

Committee Report
Planning Committee on 15 September, 2010

Item No. **3**
Case No. 10/1712

RECEIVED: 2 July, 2010

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Churchill House, 15 Dollis Hill Estate, Brook Road, London, NW2 7BZ

PROPOSAL: Refurbishment of existing building and change of use from employment uses (B class) to educational use (Use Class D1) and external alterations including: erection of two staircases to first-floor rear, formation of green roof terrace, creation of multi-use games areas, provision of 16 car parking spaces (including 2 disabled bays) and 40 cycle store, bin storage and associated landscaping (as amended by letter, reports and plans received 1 September 2010)

APPLICANT: Menorah High School for Girls

CONTACT: Savills (L & P) 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 Environment and Culture, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs reasonably incurred in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Prior to commencement, submit travel survey data, and prior to occupation submit, gain approval for and adhere to a Travel Plan.
- (c) Prior to occupation, submit and gain approval for a Community Access and Management Plan, covering community access to the MUGA for up to 20 hours a week.
- (d) Submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM 'Very Good'.
- (e) Offset up to 20% of the site's carbon emissions through onsite renewable generation, subject to the submission of a feasibility and viability assessment prior to the commencement of development.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) Retention of the vehicular route to the western land: (i) until works commence to implement a planning permission for comprehensive development on that land comprising an alternative access, (ii) thereafter to provide an alternative route for emergency use only as shown on the plans.
- (h) (i) Vacate all buildings (Buildings 19, 21, 23 & 24) in the western land within 6 months of

occupation of the refurbished Building 15 (ii) with reasonable endeavours made to gain the necessary consents to ensure they are made available for employment uses within an agreed period. If works have commenced to implement a planning permission for comprehensive development on the western land then clause (ii) is not applicable.

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 in accordance with the timescales set out in the Planning Performance Agreement.

EXISTING

The application site lies on the western side of Brook Road and is part of the Dollis Hill Estate. This application should be read in conjunction with application ref: 10/1388 on this agenda, relating to housing development of the remaining part of the Dollis Hill Estate.

The site comprises a four-storey building, formerly part of the Post Office Research Station, totalling 3,485sqm, of which 1005sqm is currently in use for mixed employment uses; the remainder is vacant.

Public transport access to the site is moderate (PTAL 2), with four bus services within 640 metres. Car parking totalling about 100 spaces is also marked out within the curtilage of this application site, which is generally available to the whole estate, rather than just this building. On-street parking in the area is generally unrestricted, but Brook Road is nevertheless generally lightly parked both during the day and overnight.

The Menorah High School for Girls, opened in September 2001, is an independent school for Orthodox Jewish girls between the ages of 11 and 18 years; the school has 195 pupils at present. The existing school is located in all or part of Buildings 19, 21, 23 & 24 of the Dollis Hill Estate. These buildings are located on the part of the site being considered for housing on this agenda (10/1388).

PROPOSAL

This proposal involves the refurbishment of the building to facilitate use as a school. This will allow the consolidation of the Menorah School for Girls within the building from a number of other units on the western part of the estate. The remainder of the estate is in turn proposed to be redeveloped for housing (see the accompanying application ref: 10/1388 on this agenda). Your officers understand that the sale of that land with planning permission for housing would finance these works.

The new school will be designed to accommodate up to 250 pupils with 60 staff (an increase from the existing total of 195 pupils and 40 staff).

The basement would be converted to provide 13 classrooms, two changing rooms, a number of toilets, a staff office and a plant room. Access from some of the classrooms to the space between the building and the northern boundary would be provided for occasional outdoor lessons.

The ground floor would have a new entrance and four classrooms and other supporting space including offices and meeting rooms. The main space would consist of the hall which could be divided when needed to provide space for drama, assembly and dining. Two kitchens are proposed in the north-east corner of the building.

The first floor comprises 8 classrooms, a number of offices and other rooms, more toilets and a large void over the hall below.

The second floor is mostly taken up with the roof which is part green roof, part roof terrace. The few rooms there are on the second floor comprise a mix of offices, ancillary rooms and the library.

The exterior of the building would be clad in insulation and finished with render. New windows would be installed and brise soleil cowls added to windows to provide shading and visual interest.

Much of the existing car park is also to be converted to play space and landscaping to provide a 34m x 17m multi-use games court (MUGA) and play grove with a seating area. A landscaped buffer would be provided along the boundaries.

Car parking for 16cars (incl. two disabled) is proposed towards the front of the school. A cycle shelter for 40 bicycles is also proposed, whilst a service yard with bin storage is proposed at the eastern end of the building.

The site access from Brook Road is proposed to be reduced to 5.5m in width in order to accommodate widened footways of 2m and 3m width on either side, with a raised speed table and concrete block paving provided to keep vehicular speeds low. An emergency access route and pedestrian link will also be provided from the access road along the edge of the playground area to the proposed housing development at the rear.

HISTORY

General history

History of Building 15

Building 15 was originally constructed as part of the Post Office Research Station, established in 1921. The Post Office vacated the site in the mid 1970s and the site was used mostly for offices and light industrial uses as part of the Evans Business Centre. In 1979 permission was granted for change of use of Buildings 15 and 21 from light industrial to education (ref: M2330 0488), for the College of North West London.

The College vacated Building 15 in 1999 and since then the building has been used for mixed B class uses, most light industrial and offices with some storage and some parts being vacant at times. In 2008 an enforcement complaint was received regarding some of the use including skip storage. An enforcement notice (E/10/0095) was served on 19/02/10 to stop the use as skip storage, waste transfer and vehicle storage, but not the warehouse and office functions.

Relevant history of Dollis Hill Estate

In June 2004, two planning applications were submitted for a secondary school and sixth form college with ancillary sports facilities and housing (176 units), covering the whole of the Dollis Hill Estate. The first of these schemes was refused, whilst the second was withdrawn prior to committee. An appeal was submitted but not pursued (04/0716 and 04/0684).

On 17 March 2005 outline planning permission was granted for a mixed-use development comprising of education and employment uses (04/3941). Submitted by the John Kelly Technical College (now the Crest Academy), the application included the existing Crest Academies site and the Dollis Hill Estate. At the end of 2005 the owner at the time made another application redevelopment, this time incorporating employment uses onsite and 140 residential units. This was refused and an appeal was withdrawn.

The Council subsequently made a compulsory purchase order (CPO) of the site, and following notification of the CPO, the owner at the time submitted an application for a CAAD (06/2280) for six different schemes comprising mixed-use, wholly residential, and wholly employment use. Brent

Council responded by issuing a certificate stating that were it not for the CPO, planning permission would not have been granted for the proposed alternative developments. A subsequent appeal was lodged, and the Planning Inspectorate upheld the appeal in relation to two of the mixed-use schemes. In relation to the solely residential scheme, the appeal was dismissed.

Planning history

06/2280 Certificate of Alternate Developments for:

1. Demolition of existing buildings and the redevelopment of the site for a mixed-use development of six new buildings comprising 140 flats (Class C3), 4,120 m² of space for commercial use (Class B1) and 260 m² of space for community use (Class D1) with associated car parking. The notional residential density is 301hrh.
2. Demolition of existing buildings and the redevelopment of the site for a mixed-use development of six new buildings comprising 173 flats (Class C3), 4,120 m² of space for commercial use (Class B1) and 260 m² of space for community use (Class D1) with associated car parking and landscaping. The notional residential density is 372hrh.

Supported by Secretary of State 23/05/08

05/2757 Demolition of existing buildings and redevelopment of the site for a mixed-use development of 6 new buildings, comprising 140 flats (Class C3), 54 of which will be affordable housing, 4,120m² of space for commercial use (Class B1) and 130m² of space for community use (Class D1) with associated car-parking and landscaping (as accompanied by Sustainability checklist received 07/10/2005, Planning Statement by Barton Willmore dated October 2005, Design Statement by Carey Jones Architects dated September 2005 and Transport Statement dated October 2005) **Refused, appeal withdrawn 15/05/2007** for the following relevant reason:

1. The proposed development fails to provide a replacement of the existing community facilities and would therefore result in the substantial loss of the community facilities (D1) on site. This would have detrimental impact on the existing stock of community facilities within the Borough and in particular to the area within the vicinity and also contrary to policy CF3 of Brent Unitary Development Plan 2004.

04/3941 Outline planning application for a mixed-use development re-providing education and B1, B2 & B8 uses; new school buildings for John Kelly Technology Colleges, consisting of a central shared admin/sixth-form block and separate wings for girls' and boys' schools; remodelling of car-parking and means of access to site; new business units, comprising D1, B1, B2 & B8 uses, to Dollis Hill industrial estate, including alterations to car-parking (matters to be determined: siting and means of access) **Granted 17/04/05.**

04/0716 Demolition of existing buildings and erection of buildings within Use Class D1 as secondary school and sixth form with ancillary facilities including indoor and outdoor sports facilities and car-parking; the erection of residential units (Use Class C3), together with ancillary car-parking; works of hard and soft landscaping and other works incidental to redevelopment of site **Refused on 03/06/04** for the following relevant reasons:

1. The proposed development would result in the loss of the community facilities and loss of employment land for which there remains demand would have detrimental impact to the existing stock of community facilities and local job opportunities within the Borough and also contrary to policy STR1, STR25, CF3 and EMP9 of Brent Unitary Development Plan 2004.

2. The proposed school by reasons of its roof terrace would have detrimental impact to the neighbouring occupiers from nuisance and loss of amenity due to increase in noise levels

as a result of intensification of activities within the roof terrace. The proposed location and parking layout being the only feature to the street frontage of Brook Road would also have significant impact to the streetscene contrary to policies STR14, BE2, BE4, BE7 and BE9 of Brent UDP 2004.

04/0684 was a duplicate of 04/0716 and was withdrawn.

More details on the above five applications are included in the housing application on this agenda, ref: 10/1388.

01/1898 Change of use from educational establishment [Building 15] to small business units with storage, leisure facilities and ancillary coffee bar, including the addition of a mezzanine level above the first floor **Withdrawn** 30/04/2003

M2330 0488 Change of use of buildings 15 and 21 from light industrial/offices to educational use **Granted** 14/11/1979

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010 (see below). Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed in PS12, but should meet operational

requirements.

- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Non-residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Employment

- EMP9 Development of local employment sites will be resisted unless

Community Facilities

- CF3 Protection of community facilities
- CF7 New schools

Brent Core Strategy 2010

Adopted in July 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

The following spatial policies are considered relevant to this application:

- CP 15 Infrastructure to support development
also STR19
Requires that the infrastructure requirements of new development are met
- CP 19 Brent strategic climate mitigation and adaptation measures
also none
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities
also 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

Brent Supplementary Planning Guidance

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy

and industry best practice, aiming to be practicable and cost-effective.

SPD “Section 106 planning obligations”

Regional

London Plan 2008

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 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.

London Plan SPG

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

National

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) 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 9 - Biodiversity and Geological Diversity (2005)

PPS9 promotes sustainable development, the conservation and enhancement of wildlife and geology and rural renewal. The aim of planning decisions is to prevent harm to biodiversity and geological conservation. In the PPS, local authorities are charged with taking measures to protect habitats and species of importance for conservation, including biodiversity action plan species (as listed in Section 74(2) of the Countryside & Rights of Way Act 2000) as well as those with legal protection. The value of sites of local biodiversity interest for wildlife and local communities should also be recognised and a criterion based approach used to judge impacts of development on or near to such sites

Planning Policy Guidance 13 – Transport (2001)

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

SUSTAINABILITY ASSESSMENT

The applicant has submitted a Sustainability Checklist (form TP6) and Sustainability and Energy Statement prepared by NVB Architects, dated June 2010. The Checklist has been confirmed by officers to exceed the 50% score required, with a score of 60.5%. The applicant has agreed in principle to clauses within the s106 agreement to secure compliance with the Sustainability Checklist (ensuring a minimum of 50% score is achieved) and BREEAM 'Very Good', and to offset up to 20% of the site's carbon emissions through onsite renewable generation, subject to the submission of a feasibility and viability assessment prior to the commencement of development.

In this respect the application complies with the Council's policies regarding environmentally sustainable development.

CONSULTATION

Local consultees

Local residents, businesses on site and ward councillors were consulted on 21/07/10. A further consultation was carried out on 23/07/10 to notify the allotment holders. A site notice was posted on 22/07/10.

Local residents

Two objections have been received, one from Chartwell Court and one from a resident on Brook Road, close to the rear of the building.

The objections are on the following grounds:

- The school does not serve the local community
- Traffic congestion from school buses
- Noise and disturbance arising from the outdoor classrooms, the MUGA and the roof-top playground
- The use of the access means the access for the neighbouring residential development has to use Flowers Close.
- Concerns about security
- Loss of privacy through the replacement of obscured glazed windows with clear glazing
- Loss of privacy from the roof-top playground

- Use of the building at times outside normal school hours
- Traffic impact and problems with comparing a private school with a state school
- Impact on highway safety

The resident nearest the proposed school, at No. 103 Brook Road, has commented on the application that bats are seen in their garden regularly in the evening and that work should be done to check this before development commences. This has not been logged as an objection.

Internal consultees

Landscape (including Ecology), Transportation, Policy (including Urban Design, Sustainability, S106), Environmental Health and Children & Families were consulted on 21/07/10. No external consultees were consulted. S106 and Sustainability are reported separately; no response has been received from Children & Families.

Landscape & Ecology

No objections subject to conditions.

Transportation

Despite the Transport Assessment and Travel Plan lacking basic, key information and thus being seriously flawed in the absence of this data, Transportation officers raise no objection subject to a Section 106 Agreement to secure:

- (i) a financial contribution of £10,000 towards off-site signage and transport infrastructure associated with the school;
- (ii) a School Travel Plan with the survey data to be submitted prior to works commencing on the site and the Travel Plan submitted prior to occupation; and
- (iii) retention of an emergency vehicle route through the site to the proposed housing development at the rear

Urban Design

No objection, subject to conditions.

Environmental Health

No objection subject to the following conditions relating to contamination:

REMARKS

Key considerations

The following are the main planning issues relevant to this application:

1. Principle of development
2. Design
3. Impact on neighbouring occupants
4. Parking & Access
5. Landscaping, trees & ecology

1. Principle

The application is for refurbishment of Building 15 for education uses. The applicant takes the view that the works could commence without planning permission as the last use for which permission was granted was for education use in 1979. This use ceased in 1999 and since then the building has been used for mixed B class uses, including offices, light industrial and storage.

Your officers contend that those mixed B class uses have become established as they have existed for more than 10 years without enforcement action. Following Section 57(4) of the Act and relevant case law, planning permission is required unless an enforcement notice is served on the use which has become established after 10yrs. In this case, enforcement action has been taken against only part of the use and the warehouse and office functions would remain. Therefore planning permission is required for a change of use to education (D1) and the application description has been amended accordingly.

This is relevant as the history of the Dollis Hill Estate involves the erosion of employment functions which culminated in the CAAD decisions for a mixed use development comprising housing, B1 offices and some D1 uses. This application should consider the relevance of the CAAD and the general policy position of the Council to resist the loss of employment areas unless certain conditions are met.

In this instance, the Council takes the view that the conversion of Building 15 without the Menorah school vacating Buildings 19, 21, 23 & 24 in the remainder of the Dollis Hill Estate would not be acceptable in terms of the employment protection policies in the UDP. This application is therefore reliant, to some extent, on the application for housing on the western part of the estate, also on this agenda (ref: 10/1388). That application includes an agreement in principle from the applicant to provide a payment of £200,000 to mitigate for the loss of the employment land.

Therefore if both applications go ahead then the loss of the employment function of Building 15 will be appropriately compensated by the housing land. If, on the other hand, the housing land is refused permission or does not go ahead then it will be necessary to ensure the Menorah school vacates the premises it currently uses to allow these to revert to an employment function and a revised hard and soft landscaping layout is provided to ensure a suitable access is maintained to the western land, since it would otherwise become land-locked.

Subject to a legal agreement to secure the above, the change of use is considered acceptable in principle.

Community access

The Council seeks agreements with schools to secure access for the community to use the facilities of the school including sports facilities and community halls, to be hired out at rates at the same level as similar Council facilities. Normally the Council seeks between 25-30 hours including after school hours and at the weekend. In this case, due to security concerns raised by the applicant and the intensity of extra-curricular activities, the applicant is only able to agree to provide access to the MUGA for 20 hours. Given the circumstances, officers have agreed to this in principle and will secure this and the details, including the booking method and the fee, in the s106 agreement.

2. Design

The existing building is of overall minimal design quality, although it has some value as a period industrial building and the south elevation is a pleasing element. The main thrust of the design approach is acceptable (basically, cladding the building) and although the fenestration arrangement on the front facade lacks the character and quality of the original, 'pillars' have been added between windows to give vertical emphasis and to echo the concrete frame of the original building. In additions the windows adopt a pattern of glazing bars which better reflect the era of the original building. In summary, the proposed works are sympathetic to the original building whilst injecting a contemporary interest in the form of the coloured brise soleil and providing substantially improved thermal properties.

The details of the materials, particularly colours of the brise soleil cowls, the entrance cowls, the render and the window frames, will be conditioned.

3. Impact on Neighbouring Occupants

The building has residential uses to the north-east, west and south. Those properties to the south, Flowers Close, are far enough away that the use of the building is unlikely to have a significant impact on amenity. The main concern for those residents, as it would be for residents of the proposed terrace housing of application 10/1388, would be from noise and disturbance from the MUGA. Residents to the west and the north-east could also be affected by direct overlooking from new windows and the roof terrace. These matters are considered below. Overbearing impact and loss of outlook is not deemed to be an issue in this application as no works are proposed which would change the envelope of the building or out-buildings and no works are proposed to the boundaries with residential properties.

Windows and rooms

At ground floor, a double and a single classroom on the western side of the building have west-facing windows which would be only 16m from the rear of the proposed terrace houses of application 10/1388. Although the finished floor level of the classrooms would be approximately 150mm higher than the ground level, the proposed boundary treatment of a 1.8m high fence and 300mm high metal railings would prevent direct overlooking.

Remaining on the ground floor two kitchens would be provided in the north-east corner of the building, nearest 103 Brook Road. No details of extract equipment have been provided. The plans (AL(0)23 Rev D) show a large, 9.5m wide north-facing window serving the kitchen but the rear elevation (AL(0)27 Rev B) show two separate windows with buffers/cowls to prevent views to the east. It will be necessary to revise the plans to reflect the elevation and to provide details of the buffers/cowls. This and details of the extract equipment can be secured via condition. Two fire escapes are located on the north-facing wall; access to the elevated platforms serving the escapes would only be when a fire drill is underway or in an emergency.

At first floor, the double classroom in the north-east corner has two north-facing windows which, according to the elevation, would also have buffers/cowls on the windows to prevent views back up to the rear of properties on Brook Road; in addition the lower panes of glass would be obscured glazed, preventing views downwards. The double classroom in the north-western corner also has north-facing windows but these look directly over the allotments. The double classroom and the staff office have windows on the western flank, which would look directly at the rear of the proposed terraced houses of application 10/1388 but this has been addressed by projecting the windows to form bays which can only look north or south.

The roof is to be part inaccessible green roof, part roof terrace; as a result, no pupil or staff member would be able to get closer than 6.5m from the edge of the roof.

Noise & Disturbance

The two main areas where unacceptable noise and disturbance could occur is from inappropriate use of the roof terrace as that would introduce noise and activity at an unexpected level, and from the hours of operation of the MUGA and external playspaces.

With regards the roof terrace, this is a minor part of the total roof area which is otherwise mostly inaccessible green roof. Subject to ensuring access to the roof terrace is controlled by condition, it is not considered the use will have a significant impact on residential amenity.

The hours of operation of the external playspaces would be restricted by condition also. Officers are of the view that these should be limited to a set times to ensure if later activities are held, these would be contained within the building and no overspill into the external areas.

See also above regarding the need for kitchen extract duct information to be provided by condition.

Lighting

No floodlighting is proposed for the MUGA though a condition will be imposed to ensure that, in the event of lighting being sought, this can be controlled to prevent harm to neighbouring amenity.

A condition will also be imposed requiring further details of any external lighting, should any be required.

4. Parking & Access

Parking

Car parking allowances for educational use are set out in standard PS12 of the adopted UDP 2004. This allows up to one space per five staff, plus 20% for visitors. Given the predicted staffing levels, up to 14 standard width spaces would be permitted within the site. A total of 14 standard width spaces have been proposed, with two marked as disabled bays. Standard PS15 requires at least 5% of spaces to be widened and marked for disabled drivers and the proposed provision of two marked disabled spaces is sufficient to satisfy this requirement.

Consideration also needs to be given to the impact of overspill parking on traffic flow and road safety, but in this case, there is generally plenty of safe kerbside parking available in the adjoining Brook Road that can be used if necessary for staff, visitors and setting down/ picking up of children by parents, subject to proper road markings and signage.

Traffic impact

In order to assess the likely traffic impact of this proposal on the local highway network, traffic surveys of existing flows along Brook Road were undertaken in December 2009 during the weekday morning and mid-afternoon peak hours, including flows into and out of Dollis Hill Estate.

Unfortunately, it is not possible from the information gathered to distinguish between traffic associated with the existing school and traffic for the industrial estate. For this reason, the Transport Assessment should have included the results of further detailed questionnaire/ hands-up surveys showing how children and staff currently travel to the school and where they travel from.

The Transport Assessment has instead produced estimates of vehicular movements through comparison with data from two other local authority run schools in Brent. Even though those schools are sited in comparable areas, this is not considered to be an acceptable approach, as those schools would have a very different catchment profile from this faith based school.

Nevertheless, given that much of the existing industrial estate is now vacant, it would not be unreasonable to assume that the majority of traffic leaving the site in the morning peak hour and the majority of traffic entering and leaving the site in the mid-afternoon period is associated with parents setting down and collecting children from the existing school. This would then give an estimate of about 50-60 parents cars currently visiting the site to drop off and collect children.

Increasing this by 28% to reflect the increase in school intake would give rise to about 16 additional two-way journeys at the start and finish of the school day. This would in turn represent an increase of about 5-6% on the existing traffic flows along Brook Road, which is not considered significant enough to warrant further analysis, given the relatively uncongested nature of the street.

Finally, the Transport Assessment has also considered the road accident history for the area, but found no record of any personal injury accidents in Brook Road between Dollis Hill Lane and Crest Road in the three year period ending September 2009. This development is not considered likely to change this, particularly if S106 funds are provided towards improvements to non-car access in the area.

Travel Plan

To help to minimise any increase in car trips associated with the expansion of the school intake, it is proposed to introduce a School Travel Plan for the site. Whilst it is unfortunate that no existing Travel Plan is in place that can be developed (as this would have provided a great deal of supporting information), the proposed introduction of a new plan is welcomed.

However, at present, only a broad outline of the proposed structure of the plan has been provided as a chapter within the Transport Assessment. The only firm content provided at present is that a Travel Plan Co-ordinator will be appointed, who will be responsible for carrying out a range of surveys, distributing information, collating car sharing information and producing annual monitoring reports to be assessed against targets that have yet to be identified.

Any permission for the site should therefore be subject to a Section 106 Agreement to secure a Travel Plan, which should be submitted for approval prior to works commencing on the development. This will need to include detailed surveys of existing travel patterns to the site by staff and pupils, which can be used as the basis for the setting of targets. It is suggested that the target should aim to keep the total number of cars visiting the site to the same actual total as at present by reducing the proportion of journeys made by car. To achieve this, the proportion of children travelling to and from the site by car would need to be reduced by 20% and the proportion of staff by one-third.

Cycle parking

Standard PS16 requires at least one bicycle parking space per ten staff/pupils, giving a total requirement of 31 spaces. The proposed provision of a 40-space cycle shelter within the school grounds would more than satisfy this requirement.

Servicing

Refuse bins will be stored within a service yard alongside the car park to the front of the site; this is acceptable and will ensure refuse carrying distances are not excessive.

Pedestrian access

The main pedestrian entrance to the building will be in its centre, accessed through the landscaped play area, which provides good segregation from traffic. Where pedestrians and vehicles do intermingle along the initial 30m of the site access, the footway is to be widened and a speed table provided to keep traffic speeds low and assist pedestrians in crossing the access road, which is acceptable.

Road safety

Beyond the school boundary, additional signage to include 'school keep clear' markings and suitable warning signs should be provided on Brook Road to keep the entrance area clear of parked vehicles and warn of the likely presence of schoolchildren in the locality. A financial contribution of £10,000 is sought towards the cost of these works, secured via the s106.

The retention of a gated emergency link through the site to the proposed housing development to the rear is welcomed to ensure the housing development can still be accessed in the event of Flowers Close becoming blocked and as the basis for a widened route to serve land to the rear should the housing development not be approved or not be built. Retention of this route should be secured through a Section 106 Agreement and consideration will need to be given to the location of fencing around the site and bicycle parking to keep a secure route available that is separated from the playground area should the route need to be widened.

5. Landscaping, trees & ecology

Landscaping

The submitted plans show an acceptable ratio of soft to hard landscaping, although the pick-up/drop-off and car parking area materials will need to be provided. There should be a minimal use of

asphalt throughout the site. The principle of native boundary planting and entry enclosures is acceptable. All these details will be secured by condition.

The amended roof plan shows more soft landscape which is encouraged. Further details on the planting and the soil build up available for all planting on the roof terrace will be required which can form part of the landscape conditions.

Trees

An arboricultural implications assessment has been prepared by NVB Architects. This report is satisfactory at this stage and landscape and tree officers are satisfied with the removal of all trees on site apart from T1 Oak as long as suitable replacements are proposed in the soft landscape plan. This and an arboricultural method statement and tree protection details will be conditioned.

Ecology

The application is accompanied by an ecological survey prepared by AA Environmental (letter dated 17 August 2010, ref: 103138/JDT) to determine the existence and location of any ecologically valuable areas and to record any evidence of protected species, particularly bats. An internal and external survey of the building and a survey of the surrounding habitat were undertaken. The report found no evidence of bats in the building or out-buildings; both were found to be sub-optimal habitats for bats. In conclusion the site and buildings are of little ecological value with no evidence of protected species recorded on or adjacent to the site. In this respect the application is deemed acceptable, subject to the report's recommendations such as the inclusion of bat, bird and insect boxes and native planting are included as part of the detailed landscape conditions.

6. Response to objectors

Many of the objections have been discussed above, including traffic congestion, noise and disturbance, use of the access and Flowers Close, privacy, hours of use and highway safety. Comments received on bats has also be addressed.

The one objection not covered in the report is that the school does not serve the surrounding community. The school is a private school and as such does not necessarily serve the local community. It is a Jewish school and so it will not be a viable alternative to existing schools in the vicinity for some sections of the community. Your officers do not consider this to be a reason for refusal.

7. Conclusion

Subject to a number of conditions and a legal agreement to secure certain key aspects including the travel plan, sustainability measures and community access, the proposal is found to be in general accordance with the Council's UDP and Core Strategy policies and as such approval is recommended.

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

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

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

CONDITIONS/REASONS:

- (1) 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):

AL(0)01Rev B; AL(0)01a Rev A; AL(0)02 Rev A; AL(0)03 Rev A; AL(0)04 Rev A;
AL(0)05 Rev A; AL(0)06 Rev A; AL(0)07 Rev A; AL(0)08 Rev A; AL(0)09 Rev A;
AL(0)11 Rev *; AL(0)12 Rev *; AL(0)13 Rev *; AL(0)20 Rev C; AL(0)21 Rev H;
AL(0)22 Rev D; AL(0)23 Rev D; AL(0)24 Rev D; AL(0)25 Rev E; AL(0)27 Rev B;
AL(0)28 Rev B; AL(0)29 Rev B; AL(0)30 Rev C; AL(9)002 Rev A; 4919 Rev A
(Proposed colour F&R elevation); 4919 Rev A (Proposed colour side elevation)

NVB Architects: Arboricultural Implications Assessment
Hyder: Transport Statement (16th June 2010)
Savills: Town Planning Statement (June 2010)
NVB Architects: Design and Access Statement (June 2010)
NVB Architects: Sustainability and Energy Statement (June 2010)
AAE Environmental Consultants (103138/JDT)

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

- (3) All areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to commencement of any building work commences on the site.

Such landscape works shall be completed in accordance with a phased implementation plan to be submitted to and approved in writing by the local planning authority prior to commencement of building works on site.

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) All planting including location, species, size, density and number.
- (v) 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).
- (vi) Any sustainable construction methods which are to be used.
- (vii) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (viii) Details of the MUGA.
- (ix) Details of bat, bird and insect boxes.

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.

- (4) 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.

- (5) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any building work on the site. The fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Such details shall include:

- (i) Specify type of fence e.g.; palisade, close-board, rails, weld-mesh, ball-stop etc.
- (ii) Specify all dimensions including height, length and thickness.
- (iii) Specify material(s), construction and manufacturer if appropriate
- (iv) For walls specify type, brick colour/pattern, mortar, render, or other finish including construction details.
- (v) Details of any alterations, extensions or repairs to existing boundaries.

Reason: In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and the visual amenity and character of the locality.

- (6) Details of the kitchen flue extraction system including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) Prior to commencement of development, full details of the cowls and pillars shall be submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved details.

Reason: To ensure the appearance of the development is acceptable and to protect residential amenity.

- (8) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall focus on the areas of sensitive end use (external play areas and areas of soft landscaping, such as the proposed bioswale). The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (9) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (10) No preparatory work or development shall take place until a scheme for the protection of the retained tree (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees, in the interests of the occupants and general public.

- (11) The premises shall be used only for the purpose of non-residential education facility and for no other purpose (including any other purpose in Use Class D1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (12) The use of the roof terrace should not start before 09.00 hours and cease by 19.00 hours unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of neighbouring amenity.

- (13) The use of the external play areas should not start before 07.30 hours and cease by 21.00 hours unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of neighbouring amenity.

- (14) The areas designated for car parking shall be fully completed in accordance with the approved details prior to occupation of the building.

Reasons: To ensure that these areas are provided in compliance with the Council's parking standards, in the interests of the general amenities of the locality.

- (15) No security or floodlights shall be erected on the site without the submission of full details to, and written approval from the Local Planning Authority.

Reason: In the interest of safeguarding local amenity..

- (16) No sound emanating from the school building shall be audible in adjoining or adjacent properties.

Reason: To protect residential amenity.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

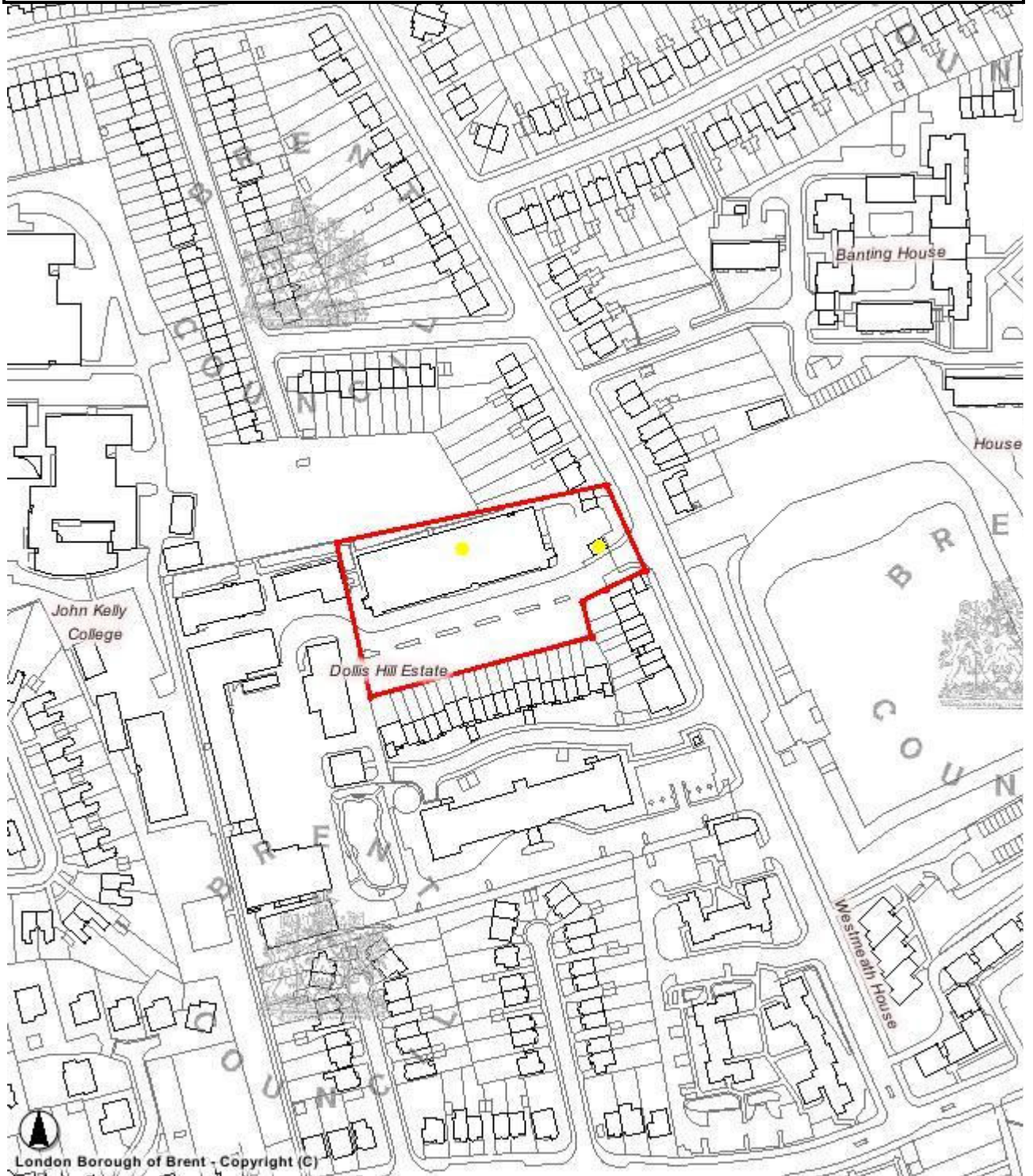
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: Churchill House, 15 Dollis Hill Estate, Brook Road, London, NW2 7BZ

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