designed to meet the requirements of the Wheelchair Housing Design Guide. This is compliant with the London Plan target, set out in policy 3A.5 of the London Plan, that all new homes should be Lifetime Homes compliant and that at least 10% of all new housing should be wheelchair accessible.

At present, there is a private pedestrian access through the site to allotments at the rear. The impact on the access to the allotments during demolition/construction was considered as part of the approved scheme and a condition was imposed that the applicant should provide a written statement of such arrangements for agreement with the Planning Service. Although this permission cannot be implemented that applicant did provide a written statement regarding access to the allotments to the rear of the site during demolition and construction and this condition was discharged (09/3312). The approved written statement details discussions between the applicant and the allotment holders and an agreed method of work. One allotment holder is likely to be affected during the demolition work and has agreed not to use the allotment whilst works are being carried out. Access to the allotments will be maintained through the neighbouring community centre. The applicant has agreed to survey the closest allotments prior to the commencement of works and will provide compensation for any damage that occurs. As these details have already been agreed with the Planning Service, it is considered that should the current application be approved that a condition should be imposed referring back to, and securing, the previous agreement to ensure adequate access arrangements during demolition/construction.

In the longer term, the proposed development would include the provision of a new footpath providing pedestrian access for users of the allotment. This footpath would run along the north and eastern edge of the site. In addition the applicants have also agreed to make two parking spaces available for use by users of the allotments. Overall, despite some short term inconvenience, it is considered that the proposed development would improve on existing access arrangements for allotment users in the future.

LANDSCAPING

TPO TREES

Whilst there are no significant existing landscape features on the site, the Council's Tree Protection Officer has identified that there are TPO trees on the adjoining site which may be affected by the proposed development. In particular, there is a substantial weeping willow which would be located

approximately 6m from a new substation to be constructed on site. The applicant has supplied a Tree Survey and subsequent Methodology statement which set out how the proposed development will be carried out in such a way to ensure that the TPO tree remains unharmed. The proposed methodology has been inspected by the Council's Tree Protection Officer who is satisfied with the content of the proposed methodology. The Tree Protection Officer recommends that suitable conditions are attached to any permission to ensure that the works are carried out in accordance with the agreed methodology and under appropriate supervision.

AMENITY SPACE & CHILDREN'S PLAY AREA

Amenity space for the proposed development is provided in the form of a communal garden/play area and private gardens, balconies and terraces. The proposed communal garden/play area would have an area of approximately 145m². The private balconies, terraces and gardens contribute a further 520.3m² of useable amenity space, taking the overall provision for the development to approximately 665.3m². The guidance set out in SPG17 would require a total provision of 760m² (38x20m²) of amenity space.

Whilst, it is acknowledged that there is an overall deficit of 94.7m² of amenity space, it should be noted that the approved scheme also suffered from a similar deficit. In that case, the Officer referred to the factors set out in SPG17 that may be used to mitigate a deficiency in the overall quantity of amenity space (eg: larger flat sizes, proximity of Roundwood Park and S106 payments) and the same approach can be adopted here.

As discussed below, all of the proposed units exceed the minimum internal floorspace standards set out in SPG17 and all of the units have at least some form of private garden, terrace or balcony. The quantity and dimensions of these balconies have been increased by the applicant at the request of the Council's Landscape Design Team to ensure that they provide spaces that can be used to provide functional amenity space. It is also noted that the subject site is in close proximity to Roundwood Park and that financial contributions, which can be used in part to make public open space improvements, will be secured as part of any permission (see 's106 agreement')

On balance, giving consideration to the above factors, the development shows a proposal that would provide a reasonable range of useful, useable outside amenity areas to meet the likely differing demands of future residents. In order to ensure that these areas are suitably landscaped it is recommended that conditions are attached to any permission to ensure a high quality of landscape design. The development would be likely to afford future residents with a satisfactory standard of amenity.

RESIDENTIAL QUALITY

As Members will be aware, the Council's minimum internal floorspace standards are set out in section 3.5 of Brent's Supplementary Planning Guidance 17:- Design Guide For New Development. The table below sets out the average size of certain unit types within the proposed development.

Property Size	Proposal Average (m²)	SPG17 (m²)
1-bed	51.75	45
2-bed (3 person)	64.68	55
2-bed (3 person w/c)	77.5	65
3-bed	89.1	80

All of the proposed units would comfortably exceed the minimum standards set out in SPG17.

All proposed residential units are of an appropriate quality with good outlook and daylighting from most habitable room windows. Each unit has natural lighting to all rooms apart from the bathrooms and the kitchens to three of the three-bedroom flats. In order to compensate for the lack of direct lighting and outlook to these three kitchens, a wall opening has been provided to the adjoining area to alleviate this issue. Whilst, internal kitchens would not normally be accepted, given that this issue would only affect 8% of the units, that a wall opening would be provided and the fact that the previous approval include four internal kitchens, it is considered that, on balance, alone this issue would not justify refusal of the scheme. All units to the rear elevation will have an uninterrupted view of the sky, due to their position on an elevated site overlooking Roundwood Park and allotments to the north. All windows to the front elevation of the proposed building are situated at least 35 metres away from the school buildings at Cardinal Hinsley RC Boys High School and will benefit from sunlighting in the mornings.

Generally, there is an appropriate vertical stacking of the units, although there are a couple of areas between the lower ground and ground floors where differing room types overlap one another. However, as the units are all new-build, it is considered that an additional condition requiring enhanced soundproofing between units would be unnecessary in view of current Building Regulations requirements on sound deadening between units.

IMPACT ON ADJOINING OCCUPIERS

Considering the proximity of the proposed development to the surrounding sites it is considered that the residential properties, adjoining the south-western side of the proposed building, are the only existing residential properties that are likely to experience any direct impacts from the proposed development. All other site are either non-residential or considered too far away from the subject site to be directly affected.

Where it adjoins the neighbouring properties the proposed building is to be located in a very similar position to the existing building on the site. The existing building on the site has an external stairwell which projects approximately 8m beyond the rear of the adjacent property at 178 Harlesden Road, a similar distance to the proposed building. Where it adjoins the neighbouring property the proposed building is of a similar scale to the previously approved scheme.

DAYLIGHT/SUNLIGHT & OUTLOOK

The applicant has provided a daylight assessment report which examines the impact of the proposed development on the daylight and sunlight of the closest residential properties along Harlesden Road. The assessment methodology is based on the Building Research Establishment (BRE) guidelines on "Site Layout Planning for Daylight & Sunlight". The report concludes that the impact of the proposed development on the neighbouring properties would be small and in full compliance with the guidance on daylight and sunlight. The proposed development would also fully accord with BRE permanent overshadowing guidelines.

PRIVACY

As there are no residential properties to the rear of the site it is not considered that any loss of privacy would occur. A number of secondary windows are proposed in the flank wall of the building facing the amenity area to the rear of the properties along Harlesden Road. These windows are primarily required to provide extra light to habitable rooms and can be conditioned to contain obscured glazing. At the opposite end of the building, facing the ambulance station, there are a number of habitable room windows and balconies which would face the site boundary at a distance of approximately 10-15m. Although not yet constructed, when considering the permission granted for a residential development on the ambulance station, it is considered that the distances between the habitable rooms and external terraces/balconies of each development would comply with the guidance contained in SPG17 in terms of maintaining privacy.

TRANSPORTATION

CAR PARKING

The subject site is located within Controlled Parking Zone "HW", operational between 8am and 6.30pm Monday to Saturdays with pay & display/residents permit holder bays along the site frontage. However, the site is located within an area of only moderate public transport accessibility (PTAL 2) and full maximum parking standards would apply. The maximum parking standard for the site is calculated as 48.8 spaces but considering that the accommodation provided will be 100% affordable the future demand from residents is expected to total around 50% of the maximum parking standard, which is 25 spaces. 25 parking spaces have been provided to the rear of the site. Two of these spaces will be shared with users of the allotments but this is unlikely to be problematic as the maximum demand for parking is likely to occur overnight when the allotment is closed.

REFUSE/RECYCLING & SERVICING

The proposed development would provide a refuse/recycling store located at the rear of the lower ground floor with direct access to the car-parking area. Refuse/recycling vehicles would be able to access the store along the existing service road and then sufficient space has been provided for the vehicle to turn within the site so it can leave in a forward gear. The Council's Transportation Unit have raised no concerns regarding the access of refuse/recycling or emergency vehicles to the site.

CYCLE STORAGE

A total of 38 secure cycle storage spaces located in two separate rooms on the lower ground floor of the development would be provided for potential occupiers. The overall cycle storage provision is therefore considered to satisfy the Council's requirement of one space per unit.

CONCLUSION

The proposals are considered to accord with the policies set out within Brent's Unitary Development Plan 2004 and supplementary planning guidance, and on this basis, it is recommended that planning permission is granted, subject to a s106 legal agreement with the Heads of Terms referred to above.

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

The London Plan (consolidated with alterations since 2004)

Supplementary Planning Guidance 17:- Design Guide For New Development

Supplementary Planning Guidance 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
Housing: in terms of protecting residential amenities and guiding new development
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

Plans

0938 (PL) 01	0938(PL) 02 Rev B
0938(PL) 03 Rev B	0938(PL) 04 Rev B
0938(PL) 05 Rev B	0938(PL) 06 Rev B
0938(PL) 07 Rev B	0938(PL) 08 Rev B
0938(PL) 09 Rev B	0938(PL) 10 Rev C
0938(PL) 11 Rev C	0938(PL) 12
0901/01/01	

Documents

Design & Access Statement, April 2010 - (excluding plans)
Site Waste Management Plan

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

- (3) Tree protection works shall be carried out in accordance with the details submitted by D F Clark Bioomique Ltd in the letter, dated 25th June 2005, and subsequent Arboricultural site supervision report, dated 6th July 2010, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not cause harm to the health of the weeping willow, listed as T1 on the Harlesden Ambulance Station Tree Preservation Order.

- (4) During demolition/construction works on site access to the adjoining allotments shall be provided in accordance with the details agreed under application 09/3312 in pursuance to condition 14 of planning permission 04/4123

Reason: In the interests of the amenities of the users of the adjoining allotments.

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

Authority. The approved details shall be fully implemented.

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

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

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

- (7) The windows on the ground, first and second floors of the south-west flank face of the building shall be constructed with obscure glazing and be non-opening or with openings at high level only (not less than 1.7m above floor level). These windows shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

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

- (8) 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.

- (9) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the site (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any construction works on the site. The approved landscaping details shall be completed prior to the occupation of any part of the development or in accordance with a programme agreed, in writing, with the Local Planning Authority. The approved details shall include, but not be limited to,:-

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) proposed walls and fences, indicating materials and heights;
- (c) screen planting along the site boundaries;
- (d) proposed tree planting along the site frontage;
- (e) existing contours and any proposed alteration such as earth mounding;
- (g) areas of hard landscape works and proposed materials;
- (h) details of the proposed arrangements for the maintenance of the landscape works.
- (i) details of the children's play area including play equipment and natural play features.

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

- (10) Further details of lighting and external illumination for the development shall be submitted to and approved in writing by the Local Planning Authority and the

approved details shall be implemented prior to first occupation of the development.

Reason: In order to safeguard the general amenities of the local area and provide a secure residential environment

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control
Supplementary Planning Document:- s106 Planning Obligations
The London Plan (Consolidated with Alterations since 2004)

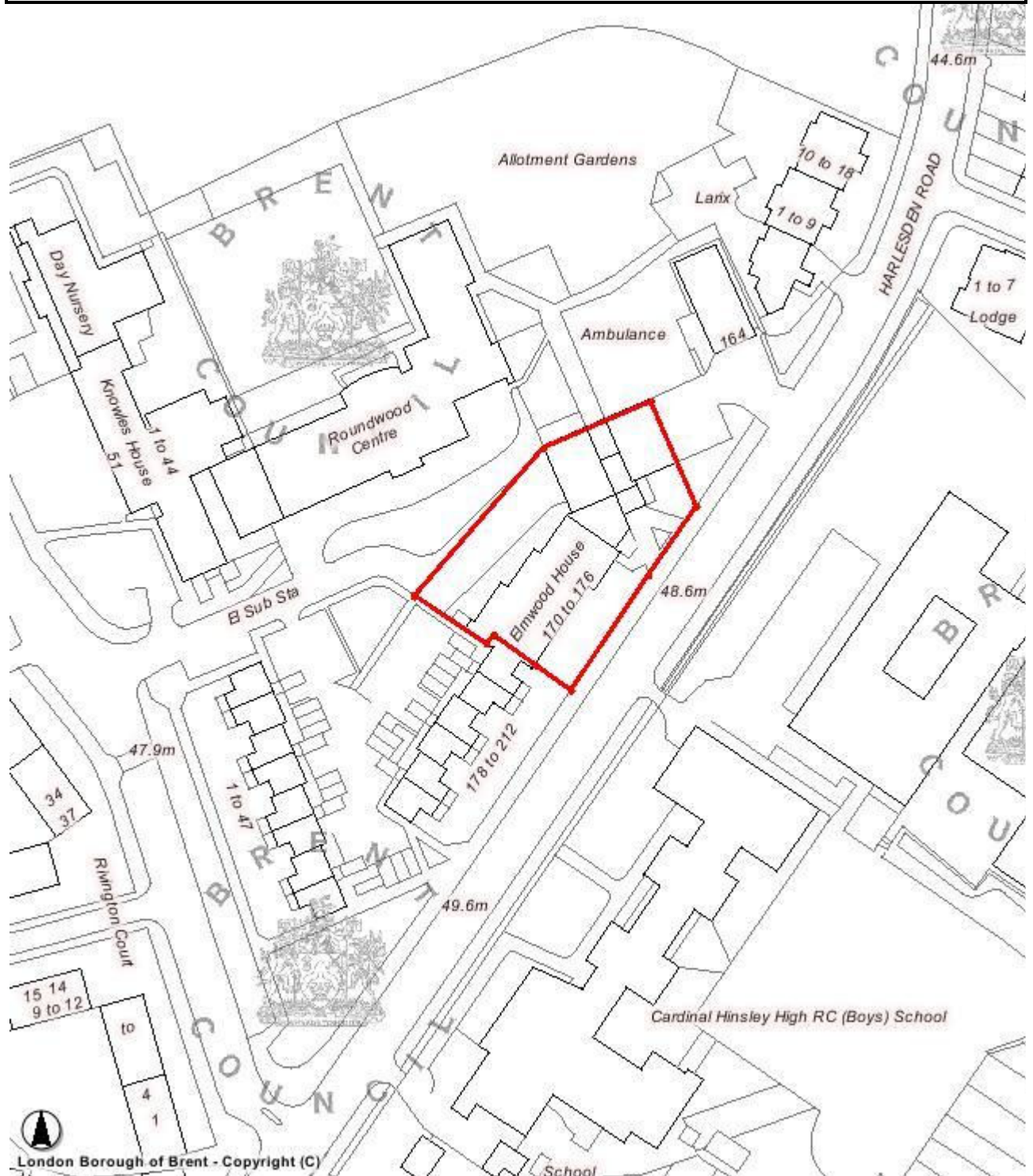
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: ELMWOOD HOUSE, Harlesden Road, London

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**Committee Report
Planning Committee on 20 July, 2010**

Item No. 2/02
Case No. 10/1221

RECEIVED: 19 May, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 91 Dyne Road, London, NW6 7DR

PROPOSAL: Two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse

APPLICANT: Ms Debbie Yap

CONTACT: Bere:architects

PLAN NO'S:

B3.G10.P00 A
B3.G20.P-01A
B3.G20.P01A
B3.G.20.P03A
B3.G20.E02A
B3.G20.S01A
B5.G20.P-11 A
B5.G20.P10 B
B5.G20.P12 B
B5.G20.E11 B
B5.G20.S11 B

B3.G20.P00 A
B3.G20.P-02A
B3.G.20.P02A
B3.G20.E01A
B3.G20.E03A
B3.G20.S02A
B5.G20.P-12 B
B5.G20.P11 B
B5.G20.P13 B
B5.G20.E12 B
B5.G20.S12 B

RECOMMENDATION

Refusal

EXISTING

The application site is a semi-detached 3-storey building with a basement/lower ground floor level, situated on the northern side of Dyne Road, NW6. The property is within the North Kilburn Conservation Area.

PROPOSAL

Two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse

HISTORY

10/1173

External insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse

A report into this application appears elsewhere on this agenda.

POLICY CONSIDERATIONS

PPS 5 Planning for the Historic Environment.

HE7.1 In decision making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of:

- (i) evidence provided with the application
- (ii) any designation records
- (iii) the historic environment record and similar sources of information
- (iv) the heritage assets themselves
- (v) the outcome of the consultation with the usual interested parties
- (vi) expert advice from in-house or external experts or heritage agencies

HE7.4 Local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and
- the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of the factors set out in HE3.1

HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

HE9.2 Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:

- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
- (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
- (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

Brent UDP 2004

- STR 13 Forms of development with a reduced overall demand for energy and better integration with ecological and natural processes will be sought.
- STR 16 The particular Characteristics of the Borough's Conservation Areas will be conserved or enhanced.

- BE9 Architectural Quality
- BE12 Sustainable Design Principles
Incorporating built forms, technologies, orientation and layout that will contribute to reduced energy consumption and associated emissions.
- BE26 Alterations and Extensions to Buildings in Conservation Areas
Alterations to elevations of buildings in Conservation Areas should (as far as is practicable) retain the original design and materials, or where not practical should retain the original design in terms of dimensions, texture and appearance, having regard to any design guidance issued by the Local Authority.

Characteristic features such as doors, canopies, windows, roof details (e.g. chimneys, chimney pots, roof line and pitch) and party wall upstands should be retained, even when elements may be redundant.

Extensions to buildings in conservation areas should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area and should be complementary to the original building in elevational features.

- Supplementary Planning Guidance Note 5
- North Kilburn Conservation Area Design Guide

How to Achieve Sustainable Design and Construction - A Householders Guide

This document was produced by Brent Council and Energy Solutions (North West) in 2004. While it is not adopted policy it does provide guidance for Brent Residents in renovating dwellinghouses in an environmentally friendly way. In particular there is guidance on 'Listed Buildings and 'Conservations Areas' where it states:

"...alterations to wall surfaces are usually damaging to the overall character and appearance of historic buildings and can, in some cases, increase the levels of moisture in original wall structures. Stone work and brick work should not normally be rendered unless the surface was rendered originally."

CONSULTATION

Neighbouring occupiers were consulted on 3rd June 2010 and a site notice was posted to the front of the site 26th May 2010. No comments have been received.

Internal

Highways - The proposed parking bay must not be used for a vehicle longer than 3.8m in length in order to avoid obstruction of the public footway by overhanging vehicles contrary to Part IX of the Highways Act (1980)

Landscape - Further information required regarding trees, a comprehensive landscape plan for the front garden. The front garden must comply with BE7 and SPG5 with at least 50% soft landscaping.

REMARKS

This application differs from the other current application at this site (reference 10/1173) primarily in that it does not propose external insulation in the form of cladding to the elevations of the building.

The alterations are proposed as part of wider proposals to retro-fit the house to improve energy conservation and sustainability. The architects are particularly keen to emphasise the level of insulation that can be achieved with external cladding is more effective than that which can be achieved by internal insulation but due to the sensitive nature of the site within a conservation have opted for this separate application which omits the external insulation. Nevertheless the proposed works affect the buildings external appearance.

Proposals that make alterations to the external appearance of a building within a Conservation Area are required to preserve and enhance the characteristics of the property that contribute to the quality of the Conservation Area. Policy BE26 of Unitary Development Plan 2004 requires that:

"Alterations to elevations of buildings in Conservation Areas should (as far as is practicable) retain the original design and materials, or where not practical should retain the original design in terms of dimensions, texture and appearance, having regard to any design guidance issued by the Local Authority"

When considering such proposals for improving insulation and reducing the impact on the environment within Conservation Areas there should be consideration of the impact on the character and appearance with any alterations with a presumption in favour of methods that do not impact on the external features of the building.

Two-storey rear extension

At lower ground floor a 3m deep and 3m high flat roofed extension is proposed, this is in accordance with the size recommendations of *SPG5*. In appearance it is plain with glazed doors filling the majority of its rear elevation and it would be externally insulated with rendered cladding.

The *North Kilburn Conservation Area Design Guide* states that while 2-storey extensions will not be permitted on terraced properties there is a possibility on semi detached properties though the density of the estate means that it is difficult to achieve without detriment to neighbouring properties.

SPG5 provides the 1:2 guidance which allows a calculation of the depth of the extension in comparison to the proximity of neighbouring ground floor windows. An extension may project in depth by half of the distance from its side elevation to the centre of the neighbours closest habitable window. In this instance, taking into account the slight tapering of the boundary away from the neighbouring property a depth of 1.177m is proposed and would comply with the recommended 1:2 guidance.

In height the architects seek to match the existing ceiling height as well as including external insulation and a greenroof, the result is that the height almost reaches the sills of the floor above. Due to the shallow depth of this extension officers do not consider this detrimental to neighbouring amenity, and being within the lower part of the building it is not considered to be unduly prominent. Its elevational design again is simple with the single glazing bar off-set from the centre relating to the fenestration elevation above. The elevational treatment of the extension and its resultant bulk is unlike buildings and extensions nearby and a traditional approach could have been taken, however on balance the scale and design is considered to be acceptable.

A roof terrace is proposed on the roof of the single storey part of the extension. Approximately 3.3m of flat roof closest to the attached neighbouring property would be planted as a green roof while the remaining 4.6m would be useable as amenity space. To the non-attached side the neighbour has a projecting flank wall which would largely protect their privacy from a shallow balcony but to the attached side the garden is fully exposed.

The existing building has a very small platform area positioned centrally at upper ground floor with a staircase leading down to the garden, the platform is less than 1sqm and does not therefore provide a realistic opportunity for more than 1 person to stand and have a view to the adjacent neighbours garden. The proposed terrace is closer to 8sqm however the green roof provides a reasonable separation from the boundary.

Railings are proposed around the whole outer edge of the roof, officers are of the opinion that this should follow the useable terrace area which should in turn align with the glazing bar (and edge of the fixed pane), if the application were recommended for approval a condition would be

recommended to this effect. The railing along the boundary significantly increases the height and dominant impact of this part of the extension in its impact on the neighbours and it would also allow that planted area to be utilised by the occupiers, as such its impact is unacceptable.

The principle of access from the upper ground floor to the garden is existing and is not objected to as long as it does not worsen neighbouring amenity in terms of privacy. The lower ground floor plan shows that the staircase proposed is along the boundary with the non-attached neighbour and would project by about 4 steps beyond their extension. In this location there is an opening providing access between the properties meaning it would not result in the loss of existing screening at the boundary.

Roof alterations

The proposal involves the removal of a side elevation chimney and the insertion of a rooflight in its place as this is the applicant's preferred location for a shower within the loft. The North Kilburn Conservation Area Design Guide requires the retention of chimneys visible in the streetscene as a prerequisite in any proposal as they are an integral part of the traditional character of the buildings. While the principle of a small side rooflight could be acceptable the loss of a chimney is not and would be detrimental to the character of the building.

The proposal involves internal insulation to the roof, this increases the height of the ridge and the side and rear roof planes. The existing ridge height is about 60mm lower than its attached neighbour, the increase in height will result in it being 100mm higher, otherwise it does not alter the level of the front roof plane due to the way in which the insulation is proposed. However to the side and rear elevations the insulation is proposed in a way which would result in the roofing material being re-laid at a higher level. Externally, as well as the increase in the height of the ridge, it results in the widening of the front roof plane with a notable impact on the front elevation where the eaves would project beyond the flank wall by an additional 200mm. This results in an incongruous feature, an unnaturally large overhang in a prominent and highly visible position.

Two photovoltaic panels are proposed on the front gable, their visibility from the public highway would be limited due to the decorative front gable features of the subject site and the neighbour. No detail is provided to demonstrate whether it is laid on the roof plane or set within it, officers are of the opinion that the latter would be necessary to prevent an obtrusive projection from the roofplane.

A solar collector is proposed in the flat area at the top of the roof, this part of the roof would not be easily visible from the street scene partly due to its height, the siting of the original front gable feature and the slight set back of the panel from the ridge.

The insulation to the roof of the existing rear dormers is also proposed in a way which raises their roof level, rather than being accommodated within the existing structure. The larger dormer is a feature shared by the attached property while the narrower dormer is not, however their brick work and roof detail matches. The increase in height does not detrimentally impact on their slender appearance but if approved details of materials would be a necessity.

Front elevation

To the front elevation the fenestration is currently red and the proposal involves painting it white which is acceptable. Additionally the decorative front gable feature has been unsympathetically rendered and the proposal is to remove this or if the brick is damaged to replace it to match. Again this would be beneficial to the character of the building.

An alteration is proposed to the front entrance steps to leave a slightly larger platform one step down from the door. This is a minor alteration and as the existing steps are in concrete the use of a more appropriate material could improve the appearance overall.

Front garden

The creation of vehicular access and formation of hard landscaping is proposed to the front garden. To comply with SPG5 and the Council's aspirations for the appearance of front gardens within conservation areas a balance of at least 50% soft landscaping is sought. Officers do not consider that it is appropriate to include the lower levels of the light well in this calculation, as planting there will have a minimal impact on the appearance of the garden in the streetscene which is what the Council's guidance is trying to achieve. However subject to a very good planting scheme it is considered on balance that the proportion of softlandscaping could be acceptable. However no such details are currently submitted and as a result, the treatment of the area to the front of the building needs to form a reason for refusal.

Use

The architects have indicated that the property was most recently in use as a number of flats. Internally there is no obvious evidence of the selfcontainment of the property and there is no information to suggest that this would be the lawful use of the property, there being no planning history or Council Tax registration information for example. Nevertheless the proposal seeks planning permission for the reversion of the building to a dwellinghouse. The proposed development would result in one large dwellinghouse. Policy CP21 of the Council's emerging Core Strategy seeks to redefine the UDP definition of family sized accommodation to units containing 3-bedrooms or more. The UDP definition considered units with two or more bedroom to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. Therefore, whilst the proposed development would result in the loss of a housing unit which would normally be resisted, this loss is considered to be adequately compensated for through the creation of a type of accommodation for which there is an acute demand. As such, the proposed development is considered to comply with the aspirations of policy CP21 which seeks to achieve a balanced housing stock for the Borough.

Conclusion

While it is recognised that there is a need to improve the sustainability of dwellinghouses to meet climate change legislation any alterations to a dwellinghouse within a Conservation Area need careful consideration to ensure that the features and characteristics that give the building its historic and architectural significance are retained. Following consideration of the proposed additional insulation in the loft it is considered that the method by which the applicants seek to improve the energy performance of the building would fail to preserve or enhance the character of the dwellinghouse within the North Kilburn Conservation Area. Coupled with the unsympathetic and unacceptable loss of a visible chimney and the proposed arrangements for the rear balcony area, the proposal is recommended for refusal for the reasons set out below.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed increase in the height of the roof and consequent increase in the width of the front roof plane and projection of the eaves to the front corner of the

building results in an ambiguous eaves feature to the front elevation corner, in addition, the removal of a chimney, visible in the streetscene, is detrimental to the traditional character of the building failing to preserve the character and appearance of the dwellinghouse within the North Kilburn Conservation Area contrary to policies BE9, BE25 and BE26 of Brent's UDP and the guidance contained with the North Kilburn Conservation Area Design Guide.

- (2) By reason of the excessive height of railings along the boundary and unrestricted access to the roof terrace the proposal would be detrimental to neighbouring amenity in terms of outlook from adjacent habitable room windows as well as impacting on privacy and the enjoyment of their amenity space, contrary to policy BE9 of Brent's UDP and *SPG5: Altering and Extending Your Home*.
- (3) The proposed formation of hard landscaping to the front garden, by reason of the insufficient proportion of softlandscaping and lack of comprehensive planting scheme would be detrimental to the character and appearance of the Conservation Area, failing to comply with policies BE6 and BE25 of Brent's UDP 2004 as well as *Supplementary Planning Guidance 5: Altering and Extending Your Home* and the North Kilburn Conservation Area Design Guide.

INFORMATIVES:

None Specified

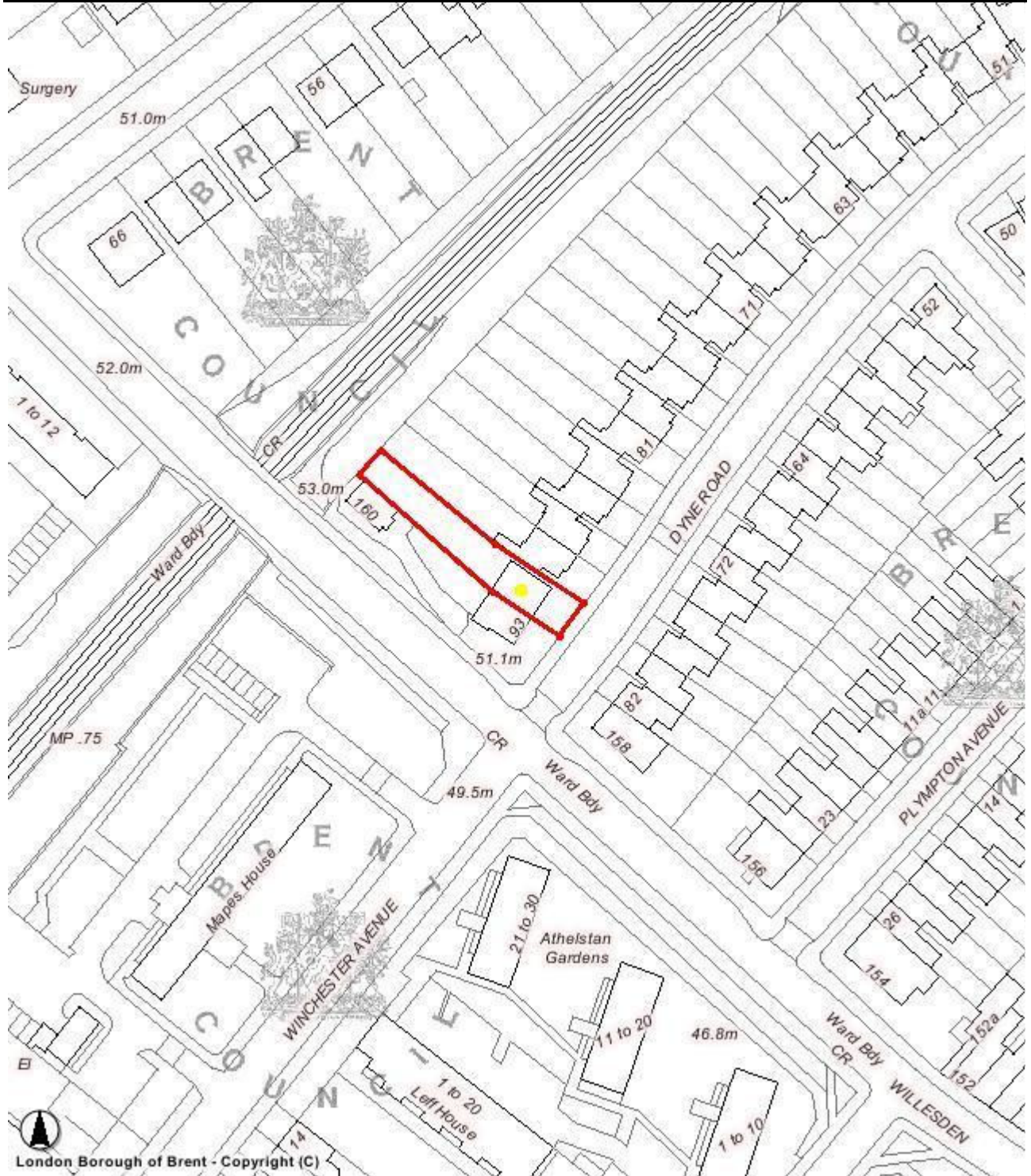
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: 91 Dyne Road, London, NW6 7DR

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**Committee Report
Planning Committee on 20 July, 2010**

Item No. 2/03
Case No. 10/1173

RECEIVED: 14 May, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 91 Dyne Road, London, NW6 7DR

PROPOSAL: External insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse

APPLICANT: Ms Debbie Yap

CONTACT: Bere:architects

PLAN NO'S:

B3.G10.P00 A
B3.G20.P-01A
B3.G20.P01A
B3.G.20.P03A
B3.G20.E02A
B3.G20.S01A
B5.G20.P00D
B5.G20.P-02B
B5.G20.P02D
B5.G20.E01B
B5.G20.E03D
B5.G20.E13B
B5.G20.S01D

B3.G20.P00 A
B3.G20.P-02A
B3.G.20.P02A
B3.G20.E01A
B3.G20.E03A
B3.G20.S02A
B5.G20.P-01C
B5.G20.P01D
B5.G20.P03D
B5.G20.E02C
B5.G20.E04A
B5.G20.E14B
B5.G20.S02A

RECOMMENDATION

Refusal

EXISTING

The application site is a semi-detached 3-storey building with a basement/lower ground floor level, situated on the northern side of Dyne Road, NW6. The property is within the North Kilburn Conservation Area.

PROPOSAL

External insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of

side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse

HISTORY

10/1221

Two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse

A report into this application appears elsewhere on this agenda.

POLICY CONSIDERATIONS

PPS 5 Planning for the Historic Environment.

HE7.1 In decision making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of:

- (i) evidence provided with the application
- (ii) any designation records
- (iii) the historic environment record and similar sources of information
- (iv) the heritage assets themselves
- (v) the outcome of the consultation with the usual interested parties
- (vi) expert advice from in-house or external experts or heritage agencies

HE7.4 Local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and
- the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of the factors set out in HE3.1

HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

HE9.2 Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:

- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
- (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
- (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

Brent UDP 2004

- STR 13 Forms of development with a reduced overall demand for energy and better integration with ecological and natural processes will be sought.
- STR 16 The particular Characteristics of the Borough's Conservation Areas will be conserved or enhanced.
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
Incorporating built forms, technologies, orientation and layout that will contribute to reduced energy consumption and associated emissions.
- BE26 Alterations and Extensions to Buildings in Conservation Areas
Alterations to elevations of buildings in Conservation Areas should (as far as is practicable) retain the original design and materials, or where not practical should retain the original design in terms of dimensions, texture and appearance, having regard to any design guidance issued by the Local Authority.

Characteristic features such as doors, canopies, windows, roof details (e.g. chimneys, chimney pots, roof line and pitch) and party wall upstands should be retained, even when elements may be redundant.

Extensions to buildings in conservation areas should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area and should be complementary to the original building in elevational features.

- Supplementary Planning Guidance Note 5
- North Kilburn Conservation Area Design Guide

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This document was produced by Brent Council and Energy Solutions (North West) in 2004. While it is not adopted policy it does provide guidance for Brent Residents in renovating dwellinghouses in an environmentally friendly way. In particular there is guidance on 'Listed Buildings and 'Conservations Areas' where it states:

"...alterations to wall surfaces are usually damaging to the overall character and appearance of historic buildings and can, in some cases, increase the levels of moisture in original wall structures. Stone work and brick work should not normally be rendered unless the surface was rendered originally."

CONSULTATION

Neighbouring occupiers were consulted on 3rd June 2010 and a site notice was posted to the front of the site 26th May 2010. No comments have been received.

Internal

Highways - The proposed parking bay must not be used for a vehicle longer than 3.8m in length in order to avoid obstruction of the public footway by overhanging vehicles contrary to Part IX of the Highways Act (1980)

Landscape - Further information required regarding trees, a comprehensive landscape plan for the front garden. The front garden must comply with BE7 and SPG5 with at least 50% soft landscaping.

REMARKS

This application has been called in by Cllr Tayo Oladapo and Cllr Mary Arnold. The request is for further consideration of the proposed external insulation as an environmentally efficient method of preventing heat loss and for the opportunity to consult with local residents in the conservation area.

Character and appearance

The alterations are proposed as part of wider proposals to retro-fit the house to improve energy conservation and sustainability. The architects are particularly keen to emphasise the level of insulation that can be achieved with external cladding is more effective than that which can be achieved by internal insulation and that the proposal will result in a significant improvement of the level of energy conservation. It is anticipated that the proposal alterations including internal and external cladding insulation, insulation under the floor boards, roof insulation and green roof, will result in a 90% reduction in annual heat demand. No details have been provided of how this is calculated in terms of the savings attributed to each measure.

Proposals that make alterations to the external appearance of a building within a Conservation Area are required to preserve and enhance the characteristics of the property that contribute to the quality of the Conservation Area. Policy BE26 of Unitary Development Plan 2004 requires that:

"Alterations to elevations of buildings in Conservation Areas should (as far as is practicable) retain the original design and materials, or where not practical should retain the original design in terms of dimensions, texture and appearance, having regard to any design guidance issued by the Local Authority"

When considering such proposals for improving insulation and reducing the impact on the environment within Conservation Areas there should be consideration of the impact on the character and appearance with any alterations with a presumption in favour of methods that do not impact on the external features of the building.

The North Kilburn Conservation Area is defined by stock brick Victorian dwellings on predominantly tree-lined streets, the streets show a prominent mix of grand classical architecture and Arts and Crafts decorative style. The Design Guide states that the rendering of un-rendered brickwork, cladding and the painting of unpainted original brickwork will not be permitted. In essence any alterations to the external appearance of the building require careful consideration and should retain and protect the original stock brick appearance.

The proposal for 91 Dyne Road involves the rendering of the flank wall and the rear wall. On the side elevation it proposed to begin approximately 2m in from the front elevation and would step immediately out by 20cm and would increase the thickness of all the external walls by the same amount. It would result in the loss of the original brickwork, including the more decorative brick work around window reveals especially visible on the upper floors on the rear elevation. It would also result in an odd junction with the attached property as the rear elevation of the subject site would project by a further 20cm. The upper floors of the rear elevation of the building are visible from the public highway on Willesden Lane and being in a Conservation Area the rear of the building should be given no less consideration than the front.

Front roof plane

The proposal involves internal insulation to the roof, this increases the height of the ridge and the side and rear roof planes. The existing ridge height is about 60mm lower than its attached neighbour, the increase in height will result in it being 100mm higher, otherwise it does not alter the level of the front roof plane due to the way in which the insulation is proposed. However to the side and rear elevations the insulation is proposed in a way which would result in the roofing material being re-laid at a higher level. Externally, as well as the increase in the height of the ridge, it results in the widening of the front roof plane with a notable impact on the front elevation where the eaves would project beyond the flank wall by an additional 200mm. This results in an incongruous feature, an unnaturally large overhang in a prominent and highly visible position.

The proposal involves the removal of a side elevation chimney and the insertion of a rooflight in its place as this is the applicant's preferred location for a shower within the loft. The North Kilburn Conservation Area Design Guide requires the retention of chimneys visible in the streetscene as a

prerequisite in any proposal as they are an integral part of the traditional character of the buildings. While the principle of a small side rooflight could be acceptable the loss of a chimney is not and would be detrimental to the character of the building.

Two photovoltaic panels are proposed on the front gable, their visibility from the public highway would be limited due to the decorative front gable features of the subject site and the neighbour. No detail is provided to demonstrate whether it is laid on the roof plane or set within it, officers are of the opinion that the latter would be necessary to prevent an obtrusive projection from the roofplane.

A solar collector is proposed in the flat area at the top of the roof, this part of the roof would not be easily visible from the street scene partly due to its height, the siting of the original front gable feature and the slight set back of the panel from the ridge.

Whilst some elements of the proposal are acceptable, overall the proposal would fail to preserve or enhance the character and appearance of the Conservation Area. Consideration has been given to the environmental improvements from the proposal though they are not considered to outweigh the harm to the appearance of the building. Although some information has been provided verbally to justify the use of external cladding a detailed breakdown of energy improvements has not been clearly shown and there has been a lack of assessment of alternative measures such as the feasibility of insulating the property internally.

Rear dormers

Insulation to the roof of the existing rear dormers is also proposed with external cladding to their face and cheeks. The existing larger dormer is a feature shared by the attached property while the narrower dormer is not, however their brick work and roof detail matches. As the dormers would increase in height and width this results in a significant alteration to their appearance, bulk and relationship with the size of roof plane. The proportion of the face of the dormer which would be glazed would notably reduce and the extent of render around the windows would be excessive and would conflict with the recommendations of the Conservation area design guide.

Two-storey rear extension

At lower ground floor a 4m deep and 3m high flat roofed extension is proposed, this is not in accordance with the size recommendations of *SPG5*, single storey extensions should not project beyond 3m in depth. The 4m extension would be considered to have an unacceptable impact on outlook from and light to neighbouring habitable room windows. In appearance it is plain with glazed doors filling the majority of its rear elevation and it would be externally insulated with rendered cladding.

The *North Kilburn Conservation Area Design Guide* states that while 2-storey extensions will not be permitted on terraced properties there is a possibility on semi detached properties though the density of the estate means that it is difficult to achieve without detriment to neighbouring properties.

SPG5 provides the 1:2 guidance which allows a calculation of the depth of the extension in comparison to the proximity of neighbouring ground floor windows. An extension may project in depth by half of the distance from its side elevation to the centre of the neighbours closest habitable window. In this instance, taking into account the slight tapering of the boundary away from the neighbouring property a depth of 1.177m is proposed and would comply with the recommended 1:2 guidance.

In height the architects seek to match the existing ceiling height as well as including external insulation and a greenroof, the result is that the height almost reaches the sills of the floor above. Due to the shallow depth of this extension officer's do not consider this detrimental to neighbouring

amenity, and being within the lower part of the building it is not considered to be unduly prominent. Its elevational design again is simple with the single glazing bar off-set from the centre relating to the fenestration elevation above. The elevational treatment of the extension and its resultant bulk is unlike buildings and extensions nearby and a traditional approach could have been taken, however on balance the scale and design is considered to be acceptable.

A roof terrace is proposed on the roof of the single storey part of the extension. Approximately 3.3m of flat roof closest to the attached neighbouring property would be planted as a green roof while the remaining 4.6m would be useable as amenity space. To the non-attached side the neighbour has a projecting flank wall which would largely protect their privacy from a balcony but to the attached side the garden is fully exposed.

The existing building has a very small platform area positioned centrally at upper ground floor with a staircase leading down to the garden, the platform is less than 1sqm and does not therefore provide a realistic opportunity for more than 1 person to stand and have a view to the adjacent neighbours garden. The proposed terrace is overly deep in this proposal at almost 3m and would allow for a significant amount of use.

Railings are proposed around the whole outer edge of the roof, this further worsens the impact of the 4m deep extension on neighbouring amenity and results in an unacceptable and overbearing relationship. No solid treatment between the green roof and designated terrace area means it would also allow that planted area to be utilised by the occupiers, as such its impact is unacceptable.

The principle of access from the upper ground floor to the garden is existing and is not objected to as long as it does not worsen neighbouring amenity in terms of privacy. The lower ground floor plan shows that the staircase proposed is along the boundary with the non-attached neighbour and would project by about 8 steps beyond their extension. This would be at a higher level than would be recommended and could allow views directly across the neighbours garden from an elevated level.

Front elevation

To the front elevation the fenestration is currently red and the proposal involves painting it white which is acceptable. Additionally the decorative front gable feature has been unsympathetically rendered and the proposal is to remove this and if the brick is damaged to replace it to match. Again this would be beneficial to the character of the building.

An alteration is proposed to the front entrance steps to leave a slightly larger platform one step down from the door. This is a minor alteration and as the existing steps are in concrete the use of a more appropriate material could improve the appearance overall.

Front garden

The creation of vehicular access and formation of hard landscaping is proposed to the front garden. To comply with SPG5 and the Council's aspirations for the appearance of front gardens within conservation areas a balance of at least 50% soft landscaping is sought. Officers do not consider that it is appropriate to include the lower levels of the light well in this calculation, as planting there will have a minimal impact on the appearance of the garden in the streetscene which is what the Council's guidance is trying to achieve. However subject to a very good planting scheme it is considered on balance that the proportion of softlandscaping could be acceptable. However no such details are currently submitted and as a result, the treatment of the area to the front of the building needs to form a reason for refusal.

Use

The architects have indicated that the property was most recently in use as a number of flats. Internally there is no obvious evidence of the self-containment of the property and there is no information to suggest that this would be the lawful use of the property, there being no planning history or Council Tax registration information for example. Nevertheless the proposal seeks planning permission for the reversion of the building to a dwellinghouse. The proposed development would result in one large dwellinghouse. Policy CP21 of the Council's emerging Core Strategy seeks to redefine the UDP definition of family sized accommodation to units containing 3-bedrooms or more. The UDP definition considered units with two or more bedroom to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. Therefore, whilst the proposed development would result in the loss of a housing unit which would normally be resisted, this loss is considered to be adequately compensated for through the creation of a type of accommodation for which there is an acute demand. As such, the proposed development is considered to comply with the aspirations of policy CP21 which seeks to achieved a balanced housing stock for the Borough.

Conclusion

While it is recognised that there is a need to improve the sustainability of dwellinghouses to meet climate change legislation any alterations to a dwellinghouse within a Conservation Area need careful consideration to ensure that the features and characteristics that give the building its historic and architectural significance are retained. Following consideration of the proposed render and additional insulation in the loft it is considered that the method by which the applicants seek to improve the energy performance of the building would fail to preserve or enhance the character of the dwellinghouse within the North Kilburn Conservation Area. Coupled with the unsympathetic and unacceptable loss of a visible chimney and the detrimental implications for neighbouring amenity to the rear the proposal is recommended for refusal for the reasons set out below.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed external cladding of the flank and rear walls and the increase in the height of the roof resulting in the increased projection of the eaves to the front corner of the building results in the excessive projection of the render, loss of the traditional brick work on flank wall and first floor rear elevation, deeper reveals to first floor rear windows, bulky rear dormers dominating the rear roof plane and an ambiguous eaves feature to the front elevation corner, failing to preserve the character and appearance of the dwellinghouse within the North Kilburn Conservation Area contrary to policies BE9, BE25 and BE26 of Brent's UDP and the guidance contained within the North Kilburn Conservation Area Design Guide.
- (2) By reason of the removal of a chimney, visible in the streetscene, the proposal is detrimental to the traditional character of the building failing to preserve the character and appearance of the dwellinghouse within the North Kilburn Conservation Area contrary to policies BE9, BE25 and BE26 of Brent's UDP and the guidance contained within the North Kilburn Conservation Area Design Guide.
- (3) By reason of the excessive depth of the single storey extension, height of railings along the boundary and depth and unrestricted access to the roof terrace the proposal would be detrimental to neighbouring amenity in terms of light to and

outlook from adjacent habitable room windows as well as impacting on privacy and the enjoyment of their amenity space, contrary to policy BE9 of Brent's UDP and *SPG5: Altering and Extending Your Home*.

- (4) The proposed formation of hard landscaping to the front garden, by reason of the insufficient proportion of softlandscaping and lack of comprehensive planting scheme would be detrimental to the character and appearance of the Conservation Area, failing to comply with policies BE6 and BE25 of Brent's UDP 2004 as well as *Supplementary Planning Guidance 5: Altering and Extending Your Home* and the North Kilburn Conservation Area Design Guide.

INFORMATIVES:

None Specified

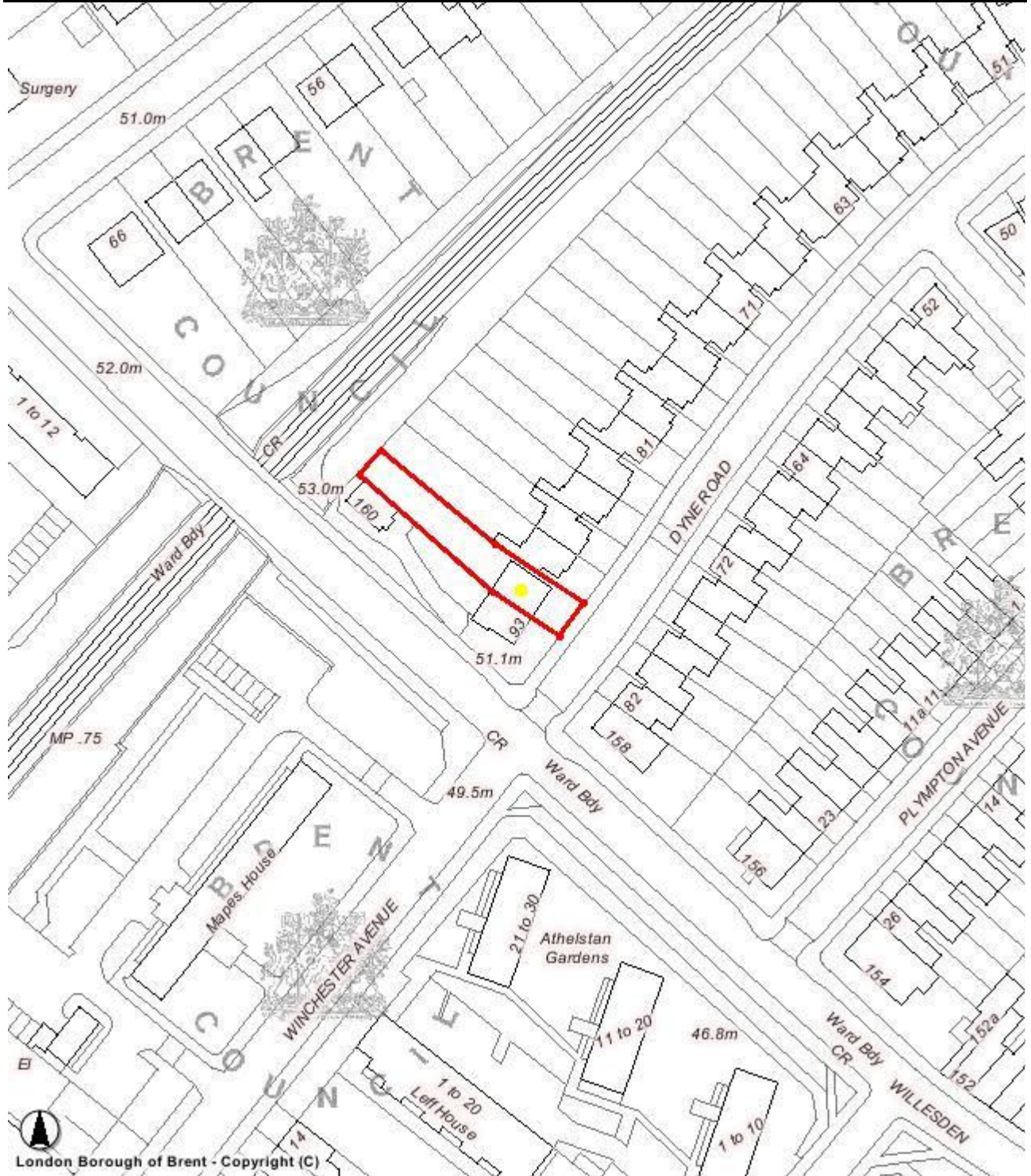
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: 91 Dyne Road, London, NW6 7DR

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Committee Report
Planning Committee on 20 July, 2010

Item No. 2/04
Case No. 10/0726

RECEIVED: 22 April, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 24E Brondesbury Road, London, NW6 6AY

PROPOSAL: Erection of single-storey ground-floor extension at rear of 24E Brondesbury Road

APPLICANT: Mr & Mrs Jones

CONTACT: Glassbox Prefab Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The application site is the lower ground-floor flat within a 4-storey building on the southern side of Brondesbury Road, NW6. The site is within Kilburn Conservation area and contains 4 self-contained flats. The building appears semi-detached at its upper levels but at its ground- and first-floor level is terraced.

PROPOSAL

Erection of single-storey ground-floor extension at rear of 24E Brondesbury Road.

HISTORY

24a Brondesbury Road
04/1975 Granted

Conversion (of lower and upper ground floors) into two self-contained flats and one two-bedroom house and erection of side extension to upper ground-floor level and balcony to rear

POLICY CONSIDERATIONS

UDP 2004

BE2 - Townscape

BE9 - Architectural Quality

BE25 - Development in Conservation Areas

BE26 - Alterations & Extension to Buildings in Conservation Areas

Supplementary Planning Guidance 5: Altering and Extending Your Home

CONSULTATION

Neighbouring occupiers were consulted on 5th May 2010, a press notice was posted on 6th May and a site notice was put up at the site on 7th May. 2 objections have been received from 2 addresses but primarily relating to the impact on the extension on the neighbouring property 24A Brondesbury Road.

- The extension will lead to a loss of light and outlook from the neighbouring property.
- The height and depth and position to the southeast will deprive the neighbour of early morning light and reduce light to the neighbour's living-room.
- The proposed extension is too big, being the full width of the property, and is out of keeping with the character of the properties in the vicinity within the Conservation Area.

It will dwarf the cottage next door.

REMARKS

The proposal is for the erection of single-storey ground-floor extension at rear of 24E Brondesbury Road.

The proposed extension is a maximum of 3m in height with a flat roof and 3m in depth. This height is acceptable according to the guidance of *SPG5: Altering and Extending Your Home* which seeks to limit the impact of any development. Although this property is a flat and "permitted development" is not therefore applicable it should be noted that the Government's "impact-based" assessment in the GPDO restricts the maximum eaves height to 3m. It is considered to be a height which will not result in an unacceptable impact on the amenity of neighbours.

Although SPG5 suggests extensions of 2.5m in depth as being appropriate to terraced properties, permitted development has established extensions of up to 3m in depth as being reasonable to such properties. The Council has adopted this approach since the 2008 GPDO to provide consistency in the way it deals with extensions to dwellinghouses and flats.

Both the Council's own guidance and the GPDO 2008 are based on judgements made about the impact of householder extensions on the level of light and outlook enjoyed by neighbouring properties. The neighbouring property is relatively narrow due to the way the building has been subdivided, but it is not unusually narrow compared to some traditional terraced properties in this part of the borough where the same dimensions of extension are implemented. Although matters would inevitably change for neighbours the proposed extension is on balance considered to be acceptable.

The height of the extension appears to be appropriate to the character and proportions of the rear elevation. Aluminium folding doors are proposed across the width of the extension and walls are proposed with a white render finish, this simple contemporary appearance is considered to be appropriate in this conservation area.

The property currently has a small area of decking, this is proposed to be replaced at the end of the extension. It is no more than 15cm in height, not creating any significant overlooking opportunities, and is approximately 1.5m in depth.

The proposal complies with policies contained in Brent's UDP 2004 as well as SPG5, as such, approval is 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) The development hereby permitted shall be carried out in accordance with the following approved drawings:

Block Plan
Location Plan
CN/GB03/04
CN/GB03/06
CN/GB03/07

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

INFORMATIVES:

None Specified

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: 24E Brondesbury Road, London, NW6 6AY

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**Committee Report
Planning Committee on 20 July, 2010**

Item No. 2/05
Case No. 10/1286

RECEIVED: 24 May, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 6 Montrose Avenue, London, NW6 6LB

PROPOSAL: Erection of a single storey side extension, installation of new ground floor rear window and erection of a rear dormer window to dwellinghouse

APPLICANT: USE

CONTACT: USE Architects

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval.

EXISTING

The subject site is a two storey terraced dwelling-house located on Montrose Avenue. The surrounding area is predominately residential with similar terraced type properties. The subject site is located in Queens Park Conservation Area, but is not a listed building.

PROPOSAL

Erection of a single storey side extension, installation of new ground floor rear window and erection of a rear dormer window to dwelling-house.

HISTORY

No planning history.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE9 Architectural quality
BE25 Development in conservation areas
BE26 Alterations and extensions to buildings in conservation areas

Queens Park Design Guide
Supplementary Planning Guidance 5

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters dated 3rd June 2010 were sent to 9 neighbouring owners/occupiers. Two objections and one comment indicating no objections, were received the following issues were raised:

- Dormer window appears particularly large;
- The large windows will compromise privacy;
- The window design does not match the character of neighbouring properties;
- The side infill appears too dominant with no light well, thus harming the neighbouring property.

Officers had requested amendments to ensure that the proposal would not adversely impact neighbouring amenity or the character and appearance of the dwelling-house in Queens Park Conservation Area. Subsequently, the proposal has been amended to include a reduction in height of the proposed side extension, with the inclusion of an internal 4m deep lightwell. The amendments also include a reduction in width of the rear dormer window which has been designed in keeping with original windows.

For clarity, the rear balcony at first floor level is existing and appears to have been constructed for more than four years and therefore exempt from planning control.

REMARKS

The subject site is a two storey terraced dwelling-house located on Montrose Avenue. The applicant has proposed a rear dormer window and single storey side infill extension with alteration to the rear window. The property is located within Queens Park Conservation Area and therefore extensions and alterations should be designed with respect to the existing scale and character of the original property and locality.

Single storey side infill

As Councillors will be aware, single storey side infill extensions are not normally deemed acceptable as they can restrict light into properties which may already suffer from restricted daylight as per adopted design guidance SPG5. Recently, there have been exceptions where the proposed side infill extension is designed to ensure that the impact upon residential amenity is reduced through, amongst other things, a reduction of height to 2.0m at the boundary, including an internal courtyard.

In this case, officers have requested amendments to ensure that the negative impacts of this type of extension are reduced. The proposed side extension projects 3.4m to the rear building line of the original single storey rear projection, featuring an internal courtyard 4.0m in depth. The internal courtyard serves to lessen the impact of enclosure and loss of amenity into neighbouring property Number 4 Montrose Avenue and serves to maintain the character and appearance of the original property in the conservation area.

The height of the proposed side extension adjacent to the neighbouring boundary is 2.0m, this will feature a lean to glazed roof up to 3.0m in height. In consideration that the height at the neighbouring boundary is the same height permitted for a garden fence and lightweight materials are used for the pitched roof, the impact of the proposed structure is lessened further.

Rear dormer window

Queens Park design guidance states that rear dormer windows are normally acceptable where they occupy no more than 2/3 of the width and height of the rear roofplane. The width of the proposed dormer window has been reduced to 3.53m and is located centrally within the rear

roofplane, which complies with Queens Park design guide. The front face of the rear dormer is mainly glazed with timber sash windows with glazing bars, which match the appearance of original rear windows. In addition, the roof will be rolled lead and its cheeks will match the tiles of the existing roof, which is deemed appropriate in the conservation area.

Window alterations

The applicant has proposed double opening aluminium sliding doors to the rear ground floor of the dwelling-house. The proposed glazing to the rear is not in the traditional style of original windows but would improve the quality of natural daylighting and outlook to the ground floor. The proposed window is not obtrusive and should not impact the character and appearance of the original dwelling-house.

As a result of amendments to the proposed side infill extension, the applicant has proposed the installation of double opening sliding doors within the flank wall of the side return. Although these windows are sited 2m from the neighbouring boundary they will be obscurely glazed above a height of 1.7m to maintain privacy to occupants and neighbouring occupiers at Number 4 Montrose Avenue.

Summary

In consideration of the above officers feel that appropriate design measures have been adopted to mitigate the negative impacts of the proposed side extension, in addition to the size and scale of the proposed rear dormer window, the proposals are considered acceptable in relation to policy BE9 of the UDP 2004, Queens Park Design Guide and Supplementary Planning Guidance 5.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Queens Park Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

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

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

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

MA_000_001 to MA_000_006; MA_200_001 REVC; MA_200_002 REVB;
MA_200_003 REVB; MA_200_004 REVB; MA_200_500 REVD; MA_200_006

REVD.

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

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

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

- (4) The windows in the side flank wall of the building shall be glazed with obscure glass above a height of 1.7m and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance 5
- Queens Park Design Guide
- Two 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: 6 Montrose Avenue, London, NW6 6LB

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**Committee Report
Planning Committee on 20 July, 2010**

Item No. 2/06
Case No. 10/0915

RECEIVED: 21 April, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 42A & 42B Okehampton Road, London, NW10 3ER

PROPOSAL: Rear dormer window, new timber fence to subdivide existing rear garden and erection of a two storey side extension to rear projection facilitating self containment of two existing flats

APPLICANT: Ms Kate Hernandez Lynn

CONTACT: Inglis Badrashi Ltd

PLAN NO'S:

705 P01
705 P02
705 P03
705 P04
705 P05
705 P06

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

Simon Green

Date and Reason for Request

15th May 2010. Approached by applicants family

Details of any representations received

The applicants family

Name of Councillor

Gavin Sneddon

Date and Reason for Request

22nd June 2010. Approached by applicants family

Details of any representations received

The applicants' family

RECOMMENDATION

Refusal

EXISTING

The subject site, located on the southern corner of the junction between Okehampton Road and Dundonald Road, is occupied by a two-storey end-of-terrace dwelling comprising of two non-self-contained flats. The subject site is located within a designated Area of Distinctive Residential Character

PROPOSAL

Rear dormer window, new timber fence to subdivide existing rear garden and erection of a two storey side extension to rear projection facilitating self containment of two existing flats

HISTORY

There is no planning site history relevant to the determination of the current application

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

BE29 Areas of Distinctive Residential Character

Supplementary Planning Guidance 5:- Altering & Extending Your Home

SUSTAINABILITY ASSESSMENT

Not applicable

CONSULTATION

External

Consultation letters, dated 5th May 2010, have been sent to 25 neighbouring owner/occupiers. No representations have been received in response. However, having been approached by the family of the applicant, Councillors Simon Green and Gavin Sneddon have called in the application for determination by the Planning Committee.

Internal

Transportation Unit - Have raised concerns that the proposed development would give rise to an increased demand for parking which cannot be accommodated within the locality.

Landscape Design Team - Have not raised an objection to the scheme in principle but would recommend landscaping conditions if the application were to be approved.

REMARKS

The existing property consists of two non self-contained flats, in that in access to the first floor flat is provided through the ground floor flat. There is no history of planning permission having been granted for this arrangement of accommodation although Council tax records would suggest that these non self-contained flats have existed for a number of years. The proposal seeks planning permission for extensions and alterations to the property to fully convert the property into two self-contained flats and utilise the loft space.

SELF-CONTAINMENT OF FLATS

In principle, the self-containment of the existing flats would be welcomed and is in general accordance with policy H10 of the Council's UDP. Both of the proposed flats would exceed the Council's guidance on minimum internal floorspaces set out in SPG17. The proposal would involve the subdivision of the existing rear garden space in order that both flats can enjoy their own private section. Policy H18 sets out that the subdivision of gardens as part of flat conversions would normally be resisted and that instead the entire garden should be given over to the ground floor flat. However, it is noted that under the current arrangement as two non self contained flats that, subject to the height of the boundary treatment, the garden could be subdivided without requiring planning permission.

The Council's Transportation Unit have raised concerns regarding the impact of the conversion in terms of increasing the demand for on-street parking in an area that is already heavily parked. However, the Transportation Engineer has assessed the proposal on the basis that the lawful use of the existing property is as a single dwellinghouse. However, without evidence to reinforce this view it is considered that the proposed development would not significantly increase the demand for parking created by the existing non self-contained flats.

Overall, it is considered that the self containment of the existing flats would improve the existing standard of accommodation for occupiers. However, the current proposal for self-containment relies upon the erection of a rear dormer window and substantial two-storey side extension, the merits of which are considered below.

REAR DORMER WINDOW

The proposal would also involve the erection of a rear dormer window in order to facilitate the conversion of the existing loft space. The proposed rear dormer window would be approximately 2.6m in width, half the width of the original roofplane, and would be set up from the eaves by at least 0.5m and set down from the ridge by 0.3m. The proposed rear dormer would be centrally located on the existing roofplane and would have mainly glazed facade. Overall, the proposed rear dormer window is in general compliance with the guidance contained in Supplementary Planning Guidance 5:- Altering & Extending Your Home.

TWO STOREY SIDE EXTENSION

The proposal would involve the erection of a two-storey side extension to the existing two-storey projection to the property. This extension would be used, in part, to provide a new self-contained access to the first floor flat. The subject property is located on a prominent corner plot and forms the end of an established terrace of properties running along the southern side of Okehampton Road. The rear projection of the subject property is clearly visible from Dundonald Road, as are the rear projections of other neighbouring properties which form part of the terrace. The rear projections to these properties are of a consistent character and appear largely unaltered. The projection to the subject property mirrors the projection to the adjoining property. The proposed two-storey extension would directly face Dundonald Road.

The proposed extension would extend the width of the existing projection by 1.7m towards Dundonald Road, increasing the width by approximately 45%. In order to accommodate this

additional width the roof pitch of the existing projection would need to be made more shallow which would further unbalance the symmetry with the adjoining properties. The consistent roof form of the projections to the properties along this stretch of Okehampton Road are considered to form an important part of the area's character and it is considered that the additional bulk created by this additional width and the unsympathetic angle of the proposed roof slope would cause harm to the character and appearance of the property and wider streetscene. Supplementary Planning Guidance 5 sets out the importance of maintaining the angle of the roof pitch where two-storey extensions are proposed. It is also noted that the subject property is located within an Area of Distinctive Residential Character (ADRC) as designated in the Council's UDP, where particular attention should be paid to design, height and space between buildings. The location of the site within an ADRC further compounds concerns regarding the impact of the proposal on the character and appearance of the locality.

Whilst it is noted that the properties along Okehampton Road, on the opposite side of the junction with Dundonald Road, have a different, larger, style of rear projection, these are a different type of property which have their own distinct character which is not in any case replicated by the proposed development. The proposed two-storey side extension is considered to be an inappropriate form of development in terms of its impact on the character of the locality and therefore, notwithstanding the other benefits it may provide in terms of the provision of self-contained dwellings, it is considered that this harm would be such that the refusal of the current application would be justified.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed two-storey side extension would, by reason of its bulk, incongruous roof pitch and prominent siting within the street, harm the character and appearance of the existing property and surrounding area, which is designated as an Area of Distinctive Residential Character, contrary to policies BE2, BE9 and BE29 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 5:- 'Altering & Extending Your Home'.
- (2) In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies STR19, TRN3, TRN4, CF6 and OS18 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Document;- s106 Planning Obligations.

INFORMATIVES:

- (1) The applicant is advised that proposals involving the conversion of properties to self-contained dwellings would normally be required to include details of landscaping proposals, boundary and access treatments, refuse/recycling storage and cycle storage.

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 5:- Altering & Extending Your Home

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



Planning Committee Map

Site address: 42A & 42B Okehampton Road, London, NW10 3ER

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**Committee Report
Planning Committee on 20 July, 2010**

Item No. 2/07
Case No. 10/1160

RECEIVED: 10 May, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 60 Milverton Road, London, NW6 7AP

PROPOSAL: Erection of a ground-floor side extension, ground-floor rear extension, installation of first-floor rear doors and juliet balcony and new first-floor side window

APPLICANT: Ms Alison Hart

CONTACT: Mr David Silverman

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval.

EXISTING

The subject site is a two storey semi-detached dwelling-house located on Milverton Road. The surrounding area is predominately residential with similar semi-detached type dwellings. The subject site is located in an Area of Distinctive Residential Character but is not a listed building.

PROPOSAL

Erection of a ground-floor side extension, ground-floor rear extension, installation of first-floor rear doors and juliet balcony and new first-floor side window.

HISTORY

A Certificate of Lawfulness has recently been granted for the erection of a proposed rear dormer window, hip to gable end and 2 front rooflights to dwellinghouse, reference 10/1090.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE9 Architectural Quality

Supplementary Planning Guidance 5 'Altering and Extending Your Home'

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters dated 19th May 2010 were sent to nine neighbouring owners/occupiers. Five letters of objection and one letter raising no objection has been received, the following issues have been raised:

- The proposal will change the character and appearance of the locality;
- There are no measurements on the proposed plans;
- The first floor window and juliet balcony would overlook properties in: Sidmouth Road; Milverton Road; and Mount Pleasant Road.
- The flat roof could be used as a balcony area; or could be used as a platform for a two storey extension.

Officers had requested further detail and amendments to ensure that the proposal would not adversely impact neighbouring amenity. Subsequently, the proposal now includes site boundaries and the built outline of neighbouring property at Number 58 Milverton Road. The amendments also include a reduction in height to the proposed side extension (detailed below) and obscured glazing to the ground floor side window.

The issues raised above have been noted and are discussed in detail below.

REMARKS

The subject site is a two storey semi-detached dwelling-house located on Milverton Road, in close proximity to the junction of Sidmouth Road. The applicant has proposed a single storey side and rear extension, first floor rear juliet balcony and the installation of one first floor side window.

Single storey rear extension

The rear of the original dwelling-house is stepped, so that there are two rear walls. In these cases officers have requested that proposed rear extensions are stepped, firstly to ensure that the amenities of neighbouring occupiers are not affected and secondly, that the scale and bulk of proposed extension respects the character and nature of the original dwelling-house. However, in this instance there are a number of reasons why this approach has not been adopted.

The proposed rear extension will project 4.5m from the main rear wall adjacent to the neighbouring boundary at Number 58 Milverton Road and 2.0m from the projecting rear wall in close proximity to the side boundary which abuts rear gardens in Sidmouth Road. Although the proposed extension is greater than would normally be deemed acceptable in SPG5, the proposal would not impact the amenities of neighbouring occupiers at Number 58, due to their 5.25m deep extension. Furthermore the proposed footprint is not deemed excessive, in that the extension does not project more than 2m at the furthest rear wall.

The proposed single storey rear extension features a flat roof 3m in height which is considered acceptable with design guidance SPG5 and will be mainly glazed on the rear facing wall which should increase the proportion of natural daylighting.

Single storey side extension

The dwelling-house has an existing single storey side extension, 1.85m wide and 9.1m in length, featuring a flat roof 3.5m in height. This extension has been constructed for more than four years and is therefore exempt from planning control.

The existing side extension will be reduced in height to 3m and brought forward by 4m towards the front of the dwelling-house. This will also project to the rear by 2m which will link up with the proposed single storey rear extension. A slightly sloping pitched roof is proposed above the existing section of the side extension, raising the maximum height to 3.5m. This is considered acceptable, in view that the height as existing is 3.5m and would still result in an overall reduction of height.

Three existing windows located in the side wall of the existing side extension will be removed with the addition of an obscured side window to the extended side. Although this is located 0.5m from the side boundary of the subject site, the window is non-habitable and sited at a height of 1.9m, behind a 2.2m high boundary wall, and should not therefore cause conditions which will negatively impact neighbouring properties.

Juliet balcony and first floor window

The applicant has proposed a juliet balcony at first floor level. The proposed juliet balcony does not include a raised platform or negatively impact the character and appearance of the original dwelling-house and is therefore deemed acceptable in relation to policy BE9. Although residents have raised concerns in relation to overlooking and loss of privacy, the proposed juliet balcony would not cause impacts which are greater than existing first floor rear windows.

At first floor level, two windows to the side flank of the dwelling-house will be removed and replaced with one window. The replaced window is located 2.7m from the neighbouring boundary and non-habitable.

Summary

In summary, whilst objectors have raised concern in relation to maintaining privacy, it is clear that the alterations to the side flank wall windows actually reduce the proportion of glazing facing rear gardens of Sidmouth Road and the proposed juliet balcony will not cause additional harm as compared to the existing window arrangement. This is in accordance with design guidance SPG5. For clarity, although the application does not propose any access to the flat roof of the proposed rear extension (which would be unacceptable), this will be restricted by condition.

In relation to the above, the proposed single storey side and rear extensions, alteration to side flank windows and rear juliet balcony are considered acceptable in relation to policy BE9 of the UDP 2004 and SPG5.

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

CONDITIONS/REASONS:

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

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

- (2) The development hereby permitted shall be carried out in accordance with the

following approved drawing(s) and/or document(s):

10/284/1; 10/284/2A; 10/284/3A

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

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

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

- (4) The window in the side wall of the building (as extended) shall be glazed with obscure glass and the window shall be top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance 5
- Four letters of objection
- One letter stating no 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: 60 Milverton Road, London, NW6 7AP

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**Committee Report
Planning Committee on 20 July, 2010**

Item No. 3/01
Case No. 10/1149

RECEIVED: 24 May, 2010

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: 41 Littleton Road, Harrow, HA1 3SY

PROPOSAL: Erection of a single storey detached building in rear garden of dwellinghouse (retrospective application)

APPLICANT: Mr K Nathan

CONTACT: J E Consultants UK Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval, subject to conditions

EXISTING

The subject site contains a two storey, detached property situated on the eastern side of Littleton Road. The area is designated an area of distinctive residential character. Surrounding uses are predominantly residential. Properties on the eastern side of Littleton Road are afforded long gardens which are around 25m in length. The property in question is situated on an elevated platform with a short patio which includes stepped access down to the main garden area.

PROPOSAL

Erection of a single storey detached building in rear garden of dwellinghouse (retrospective application)

HISTORY

E/09/0718 - Enforcement case relating to the erection of an outbuilding in the rear garden
Breach established - no notice has been served as yet

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE2 - Townscape: Local Context & Character

BE9 - Architectural Quality

SPG5 "*Altering and Extending your Home*"

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 04 June 2010 and 25 June 2010 in which 2 properties were notified.

Two objections have been received from the owners of number 39 and 43 Littleton Road raising the following concerns:

- The building is obtrusive because of its size and position.
- It is misleading that the building is described as a garden shed due to its scale and brick construction with solid foundations. Most outbuildings in the general area are under 2.5m, flat-roofed and made of wood.
- Location of the building is not in a practical spot. Rear gardens in the estate are quite large and the majority of sheds are sited towards the bottom of the garden. This would be more suitable. As the building is in the NW corner of the garden, the sun will cast a shadow across the lawn of 39 during the months of the year when the sun is lower.

Consultees

Sudbury Court Residents Association - Objection raised as building is within 1m from the site boundary.

REMARKS

The application has been submitted following an enforcement investigation which has identified a breach in planning control at the site. The structure measures 3.7m in depth and 2.9m in width and has a shallow dual-pitched roof with a central ridge. The height of the building to the eaves is 2.6m. The highest point of the roof reaches 2.85m. The building is situated close to the northern boundary of the site maintaining only 0.35m from the boundary shared with number 39 Littleton Road. As a result, the height marginally exceeds the maximum height allowed for an outbuilding which can be constructed under permitted development in situations where any part of the structure is situated within 2m of a site boundary. The height of the building has been measured from the lower ground level of the garden rather than the patio area as this is not considered original.

Principle of Development

It is accepted that residential gardens often contain storage buildings. In many circumstances, national legislation allows the construction of such a building without the need for planning permission. This would apply to buildings which comply with certain height limitations depending on their location within a site in addition to the scale and use restrictions which, under the Town and Country Planning (General Permitted Development) Order 1995 as amended, must be incidental to the main dwellinghouse. As planning permission is being sought for the structure, it is not reasonable to assess whether the building is incidental to the main dwelling but rather that the structure would be used for purposes which are ancillary to the main building.

The building in question has a footprint of less than 12 square metres which is not considered excessive in scale when considered in comparison with the footprint of the main dwellinghouse and the size of the plot. The scale of the building is such that it can be considered to be a reasonable storage building for a domestic property. The use of the building as ancillary to the main dwellinghouse can be secured by condition.

Fallback Position

The implication of refusing this application is that an enforcement notice could be served requiring the removal of the building. In this circumstance, the applicants would have the fall back position of

being able to erect a replacement outbuilding providing it complies with the requirements of Town and Country Planning (General Permitted Development) Order 1995 as amended in 2008 following the demolition of the unauthorised structure.

The 2008 amendments to the Order made various changes 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. Any replacement outbuilding would therefore either have to be lower or be set further in from the boundary however given the marginal breach in the height of the outbuilding under consideration, only a small reduction in visual impact would result from this amendment. It should be also noted that there is no requirement to locate these buildings at the rear of the garden.

It is therefore necessary to consider whether this course of action would be reasonable and justifiable. The main justification would be the harm to neighbouring residential amenity, namely 39 Littleton Road which is situated most closely to this building.

Impact on neighbouring residential amenity

As stated, the main property to be affected by the outbuilding is number 39 Littleton Road. An objection has been received from the owners of this property in terms of an overshadowing impact during winter months and a loss of outlook. The building in question has a shallow dual-pitched roof with a central ridge which ranges from a height of 2.6m up to 2.85m. It should be noted however that the building is close to the side boundary belonging to this neighbour and only 4.8m from the rear elevation. In terms of the layout of number 39 Littleton Road, an attached garage is situated between the side boundary and the main habitable room windows and as a result, the impact of the building on outlook and overshadowing of habitable rooms would not be significant. The main consideration is therefore the impact on the garden.

Your officers recommend a condition to secure new fencing on the boundary between the building and number 39 which is 2m in height. Given the limited space between the outbuilding and the boundary any planting is likely to create maintenance issues for the owners of 39 however the introduction taller fencing is considered to soften the appearance of the building from the neighbouring garden. It should be noted that it is only possible to secure this screening when a structure requires planning permission. In contrast, if the structure were to be removed and replaced with a building which was 2.5m in height, only 0.35m less than the existing building's maximum height, no screening would be required resulting in a harsher appearance from the neighbouring garden. Furthermore, given the modest scale of the extension in terms of footprint, only a marginal breach in the maximum height permitted for outbuildings within 2m of the boundary and the generous garden depth afforded to the neighbouring property, the building is not considered to result in sufficient harm to warrant a refusal of the scheme.

Summary

Whilst the building is not wholly in accordance with policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004, the structure is not, on balance, considered to result in sufficient harm to neighbouring residential amenity to warrant a refusal of the scheme. On this basis, it is recommended that planning permission be **granted, subject to conditions**.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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 outbuilding hereby approved shall be completed in full within 1 month of the date of this planning consent.

Reason: In order to rectify the breach in planning control and in the interests of the visual amenities of the locality.

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

904/DK/01
Location Plan

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

- (3) Notwithstanding the plans hereby approved, 2m high close-boarded timber fencing shall be erected on the boundary between the outbuilding hereby approved and number 39 Littleton Road within 1 month of the date of this consent.

Reason: In the interests of residential amenity.

- (4) The outbuilding hereby approved shall be used solely for purposes ancillary to 41 Littleton Road. No business or industry shall be carried out therein nor shall the building be used for additional living accommodation or be sold, let or occupied separately from the dwelling.

Reason: In the interests of neighbouring residential amenity

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent Unitary Development Plan 2004
SPG5 "Altering and Extending your Home"

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 41 Littleton Road, Harrow, HA1 3SY

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Committee Report
Planning Committee on 20 July, 2010

Item No. 3/02
Case No. 10/0413

RECEIVED: 11 March, 2010

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9

PROPOSAL: Demolition of existing buildings and erection of a part 2-, 4-, 5- and 6-storey building to provide in total 29 self-contained residential units (comprising 7 one-bedroom flats, 10 two-bedroom flats, 2 two-bedroom maisonettes and 10 three-bedroom flats of which 13 units would be affordable) with balconies, undercroft courtyard, communal and private garden area; 2 new pedestrian accesses onto Rosemead Avenue, provision of cycle and refuse storage and associated landscaping (a car-free development) (as amended by revised plans received on 14/06/2010, e-mail received on 16/06/2010).

APPLICANT: Globeplan Properties

CONTACT: KR Planning

PLAN NO'S:
See Condition 2

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 & 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:-

- (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) 45% affordable Housing, measured by unit.
- (c) A contribution of £166,800 (£3,000 /£2,400 per Private/AH 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.
- (d) An additional £13,000 contribution, due on material start and index-linked from the date of committee towards the installation of a new MUGA in King Edward VII Park.
- (e) The removal of rights of residents to apply for parking permits.
- (f) 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.

- (g) Offset 20% of the site's carbon emissions through on site 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.
- (h) 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.

EXISTING

The application relates to a site of approximately 0.08 hectare comprising of land and buildings located on the north side of Rosemead Avenue, to the rear of the JJ Moon and The Bear public houses on the High Road in Wembley.

The eastern part of the site is currently occupied by Rosemead Hall a vacant and dilapidated two-storey last used as a warehouse. The western part of the site is occupied by the former Post Office sorting office a substantial vacant building that hasn't been used since the former Post Office was converted to a pub. It too is in a poor state of repair. The two buildings are separated by a service road which allows The Bear to be serviced from Rosemead Avenue and by a pedestrian footpath that provides an emergency escape route from JJ Moons.

The former sorting office a five storey building that forms the rear of the Wilkinson hardware store which has a loading bay opening onto Rosemead Avenue. Rosemead Hall is flanked by a two storey storage building attached to the rear of JJ Moons. The Mandhata Community & Youth Association Centre is located on the other side of this storage building. The rear of the site backs on to the The Bear and on to JJ Moon's beer garden.

The opposite side of Rosemead Avenue from the site is occupied by two storey terraced houses.

The site is located within Wembley Regeneration Area as designated in Brent's adopted Unitary Development Plan 2004 and its draft Core Strategy.

PROPOSAL

The revised scheme involves demolition of existing buildings and the erection of a part 2-, 4-, 5- and 6-storey building to provide in total 29 self-contained residential units (comprising 7 one-bedroom flats, 10 two-bedroom flats, 2 two-bedroom maisonettes and 10 three-bedroom flats), with balconies, undercroft courtyard, communal and private garden area; 2 new pedestrian accesses onto Rosemead Avenue, provision of cycle and refuse storage and associated landscaping. This a car free scheme and no residential car parking is provided within the development.

HISTORY

The following planning history is most relevant to this current application:

08/08/2008	Planning permission granted for the demolition of existing buildings and the erection of a part 2-, part 4- and part 5-storey building comprising 28 flats (ref: 08/1109).
28/04/2008	Planning application for the demolition of existing buildings and the erection of a part 3 and part 5-storey building comprising 31 flats withdrawn by applicant (ref: 08/1109).
28/11/2007	Planning permission for the demolition of existing buildings and the erection of a

4- and 5- storey residential development comprising 28 flats withdrawn by the applicant (ref: 07/0818).

- 18/01/2004 Planning permission granted for the demolition of one the existing buildings (former sorting office rear of the Bear Public House) and erection of a part 2-, part 3- and part 4-storey building to provide 5 live/work units with roof terraces (ref: 04/0498)
- 13/01/2004 Planning permission refused for the demolition of one the existing buildings (former sorting office rear of the Bear Public House) and erection of a 4-storey building to provide 4 offices, 4 live/work units and 2 town houses (ref: 04/0498). An appeal against this decision was dismissed.

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004

The following policies, summarised below, are considered to be material in this case.

Strategy

STR1 – Development for business, industry and warehouses uses will be protected and promoted in Strategic & Borough Employment Areas. Outside these areas, housing will be the priority alternative land-use, unless indicated otherwise in the Plan. Affordable housing will be a particular priority where it would help to achieve a mix and diversity of residential development in the Borough.

STR3 – In the interest of achieving sustainable development (including protecting Greenfield sites), development of previously developed urban land will be maximised (including from conversions and change of use).

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

STR14 - New development will be expected to make a positive contribution to improving the quality of the urban environment of Brent, by being designed with proper consideration of urban design principles relating to townscape, urban structure, the public realm, and architectural quality and sustainability.

STR 19 – New housing development should be located on sites which:

- (a) Reduce the need for car travel; and
- (b) Give preference to the development of previously used urban land;
- (c) Provide acceptable residential amenity for existing and proposed residents; use
- (d) Provide for necessary physical and community infrastructure (e.g. community facilities, school places) arising from the development. Housing density will be determined by the acceptability of the design of a scheme complimenting the character of an area in which it stands. More intense residential development will be encouraged, particularly within walkable neighbourhoods (areas within easy (600m) walking distance of a district centre or major town centre) and where the design is of an appropriately higher quality.

STR 20 – 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.

STR25 – Local Employment Sites will be protected for employment use unless the proposed development for alternative uses complies with detailed policies set down in the plan.

Built Environment

BE2 – Design should have regard to the local context, making a positive contribution to the character of the area. 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 - Proposals should have regard for the existing urban grain, development patterns and density and should be designed that spaces between and around buildings should be functional and attractive to their users, layout defined by pedestrian circulation, particular emphasis on prominent corner sites, entrance points and creating vistas, respect the form of the street by building to the established line of frontages, unless there is clear urban design justification.

BE5 – Development should be designed to be understandable to users, free of physical hazard and to reduce the opportunities for crime, incorporating the aims and objectives of both “Secured by Design” and “Designing-Out Crime” concepts.

BE6 – A high standard of landscape design is required as an integral element of development schemes.

BE7 – High quality of design and materials required for the street environment. In existing residential areas, the excessive infilling of space between buildings and between buildings and the road will be resisted.

BE9 - New buildings, extensions and alterations to existing buildings, should embody a creative and appropriate design solution, specific to their site’s shape, size, location and development opportunities.

BE12 – Proposals should embody sustainable design principles, commensurate with the scale and type of development, including taking accounts of: Sustainable Design, Sustainable Construction and Pollution Control.

Housing

H9 – On development 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 regards to local circumstances and site characteristics.

H10 – New residential accommodation should be self-contained unless it is designed to meet the known needs of a named institution and suitable management arrangements are secured as part of the planning application.

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 policies in the built Environment chapter.

H13 – Residential density shall be determined primarily by appropriate urban design, and shall also have regard to the context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed.

Employment

EMP9 - Resists the development of local employment sites except in specific circumstances.

Transport

TRN4 –Where transport impact is unacceptable, various measures will be sought at the applicants expense to try to mitigate the effects, including public transport improvements, on street parking controls or restrictions, improved pedestrian and cycle facilities, traffic calming, road safety and highway improvements, management measures to reduce car usage.

TRN23 –Parking for residential development should be in accordance with the maximum standards. Their application may be varied depending on the level of public transport accessibility and the contribution the development would make to reduce the use of the private car, but should not be below the minimum operational level, including required disabled parking.

Wembley Regeneration Area

WEM1 – The regeneration of the Wembley area a regional sport, entertainment and leisure, including hotel, destination will be supported. The regeneration of Wembley town centre is also supported, which may involve the eastward expansion of the existing centre towards the Stadium. Industrial and business development is promoted in the Strategic Employment area to the east of the Stadium. New residential development may also be appropriate where an acceptable residential environment can be ensured.

WEM4 – Higher density residential development is encouraged within the Wembley Regeneration Area, particularly Wembley Town Centre. Development on sites capable of 15 or more units should be a mixture of general market housing and affordable housing suitable for smaller households (including key workers) – unless 'provision-in-lieu' (Policy H4) is more appropriate.

WEM16 – Development within the Wembley Regeneration Area should contribute towards the creation of a world class environment.

Brent Supplementary Planning Guidance:

Supplementary Planning Guidance 17: *Design Guide for New Development* provides design guidance for new development, and seeks to improve the standard of architectural and urban design in Brent.

SUSTAINABILITY ASSESSMENT

The sustainability checklist currently achieves 39%, which is under the council 's 50% requirement; however, the sustainability officer notes that the applicant has signed up to achieving 50% in the S106 agreement and has also agreed to achieve a 20% reduction in CO2 through renewable energy . In principle, therefore, the application meets both Brent Council's sustainability policies and the London Plan's policies. Further details will need to be provided at pre-construction stage, demonstrating how these policies have been met, including a revised checklist and an energy options assessment.

CONSULTATION

The following have been consulted on the proposal:

- Nos. 397, 397A, 397B, 399 & 401-403 High Road, Wembley
- Nos. 2 Lonsdale Avenue
- Nos. 1A, 1B, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20a, 21, 22, 23, 24A, 24B, 25, 26, 27, 28, 29, 31, 33, 35, 37, 39 & 41 Rosemead Avenue.
- Ward Councillors

This is a major application so the proposal has also been advertised in the local press and a site notice put up in Rosemead Avenue.

In total 4 objection letters and a 22 signature petition have been received.

In summary the grounds of objection are:

- The scale of the proposed is too large and is out of keeping with the existing housing in Rosemead Avenue.
- No parking provision will exacerbate existing parking congestion in Rosemead Avenue.
- The proposal is likely to give rise to tensions and potential crime and will reduce the security of adjoining buildings.]
- The proposal will generate more noise pollution and rubbish.
- The proposal would result in loss of light and privacy to houses opposite the development.

Thames Water - No objection with regards to sewage infrastructure. With regards to Surface water drainage they point out that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. Recommend that the applicant ensures 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. They can be contacted on 0845 850 2777.

With regards to water supply, this comes within the area covered by the veolia Water Company. For information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel: 0845 782 3333.

Council's Transportation Unit – No objection to the proposal subject to a Section 106 Agreement to secure: (i) a car-free agreement; and (ii) the standard financial contribution of a proportion should go towards non-car access/highway safety improvements, parking controls and/or a car club.

Landscape Unit – Any consent should be subject to a standard landscape condition. The proposed shortfall of usable amenity space should be compensated for through a further Section 106 contribution to assisting in funding a new MUGA in King Edward VII Park.

Environmental Health – Has raised concerns regarding potential noise nuisance from the licensed premises on the High Road. As such further detail/information regarding the glazing and facade treatment used on the north facade of the building is requested to ensure that internal noise levels can be achieved in accordance with Part E of the building regulation and BS8233:1999 - 'Sound insulation and noise reduction in building - Code of Practice'. A condition to this affect would be attached along with other conditions suggested by Environmental Health. Any further details received would also be forwarded to Environmental Health for consideration.

REMARKS

This amended scheme is a revision of an earlier scheme approved under ref: 08/1109. It differs from the approved scheme in that an additional storey is proposed which would be well set-back from the Rosemead Avenue frontage. The scheme as a result would be a storey higher and increases the overall number of residential units from a total of 28 to 29. The mix and layout of units has also been altered with the current proposal including a greater number of larger three bed room units. more generously sized units comprising largely generous and better range of unit sizes suitable to various needs with their own private balconies. In the current proposal the amount of affordable housing units has been reduced to 45% to increase the viability of the scheme. The approved scheme proposed 100% affordable housing.

The revised description for the proposal is “*demolition of existing buildings and erection of a part 2-, 4-, 5- and 6-storey building to provide in total 29 self-contained residential units (comprising 7 one-bedroom flats, 10 two-bedroom flats, 2 two-bedroom maisonettes and 10 three-bedroom flats of which 13 units would be affordable) with balconies, terraces, undercroft courtyard, communal and private garden area; 2 new pedestrian accesses onto Rosemead Avenue, provision of cycle and refuse storage and associated landscaping (a car-free development)*”.

The revised scheme is now assessed as follows:

Planning Policy

The two existing buildings on the application site were last used for employment purposes with Rosemead Hall being used as a warehouse and the remaining building as a post office sorting office. According to the submitted marketing information both buildings have now been vacant for a number of years. Council policies generally seek to resist the loss of local employment sites unless there are unacceptable adverse environmental impacts resulting from its employment use or it can be demonstrated that there is no effective demand. The preferred alternative use for redundant local employment sites is as affordable housing.

The “Marketing Report” submitted with the application indicates that despite an active marketing effort over a number of years both nationally and locally, no genuine interest has been registered. In 2004 planning permission was granted for the demolition of Rosemead Hall and the erection of part 2-, 3- and 4-storey building to provide 5 live/work units and in 2003 planning permission was granted for the conversion and extension of the post office depot to provide 7 live/work units and 2 bedroom maisonettes. However neither planning permission has been implemented which further confirms the applicant's marketing report that there is also no demand for live/work accommodation. Given the length of time that the site has remained vacant and the apparent lack of interest in reusing the site for any kind of employment use, the redevelopment of the site for affordable housing is considered acceptable.

Density/Mix

The arrangement proposes 29 residential units in total. This includes seven single bedroom flats, ten 2-bedrooms flats, two 2-bedroom maisonettes and ten 3-bedroom flats providing a total of 90 habitable rooms on a site area of 0.121 hectare, with a density of 744 habitable rooms per hectare. The site is located within edge of Wembley Town Centre and has a PTAL of 5. The proposed density of 744 HRH therefore falls within the acceptable density range of 240-700+ as set out in the Supplementary Planning Guidance 17 and also complies with the recent Mayor's London Interim Housing Supplementary Planning Guidance density matrix range of 650 -1100 HR/HA for sites located within the Central/Major Town Centres.

The proposed mix (comprising 7 x 1-bedroom, 12 x 2-bedroom and 10 x 3-bedroom units) providing a range of unit sizes suitable to various needs with a few 1 bed units is considered acceptable in this town centre location. The scheme is proposed as a 45% affordable scheme with split into approximately 50% socially rented and 50% shared ownership.

Scale, Massing Design, Layout and Access

The character of the area along Rosemead Avenue is mixed. The opposite side of the street to the site is comprised of two storey Victorian terraced houses with small 3m deep front forecourts. On one side the application site abuts the rear two storey rear storage building attached to the rear of JJ Moons. On its other side the site abuts the flank wall of the rear part of Wilkinson's, a substantial brick faced post war storage/commercial building of similar height and substantial frontage (approximately 30m). On this side of the street the building line remains fairly well defined, by small front gardens to houses and by open concrete aprons to the commercial buildings including the application site.

The proposed building (as in the case of previous planning application ref: 08/1109) is of a same contemporary design and in terms of its scale and massing has been similarly designed with consideration to its immediate neighbours. The height of the building in this application has been raised from previously approved five to six stories on the Rosemead Avenue frontage. The scheme as before proposes the same set-back of fifth floor from Rosemead Avenue frontage. However, the proposed six floor would be set-back even further from Rosemead Avenue frontage to minimise its impact on the two-storey houses opposite the site. A smaller two storey wing (as previously proposed) would project to the rear on one side. The proposed building would be slightly higher (i.e. by 1.2m) in height than the adjoining Wilkinson building on one side and three storeys higher than the neighbouring storage building to the rear of JJ Moons. The proposed building (as before) presents a strong well articulated frontage to Rosemead Avenue. The use of a traditional brick and pale render cladding echoes the materials used on existing buildings within the area resulting in modern building that still manages to reflect the character of the area.

The building is split into two separate blocks each with of its own entrance located on Rosemead Avenue.

At ground and first floor the frontage is split by a service road running through the middle of the building that will continue to provide servicing to The Bear Public House. To the side of this service road is a pedestrian path providing access through the site to two areas of communal amenity space and to bin and cycle storage areas. JJ Moons Public House has a pedestrian right of way through to Rosemead Avenue for emergency egress only. Access to this right of way is through a secure gate to the pub's beer garden. A two storey undercroft courtyard is located within the building to allowing for the turning of the vehicles servicing The Bear. This undercroft area is overlooked at ground floor from the glazed access corridors on either side and from secondary bedroom windows in the first floor of eastern block.

Quality of Accommodation

The scheme proposes a total of 29 flats of which 13 would be affordable (3 x 1-bedroom, 6 x 2-bedroom and 4 x 3-bedroom flats) and 16 would be private (4 x 1-bedroom, 6 x 2-bedroom and 6 x 3-bedroom flats). The unit sizes for the proposed 1-bedroom flats ranges from 47m² to 54m², 2-bedroom flats ranges from 61m² to 79m² and 3-bedroom flats ranges from 78m² to 112m². All the residential units (except flat A13 being marginally sub-standard by 2m²) comply with the Council's minimum unit sizes standards set out in Supplementary Planning Guidance 17 relating to "Design Guide for New Development". 17 of the proposed 29 units would also comply with the Mayor's "Minimum Space Standards for New Development" set out in Consultation Draft Replacement London Plan. Overall, 55% of the proposed flats are considered to of generous sizes exceeding the Council's minimum unit sizes set out in SPG 17 by between 4m² and 10m² and in one instance by 32m².

Overall, the scheme is considered to provide a reasonably good quality and generous size accommodation internally. The application in this instance proposes a good mix of unit sizes ranging from 7 x 1-bedroom, 12 x 2-bedroom and 10 x 3-bedroom accommodation and therefore proposes a good range of unit sizes suitable for various needs.

Amenity Space

The revised application is proposing a total of 29 residential units (comprising 12 x 2-bedroom, 10 x 3-bedroom and 7 x 1-bedroom flats) and therefore in accordance with the Council's "Amenity Space" standards set out in Supplementary Planning Guidance 17 relating to "Design Guide for New Development" would need to provide 700 square metres of amenity space. In addition a minimum of 50 square metres of dedicated under 5s play space should be provided in order to meet the London Plan requirement for this form of amenity space. This results in an amenity space requirement of 750 square metres. Officers calculate that the private balconies and terraces together with the communal garden to the rear provide just over 630 square metres of useable amenity space. Some of the smaller balconies have been discounted as being too small to qualify as useable amenity space. This results in shortfall of 15%. However, in this particular instance it

should be noted that the site is a difficult and constraint site located within the edge of Wembley Town Centre and is in close proximity to King Edward VII Park. The site has been left vacant/undeveloped for number of years despite planning permissions has been granted for live work and residential flats schemes over the years. Your officer's are concerned that if the site is left undeveloped, it could become a blighted site. The current proposals appears to be a more viable scheme providing now a mix of private and affordable units, providing much better range of unit sizes suitable to various needs, and is considered to offer the best possible compromise in terms of layout, scale, massing, design, quality of environment and viability than any of the earlier schemes approved on the site. Given this situation and that it is now proposing more generous sizes accommodation and that there is no further opportunity to increase the amount of amenity space required, it is considered that the Council would accept a further contribution of £13,000 (subject to negotiation) towards off site provision that would go towards funding a new MUGA in King Edward VII Park

Outlook/Daylight/Privacy

The proposal provides a total of 29 residential units. 13 of these units will have dual aspect while of the remaining 14 single aspect units of 10 are south facing and 4 north facing. As there is a higher proportion of units with only a southern aspect, providing better outlook and light is considered acceptable. However, given the sites constraints and its difficult urban location, officers consider this current configuration offers the best overall solution. It should be noted that the number of dual aspect has been increased while single aspect units have been slightly reduced of which the southern only aspect has been increased from that proposed in earlier schemes. While those units with only a northerly aspect will not receive direct sunlight, the applicants assure officers that all units will meet BRE daylight standards.

The proposed Rosemead elevation facing the street includes substantial areas of glazing serving living rooms and bedrooms and would be sited approximately 18m away from the two storey houses opposite. There has been some concern previously that it would permit some overlooking of these houses from the upper floors of the development. However, in the planning appeal relating to the previous live-work development sited 18m away from the houses opposite the site the Inspector stated in paragraph 13 of the appeal decision that "*I am content that the relationship of the appeal proposal to the houses opposite is not markedly inconsistent with the Council's SPG17 guidance and would be acceptable for existing and prospective residents in terms of privacy and outlook.*" The proposal therefore is not considered to cause any significant overlooking or loss of privacy issues for the future occupants and residents across the road.

The relationship between habitable room windows within the site and with the windows in the two public houses to the rear all comply with the Council's SPG 17 "Privacy and Outlook" standards.

It is noted that the proposed residential development would be to the rear of the existing public houses including JJ Moons beer garden. The north facing elevation immediately behind the beer garden of JJ Moon is lowered to 2-storeys will be screened by the retained rear facade of Rosemead Hall. While the orientation and layout of those units located to the rear of the scheme minimises the likely impact of the beer garden on residential amenity it is likely that the occupants of these facing units may experience a little more noise, disturbance and nuisance associated with the patrons of the pub sitting outside on warmer evenings. However, it must be recognised that those living in town centre locations would expect to experience noise levels at the higher end of acceptability.

Transportation and servicing

The proposal is a "car free" development and therefore no car parking is proposed within the site. However, the service access to the rear of the "The Bear" is still maintained through a 4.3m high

archway beneath the building (which encloses a hardsurfaced courtyard area), using the existing crossover onto Rosemead Avenue which is shown widened to 4.2m with 6m radius kerbs and a collapsible bollard. Cycle storage for 41 bicycles is indicated on the ground floor of the eastern and western part of the building, with refuse storage indicated in two storage areas adjoining the courtyard area.

A secure gated service route is now proposed from the courtyard area into the rear of The Bear public house.

As before, the site is located within an area controlled by CPZ and has a very good access to public transport services. The absence of any on-site parking provision would therefore still accord with standards, but again needs to be supported by a car-free agreement removing the right of future residents to an on-street parking permit in the area, to ensure on-street parking problems are not caused in Rosemead Avenue.

As before, developments of more than 10 units should have at least one wide disabled car parking space and with 29 units proposed, two spaces would be considered appropriate. As before, these could be provided within the proposed courtyard area. Alternatively, blue badge holders are in any case exempt from any 'car-free' agreement, so could legitimately park within the residents parking bays along Rosemead Avenue.

Once again, at least one secure bicycle parking space is required per flat and the provision of a bicycle store at the rear of the building with 41 spaces is sufficient to satisfy this requirement.

The two refuse stores are now shown about 18m from Rosemead Avenue, which exceeds the maximum refuse carrying distance of 9m for communal Eurobin stores within flats. However, the kerb radii at the entrance to the courtyard have now been increased to 6m to allow refuse vehicles can reverse into the site to access the bins, subject to them having a key to use to lower the proposed bollard at the courtyard entrance.

Similarly, delivery vehicles to the public house at 397 High Road (The Bear), which has an existing condition requiring servicing to take place from the rear, would be able to reverse into the courtyard area to make deliveries via a new secure access route into the rear of the public house.

Conclusion

This is a difficult urban site with a number of significant constraints, bounded on all sides by existing buildings, with two adjoining public houses abutting the rear of the site including one with a beer garden, and with a third party right of way running through the site. The site has been vacant for a number of years and has been slowly deteriorating physically and its redevelopment to provide (45% affordable & 55% private) housing is considered to offer the best chance of bringing the site back into use. Given the site constraints the current scheme is considered to provide the best compromise in terms of layout, scale, massing, design, quality of environment and viability, and is considered to be a significant improvement on the two earlier withdrawn and 1 previously approved residential schemes.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

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

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

- Built Environment: in terms of the protection and enhancement of the environment
- Housing: in terms of protecting residential amenities and guiding new development
- Transport: in terms of sustainability, safety and servicing needs
- Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
- Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

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

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

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

- EX.00 - Existing Ground Floor
- EX.01 - Existing Front Elevation
- EX.02 - Existing Side 01 Elevation
- EX.03 - Existing Side 02 Elevation
- GA.01 Revision B - Proposed Ground Floor
- GA.02 Revision B - Proposed First Floor
- GA.03 Revision B - Proposed Second Floor
- GA.04 Revision B - Proposed Third Floor
- GA.05 Revision B - Proposed Fourth Floor
- GA.06 Revision B - Proposed Firth Floor
- GE.01 Revision B - Proposed Front Elevation
- GE.02 Revision B - Proposed Rear Elevation
- GE.03 Revision B - Proposed Rear Section Elevation
- GE.04 Revision B - Proposed Side Elevation
- GS.01 Revision B - Proposed Section AA
- GS.02 Revision B - Proposed Section B_B
- GLA Toolkit Assessment by KR Planning June 2010 received on 14/06/2010
- Letter Ref: L/RS/RA dated 14th June 2010

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

- (3) During demolition and 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.

- (4) The proposed communal amenity space at the rear of Block A and B shall be made available at all times to all tenure groups of the proposed development.

Reason: To ensure communal amenity space in the proposed development is accessible and available for use at all times by all its future occupants.

- (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.

- (6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of plant species, size, densities, hardsurfacing, access gates and the front boundary wall.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with the Council's policies BE6 & BE7 in the Adopted Unitary Development Plan 2004.

- (7) All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any of the residential units or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with the Council's policies BE6 and BE7 in the Adopted Unitary Development Plan 2004.

- (8) Details of the enclosure of the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and the approved enclosure shall be completed in accordance with the approved details prior to the first occupation of any of the flats.

Reason: To ensure a proper standard of separation from, and standard of amenity with respect to, neighbouring property.

- (9) The bicycle-storage facility shall be available for use prior to the first occupation of any of the flats and this shall not be obstructed or used for any other purpose, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a bicycle-storage facility is available for use by the occupiers of this residential development.

- (10) Further details regarding the glazing and facade treatments used for the north facade of the building shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details then shall be fully implemented as part of this permission.

Reason: To ensure that internal noise levels can be achieved in accordance with Part E of the building regulations and BS8233:1999 - Sound insulation and noise reduction in buildings - Code of Practice.

- (11) The development falls within an Air Quality Management Area and is therefore likely to contribute to background air-pollution levels. The applicant must employ measures to mitigate against the impact of dust and fine particles generated by the operations. These shall include:

- damping-down during demolition and construction, particularly in dry weather conditions,
- minimising the drop height of materials by using chutes to discharge materials and damping down the skips/spoil tips as material is discharged,
- sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- the use of demolition equipment that minimises the creation of dust.

Reason: To minimise pollution from dust arising from the building works.

- (12) Details of a means of controlling vehicular access into the scheme from Rosemead Avenue shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of works on site, and the agreed method of control shall be fully implemented prior to the occupation of the development and shall continue to operate unless the Local Planning Authority agrees to any variation.

Reason: In the interests of the safety and amenity of future occupiers of the development.

- (13) All areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of

any demolition/construction work on the site. Such landscape works shall be completed (a) prior to occupation of building(s) and/or (b) within 18 months of commencement of the development hereby approved.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) The location of, details of materials and finishes of, all proposed street furniture, storage facilities and lighting.
- (iv) The location of all proposed signage on site.
- (v) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (vi) Screen planting along the boundaries.
- (vii) All planting including location, species, size, density and number.
- (viii) Specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).
- (ix) Any sustainable construction methods which are to be used.
- (x) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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

- (14) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. This should comprise a maintenance schedule and any specific management duties.

Such details may include:

(i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.

(ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.

(iii) Inspection and checking of all plants and for health and/or damage to plants.

(iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.

(v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.

(vi) Necessary pruning, dead heading, trimming, mulching of shrubs.

(vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.

(viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.

(ix) Care not to damage any trees or shrubs by strimming and adding protection as required.

(x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape. To ensure the environment for the local community and residents continues to remain pleasant and attractive indefinitely.

- (15) Details of all (appropriately aged) play spaces (to be) shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscape works shall be completed prior to occupation of the building(s).
-

Such scheme shall also indicate:-

(i) Any proposed boundary treatments including walls and fencing, indicating materials and heights.

(ii) Equipment including details of types of equipment to be installed.

(iii) Surfaces including details of materials and finishes.

(iv) Existing contours and levels and any alteration of the ground levels, such as

earth mounding.

(v) All planting including location, species, size, number and density.

(vi) The location of all proposed signage on site.

(vii) The location and details of all proposed furniture and lighting including but not limited to bollards, litterbins, light columns and up lights.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and setting of development so that the facilities provide a benefit to the local community and residents.

INFORMATIVES:

- (1) The applicant must ensure that the treatment/finishing of flank walls can be implemented, before work commences, 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.
- (2) Attention is drawn to the provisions of S.151 of the Highways Act 1980, which requires that all construction vehicles leaving the site must be cleansed as necessary to avoid depositing mud and other materials on neighbouring roads.

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. Supplementary Planning Guidance 17 relating to "Design Guide for New Development"
3. 4 letters of objections from local residents and Councillor Valerie Brown.

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: Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9

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