

**Committee Report
Planning Committee on 12 May, 2011**

Item No. 4
Case No. 11/0444

RECEIVED: 24 February, 2011

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Westly Court 1-17 & 112 Walm Lane, London, NW2

PROPOSAL: Extension to time limit of planning application 07/3806 dated 08/05/2011, for demolition of 2-storey building at 112 Walm Lane and erection of a 5-storey building, comprising 12 self-contained residential units creating 6 two-bedroom flats, 1 two-bedroom maisonette and 5 one-bedroom flats, removal of boundary fence between 112 Walm Lane and adjacent Westly Court to create a shared rear amenity space, reinstatement of existing parking to Westly Court and ancillary works and subject to a Deed of Agreement dated 8th May 2008 under Section 106 of the Town and Country Planning Act 1990, as amended

APPLICANT: Moyvale Properties Ltd

CONTACT: Brooks Murray Architect

PLAN NO'S:
See Condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Contribution towards Affordable Housing of **£20,000** due on Material Start and index-linked from the date of committee for the previous application;
- (c) Contribution of **£57,000** due on Material Start and index-linked from the date of committee of the previous application, to be used for improvements to education, sustainable transport, sports and open space in the local area;
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved;
- (e) A detailed 'Sustainability Implementation Strategy' shall be submitted for Council approval, at Reserved Matters stage or 4 months prior to site commencement. This shall demonstrate

- how the development will achieve a BREEAM "Very Good" rating, and how the indicated Brent Checklist measures (Energy, Water, Materials, De/Construction & Pollution) will be implemented within the scheme;
- (f) The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments;
 - (g) On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a "Very Good" rating on EcoHomes and/or BREEAM assessments;
 - (h) The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented;
 - (i) If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the applicant shall either:
 - propose acceptable measures to remedy the omission; or, if this is not feasible,
 - propose acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures, to be used by the Council to secure sustainability measures on other sites in the Borough;
 - (j) Join and adhere to the Considerate Contractors scheme;
 - (k) a permit-free agreement for the 14 proposed new dwelling units, removing the right of future occupiers of these units to on-street parking permits in the area.

And, to authorise the Head of Area Planning, 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 13 May 2011.

EXISTING

Detached two-storey building, with later single-storey addition, situated on the east side of Walm Lane, approximately 20 metres from its junction with Dartmouth Road. The property is located within but on the boundary of the Mapesbury Conservation Area.

PROPOSAL

Extension to time limit of planning application 07/3806 dated 08/05/2011, for demolition of 2-storey building at 112 Walm Lane and erection of a 5-storey building, comprising 12 self-contained residential units creating 6 two-bedroom flats, 1 two-bedroom maisonette and 5 one-bedroom flats, removal of boundary fence between 112 Walm Lane and adjacent Westly Court to create a shared rear amenity space, reinstatement of existing parking to Westly Court and ancillary works and subject to a Deed of Agreement dated 8th May 2008 under Section 106 of the Town and Country Planning Act 1990, as amended

HISTORY

The following applications are relevant to this application for extension of time limit:

07/3806 - Demolition of 2-storey building at 112 Walm Lane and erection of a 5-storey building, comprising 12 self-contained residential units creating 6 two-bedroom flats, 1 two-bedroom maisonette and 5 one-bedroom flats, removal of boundary fence between 112 Walm Lane and adjacent Westly Court to create a shared rear amenity space, reinstatement of existing parking to Westly Court and ancillary works and subject to a Deed of Agreement dated 8th May 2008 under Section 106 of the Town and Country Planning Act 1990, as amended- granted 08/05/08

08/1660 - Conservation area consent for demolition of 2-storey building at 112 Walm Lane- granted 24/07/08

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 5 (PPS5)

PPS5 replaces former Planning Policy Guidance Notes 15 (Planning and the Historic Environment, published in September 1994) and 16 (Archaeology and Planning, published in November 1990). PPS5 is also supported by guidance prepared by English Heritage and explains how councils and developers can apply the new policies. The PPS states that Government's overarching aim is that "the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations."

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)

The Built Environment

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 12 (sustainable design principles)
BE 25 (development within Conservation areas).

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)
CP17(protecting the suburban character of Brent)
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.

SPD “Section 106 planning obligations” October 2007

Provision for a standard charge for planning obligation contributions.

SUSTAINABILITY ASSESSMENT

TP6 checklists have been assessed based on information supplied by the applicant. The scheme scores 36.5%. The applicant has been advised that a minimum of 50% is the required sustainability score. Accordingly, ensuring that this together with Code of Sustainable Homes level 3 is achieved forms part of the S.106 agreement.

CONSULTATION

A total of 31 adjoining owner/occupiers were consulted regarding the application. A site notice was also displayed adjacent to the site and the application publicised in the local press.

One objection has been received from a resident of Westly Court on the following grounds:

1. Change in policy in relation to building on gardens;
2. Loss of light, privacy and security;
3. Loss of parking exacerbated by additional flats at 112.
4. The previous application was granted on the basis that the amenity area for Westly Court will be improved;
5. The applicants had previously stated a landscaping condition as part of the planning permission for four additional flats on Westly Court (LPA ref 03/3781 and 05/1506) had not been complied with as they wanted to do all the works together.

6. The owners of 112 Walm have allowed the property to fall into disrepair over the past 25 years after having been refused permission to demolish it in 1989. The property has since been occupied as a residential property.

Officer Comments:

1. This is addressed in the main *Remarks* section of this report.
2. Loss of light, privacy and security were all considerations when determining the original application. The policies in relation to these have not changed there has been no significant change to the surrounding site context. The impact was previously assessed and considered acceptable.
3. Loss of parking and increased pressure on parking were also considerations when the application was granted in 2008. The proposed scheme is to be permit free, removing the rights of prospective residents to obtain a parking permit for the local CPZ and involves a contribution towards sustainable modes of transport. This would again be a requirement of this permission.
4. The improvements to the landscaping for both 112 Walm Lane and Westly Court were a consideration of the previous application. As there are no alterations to the approved plans these works will be undertaken as part of any approval. Any past non-compliance with conditions would not be reason to refuse this application.
5. Landscaping improvements were proposed as part of the application. It was considered that the combined landscaping arrangements would provide a more usable space for residents of both Westly Court and 112 Walm Lane and as such it will provide an improved setting for the rear of both buildings.
6. The application in 1989 was withdrawn and was not refused. The building was considered to have no specific architectural merit and not to make a measurable contribution to the streetscene. Conservation Area Consent was granted in 2008 to allow the demolition of the building.

REMARKS

Introduction

This application is for extension of the time limit on the original permission granted on 30/05/2008. 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 to 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, authors 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 30 May 2008?</i>
Brent	Unitary Development Plan 2004	2004	A number of policies have been replaced by Core Strategy policies
	Supplementary Planning Guidance	Various, none after May 2008	No
	Supplementary Planning Document - s106	October 2007	No.
	Local Development Framework	Emerging	Yes
	Core Strategy	Adopted July 2010	Yes
Regional	London Plan (consolidated with alterations since 2004)	February 2008	No,
	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	Updated September 2010	Yes, the definition of previously developed land no longer includes private garden space
	Planning Policy Statement 5 (PPS5): Planning for the Historic Environment: It sets out the Governments policies on the conservation of the historic environment	December 2009	Yes replaces PPG15 and PPG 16

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.

National Planning Policy Changes

There have been alterations to PPS3 and the adoption of PPS5 since the previous approval.

PPS3

Until June of this year, private residential gardens were classified as previously development land (PDL) in *Planning Policy Statement 3: Housing* (PPS3). This meant that gardens were subject to the same policy direction to make effective and efficient use of land, albeit with the caveat that "there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed." (CLG, 2010: para 41).

Revised PPS3 (3rd edition) was published 9 June 2010; in this revised document, the Government has amended the definition of previously developed land as follows:

Previously-developed land (often referred to as brownfield land)

'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'

The definition includes defence buildings, but excludes:

- Land that is or has been occupied by agricultural or forestry buildings.
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.
(PPS3, 9 June 2010: p26)

Local Planning Authorities and the Planning Inspectorate were directed by the Chief Planner (Steve Quatermain, CLG) to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010). The Chief Planner also wrote that the Government was seeking to decentralise planning “*by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and ‘garden grabbing’.*” (15 June 2010).

Your officers are of the opinion that the changes to the definition of PDL do not mean development of private residential gardens is no longer possible; instead, your officers judge that the changes increase the weight given to the need to ensure development respects the character of the area. Paragraph 49 of PPS3 relates to efficient use of land and intensification, stating that “careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.” (CLG, 2010). In the case of Brent, the recently adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17). It is clear that the chosen local strategy is one which requires more weight to be given to the protection of suburban character than under the policy regime in place prior to June of this year.

The land does involve the redevelopment of some garden space however it also involves significant landscaping improvements for the neighbouring site at Westly Court. The proposed development does result in a small loss of gardens space at the rear and directly next to the property however the provision of additional garden space particularly around Westly Court offsets the loss of garden space. It is noted that Policy CP17 may not be considered directly applicable however the overall emphasis is to preserve the character of Brent. The previous application assessed the proposed building in view of the site context and in view of the conservation area designation. The development was considered acceptable and it is not considered that this change in PPS3 would now result in refusal of the application.

PPS5

In order to achieve the aim of conservation, local planning authority should seek to identify and assess the significance of any element of the historic environment that may be affected by the relevant proposal. Decisions should be based on the nature, extent and level of that significance, which should in turn, be investigated to a degree proportionate to the importance of the heritage asset.

Significance is defined as the particular nature of the heritage asset and the value that it holds for this and future generations. In PPS5, if a heritage asset has special significance to the community which has not been fully understood from the usual consultation process, the local planning authority can undertake further consultation with the community.

When considering the quality of the existing building in assessing the approved application, it was said to have no specific architectural merit and not to make a measurable contribution to the streetscene. It is not considered that there is any reason as to why this position has changed and therefore the building to be lost is not considered to have such a significance that its demolition would have a detrimental impact on the character and appearance of the Mapesbury Conservation Area. The replacement building is of a design and scale that preserves the character and appearance of the property within the streetscene as previously determined by the Planning Committee

Regional policy changes

London Plan (consolidated with alterations since 2004)

The most recent changes to the London Plan were adopted in February 2008. This document was a full material consideration at the time of the original application.

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 is applied 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 internal space standards set out in Table 3.3 of the Mayor's draft London Plan. 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 carry 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 2008. The Core Strategy was adopted in July 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 CP17 relating to the protection of the suburban character of Brent. The relevance and implications of this are discussed above and are not considered to alter the recommendation.

Changes to the scheme

No changes to the scheme considered and approved by Members at Planning Committee in May 2008 are proposed.

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

And the S106 agreement will be subject to a deed of variation to reflect the new planning permission which would be issued if Members approve..

Substantial physical changes to the area since 12 May 2005

There have been no substantial physical changes in the local area since the previous refusal.

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.

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
Central Government Guidance
Council's Supplementary Planning Guidance 17& 3

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
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 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):

737-101, 102, 103, 201 rev B, 301 rev A, 302 rev A, 303 rev A 304 revB, 305 revB, 401 rev C, 402 rev D, 403 rev C, 404 revB,

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

- (3) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any future enactment of that Order, no windows or glazed doors (other than any shown on the approved plan) shall be constructed in the walls of the building and those shown on the approved plan shall

remain fixed and opaque to 1.8m above finished floor level..

Reason: In the interests of the privacy of adjoining occupiers.

- (4) Accessible parking spaces as indicated on the approved plans shall be provided prior to the occupation of the premises/commencement of the use and shall be maintained thereafter.

Reason: To ensure satisfactory accessibility for future occupants.

- (5) Accessible parking bays hereby approved shall measure a minimum width of 3 metres and shall be clearly marked prior to the occupation of the building's use hereby approved.

Reason: To ensure satisfactory accessibility for future occupants.

- (6) In order to ensure that the premises are accessible to people with disabilities or people with buggies, the entrance doors shall have a minimum width of 900mm and a maximum threshold level of 25mm.

Reason: To ensure that the premises are accessible to all those people who can be expected to use it, in accordance with policy H26 of the adopted Unitary Development Plan.

- (7) 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.

- (8) The applicant shall employ measures to mitigate against the impacts of dust and fine particles generated by the operation. This should include:

(a) damping-down during demolition and construction, particularly in dry weather conditions;

(b) minimising the drop height of materials by using chutes to discharge material and damping-down the skips/spoil tips, as material is discharged;

(c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible;

(d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation;

(e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area;

(f) the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation.

- (9) Details of materials for all external work, i.e. bricks, aluminium sections, fenestration, roofing materials and means of enclosure, including samples and/or colours, shall be submitted to and approved in writing by the Local Planning Authority before

construction work is commenced.

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

- (10) A detailed scheme for suitable and sufficient lighting shall be submitted and approved in writing by the Local Planning Authority prior to construction works commencing on site, indicating lighting to be appropriately baffled where necessary to avoid glare so as to ensure adequate safety and convenience on roads, footpaths and other pedestrian and vehicular routes within the site.

Reason: To ensure avoidance of light pollution and in the interests of safety, amenity and convenience

- (11) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure a proper standard of separation, and in the interest of the amenity of the area.

- (12) Notwithstanding details submitted within the application, prior to commencement of construction works on-site, a detailed scheme of landscaping, showing the size density and number of trees, shrubs and plants, means of enclosure and any other features on the site shall be submitted to and approved in writing by the Local Planning Authority. The landscape work shall be fully completed during the first available planting season following completion of the development hereby approved ,and any trees or shrubs which, within 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of the same species and size and in the same locations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance, to provide a suitable setting for the development and that the proposed development enhances the visual amenity of the locality and to provide suitable tree planting.

- (13) Details of means for marking out and providing the car-parking spaces, the pedestrian path and forecourt area including samples of proposed paving materials and any other approved hard landscaping materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works. All parking spaces (including cycle bays) and footways shall be constructed and permanently marked out prior to first occupation of any of the units hereby approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic and pedestrians throughout the site and to provide and retain adequate cycle and car parking, servicing and access, in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (14) Details of the means by which existing trees on the site are to be protected from damage by vehicles, stored or stacked building materials, and building plant or other equipment shall be submitted to and approved in writing by the Local planning Authority before any demolition/construction work commences on site, and such protection shall be installed and retained, as approved, throughout the period of the work.

Reason: To ensure that trees which are to be retained as part of the development are not damaged by construction works in the interests of the local environment and the visual amenity of the area.

- (15) Details of the provision of a minimum of 15 secure cycle-parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and the spaces as approved shall be retained thereafter.

Reason: To ensure satisfactory facilities for cyclists.

- (16) Prior to the commencement of the development (hereby permitted):

(a) a site investigation shall be carried out by an appropriate person to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. Any proposed remediation must be sustained for the life of the development and this must be justified by the applicant. No building works may commence on site until a remediation strategy has been submitted and approved by the Local Planning Authority, and

(b) a verification report shall be provided to the LPA by a competent person, 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 in accordance with UDP policy EP6.

- (17) Notwithstanding the plans hereby submitted, access to the rear at ground floor level through the gate between the proposed building and the existing Westley Court should be maintained at all times in order that the amenity space is accessible to all existing and future occupants of the Westly Court and the future occupants of the proposed development. Accordingly further details shall be provided and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and the details as approved shall be retained thereafter.

Reason: To ensure that access to amenity space for all existing and future occupants is maintained

- (18) Notwithstanding the plans hereby submitted, in order that there does not exist any overlooking through windows of Westly Court from the proposed adjacent terraces and or balconies on the 4th floor level, further details shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and the details as approved shall be retained thereafter.

Reason: To ensure that access to amenity space for all existing and future occupants is maintained

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

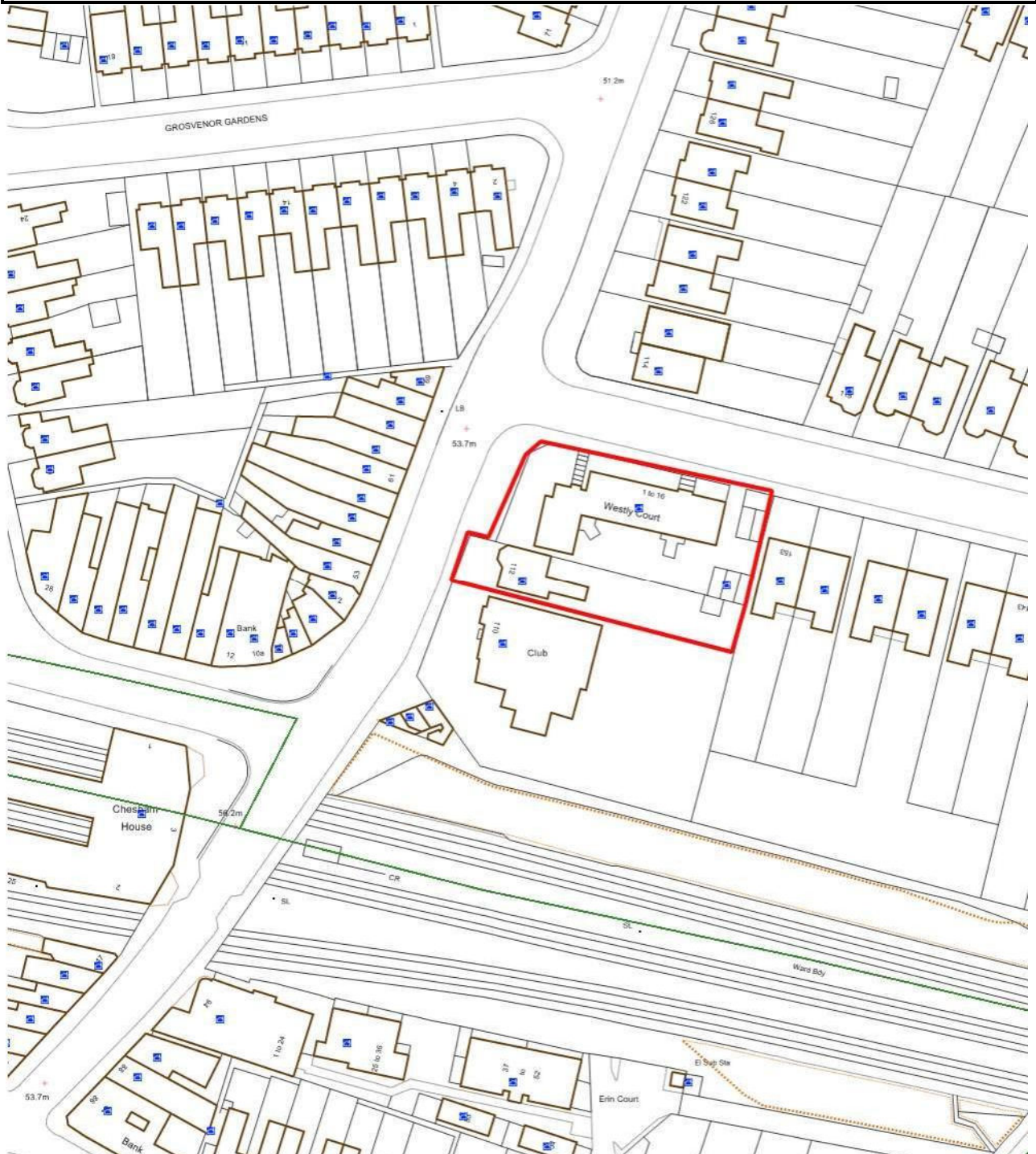
Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: Westly Court 1-17 & 112 Walm Lane, London, NW2

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