

**Committee Report
Planning Committee on 18 August,
2010**

Item No. 1/02
Case No. 10/0835

RECEIVED: 15 May, 2010

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: 36 Queens Walk, London, NW9 8ER

PROPOSAL: Change of use of property from a single dwellinghouse (Use Class C3) to an educational facility (Use Class D1)

APPLICANT: Learning Development Opportunities

CONTACT:

PLAN NO'S:

36QW/1 Site Location Plan; 36QW/3 Layout of Existing Uses First Floor Plan; 36QW/3 Layout of Possible Uses Ground Floor Plan; 36QW/3 Layout of Possible Uses First Floor Plan

RECOMMENDATION

Refuse

EXISTING

Two storey detached house on the north side of Queens Walk in use as a single family dwellinghouse. The property is not located in a conservation area nor is it listed. The surrounding uses are residential.

PROPOSAL

Change of use of property from a single dwellinghouse (Use Class C3) to an educational facility (Use Class D1)

HISTORY

Single storey side and rear extension granted planning permission 1986.

POLICY CONSIDERATIONS

Brent UDP 2004

H8 Resisting loss of housing

Development should not result in the net loss of residential accommodation where it could still be used, with or without adaptation, for permanent residential purposes. Specific exceptions to this policy are set out in the Community Facilities chapter.

H22 Protection of residential amenity

Incompatible non-residential uses in predominantly residential areas will not be permitted, particularly those uses which will result in an intensification of use likely to have an adverse environmental impact and traffic impact will not be permitted.

TRN22 Parking standards - non-residential developments

- Parking standards should be in accordance with the maximum standards (see PS12)
Level of parking should not be below minimum operational levels.
- PS12 Non-residential institutions (use class D1) and hospitals (use class C2)**
Education, other health and community facilities: 1 space per 5 workers, with visitor/student parking at 20% of the employee parking
- CF2 Location of small scale facilities**
Facilities serving a neighbourhood or district function should be located in or adjoining a town or local centre, or if no suitable site is available in areas of moderate or better public transport accessibility. Proposals for community facilities serving local catchments may also be located elsewhere within residential areas outside centres, subject to the protection of neighbourhood amenity.
- CF11 Day nurseries**
Nurseries and other day care provision for young children should not: (a) adversely affect neighbouring residential amenity; (b) have a floor area below 110sqm; (c) affect highway safety or cause a nuisance to neighbours; (d) will be subject to conditions; (e) result in over-intensive use of the premises; and (f) result in the loss of more residential accommodation than necessary

Brent Core Strategy 2010

- CP 21 A balanced housing stock**
replaces STR19, STR21, H7, H8, H9, H10, H18, H23, H25, H27
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.
- CP 23 Protection of existing and provision of new community and cultural facilities**
replaces STR31, STR37, STR38, TEA3, CF3, CF5
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

CONSULTATION

Neighbours and Ward Councillors consulted 04/06/10.

24 neighbours have objected and one petition has been submitted, with 71 signatories

The main objections are summarised as follows:

- Increase in traffic
- Noise and disruption from the facility - harm to the quiet residential character of the street
- Proximity of other school (St Nicholas Preparatory School, 22 Salmon Street)
- Covenant restricting use of site
- Could set a precedent for more on the street
- Bring disruptive social issues to the area
- Increase in crime

Cllr Mashari, a new councillor, has not objected but has discussed the proposal with officers.

Seven people have written in support, though they are not residents from the immediate area, and

one petition has been submitted, with 10 addresses (2 of which also wrote separately). The supporters are families of children with learning disabilities and who have difficulties finding such facilities in Brent; the headteacher of Hay Lane SEN school; Brent Connexions personal adviser responsible for supporting young people in the transition process once they leave school and Cllr Mary Arnold, lead member for Children & Families.

The reasons for supporting the scheme are summarised as follows:

- There is a shortage of specialist provision for children with special educational needs in the borough and for young adults leaving formal education
- More specialist local provision is required to reduce the inconvenience and cost of children having to travel outside the borough
- The stress caused by not knowing where the young people will be able to go after leaving formal education

These matters are addressed in the *Remarks* section of the report, below.

Transportation

The Director of Transportation raises no objections and has provided the following comments:

The affected property is a dwellinghouse located close to the junction of Queens Walk with Salmon Street. It is a 3 bedroom house and as the forecourt is deep there is also offstreet parking within the hard standing and the forecourt.

The site has low access to the public transport with PTAL Level2. Queens Walk is a local access road and onstreet parking on the road is restricted to the permit holders only on the Wembley Event Days. This is within the marked out boxes. The affected times are from 8am to Midnight.

The parking allowance for the dwellinghouse is given in the Standard PS14 of the UDP. The parking allowance for D1 Use is given in PS12. Parking allowance for disabled people is given in PS15. The cycle parking allowance is given in PS16. The parking allowance for the 3-bed dwellinghouse is 1.6 spaces. This is a maximum allowance. The parking which includes the garage and parking within the forecourt is significantly in excess of the allowance in PS14.

The parking allowance for the educational facility is in the order of 1 space per 5 workers. The maximum additional parking for visitors should be 5% of the maximum attendance. At least one space should be provided. The allowances are maximum. One space should be retained within the hard standing as the garage will be converted into habitable room for a studio for the new facility. One dedicated space should be provided for disabled use. This should meet the requirement for a Disabled offstreet parking space as in PS12.

The cycle parking allowance for D1 Use is 1 space per 10 staff. As there will be 3 staff, one space may be retained.

The application can be generally supported on the transportation grounds as there is no significant transportation impact due to the proposed change of use of the dwellinghouse for a learning facility.

Should permission be forthcoming the following conditions should be attached:

1. One dedicated disabled parking space should be provided in front of the garage. It should meet the specification as in SPG12. The other space should measure 2.4 meters by 4.8 meters for staff use.
2. One cycle space should be retained for the staff and visitors.

Environmental Health

No objection.

REMARKS

Key considerations

The main planning issues are considered to be whether the proposed change of use would result:

- (a) an unacceptable loss of a residential unit?
- (b) unacceptable harm to the residential amenity of neighbouring occupants?
- (c) an increase in on-street parking to the detriment of highway and pedestrian safety?

And would the planning merits of the proposed change of use, in terms of need for the facility, outweigh the above harm?

Background

The proposal is for change of use of a single family dwellinghouse (Use Class C3) to an educational facility (Use Class D1) to provide support and development of independent life skills for young adults with profound and multiple learning disabilities.

The property is semi-detached, adjoining No. 34 Queens Walk, on the north side of Queens Walk. It has an original, unextended floor area of 83sqm (approximate gross internal floor area) and following single storey extensions (granted planning permission in 1986) has been extended to 149sqm.

The service

The facility would provide support and development for up to nine young adults (16-25yr old) with profound and multiple learning disabilities with up to four full-time equivalent (FE) staff. It would operate six days a week, between 0900-1700 Monday to Friday, 1000-1600 Saturday. According to further information submitted by the applicant, it would operate 48 weeks of the year.

Not all pupils would be on site at all times as off-site lessons are given (trips to shops etc). The applicant estimates that 50% of the lessons would be in the community. The rear garden of the house would be used for relaxation and gardening lessons and the applicant claims that no activities would be particularly noisy.

Principle

Loss of residential unit and relevant policy tests

Policy H8 resists the loss of housing where the accommodation can still be used as such, which is the case with this dwelling. The policy states there are specific exceptions to this resistance, set out in the Community Facilities chapter. This refers to policy CF11, which allows for the loss of a residential unit for nurseries and day care for young children, subject to a number of criteria ranging from (a) to (f).

Whilst policy CF11 is concerned with nurseries and other day care facilities for young children, the policy is relevant to this proposal as many of the issues are the same; officers consider it appropriate to apply the relevant criteria of CF11 to this proposal. Only those relevant are noted

here: (a) that the amenity of neighbouring residential properties is not adversely affected; (b) the property has a minimum original unextended floor area of 110sqm (this is to protect the loss of small family homes which are in great need in the borough) and identifies detached houses as being better suited; (c) consideration is given to highway safety and neighbour nuisance problems arising from vehicular access; and (e) the property is not used over-intensively.

Criteria (b) relates to the size of the dwellinghouse and follows other policy objectives in the Brent UDP which seeks to protect small purpose-built family dwellinghouses (see policy H17 and CP21). This is discussed first. Criteria (a), (c) and (e) relate to neighbouring residential amenity. This is discussed second. Highway safety is discussed in Parking and Access, below.

Loss of residential unit

No. 36 has an original, unextended floor area of 83sqm (approximate gross internal floor area) and following single storey extensions (granted planning permission in 1986) has been extended to 149sqm.

This does not comply with criteria (b) of policy CF11.

Impact on neighbouring residential amenity

The impact on residential amenity would arise from the intensification of (i) the use of the building itself; (ii) activities in the garden; and (iii) vehicle movements to and from the site.

(i) The use of the building

The application is supported by proposed plans which show the following uses for the rooms:

- Ground floor: calm space - sounds and lights studio; quiet place - relax; lifestyle teaching; kitchen and cooking; arts and crafts; utility and wet room
- First floor: home life teaching; bathroom; office and staff room; sensory experience/computer room

The following rooms/uses adjoin No. 34 and so would share a party wall, special consideration should be given to the likelihood of noise transmission from these rooms: quiet place - relax; lifestyle teaching; sensory experience/computer room; office and staff room. It is likely that there would be a material increase in the noise generated within the property beyond that expected in a small family home as a result of the change of use and this would be to the detriment of the amenity of the adjoining occupants.

(ii) Activity in the garden

Activity in the garden would also be likely to cause a nuisance in terms of noise beyond that expected of a small family home. Although any one event may be comparable to, for example, a group of young children playing, the fact it could occur on a daily basis is a significant concern. This impact would fall not only on the adjoining residents but farther beyond as the noise would travel.

(iii) Vehicle movements

Participants would be collect using the two 7-seat vehicles; these vehicles will also be used when pupils are taken on activities. Likely total movements per day would be four to the centre in the morning and leaving in the afternoon and four to eight movements during the day.

As it is not expected that parents would drop-off or collect the young adults then arrivals and departures at the start and end of the day would be unlikely to differ substantial from a family undertaking the school run. Movements during the day, however, would be different to those expected of a small family home, with the young adults being taken to and from trips for external activities. It is also possible that the process of embarking and disembarking could give rise to

nuisance and disturbance of neighbouring residents materially beyond that normally experienced at a small family home.

On the basis of the above, the change of use is considered unacceptable due to the harm it would cause to residential amenity. Even if sufficient evidence were provided to demonstrate a clear need for the use it is likely that this would not be sufficient to outweigh this harm.

Summary of CF11 and H8 tests and planning merits

The proposed use is contrary to the compliance tests in policy CF11 and therefore does not benefit from exemption from policy H8. In these circumstances it is necessary to test the proposed use to establish if its planning merits outweigh the principle of resisting the loss of the small purpose-built family dwellinghouse. In this situation your officers anticipate that sufficient planning merit would be achieved only where there is a clear and pressing need for this type of facility. Even if that were the case, that merit would have to also outweigh any harm to neighbouring amenity and highway safety (see below).

In this particular case your officers do not consider that the applicant has demonstrated that clear and pressing need. No formal, quantifiable evidence of need has been submitted; the applicant has provided anecdotal evidence but has been unable to quantify the need. The weight given to the need must therefore be limited. In the absence of sufficient evidence the principle of the loss of a residential unit remains a key objection to the proposal. It is likely that the particular features of this property (it is small, semi-detached) mean it would be unsuitable for the proposed use even if overwhelming need were demonstrated.

Parking and access

Borough policy objectives for community facilities are set out in policy CF2 and include ensuring facilities are located where they reduce the need to travel and where appropriate they should support town centres (2004, paragraph 11.4: 223) and community facilities are subject to the sequential approach (para 11.6.1). This site has low accessibility to public transport (PTAL2). Although community facilities would normally be subject to the location criteria of policy CF2, an exception could be made in this case due to the particular nature of the educational facility and the practical difficulties that could arise from locating this service in a busy town centre. Officers do not propose that the lack of public transport accessibility be a reason for refusal.

On the basis of the comments provided by the Director of Transportation (see *Consultations*, above), the proposal would not result in significant off-street parking resulting in nuisance to neighbouring occupants or illegal parking which would be to the detriment of pedestrian and highway safety. Officers do not, therefore, propose that impact on highway and pedestrian safety be a reason for refusal.

Response to Objections and Support

The main reasons for objecting are given as:

- Increase in traffic
- Noise and disruption from the facility - Harm to the quiet residential character of the street
- Proximity of other school (St Nicholas Preparatory School, 22 Salmon Street)
- Covenant restricting use of site
- Could set a precedent for more on the street
- Bring disruptive social issues to the area
- Increase in crime

Traffic and noise and disruption are discussed above. The proximity of the school on Salmon

Street is not considered to likely result in a significant cumulative impact on residential amenity; the harm the proposed development would cause is sufficiently separate.

The presence of a covenant restricting the use of the property is not a planning consideration. It is also not likely that the change of use would set a precedent as each application is assessed on its merits. It is not expected that the proposed development would bring disruptive social issues to the area. The fear of an increase in crime is noted due to the fact the premises would be vacant in the evenings; the fact that no other properties would be vacant means officers are not convinced the risk of an increase in crime is sufficient to merit refusal.

A number of people have written in to voice their support for the application, including the parents of young people who would benefit from the service, the headteacher of the Hay Lane special educational needs school and Cllr Mary Arnold, the lead member for Children & Families. Officers have given weight to these representations and the arguments put forward explaining the need for such facilities in the borough. Nevertheless, your officers are of the view that the harm caused to the amenity of neighbouring occupants outweighs the arguments set out by those in favour of the scheme.

Conclusion

It is clear that this application is finely balanced. The requirement to provide a land use strategy and planning policy framework which enables education, health and social care provision and to avoid discrimination is clear in the Brent Unitary Development Plan 2004 and is echoed in the Core Strategy 2010 and London Plan 2008. Accordingly the housing and community facilities chapters of the Unitary Development Plan 2004 include criteria where the loss of residential housing and siting such facilities in residential areas is acceptable. In this particular case, for the reasons discussed above, the harm the proposed facility would cause to residential amenity is judged to outweigh the planning merits of the facility and in doing so it fails to justify exemption from policy H8 and the intensity and nature of the use would be contrary to policy H22.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed change of use would result in the loss of a small purpose-built single family dwellinghouse, contrary to policies H8 and CF11 (b) of the Brent Unitary Development Plan 2004 and policy CP21 of the Brent Core Strategy 2010.
- (2) The proposed development, by virtue of the intensity of the proposed activities on-site and in the garden, the fact the property is semi-detached and the number and nature of vehicle movements to and from the application site, would result in significant noise and disturbance giving rise to material harm to the amenity of neighbour occupants, contrary to policies H22 and CF11 (a) & (e) of the Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 36 Queens Walk, London, NW9 8ER

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