



Planning Committee

Tuesday, 8 June 2010 at 7.00 pm

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

Membership:

Members

Councillors:

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

first alternates

Councillors:

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

second alternates

Councillors:

Kataria
Mitchell
Mashari
HM Patel
Allie
Ogunro
Clues
Van Kalwala
Powney
Moloney
Castle

For further information contact: Joe Kwateng, Democratic Services Officer, 020 8937 1354, joe.kwateng@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 12
Extract of Planning Code of Practice		
NORTHERN AREA		
3. Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX (Ref. 09/2680)	Kenton;	17 - 28
4. Building & grounds, Oriental City, Edgware Road NW9 (Ref. 10/0775)	Queensbury;	29 - 56
5. 26 Westward Way, Harrow, HA3 0SE (Ref. 10/0867)	Kenton;	57 - 62
6. 10 The Garth, Harrow, HA3 9TQ (Ref. 10/0766)	Kenton;	63 - 68
7. 4 Aston Avenue, Harrow, HA3 0DB (Ref. 10/0518)		69 - 74
8. 90 Regal Way, Harrow, HA3 0RY (Ref. 10/0305)	Kenton;	75 - 80
9. Caretakers House, Kingsbury High School Annexe, 75 Roe Green, London, NW9 0PN (Ref. 10/0515)	Fryent;	81 - 88
SOUTHERN AREA		
10. 145 Harvist Road, London, NW6 6HB (Ref. 10/0456)	Queens Park;	89 - 94
11. 30 Hopefield Avenue, London, NW6 6LH (Ref. 10/0290)	Queens Park;	95 - 98
12. Land rear of 40-42 Okehampton Road London NW10 (Ref. 10/0310)	Queens Park;	99 - 108
13. 113A,113B & 113C Keslake Road London NW6 (Ref. 10/0523)	Queens Park;	109 - 114
14. 41A Montrose Avenue, London, NW6 6LE (Ref. 10/0672)	Queens Park;	115 - 120
15. 147-153 High Street, London, NW10 4TR (Ref. 10/0569)	Kensal Green;	121 - 134
16. 24 Carlisle Road, Kilburn, London, NW6 6TS (Ref. 10/0728)	Queens Park;	135 - 140
17. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW6 (Ref. 10/0932)	Brondesbury Park;	141 - 150
18. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW6 (Ref. 10/0933)	Brondesbury Park;	151 - 158

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|-----|--|------------------|-----------|
| 19. | 68 Walm Lane, London, NW2 4RA (Ref. 10/0455) | Willesden Green; | 159 - 166 |
| 20. | 212-214 Church Road, London, NW10 9NP (Ref. 08/1712) | Dudden Hill; | 167 - 174 |

WESTERN AREA

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|-----|--|------------------|-----------|
| 21. | 29-31, Brook Avenue, Wembley, HA9 8PH (Ref. 10/0601) | Preston; | 175 - 184 |
| 22. | Wembley Mini Market and Public Convenience, Lancelot Road, Wembley, HA0 (Ref. 10/0646) | Wembley Central; | 185 - 200 |
| 23. | The Stonebridge Centre, 6 Hillside, Stonebridge, London, NW10 8BN (Ref. 10/0631) | Stonebridge; | 201 - 206 |
| 24. | Minavil House, Rosemont Road, Wembley, HA0 (Ref. 10/0245) | Alperton; | 207 - 224 |
| 25. | Wembley High Technology College, East Lane, Wembley, HA0 3NT (Ref. 10/0436) | Northwick Park; | 225 - 232 |
| 26. | Any Other Urgent Business | | |

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

SITE VISITS – SATURDAY 5 JUNE 2010

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/0646	Wembley Mini Market and Public Convenience, Lancelot Road, Wembley, HA0	22	Wembley Central	9:35	185-200
10/0245	Minavil House, Rosemont Road, Wembley, HA0	24	Alperton	10:00	207-224
10/0569	147-153 High Street, London, NW10 4TR	15	Kensal Green	10:25	121-134
08/1712	212-214 Church Road, London, NW10 9NP	20	Dudden Hill	11:00	167-174
10/0775	BUILDING & GROUNDS, ORIENTAL CITY, Edgware Road, Kingsbury, London, NW9	4	Queensbury	11:45	29-56
09/2680	Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX	3	Kenton	12:15	17-28
10/0436	Wembley High Technology College, East Lane, Wembley, HA0 3NT	25	Northwick Park	12:40	225-232

Date of the next meeting: Wednesday, 30 June 2010

The site visits for that meeting will take place the preceding Saturday 26 June 2010 at 9.30am when the coach leaves Brent House.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near The Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday, 14 April 2010 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Powney (Vice-Chair), Baker, Cummins, Hashmi, Jackson, R Moher, Thomas and Steel (alternate for HM Patel)

ALSO PRESENT: Councillor Mary Arnold, Councillor Muhammed Butt, Councillor Anthony Dunn, Councillor Robert Dunwell, Councillor Simon Green, Councillor Alan Mendoza, Councillor Kanta Mistry and Councillor Emily Tancred.

Apologies for absence were received from Anwar, Hirani and HM Patel.

1. Declarations of personal and prejudicial interests

12. 1-28 Charles Goddard House, High Road, Wembley, HA0
Councillor Jackson and Councillor Thomas declared interests that they were members of the Board of Willow Housing & Care Ltd and did not take part in the discussion and voting on this application.

15 & 17. 17 Denis Avenue, Wembley HA9 8AZ

Councillor Cummins declared a personal interest that he knew the applicant's uncle. He withdrew from the meeting room and did not take part in the discussion and voting on these applications.

All members declared that they had received communication directly from the applicant in connection with both applications.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 16 March 2010 be approved as an accurate record of the meeting subject to the following amendments;

13. Add "to delegate the wording of condition 12 to officers" to the decision.

3. Bowling Green Pavilions, Chatsworth Road, NW2 4BL (Ref. 10/0124)

Erection of a single-storey building for use as a nursery school (Use Class D1) and erection of pitched roof to existing clubhouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and a Section 106 legal agreement.

The Area Planning Manager Andy Bates with reference to the supplementary report informed members about modifications and revisions to the plans. He stated although the revisions had resulted in a reduction of the overall length of the building in relation to the rear wall of the adjacent residential property at No.49, he remained severely concerned at the relationship between the existing and proposed sites. Andy Bates continued that a combination of the overall length of the building, the change in levels between the two sites and the proximity of the building to the adjacent residential accommodation would all result in an unacceptable relationship that would inevitably have a detrimental impact on the amenities of those people living nearby. He added that whilst the need for increased nursery accommodation throughout the Borough was acknowledged, for the reasons set out in the report the site was inappropriate for such increased provision. The Area Planning Manager advised that if members were minded to grant planning permission contrary to officers' recommendation then the consent would need to be subject to conditions set out in the main report and as amended in conditions 4, 5 and 7 in the supplementary report and a section 106 legal agreement on Nursery Travel Plan to address any unacceptable highway conditions that the nursery could give rise to.

Mr Andy McMullan the applicant's agent drew members' attention to the revisions and modifications to the scheme which in his view would address any likely adverse impact on the amenities of the neighbouring residents and improve the overall amenity space.

In accordance with the provisions of the Planning Code of Practice, Councillor Arnold a ward member stated that she had been approached by the applicant. Councillor Arnold stated that the application which complied with the Council's Unitary Development Plan (UDP) would have no adverse impact on residential amenities. She added that the need for the nursery in the area which was also supported by the Council's early Learning Years' Officer far outweighed all other considerations and that the applicant would agree to the conditions including a Section 106 legal agreement.

In accordance with the provisions of the Planning Code of Practice, Councillor Arnold Councillor Dunn a neighbouring ward member stated that he had been approached by the applicant. Speaking in a similar vein, Councillor Dunn stated that the level of traffic congestion that the nursery was likely to give rise to would be insignificant and that any likely traffic impact would be addressed by the Travel Plan to which the applicant had agreed.

Members discussed the application during which there was a general agreement to vote in support of the application for the reasons set out in their decision at the last meeting and subject to conditions and a Section 106 legal agreement as set out in the report. The Chair however felt that the site would be inappropriate.

In accordance with the Planning Code of Practice voting on the officer's recommendation for refusal was recorded as follows;

FOR:	Councillors Kansagra and Powney	(2)
AGAINST:	Councillors Baker, Cummins, Hashmi, Jackson, R Moher and Steel	(6)

ABSTENTION: Councillor Thomas

(1)

DECISION: Planning permission granted subject to conditions as amended in conditions 4, 5 and 7 and a Section 106 legal agreement.

4. 25 Aston Avenue, Harrow, HA3 0DB (Ref. 10/0146)

Erection of a part single-, part two-storey rear and side extension to dwellinghouse with associated front landscaping as amended by plans received 23/03/10.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

5. Stag Lane Clinic, 245 Stag Lane, NW9 0EF (Ref. 10/0252)

Erection of temporary portacabins in car park of Health Clinic.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks informed the Committee that as the building was of a temporary nature permanent planning consent could not be granted, having regard to its construction and/or effect on the visual amenity of the area. For that reason he recommended the grant of a 3 year temporary permission, thus amending condition 1 as set out in the supplementary report.

Mr Mehta of the Patients Liaison Committee questioned the reasons for granting a temporary consent as that the local doctors had agreed to repair the subsidence and address any health and safety issue that may arise.

In accordance with the provisions of the Planning Code of Practice, Councillor Mistry, ward member, stated that she had been approached by the objectors. Councillor Mistry expressed a view that there was no urgency in granting planning permission at this stage and urged the Committee to defer the application until the feasibility study which had been commissioned for June 20010 had been carried.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunwell, ward member, stated that he had been approached by the objectors, the PCT and local doctors. Councillor Dunwell urged members to take note of the desperate need for a permanent structure rather than a temporary structure in the area.

DECISION: 3 year planning permission granted subject to conditions as amended in condition 1.

6. John Billam Playing Fields, Woodcock Hill, Harrow (Ref. 10/0438)

Development of land comprising the former scout hut and adjacent car park at the John Billam Playing Fields off Woodcock Hill with a two storey adult learning and support centre (to relocate the Albert Road Day Centre and ASSPECT facility) with adjustments to the boundary with the John Billam playing fields and involving:

- (1) Re-provision of 108 car parking spaces to the south of Kenton Hall including variation to the parking layout for Kenton Hall approved under condition 3 of full planning permission ref: 03/2865
- (2) Reinstatement of the car park to the north of Kenton Hall to landscaped open space
- (3) Changes and re-surfacing of the access road layout including to the front of Kenton Hall
- (4) Amendments to Parks Depot boundary
- (5) Varying the hours of use at Kenton Hall – amending condition 7 of full planning permission ref: 03/2865 to allow activities within the Kenton Hall to operate on a permanent basis within the following hours:

0800 - 2230 Sundays to Thursdays, with the premises cleared within 30 minutes after these times 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times 0800 – 0030, with the premises cleared within 30 minutes after these times for the following events:-

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- GAA London Sports and Golf Society function
- 10 further events in any calendar year

(as accompanied by Design and Access Statement prepared by MACE; External Noise Survey Report prepared by Robert West Consulting Ltd; and BS5837: 2005 Tree Survey).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning drew members' attention to amendments to conditions 3, 8, 11 and 15 as suggested by the Borough solicitor and as set out in the tabled supplementary report.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunwell, ward member, stated that he had been approached by the objectors. Councillor Dunwell sought clarification on the possible implications for the continued use of Kenton Hall depending on an interpretation of the proposed conditions.

In responding to the above, the Head of Area Planning clarified that the intention of the Management Plan or Green Travel Plan for the car park was not to close down Kenton Hall but to ensure that the overall development was appropriately managed so as to protect the residential amenities and highway safety in the local area.

DECISION: Planning permission granted subject to conditions as amended in conditions 3, 8, 11 and 15.

7. 189 Chevening Road, London NW6 6DT (Ref. 09/2206)

Formation of vehicular access and associated hardstanding to front garden of dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning recommended an additional condition as set out in the supplementary report in order to achieve a satisfactory development which did not prejudice the amenity of the locality or harm the character and appearance of the Queens Park Conservation Area.

DECISION: Planning permission granted subject to conditions and an additional condition on details of materials for hardstanding.

8. Formerly The Shamrock, Carlton Vale, London NW6 5DA (Ref. 10/0003)

Retention of change of use from public bar (Use Class A4) on basement and ground floor to community centre (Use Class D1).

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

On the advice of the Borough Solicitor, the Head of Area Planning recommended amendments to conditions 5, 8 and 9 as set out in the supplementary report tabled at the meeting.

DECISION: Planning permission granted subject to conditions as amended in conditions 5, 8 and 9.

9. Top Floor Flat, 60 Salusbury Road, London NW6 6NP (Ref. 10/0221)

Erection of a single-storey shed in rear garden of property.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

10. 185A Chevening Road, London NW6 6DT (Ref. 10/0248)

Erection of a single-storey side conservatory extension to the ground-floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

The Area Planning Manager Andy Bates in response to objectors' concerns raised at the site visit stated that the proposed development was unlikely to generate any significant increase in noise levels beyond that associated with the existing use of the dwelling and rear garden. He added that the personal behaviour of individuals (the applicant) was not a material planning consideration as the Council's Environmental Health Unit had powers to deal with instances of unreasonable noise disturbance. Furthermore, he considered that it would be unreasonable to impose, and difficult to effectively enforce, any condition designed to limit the way in which the proposed extension would be used. Andy Bates went on to add that the Council's UDP policy H18 which applied to conversion of properties was not relevant to this particular application which was for a single storey extension. He also added that concerns regarding light spillage and the character of the Conservation Area had been fully addressed in the main report.

In accordance with the provisions of the Planning Code of Practice, Councillor Green, ward member, stated that he had been approached by objectors to the application. Councillor Green objected to the application on grounds of its impact on the Conservation Area, light spillage and noise nuisance. He requested members to amend condition 3 to ensure that the roof of the extension could not be opened.

In accordance with the provisions of the Planning Code of Practice, Councillor Tancred, ward member, stated that she had been approached by objectors to the application. Councillor Tancred echoed the sentiments expressed by Councillor Green adding that the proposed development which constituted an infill development within a Conservation Area would fail to comply with the Council's UDP policies. She added that the development would be harmful to residents through noise disturbance, light spillage and pollution.

The applicant's agent Mr Gerald Murphy stated that the proposed development would not result in any adverse impact on adjoining residents in terms of light pollution and noise nuisance.

In response to some of the issues raised, Andy Bates referred members to an amendment to condition 3 which sought to address the concerns on translucent obscure glazing.

DECISION: Planning permission granted subject to conditions as amended in condition 3 to include obscure glazing.

11. 91 Chevening Road, London NW6 6DA (Ref. 10/0343)

Demolition of outbuilding and erection of single-storey side and rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

12. 1-28 Charles Goddard House, High Road, Wembley HA0 (Ref. 10/0293)

Partial demolition of existing building, renovation of retained part of building to provide 5 flats (1 one-bedroom, 4 two-bedroom) and erection of a new four-storey building, comprising 20 extra care (one-bedroom) housing units, with provision of 4 off-street parking spaces, cycle- and refuse-storage areas and associated landscaping to site.

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

Members noted the following additional information from the supplementary report tabled at the meeting;

The applicant had submitted revised landscaping plans showing designated amenity spaces for the ground floor areas. In addition the amenity space provision had been increased by removing the fourth on-site parking space, thus improving the amenity space for Flat B.

The revised tree report had been reviewed by the Council's Arboricultural Officer who was satisfied with the details provided and for that reason, no amendments were required to the conditions on proposed landscaping and arboriculture.

Condition 2 had been amended to reflect the revised plans received with drawing numbers A5934/2.1/026C and A5934/2.1/030B replacing drawing numbers A5934/2.1/026B and A5934/2.1/030A.

Further sustainability information had been submitted which shows that only 7% of estimated energy demand would be from a renewable energy source.

The Heads of Terms contained within the committee report would remove the rights of all residents to apply for parking permits within both the shared ownership flats and the extra care housing units. As such, the development was not considered to exacerbate existing parking pressures within the area.

DECISION: Planning permission granted subject to conditions as amended in condition 2, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

Note: Councillor Jackson declared an interest as a Board Member of Willow Housing Trust. He withdrew from the meeting room and did not take part in the discussion and voting.

13. Sudbury Primary School, Watford Road, Wembley HA0 3EY (Ref. 0192)

Demolition of detached temporary classrooms and partial demolition of main school building, erection of new single and two storey extensions to main school building with provision of 2 x roof gardens, creation of car park with 21 spaces to be accessed from Perrin Road, erection of new boundary fence to Perrin Road and Watford Road sides of site and associated landscaping.

OFFICER RECOMMENDATION: (a) Grant Planning Permission, subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Director of Planning to agree the exact terms thereof on advice from the Borough Solicitor; but

(b) if the legal agreement has not been entered into, or the Environment Agency remain unsatisfied with the application by the application's statutory expiry date of 7th May 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

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

DECISION: (a) Planning Permission granted, subject to conditions, the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Director of Planning to agree the exact terms thereof on advice from the Borough Solicitor; but

(b) if the legal agreement has not been entered into, or the Environment Agency remain unsatisfied with the application by the application's statutory expiry date of 7th May 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

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

14. 2 NCR Business Centre, Great Central Way, London NW10 0AB (Ref. 10/0063)

Erection of a storage silo to front of premises, installation of three extraction flues to roof and installation of a plant area on the western elevation facing the North Circular Road and air-conditioning units on the eastern elevation (as amended).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Members noted that following negotiations with the officers, the applicant had submitted an amended scheme on which residents were consulted. The relevant concerns raised including potential noise and odour nuisance had been addressed in the main report. It was also noted that issues about restrictive covenants could be added as an informative.

DECISION: Planning permission granted subject to conditions and informatives regarding covenants.

15. 17 Denis Avenue, Wembley, Middlesex HA9 8AZ (Ref. 09/2542)

Retrospective application for the change of use and conversion of the premises to a house in multiple occupation (HMO) and 9 self-contained studio flats.

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager, Neil McClellan informed the Committee that the applicant had submitted a revised plan showing a landscaping scheme for the front and rear garden as a means to overcome one of the reasons for refusal. He continued that whilst the proposed landscaping scheme was an improvement on the existing situation, it did not provide the quantity or quality of amenity space necessary for a scheme of 21 units, in accordance with Council policy. For that reason the proposal was still considered to be a significant overdevelopment of the site that fell well below the Council's minimum amenity space standards. The Area Planning Manager added that whilst the proposed 21 cycle-parking spaces was considered acceptable, the reduction in car parking spaces from 7 to 5 was not acceptable as it fell below the Council's minimum standards. He reiterated the recommendation for refusal with an amended reason as set out in the tabled supplementary report.

The applicant's agent Mr Robson Walsh claimed that the property had been in use as a house in multiple occupation (HMO) since 1999 and that it had not since been used as a single family dwelling unit. He continued that the application complied with the Council's criteria for HMOs adding the applicant's long history of good management of similar HMO facilities would ensure that good management of the site.

In accordance with the provisions of the Planning Code of Practice, Councillor Butt ward member stated that he had been approached by the applicant and objectors. Councillor Butt stated that parking issues and storage facilities had been resolved and although on-site management would be available to resolve any further issues that may arise, the applicant would accept the imposition of additional conditions.

In responding to the issues raised, the Area Planning Manager stated that the council was not aware of the alleged HMO status for the property and that the applicant had not as yet complied with the enforcement notice served in 2006. He added that the property failed to comply with the Council's HMO criteria in terms of outlook, stacking and inadequate amenity space provision. The Head of Area Planning in echoing the above added that the scheme represented an over-development of the site with sub-standard accommodation which failed to meet the reduced standards for bedsits. He continued that as the applicant had not challenged the enforcement notice, the current use as an HMO was unauthorised.

DECISION: Planning permission refused with amended reasons.

16. 59 Oakington Avenue, Wembley, Middlesex HA9 8HX (Ref. 10/0012)

Erection of two 2 storey detached dwelling houses (1 x 4 bed and 1 x 3 bed) within rear garden of 59 Oakington Avenue, with parking and refuse in the proposed front gardens, a new vehicle access and pedestrian access to the side of 18 Forty Close and associated landscaping.

OFFICER RECOMMENDATION: Refuse planning permission.

The Head of Area Planning informed the Committee that since finalising the Committee agenda the applicants had submitted an appeal against the Council's failure to determine the application within the statutory 8 week period. The Planning Inspectorate had acknowledged the receipt of the appeal although the Council had not as yet received the formal start letter from the Inspectorate. As the application was the subject of an appeal, the Council was now unable to determine the application. He therefore requested Members to consider the reasons for refusal as set out in the report and to support these reasons as being the basis upon which the Council would defend its objection to the proposed scheme on appeal

DECISION: Planning permission would have been refused for the reasons stated in the main report had the application not been the subject of an appeal on grounds of non-determination.

17. 17 Denis Avenue, Wembley, Middlesex HA9 8AZ (Ref. 09/3261)

Conversion of the dwellinghouse to 17 self-contained flats (comprising 7 x 1-bedroom and 10 x studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and external alterations including the conversion of integral garage to a habitable room, the replacement of the garage door with a window, and creation of two additional ground floor windows to the side elevation.

OFFICER RECOMMENDATION: Refuse planning permission.

See item 15 for the discussion on this item.

DECISION: Planning permission refused with amended reasons.

18. 62 Station Grove, Wembley, Middlesex HA0 4AN (Ref. 10/0137)

Replacement of ridge roof with new flat roof and retention of altered outbuilding in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the supplementary report, the Area Planning Manager, Neil McClellan informed members about correspondence from the applicant's agent querying the Council's interpretation of the Inspector's decision. The Planning Manager confirmed that in reaching his decision on the appeal against the Council's decision, the Inspector observed that the height and massing of the

outbuilding at 62 Station Grove exceeded any other outbuilding in the immediate area and as such was uncharacteristic and visually intrusive. He added that given the excessive overall size of the building and its proximity to neighbouring boundaries, the reduction in height proposed would not overcome the harm identified by the Inspector. Furthermore, a flat roof on such a large building would appear out of character with its suburban setting. Officers therefore favour the Inspector's preferred solution of a more modest outbuilding, and consider that a significant set-in from all boundaries was necessary. In reiterating the recommendation for refusal, he added that the option of reducing the height of the outbuilding to 2.5 metres would be a possible alternative solution to reducing the outbuilding's impact.

Mr Sardar the applicant stated that the flat roof of his outbuilding was lower than that of the next door property and that under current permitted development rights he could further extend the outbuilding by about 50% of the size of his rear garden. He felt that the requirement of the Council's enforcement action to demolish the outbuilding was unreasonable and urged members to approve the scheme.

The Head of Area Planning clarified that an outbuilding of the size described by Mr Sardar would be unlikely to be incidental to the use of the main house and therefore could not be allowed under permitted rights.

DECISION: Planning permission refused.

19. 19 Brook Avenue, Wembley, Middlesex HA9

Members deferred this report from consideration at the last meeting on 16 March 2010 for a site visit to enable them to assess the development and objections raised to it. The report dealt with the extensive planning and enforcement history of the extensions to 19 Brook Avenue, Wembley, HA9 8PH and updated members on the current enforcement position. The report informed Members that the extension and dormer had finally been built in accordance with the planning permission and as such were not in breach of planning control. Members were therefore asked to endorse this and agree that no further planning enforcement action should be taken at the premises in respect of these particular extensions.

Ms Pauline Saunders raised objections to the report on the following grounds;

The erected guttering was overhanging to her detriment.

The boundary issue had not been resolved and continued to constitute a breach of planning condition.

The development in its present state resulted in direct adverse impact on neighbouring properties.

Mr Taheri an objector stated that the extension as built was too close to the boundary with his property which adjoined 19 Brook Avenue and claimed that the extension as built not only failed to conform to Building Regulation standards but was also a health and safety hazard.

In accordance with the provisions of the Planning Code of practice, Councillor Mendoza, ward member stated that he had been approached by

objectors to the extension. Councillor Mendoza pointed out that the extension failed to comply with council policies and standards and if allowed, could set a precedent for similar undesirable precedents in the area. He urged members to consider the independent surveyor's report on the extension which supported the views expressed by the objectors.

In responding to the issues raised, the Head of Area Planning stated that the extension as built including a rebuilt dormer window and the width of the construction complied with the exception of the issue raised in the report with the drawings submitted and the Council's standards. He advised that Building Control's view was that the angle of the gutter could be altered to comply with the Building Regulations, provided it was connected to the rainwater system.

Members had a brief discussion on the application during which Councillor Cummins suggested a deferral until the issues raised by the neighbours had been satisfactorily resolved. This was put to the vote and declared carried.

RESOLVED:-

That the application be deferred pending the outcome of an inspection of the Council's Building regulations on the guttering.

The meeting ended at 10.00pm

S KANSAGRA

CHAIR

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.
25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.
29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 3
Case No. 09/2680

RECEIVED: 5 January, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX

PROPOSAL: Demolition of former caretaker's house and erection of a single storey childrens centre with provision of buggy storage and refuse storage areas to front and associated landscaping to site

APPLICANT: Ms Cheryl Painting

CONTACT: Frankham Consultancy Group Ltd

PLAN NO'S:
Refer to condition 2

RECOMMENDATION

Approval

EXISTING

The site application comprises the former Caretakers House at Mount Stewart Infant School accessed off Carlisle Gardens.

The site is located within the Mount Stewart Conservation Area. It does not however contain any listed buildings.

PROPOSAL

Demolition of former caretaker's house and erection of a single storey childrens centre with provision of buggy storage and refuse storage areas to front and associated landscaping to site

HISTORY

09/3007: Conservation Area Consent for demolition of former caretaker's house - members agreed to grant conservation area consent subject to deferral to Secretary of State. The Secretary of State granted conservation area consent on 25/05/2010.

E8532 B91: Full Planning Permission sought for school keeper cottage (deemed permission) - Granted, 17/01/1951.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE2: Local Context & Character - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Proposals should not cause harm to the character and/or appearance of an area, or have an unacceptable visual impact on Conservation Areas.

BE6: Public Realm - Landscape Design - A high standard of landscape design is required as an integral element of development schemes.

BE9: Architectural Quality - Requires new buildings to embody a creative and high quality design solution, specific to the sites shape, size, location and development opportunities and be of a design, scale and massing appropriate to the setting.

BE25: Development in Conservation Areas - Development proposals in conservation areas shall pay special attention to the preservation or enhancement of the character or appearance of the area; and regard shall be had for design guidance to ensure the scale and form is consistency.

H22: Protection of Residential Amenity - Developments should not result in an intensification of use likely to have an adverse environmental and traffic impact within predominantly residential areas.

TRN3: Environmental Impact of Traffic - Proposals should not cause or worsen an unacceptable environmental impact from traffic generated including (a) on-street parking causing unacceptable traffic management problems; (b) unacceptable environmental problems such as noise or quality; (c) proposals not easily or safely accessible by pedestrians and/or cyclists; (d) additional traffic generated would have unacceptable consequences in terms of access/convenience for pedestrians and/or cyclists; (e) unacceptable road safety problems; (f) the capacity of the highway network is unable to cope with additional traffic without producing unacceptable levels of traffic congestion; and (g) proposal would cause a significant increase in the number and length of journeys made by the private car.

TRN4: Measures to make transport impact acceptable - Where transport impact is unacceptable. measures will be considered, which could acceptably mitigate this and enable development to go ahead. Such measures include improvements to pedestrian and/or cycle facilities and management measures to reduce car usage to an acceptable level (e.g. green transport plans).

TRN22: Parking Standards (Non Residential Developments) - Non-residential development should make provision for vehicular parking in accordance with the maximum standards as set out in Appendix TRN2.

CF2: Location of small scale community facilities - Proposals for community facilities serving local catchments can be located within residential areas outside centres, subject to the protection of neighbourhood amenity.

CONSULTATION

Consultation Period: 06/01/2010 - 27/01/2010

Additional Consultation Period: 07/04/2010 - 28/04/2010

Site Notice Displayed: 21/01/2010 - 11/02/2010

Public Consultation

28 neighbours consulted - 15 letters of objection received and one petition with 144 signatures received. The following issues have been raised:

- Impact of traffic (staff, visitors, deliveries and refuse vehicles) leading to unacceptable road safety problems at the end of a cul-de-sac
- Area already suffers from congestion with parents dropping off children to Mount Stewart School
- Impact of traffic will be harmful to the amenities of local residents

- Children's centre can be used by people outside of the local catchment area
- Children's centre will serve families with deprived backgrounds
- Travel plan measures to encourage the use of non private car mode forms of transport will be ineffective as the majority of parents own cars and there are no public transport links in close proximity to the site
- No children's centre required in this location as there is one proposed at Preston Park School
- Opening hours and frequency of sessions is inappropriate in a residential area, leading to a harmful impact for local residents
- The principle of a children's centre is harmful to the character of the conservation area

Prior to the formal submission of the planning application, a public meeting was held with local residents on 8th December 2009.

Internal Consultation

Landscape Team - no objections raised in principle subject to conditions on hard and soft landscaping and cycle storage

Environmental Health - no objections raised in principle subject to a condition to minimise dust/fumes arising from the construction operation.

Urban Design & Conservation Team - The principle of the development is supported. However, officers have advised that there is scope to improve the architectural standard given the sites context in a conservation area and proximity to the school and its function as a children's centre.

Transportation - No objections raised subject to conditions for the provision of a disabled parking bay and cycle parking.

External Consultation

Ward Councillors - objections raised for the following reasons:

- The proposal represents a gross over-development of the site
- The proposal will result in increased traffic and congestion in an area which is already congested at school times due to traffic associated with Mount Stewart School
- The proposed 'year round' and 'evening' use of the centre will result in increased traffic at weekends and evenings and increased noise for neighbouring properties
- The proposed development is not in keeping with neighbouring buildings in the conservation area
- The proposals will fundamentally change the whole look and feel of the area from a quiet residential area to a thoroughfare to a public amenity

Preston Amenities Protection Association (PAPA) - objections raised for the following reasons:

- The nature and intensity of the use of the children's centre including a rear garden area will lead to noise and disturbance for local residents which are located in close proximity to the site
- Additional vehicles to the children's centre will add considerable congestion and parking problems
- Inadequate time period for the public consultation meeting
- Queried why alternative sites were not considered

REMARKS

Background

This application is for planning permission for the provision of a children's centre next to Mount Stewart Infant School. Children's centres are part of the national Sure Start Children's Centres

programme to provide support for all children especially those with additional needs. Children's centres bring together services at a neighbourhood level for children aged 0 - 5 years old and their families. They are a key delivery mechanism for the Council to achieve the Government's Every Child Matters programme and to help Brent deliver the Children and Young Peoples Plan.

London Borough of Brent currently has 13 children's centres located in the Borough. The centres were initially developed in the most disadvantaged areas of the Borough (Phases 1 and 2). The Department for Children, Schools and Families (DCSF) requires the London Borough of Brent to develop a further 7 centres in Phase 3 to provide universal access to these facilities for families across the whole Borough by 2010, regardless of their level of disadvantage.

This site is one of the proposed Phase 3 children's centres agreed by the Council's Executive Committee meeting on 14th July 2009.

Relevant Planning History

Conservation Area Consent has been granted for the demolition of the former caretaker's house. This application was reported separately to the Planning Committee on 16 March 2010. This was due to an urgent need arising for the demolition of the former caretaker's house on health and safety grounds and the risk that bats could roost inside the building, which would delay the future demolition of the building. A condition attached to this consent requires the site to be landscaped within a period six months of the demolition being carried out to ensure the character of the conservation area is preserved should future development of the site is not agreed within this period

Members resolved to grant conservation area consent subject to the deferral of the application to the Secretary of State. The application was granted consent by the Secretary of State on 25th May 2010.

Principal of Use

The caretakers house is located within the school site and is considered to be ancillary to the main school building. The established use of the site therefore falls within Use Class D1 as does a Children's Centre. As such, the principal of a Children's Centre on the site is considered acceptable, subject to other considerations including design & siting, impact on residential amenity and transportation issues.

Proposed uses, number of sessions and persons within the children's centre

As referred to above, the centre is proposed to meet local need for families with children aged 0-5 years. The centre has a catchment of up to 800 children within 1.1 miles, which is designated as "pram pushing" distance.

Proposed activities within the centre include: outreach advice for local families regarding health and nutrition, counselling, citizens advice bureau, training and employment advice, parenting support and a sessional crèche for children and their carer's. The centre will not provide full-day nursery care but is intended to compliment the Early Years Centre and education use of the site. The centre will provide a community facility, (Use Class D1). Policy CF2 of Brent's Unitary Development Plan primarily directs this type of use to accessible sites within local centres. However, the centre is to serve a particular local catchment, and this proposed site may be considered to meet a local need, subject to the protection of neighbourhood amenity.

Phase 3 centres, including this proposal at Mount Stewart Infant School, will be open at least 48 weeks of the year, usually five days a week. Centres on school sites will remain open during school holidays. Typically a centre will be open 9am to 5pm on weekdays with two group session activities each day, starting at around 9.30am and 1.30pm. Sessions are timed not to clash with

school drop off and pick up times. Most of the activities are drop-in sessions so parents can arrive at any time and may not all arrive at the start of the session. Smaller one to one activities such as counselling to Citizens Advice Bureau are usually appointment based and can take place throughout the day. Services may also be offered in the evenings and at weekends. There would typically be two evening sessions per week and two weekend sessions per month (daytime only), for activities such as a session for working parents, dad's activity groups or a childminder training course. The evening activities will not be of a 'social' nature - further details are discussed below in the 'noise' section of this report.

Your officers in Children's and Families have provided a survey of four currently operating children's centres within school grounds or next to schools located elsewhere within the Borough. This survey reveals that the maximum number of persons at any one time within each of these centres (including staff, service providers, parents and children) vary from 51 to 82 persons in the four centres. It is anticipated that the maximum number of persons within the proposed centre at Mount Stewart Infant School will be 67 persons. These are the maximum numbers and do not represent a typical session. The average number of persons within the existing centres is 40.9 persons in the morning session and 29.1 persons in the afternoon session. Some of the sessions in the week have no more than 6 persons in the building. There is currently no evening sessions in any of the surveyed centres and only one centre offered an activity on Saturday morning.

Design and Siting of the proposed building

The Secretary of State has granted conservation area consent for the demolition of the former caretakers house. In summary, the Secretary of State was satisfied that the character of the conservation area would not be adversely harmed by the demolition of the former caretaker's house and he sees no reason to withhold consent.

The proposed children's centre building follows the building line of the existing houses on Carlisle Gardens. Its resulting footprint however is wider and deeper than the former caretakers house. It will maintain a gap of 1.2m to the boundary with No. 8 Carlisle Gardens and a gap of 2.0m to the boundary with the playing fields of Mount Stewart Infant School. The rear building line does not exceed the depth of the rear conservatory at No. 8 Carlisle Gardens, which is located to the south of the application site.. At a distance of 5.6m from this joint boundary the rear building line steps out by an additional 5.2m. Next to Mount Stewart Infant School, the rear building line is reduced in depth by 2.0m.

The proposed children's centre has been designed as a single storey building. This design was chosen for a number of reasons. The first reason relates back to the former caretaker's house which reads as part of the school buildings rather than an individual building on Carlisle Gardens. The proposed building is designed to be in keeping with the character of the school buildings. The second reason is to reduce the impact upon No. 8 Carlisle Gardens as the new building will be sited closer to this boundary than the former caretaker's house. Finally, it is considered that a more efficient and usable layout is achieved through a single storey rather than a two storey building.

The proposed building is modern in its design. Two curved roof elements are proposed with a living sedum roof. A green sedum roof is proposed to reduce the visual impact of the structure in addition to assisting water drainage and the buildings overall sustainability in accordance with policy BE12. It is recommended that a condition is imposed to secure the provision of a green sedum roof. The building has been designed to take in account the materials seen elsewhere in the conservation area both at the school and residential properties, such as, multi stock facing brickwork, render and vertical timber cladding. To ensure a high quality finish, and in response to the suggestions of the design and conservation team, your officers recommend that a condition is imposed secure details of external materials to ensure they are of a high quality.

Impact of the building upon neighbouring residential amenities

Adjacent to the boundary with No. 8 Carlisle Gardens, the proposed building does not extend beyond the conservatory at the rear of No. 8 Carlisle Gardens. The building will be set in 1.2m from this boundary with an overall gap of 2.6m to the flank wall of the conservatory. The building is proposed with the curved sedum roof that measures 3.0m in height next to No. 8 Carlisle Gardens rising up to 4.0m in height. Whilst there are windows on the flank wall of No. 8 Carlisle Gardens, only one of the windows and the glazed door serve a habitable room (kitchen). Whilst it is recognised that outlook from the flank wall windows will be affected by the proposed building, given that outlook is already partially restricted by the existing boundary fence, officers are of the view that on balance the impact would not be severe enough to warrant a reason for refusal. Furthermore, the conservatory forms part of an extension to the kitchen allowing outlook to the rear garden. Windows are proposed on the flank wall of the children's centre building facing No. 8 Carlisle Gardens. These windows serve the office and reception area of the proposed children's centre. To minimise overlooking from these windows, officers have requested that the windows are omitted and roof lights are provided to light these areas.

A rear garden is proposed for outdoor activities such as story telling and a play area. To minimise the impact upon neighbouring properties though the use of this area, the activities are to be located next to the playing fields of Mount Stewart Infant School rather than the residential properties. Furthermore, landscaping is proposed along the boundary with No. 8 Carlisle Gardens.

Noise

The applicants have confirmed that the principal use of the building will be during normal business hours: 9am to 5pm Monday to Friday, and 9.30am to 13.30pm on Saturdays. However as the centre is a community facility it may occasionally be in use for training courses up to 2 evenings/ week or 2 weekend days/ month. This would complement the use of the centre as an outreach facility. The applicants have confirmed that the centre would not be used for social gatherings such as parties, and no amplified music will be played. A condition is recommended to restrict any noise-generating equipment in order to avoid noise nuisance to neighbouring dwellings. The applicant has confirmed that air conditioning units are not proposed. The layout of the building places the publicly accessible rooms towards the northern end of the building, which is removed from shared boundaries with neighbouring occupiers, reducing potential for nuisance further. The applicants have also submitted a Children's Centre Management Plan which covers the types of use proposed for the centre, hours of use and numbers of visitors. Any approval would be subject to a condition requiring compliance with these working practices. Whilst it is accepted that the level of activity on the site will increase, it is considered that the measures detailed above will safeguard neighbouring amenities in accordance with policies H22 and EP2.

Transportation issues

The site has a low public transport accessibility rating, (PTAL 1). There are no on street parking restrictions except for school parking restrictions close to the entrance with the Infant School on Carlisle Gardens, and restrictions on Mount Stewart Avenue close to the junction with Carlisle Gardens.

Concerns have been raised by neighbouring properties about the increase in traffic levels associated with a new use on the school grounds. They state that parking is already problematic with the existing school on-site, particularly during school drop off and pick up times.

The children's centre will serve local families living in a localised catchment area. The furthest distance any family living in this children's centre catchment area has to travel is 1.1 miles. The Government's intention is that all families should live within 'pram pushing distance' of their nearest children's centre. PPG13 "Transport" recognises that walking is the most important mode of transport at the local level and offers the greatest potential to replace short car trips, particularly under 2km.

As seen in the other children's centres within the Borough, a travel plan is prepared to encourage the use of non-car modes of transport by both staff and visitors. The applicants are proposing a Travel Plan specifically for the proposed children's centre to help reduce the potential impacts of the proposed centre with regard to car use. Given that the applicants seek to provide a local facility and only intend people to travel up to 1.1 miles in order to use the facility, alternative modes of transport are considered feasible. The school already operates a Travel Plan for the existing site. The proposed Travel Plan indicates that activity times within the centre will be designed not to conflict with the school. The main group sessions would usually run twice a day, at 9.30am and 1.30pm, which are timed to avoid the existing peak school opening/ closing times. Parents/guardians could drop-in at other times of the day, but they are not expected in large numbers and the centre will not open until 9am, after the school opening of 8.45am.

The Travel Plan encourages use of sustainable transport measures providing information on local bus and train routes on all literature associated with the centre and when families enrol. The centre will help families use the site's IT facilities to plan routes where walking is not possible. Secure buggy and cycle storage is provided on site. The store is located under the roof overhang to shelter the cycles and buggies. More cycle storage than required by planning policy is proposed and this will be conditioned to be provided prior to the occupation of the building in accordance with policy TRN11. Limited parking will be provided on the school site (2 spaces for the children's centre). Details of the management of these spaces will be required as a revision to the submitted Travel Plan. The centre users' modes of travel will be monitored through recommended ITrace methodology and reviewed to create appropriate targets in accordance with good practice guidelines over the first few years of operation. Compliance with the submitted Travel Plan will form a condition of any granted planning permission.

As part of the survey that was carried out for four of the existing children's centres, the travel pattern of staff, visitors, parents and children were recorded. It is considered that the travel patterns of these children's centres provides a useful guide as to how this centre is likely to function. The survey revealed a minimum of 80% of parents and children travelled to the centres by foot or public transport. There was a higher dependency on the use of a private car by staff and professional visitors (maximum of 71% travelling by car). The existing children's centres have no dedicated on-site parking provision. For this particular site, in response to concerns raised by local residents with additional traffic congestion to the area, an agreement has been made with the Infant School to increase the number of car parking spaces in the Infant School car park from 8 spaces to 13 spaces plus one disabled space. Two of the additional parking spaces will be dedicated to the children's centre staff. Based on the findings of the survey results and the implementation of the Travel Plan, whilst these measures will not remove local parking caused by the centre completely, your officers are of the view that Mount Stewart Avenue will have capacity to accommodate the additional cars.

Policy TRN35 of Brent's Unitary Development Plan requires a minimum of one disabled parking space on-site, (measuring 4.8m deep by 3.3m wide). This is also required in accordance with SPG12. A disabled parking bay has been provided in the revised car park layout for the Infant School which will be available for the children's centre.

Your officers in transportation has requested that 6 cycle parking spaces are proposed for the use of the staff and visitors. It is recommended that such details are secured as a condition to the planning consent.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance

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

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

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):

223611-A-910 Rev D

223611-A-900 Rev A

Design and Access Statement

Travel Plan - Updated on 19th March 2010

Management Plan

Tree Survey Report prepared by Andrew Colebrook Arboricultural Consultancy

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

- (3) Prior to commencement of the development, revised details of the allocation and control of parking on the school site shall be submitted to and approved in writing by the local planning authority. The applicants will comply strictly in accordance with the measures set out within the submitted Travel Plan dated 19th March 2010 and revised details approved by the local planning authority. The Travel Plan shall be monitored on an annual basis and the results of the ITrace-compliant monitoring incorporated into the submission requirements below:

a) Within 3 months of occupation, the Travel Plan shall be audited, with a site and staff ITrace-compliant survey and these details shall be submitted to the Local Planning Authority and approved in writing within 6 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

b) A review of the Travel Plan measures over the first 12 months of operation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

c) A review of the Travel Plan measures over the first 3 years months of operation shall be submitted to the Local Planning Authority within 36 months of the commencement of the use and the review shall be approved in writing within 39 months and associated measures implemented unless otherwise agreed in writing by

the Local Planning Authority

d)A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 60 months of the commencement of the use and the review shall be approved in writing within 63 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to promote sustainable transport measures.

- (4) The applicants shall comply strictly in accordance with the approved Children's Centre Management Plan in particular with regards to the types of use of the centre, hours of use of the centre, centre operational plan in order to reduce as far as possible the impacts of the centre on surrounding amenities and maximum numbers of visitors/ staff and use of the rear amenity area. The Management Plan shall be fully implemented save insofar as varied with the agreement in writing of the Local Planning Authority (in which case the Management Plan as varied shall be fully implemented).

Reason: In order to safeguard local residential amenities

- (5) No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (6) No water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority. Details of any air-conditioning, ventilation and flue extraction systems, including particulars of noise levels, shall be submitted to and approved in writing by the Local Planning Authority prior to the systems being installed and the approved details shall be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers and in the interests of visual amenity.

- (7) The revised car park layout of the Infant School accessed off Carlisle Gardens as shown in Drawing No: 223611-A-910 Rev D shall be constructed and permanently marked out prior to commencement of use of any part of the approved development in accordance with the approved plan and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

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

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

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

- (9) 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 which has been submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction work on the site. Such landscape works shall be completed prior to occupation of building(s) hereby approved and the approved landscape management plan shall be fully implemented.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) The location of, details of materials and finishes of, all proposed play equipment and other features in the rear garden.
- (iv) Proposed and existing boundary treatments including walls and fencing, indicating materials and heights.
- (v) All planting including location, species, size, density and number.
- (vi) The introduction of 3 or 4 climbing plants trained up trellis or steel cable along the boundary with No. 8 Carlisle Gardens and a native hedge planted along the northern boundary with the school.
- (vii) Details of the proposed sedum roof
- (viii) A tree Root Protection Area Plan showing trees to be removed/retained
- (ix) The location of, details of materials and finishes of the proposed buggy store.
- (x) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (xi) Details of any external lighting.

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.

- (10) Notwithstanding the submitted plans otherwise approved, a revised plan showing the location of the bin store located away from the boundary with the adjoining residential property, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved bin store facility shall subsequently be implemented in full prior to the commencement of the use of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (11) Notwithstanding the submitted plans otherwise approved, revised plans of flank wall elevation facing No. 8 Carlisle Gardens replacing the windows on this elevation with rooflights to the office space shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and fully implemented in

accordance with such approved details.

Reason: In the interests of the amenities of neighbouring occupiers.

- (12) Notwithstanding the submitted plans otherwise approved, further details of a secure cycle store for 6 bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved cycle store shall subsequently be implemented in full prior to the commencement of the use of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtain.

Reason: To ensure satisfactory facilities for cyclists and in the interests of promoting sustainable modes of travel.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004
PPG13 "Transport"
Letters of objections

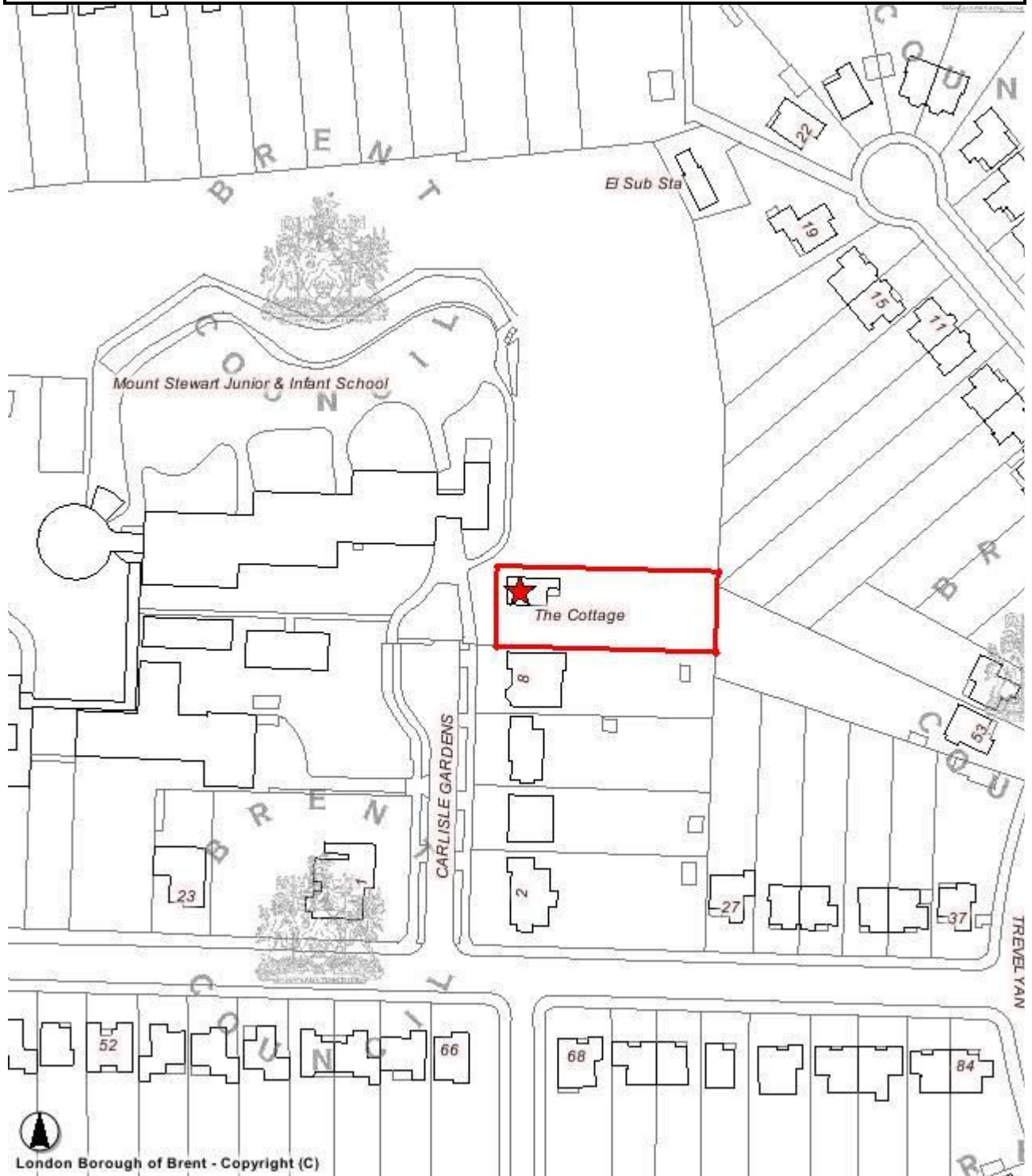
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 4
Case No. 10/0775

RECEIVED: 29 March, 2010

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: BUILDING & GROUNDS, ORIENTAL CITY, Edgware Road,
Kingsbury, London, NW9

PROPOSAL: Extension to time limit of planning permission 06/1652 dated 13/06/2007 for the demolition of existing buildings and redevelopment for mixed-use purposes, comprising Class A1 retail (with a replacement Oriental City [to include a Sui Generis amusement arcade and A3/A5 Uses], new B & Q and bulky goods store, which together should provide 500 jobs), 520 residential units (comprising 1-, 2- and 3-bedroom flats, 4% being affordable) located in eight blocks rising to 3, 6, 9 and 18 storeys above a fifth-floor-level landscaped podium along the Edgware Road, rising to 8, 4, 5 and 2 storeys above the fifth-floor landscaped podium facing Plaza Walk and rising to 3 and 6 storeys above the Grove Park street level; also, a nursery and primary school for 480 children, a health & fitness studio (Use Class D2), associated landscaping, servicing, 1,098 car-parking spaces - comprising 721 spaces for retail users (incl. school drop-off and disabled), 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) spaces for residents and a further 21 disabled spaces on the podium and works to highway

APPLICANT: Development Securities PLC

CONTACT: RPS Planning

PLAN NO'S:
See Condition 12

RECOMMENDATION

Grant planning permission subject to confirmation that referral to the Government Office for London is not required and to the completion of a satisfactory Section 106 or other legal agreement (details below), and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Provision of 21 units of shared equity accommodation, being 4% of the total residential accommodation.
3. The provision of a primary school building to core and shell to provide at least a 420 child

primary and a 60 child nursery school, on which construction shall commence above slab level prior to the sale of no greater than 77% of the total number of the private residential units or 30 months from the start of any residential construction (whichever is the earlier) and which shall be constructed to a specification agreed by the Council. Blocks E, F, G and I of the residential units shall not be occupied until after the school has been completed.

4. A contribution of **£100,000** towards local health care provision, in the first instance at the proposed PCT facility at Stag Lane. If this facility does not require the funding, only then will it be made available to other PCT facilities in the borough. The sum shall be payable within 6 months of a material start on the residential element and index-linked from the date of this committee.
5. A contribution of **£700,000** towards transportation and streetscape improvements in the local area, including junction improvements at Colindale Avenue, parking controls, pedestrian improvements to Colindale Station, footways, crossing, local bus service enhancement and infrastructure, and traffic calming which shall be due on a material start on site or the commencement of demolition, whichever is the sooner, index-linked from the date of this committee.
6. A contribution of **£180,000** towards local environmental and sporting improvements, in the first instance at Grove Park. If this facility does not require the funding, only then will it be made available to other public open spaces and shall be due on a material start on the development and index linked from the date of this committee.
7. Sustainability measures, including the Code for Sustainable Homes Level 4 rating on all homes and BREEAM Excellent on the retail and school and an on-site combined heat and power plant servicing the development and provision and maintenance of green roofs. A Sustainability Implementation Strategy shall be submitted to and approved in writing by the local planning authority at least 4 months prior to commencement of work on site. This shall demonstrate how the elements of scheme shall achieve Code for Sustainable Homes Level 4 and BREEAM Excellent ratings, and how the indicated Checklist measures including the following listed below (Energy, Water, Materials, Construction & Pollution) are designed-into the scheme, and the mechanisms (e.g. procurement) used to ensure their implementation:
 - (i) Sitewide Energy measures to achieve a higher U-Value, Carbon-index and/or SAP ratings; Including heat recovery used with any mechanical ventilation; installation of water meters in each unit, and site water leak detection; water-saving fittings in each unit to reduce water demand; permeable paving, Sustainable Urban Drainage system; limited rainwater harvesting system and/or greywater recycling system
 - (ii) Evidence of sustainable materials shall be submitted to, and approved, by the local planning authority prior to commencement of the development. Such materials shall be of the same/comparable sustainability standard to that indicated on the submitted Checklist or Demolition Protocol. Where recycled materials or content is involved, such details should also be included within the Demolition Protocol section of the Construction Management Statement (CMS);
 - (iii) Prior to commencement, a Construction Method Statement (CMS) shall be submitted to, and approved by the Local Planning Authority. The CMS to include measures to adopt and implement the New Build Recovery Index through the ICE Demolition Protocol and minimise construction waste. The CMS shall include a requirement for/evidence of Considerate Contractor Scheme registration & operation; The Air Quality improvement measures indicated on checklist; A Sitewide Waste Strategy which adopts the principles procedures of the ICE Resource Sustainable Communities (RSC) Waste Management & Infrastructure Code of Practice;
 - (iv) Following completion of each phase/block, the developer shall commission an independent BRE Review to determine whether the sustainability measures in the Checklist, ES and otherwise approved with the consent (include measures listed in the above clauses, relating to reuse of buildings, energy & water conservation, sustainable materials, construction/demolition, operational pollution, and waste), have been implemented, and whether a BREEAM Excellent/Code for Sustainable Homes Level 4 rating has been achieved. If the measures have not been included then the developer shall include further compensatory measures within the development as approved by

- the Council and/or pay a compensatory sum to the Council to be utilised by it in promoting sustainability measures elsewhere in the borough.
- (v) To provide an independent EnviroCentre review, on completion, of the Development that materials reclamation/recycling targets, for demolition and construction, negotiated using the ICE Demolition Protocol have been implemented. If the Developer fails to meet these targets, payment to the council to the value of materials not reclaimed/recycled, up to the target level, shall be made prior to occupation.
 - (vi) A waste strategy and policy will need to be developed and implemented in agreement with the School and Governors and Brent Council's StreetCare Unit."
8. **£10,000** toward the implementation of Brent's Bio-diversity plan,
 9. **£10,000** toward monitoring and improving local air quality, as identified in the Air Quality Action Plan
 10. Join and adhere to the requirements of the Considerate Contractors scheme.
 11. An agreement of measures to engage, encourage local employment, training, SME, BAME in accordance with the GLA's observations point 64.
 12. Prior to any retail occupation:
 - (i) The re-provision of not less than 400sqm of community space, to be made available to local residents and groups supporting Oriental culture, at cost (administration only), for not less than 45 hours a week.
 - (ii) The re-provision of not less than 10,764sqm gross of internal retail space for the display and sale of goods of mainly Oriental and Far Eastern origin.
 13. School Travel Plan to be implemented within 6 months of opening and provision made for the community use of the primary school building and grounds.
 14. Agreement through a management plan on the restricted use of the podium deck by delivery and servicing vehicles and limited parking by disabled vehicles and private vehicles.
 15. Upon completion of the project, the developer shall make a contribution up to a maximum of **£1,603,000** of which the first £1,403,000 is to be used towards the fit out of the new school, the next £100,000 towards local health care provision, and the final £100,000 towards improvement of open space within the Borough. The exact amount of this contribution to be the amount by which outturn profit on cost achieved by the developer exceeds 20%, but up to the maximum of £1,603,000 as previously referred to; such amount to be determined by the developer submitting to an open book appraisal of the costs and profit of the development.
 16. The carrying out of highway improvement works at the junction of Edgware Road and Capitol Way as detailed on Figure 37 of the Transport Assessment dated 31st May 2006.
 17. A Travel Plan for the commercial elements of the proposal;
 18. A Travel Plan for the residential element of the proposal, to include the operation of a Car Club on the site;
 19. A 'car-free' agreement, to come into effect in the event of a Controlled Parking Zone ever being introduced in the area;
 20. A parking management plan (if not addressed in the Travel Plans)

And to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the section 106 agreement has not been entered into by all relevant parties but if the application is refused for this reason to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

EXISTING

The site is located on the Edgware Road (A5) in Colindale, on the borough boundary with Barnet opposite. The site comprises a number of vacant buildings which until June 2008 housed 'Oriental City', a commercial and retail centre which provided goods and services orientated towards the Asian Market; the centre also provided a focus for the Oriental community.

Bound to the east by the Edgware Road, to the north by a large Asda superstore, the west by residential development of Airco Close and the south by Grove Park, the site covers an area of

approximately 2.87 ha. The surrounding land uses are generally commercial with the exception of Airco Close. Residential uses extend west along Grove Park towards Stag Lane.

The site lies within the north-west London Co-ordination Corridor identified in the London Plan and is part of the Burnt Oak/Colindale Growth Area as identified in policy CP11 of the emerging Core Strategy. It is included in the Site Specific Allocations – Proposed Submission June 2009, combined with the Asda site, as allocation B/C1.

The London Borough of Barnet, opposite, has similar plans for sustainable growth with that part of Colindale lying within its boundaries; the Colindale Area Action Plan was adopted in March of this year.

PROPOSAL

This application is to extend the planning permission granted in June 2007 for redevelopment of the site formerly called Oriental City (399 Edgware Road). No changes are proposed to the approved plans or documents.

A summary of the key aspects of the development:

- 520 residential units, of which 21 units will be affordable (shared ownership).
- 10,764sqm of retail floor space for the sale of goods of mainly Oriental and Far Eastern origin (replacement Oriental City)
- 400sqm of community space for local residents and groups supporting Oriental culture
- 17,801sqm of bulky goods retail floor space.
- 480 place nursery and primary school
- 2445sqm of health and fitness studio space
- 1098 car parking spaces - comprising 721 spaces for retail users, 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) for residents and a further 21 disabled spaces on the podium.

HISTORY

The application was submitted on 15 June 2006. Members considered this application on 21 November 2006 and resolved to grant permission subject to a section 106 legal agreement. This was signed on 13 June 2007 and a year later, on 1 June 2008, Oriental City was closed for redevelopment. On 31 July 2008 the applicants, Development Securities, sold the site to a new developer, B&S Homes. B&S Homes could not complete the purchase and the site was placed in the hands of an administrator.

POLICY CONSIDERATIONS

National

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

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

Planning Policy Statement 3 (PPS3): Housing (2006)

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

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

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

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

Planning Policy Guidance 13 (PPG13): 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.

Planning Policy Guidance 25 (PPS25): Development and Flood Risk (2010)

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. PPS25 looks to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS).

Greater Flexibility for Planning Permissions (2009)

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

Regional

London Plan (consolidated with alterations since 2004)

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

- Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London's accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

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

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

Housing – Supplementary Planning Guidance (2005)

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

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

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

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

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

The seven objectives are as follows:

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

Local

Brent Unitary Development Plan 2004

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

Strategy

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

STR 5 & 6 (reducing the need to travel)

STR 11–17 (protecting and enhancing the environment)

STR 19 & 20 (meeting housing needs)

STR 37–38 (meeting community needs)

The Built Environment

BE 1 (which requires the submission of an Urban Design Statement)
BE 2 (townscape; local context and character)
BE 3 (urban structure; space and movement)
BE 4 (access for disabled people)
BE 5 (urban clarity and safety)
BE 6 – 7 (public realm; landscape design and streetscape)
BE 9, (which requires developments to be of high architectural quality)
BE 10 (tall buildings)
BE 11 (intensive and mixed-use developments)
BE 12 (sustainable design principles)
BE 33 (views and landmarks of Wembley Stadium and St Mary's Church - Harrow on the Hill)

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 5 (out of centre retail developments)
SH 10 (food and drink)
SH 11 (conditions for A3 uses)
SH 13 (amusement centres)
SH 19 (rear servicing)

Open Space, Sport and Recreation

OS 18 (play areas for children)

Community Facilities

CF 1 (Location of large scale community facility)

CF 2 (Small scale community facilities)
CF 3 (protection of community facilities)
CF 5 (Community facilities in large scale development)
CF 6 (School places)
CF 7 (New School)
CF 11 (day nurseries)
CF 13 (primary health care/GP surgeries)

Waste

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

Core Strategy - Proposed Submission DPD June 2009

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

Objective 1: to promote economic performance & regeneration
Objective 2: to meet employment needs and aid the regeneration of industry and business
Objective 3: to enhance the vitality and viability of town centres
Objective 4: to promote the arts and creative industries
Objective 5: to meet social infrastructure needs
Objective 6: to promote sports and other recreational activities
Objective 7: to achieve housing growth and meet housing needs
Objective 8: to reduce the need to travel and improve transport choices
Objective 9: to protect and enhance Brent's environment
Objective 10: to achieve sustainable development, mitigate & adapt to climate change
Objective 11: to treat waste as a resource
Objective 12: to promote healthy living and create a safe and secure environment

CP 1 (spatial development strategy)
CP 2 (population and housing growth)
CP 11 (Burnt Oak/Colindale Growth Area)
CP 16 (town centres and the sequential approach to development)
CP 19 (Brent strategic climate mitigation and adaptation measures)
CP 23 (protection of existing and provision of new community and cultural facilities)

Brent Supplementary Planning Guidance

SPG4 – “Design Statements” adopted 2004

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

SPG17 – “Design Guide for New Development” adopted October 2001

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

SPG19 – “Sustainable Design, Construction & Pollution Control” adopted April 2003

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

SPG21 – “Affordable Housing” draft consultation (2003)

This SPG note seeks to ensure that all appropriate new housing developments makes it proper

permanent contribution towards alleviating Brent's affordable housing needs. This SPG note amplifies national guidance, supplements the policies of the UDP and sets out in detail the considerations the Council will apply in determining planning applications.

SPD "Section 106 planning obligations" October 2007

Provision for a standard charge for planning obligation contributions.

SUSTAINABILITY ASSESSMENT

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

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

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

Addressing regional planning policy changes first, the original application was supported by a number of reports relating to sustainability and energy, prepared by consultants Faber Maunsell on behalf of the applicant. This included a response to comments from the GLA in their letter dated 3 August 2006. In that letter the GLA stated the proposal failed to meet with the London Plan energy requirements and further work was required in relation to 10% on-site renewables and implementation of a combined heat and power system.

Further discussions with the applicant resulted in fundamentally revised power, heating and cooling systems for the proposal. The scheme submitted by Faber Maunsell included a single energy centre with gas-fired tri-generation for the retail use and gas-fired combined heat and power for the school and residential uses, along with 16 wind turbines. The GLA confirmed in the report on the Stage II referral that the scheme "supports the draft further alterations to the London Plan by prioritising decentralised energy" (GLA, 15 March 2007; 3).

It appears from the clauses within the original S106 agreement (clauses 17.6 and 17.7) and their wording that the applicant's commitment to the energy centre was not total, perhaps reflecting the draft status of the London Plan policy requiring decentralised energy. As this policy has now been adopted in the February 2008 London Plan, officers believe the emphasis of the energy strategy for these types of development has changed. It is therefore necessary to reflect the increased weight of policy 4A.7 by strengthening the wording of the S106.

The proposal does not meet the London Plan 20% onsite renewables requirement of policy 4A.7, however the Mayor is flexible with regards this requirement on schemes where a site-wide CHP plant has been secured. For example at the high-density mixed use development at Capitol Way, also known as the Wickes site Wickes, where 9% onsite renewables (biomass boiler & PV panels) were agreed as part of the application.

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

The applicant has agreed to the following changes to section 7 of the heads of terms for the deed of variation to the S106 agreement.

7. Sustainability measures, including the Code for Sustainable Homes Level 4 rating on all homes and BREEAM Excellent on the retail and school and an on-site combined heat and power plant servicing the development and provision and maintenance of green roofs. A Sustainability Implementation Strategy shall be submitted to and approved in writing by the local planning authority at least 4 months prior to commencement of work on site. This shall demonstrate how the elements of scheme shall achieve Code for Sustainable Homes Level 4 and BREEAM Excellent ratings, and how the indicated Checklist measures including the following listed below (Energy, Water, Materials, Construction & Pollution) are designed-into the scheme, and the mechanisms (e.g. procurement) used to ensure their implementation:
- (i) Sitewide Energy measures to achieve a higher U-Value, Carbon-index and/or SAP ratings; Including heat recovery used with any mechanical ventilation; installation of water meters in each unit, and site water leak detection; water-saving fittings in each unit to reduce water demand; permeable paving, Sustainable Urban Drainage system; limited rainwater harvesting system and/or greywater recycling system
 - (ii) Evidence of sustainable materials shall be submitted to, and approved, by the local planning authority prior to commencement of the development. Such materials shall be of the same/comparable sustainability standard to that indicated on the submitted Checklist or Demolition Protocol. Where recycled materials or content is involved, such details should also be included within the Demolition Protocol section of the Construction Management Statement (CMS);
 - (iii) Prior to commencement, a Construction Method Statement (CMS) shall be submitted to, and approved by the Local Planning Authority. The CMS to include measures to adopt and implement the New Build Recovery Index through the ICE Demolition Protocol and minimise construction waste. The CMS shall include a requirement for/evidence of Considerate Contractor Scheme registration & operation; The Air Quality improvement measures indicated on checklist; A Sitewide Waste Strategy which adopts the principles procedures of the ICE Resource Sustainable Communities (RSC) Waste Management & Infrastructure Code of Practice;
 - (iv) Following completion of each phase/block, the developer shall commission an independent BRE Review to determine whether the sustainability measures in the Checklist, ES and otherwise approved with the consent (include measures listed in the above clauses, relating to reuse of buildings, energy & water conservation, sustainable materials, construction/demolition, operational pollution, and waste), have been implemented, and whether a BREEAM Excellent/Code for Sustainable Homes Level 4 rating has been achieved. If the measures have not been included then the developer shall include further compensatory measures within the development as approved by the Council and/or pay a compensatory sum to the Council to be utilised by it in promoting sustainability measures elsewhere in the borough.
 - (v) To provide an independent EnviroCentre review, on completion, of the Development that materials reclamation/recycling targets, for demolition and construction, negotiated using the ICE Demolition Protocol have been implemented. If the Developer fails to meet these targets, payment to the council to the value of materials not reclaimed/recycled, up to the target level, shall be made prior to occupation.
 - (vi) A waste strategy and policy will need to be developed and implemented in agreement with the School and Governors and Brent Council's StreetCare Unit."

In conclusion, your officers are satisfied that, subject to completion of deed of variation to the original S106 agreement to reflect the above points, the scheme can be supported on sustainability grounds.

CONSULTATION

All those consulted about the original application and all those who commented on the original application were consulted on 9 April 2010. This includes local ward councillors and neighbouring boroughs of Barnet and Harrow. A notice was placed in the local paper on 15 April 2010 and three site notices were posted on 23 April 2010.

Local comments

As of 25 May, 262 objections have been received. They are classified as follows:

- 10 'unique' letters
- 45 hand-written objections using a pro-forma, of which 28 are written in a language other than English. A sample of these letters (15) have been translated
- 206 photocopied pro-forma letter with addresses added by hand. There are four different versions of this letter with different opening paragraphs but the reasons for objection remain the same for all.

The reasons for objecting are summarised below:

- Oriental community suffering due to closure of the commercial, community and cultural space
- Closure has resulted in job losses
- Developers not working in the best interests of the community, decisions driven by money
- Displaced Oriental community want to return;
- Oriental City should be re-opened as it is;
- If permission is granted, the community space be immediately implemented
- Development out of character with area
- Would set a precedent for other high rise development nearby
- Increase burden on local infrastructure including schools, health facilities and leisure facilities
- Insufficient parking
- Congestion arising from increased volume of traffic and impact on capacity of surrounding roads
- Pollution arising from increase volume of traffic
- Residential density too high
- Loss of privacy
- Loss of light
- Public health risk arising from vermin on the site
- Increased risk of surface water flooding
- Increase in crime and anti-social behaviour

The majority of these comments were raised in objection to the original application and were dealt with in detail in the original committee report. Those comments relating to re-opening Oriental City as it is are addressed in the *Remarks* section below.

Neighbouring boroughs

The London Borough of Barnet reiterated the comments provided for the original application. At the time the planning committee members of Barnet made a determination that Barnet supports the social, economic, community and regeneration benefits of this mixed use, high density scheme, albeit with the following concerns. The following is from the original committee report:

Barnet Objection

Retail element of proposal would have adverse impact on the role and function of Edgware Town Centre

Brent Comment

The sequential approach found no alternative sites in Edgware and the bulky goods nature of this proposal would have no adverse impact on the services provided in Edgware

Concerns expressed about the height and massing of the development	Barnet, Brent and the GLA are adopting a common approach for the A5 Corridor and high rise blocks have been agreed in Barnet between Cricklewood and Colindale
Traffic and parking provisions	Transportation officers from Brent, Barnet and TfL have met and agreed a common approach to the proposal involving S.106 funds going to Barnet
Concerns to whether Brent will have funding for the proposed school	Addressed in detail in the [original] report

Statutory consultees

All statutory bodies consulted about the original application were consulted. The Environment Agency and the GLA have responded.

GLA

The site was referred to the GLA on 9 April 2010. The Stage I Referral letter (dated 24 May 2010) recalls the Mayor's view of the original application, in that "he was content for the Council to determine the case itself and did not direct refusal". The letter goes on to say:

"Having regard to the Government guidance set out in "Greater Flexibility for Planning Permissions", I have assessed the details of the application and have concluded that the proposal for the extension to the time limit for implementing planning permission 06/1653 [sic] dated 13 June 2007 for the redevelopment... ..does not raise any new strategic planning issues that were not previously considered." (Greater London Authority, 24 Mat 2010)

It concludes that the Mayor does not need to be consulted further on the application and the Council can determine the application without further reference to the GLA.

The Environment Agency

The Environment Agency (EA) has objected to the proposal due to the absence of an acceptable Flood Risk Assessment (FRA). The original permission required submission of an FRA as a prior to commencement condition as the EA also objected to the original application.

This will be discussed under the policy changes section of *Remarks*, below.

Environmental Health

No objections

Thames Water

Repeated original comments

REMARKS

Introduction

This application is for extension of the time limit on the original permission granted on 13 June 2007. As discussed below, the development proposed in this application for extension has by definition been judged to be acceptable in principle by members. The original committee report and supplementary report can be found as Appendix 1 and 2 respectively on our website for this case. (Web link is <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=100457&st=pl>). The issues discussed in those 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 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, author's emphasis).

Policy changes since 13 June 2007

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 June 2007?</i>
Brent	Unitary Development Plan 2004	2004	Yes, since 27 September 2007 a number of the policies have been deleted, including policies H2 and H3. The application is considered against the saved policies
	Supplementary Planning Guidance	Various, none after 2007	No
	Supplementary Planning Document - s106	October 2007	Yes, wholly new. Most s106 financial contributions are calculated using the standard charge.
	Local Development Framework	Emerging	Yes
	Core Strategy	Emerging	Yes, found sound at Examination in Public (EIP)
Regional	London Plan (consolidated with alterations since 2004)	February 2008	Yes, although the GLA tested the original application against the draft policies of the most recent version
National	Planning Policy Statement 1 (PPS1): Delivering Sustainable Development	January 2005	Yes, supplement to PPS1, entitled Planning and Climate Change published December 2007
	Planning Policy Statement 3 (PPS3): Housing	November 2006	Yes, replaces PPG3
	Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth	December 2009	Yes, see below for more detail
	Planning Policy Guidance 13 (PPG13): Transport	April 2001	No
	Planning Policy Statement 25 (PPS25): Development and Flood Risk	December 2006 and March 2010	Yes, see below for more detail.
Other	CABE Guidance on Tall Buildings	July 2007	Yes, replaces guidance published in 2003

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 policy changes

In terms of national policy statements, only changes to PPS4 and PPS25 are considered relevant to this application.

PPS4

PPS4 consolidates the key economic policies of PPG4, PPG5 and PPS6 (and part of PPS7). PPS4 places retail and town centre development in its wider context, as 'economic development' which provides employment opportunities, generates wealth or produces an economic output or product. As such this contributes to the Government's overarching objective of 'sustainable economic growth'. It retains the key aspects of retail policies contained with PPS6, including the sequential test, retail scale and a revised impact assessment.

Proposals for retail and town centre uses must be located in an existing centre and accord with an up to date development plan. Otherwise they must satisfy the 'sequential approach' and the 'significant adverse impact' tests before their positive and negative impacts and other material considerations are assessed.

In terms of the sequential approach, the policy requirements are largely unchanged. Sites are required to be assessed for their availability, suitability and viability. The original committee report contains the detailed discussion but in summary, officers confirmed that the applicants had completed a thorough sequential site assessment and the Oriental City site is an acceptable one for the particular retail development proposed.

In terms of retail scale, this is addressed in policy EC16.1(e) of PPS4. Officers considered the original scheme of a suitable scale for its location.

Turning to the revised impact test, this is set out in policy EC16.1 and similar to the impact assessment set out in paragraph 2.48 of PPS6.

In summary, the retail element of the scheme was supported by a sequential test and impact assessment at the time of the original application. This was discussed in the original reports and members based their decision in part on the basis of that discussion. In light of that fact, and the weight your officers have given to the guidance to adopt a positive and constructive approach to applications for extension, your officers do not believe the replacement of PPS6 with PPS4 renders this scheme unacceptable.

PPS25

At the time the application was considered by members, on 21 November 2006, the relevant national guidance on development and flood risk was PPG25. This was replaced on 7 December 2006 with PPS25, after a resolution to grant permission was made by the planning committee. The EA has made it clear in discussions with your officers that the replacement of PPG25 with PPS25 has strengthened its original objection and the scheme should be refused according to the precautionary approach laid out in PPS25

The original objection from the EA was more detailed than the objection to this application and gave the following reasons why the submitted FRA was unacceptable:

- (a) inadequate information submitted regarding the drainage strategy, particularly:
 - (i) reduction of run-off to greenfield rates;
 - (ii) calculations indicating the critical storm duration and attenuation required on site to meet the greenfield rates
- (b) Sustainable Drainage Systems (SuDS) to be implemented.

Your officers recognise that PPS25 replaced PPG25 in December 2006 and that this has refined the previous policy on flood risk. However, it has not radically changed the policy. PPS25 does not change the flood risk categories (albeit it refines the definition of functional flood plain) or many of

the processes for dealing with development sites. PPG25 introduced the sequential test and some of the tests that now form the exceptions test. The point is that the PPS refined the previous PPG policy but it has not radically changed it; to gain EA support the FRA produced under PPG25 and the FRA produced under PPS25 would be similar, dealing with surface water matters rather than flood risk from water bodies. In light of the fact that the previous application was approved without EA support and with a condition attached to secure an FRA prior to commencement, and the weight your officers have given to the guidance to adopt a positive and constructive approach to applications for extension, your officers do not believe the replacement of PPG25 with PPS25 renders this scheme unacceptable.

The condition requiring an FRA prior to commencement is repeated in the conditions and the requirement for SuDS is secured in the S106 agreement (section 16.3(a)(i)).

PPS25 says that where the EA "object to an application on flood risk grounds, but the LPA considers that it should be approved, the LPA should contact the Environment Agency (or the other consultees if appropriate) to allow discussion of the case and the opportunity for further representations or comments to be made. LPAs, advised by the Environment Agency and other relevant organisations, should determine applications for planning permission taking account of all material considerations, including the issue of flood risk, the FRA prepared by the developer (when required) and proposals for reducing or managing that risk." (Communities and Local Government, 2010: 9).

It goes on to say that if the EA "is unable to withdraw its objection, but the LPA remains minded to approve an application for major development, the Town and Country Planning (Flooding) (England) Direction 2007 requires the LPA to notify the Secretary of State of the proposal. This provides the Secretary of State with an opportunity to check the application's general compliance with the policies in this PPS and to consider whether it would be appropriate to call it in for determination. The Secretary of State would wish to be assured in considering such cases that all reasonable steps have been taken by the LPA, the Environment Agency and the applicant through discussions to consider ways in which the application might have been amended, or additional information provided, which would have allowed the Environment Agency's objection to be withdrawn" (2010: 9)

Your officers are in dialogue with the EA and are seeking confirmation that the application falls into the category of development which would require referral to the Secretary of State and will report the conclusions of discussions with the Environment Agency in a supplementary report.

Regional policy changes

London Plan (consolidated with alterations since 2004)

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

Local policy changes

Brent Core Strategy

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

sustainability and climate change mitigation measures. The implications of this are discussed in the *Sustainability Assessment* section above.

Substantial physical changes to the area since 13 June 2007

Development in the Colindale area has slowed during the recession and the rate of applications for new development has also declined. No changes have occurred along the boundaries of the site and no applications to make changes in the future have been received. The London Borough of Barnet have not raised additional concerns from any changes to their side of the Edgware Road.

Brent has granted permission for a high-density mixed use development at Capitol Way, also known as the Wickes site. This lies beyond the Asda superstore to the north and comprises 4-storey and 6-storey residential blocks above two-storey podium decks and a frontage block of 17 storeys above the podium, comprising 460 flats. Commercial development comprising 5,360m² of retail (Use Class A1 bulky goods), a 734m² garden centre, 1922m² of floorspace for alternative uses falling within Use Classes A uses (A1, A3) or B1 (a-c), and 649m² for alternative uses falling within Use Classes A uses (A1, A3), Class B1 or Class D1 (community/health centre), 97m² of creche facilities (Use Class D1) is approved, along with 281 residential car-parking spaces, 500 residential cycle-parking spaces, 172 commercial car-parking and 80 commercial cycle-parking spaces and a 527m² energy centre. This permission was granted in knowledge of the extant permission on the Oriental City site and thus any cumulative impacts have been considered acceptable in granting permission for the Wickes site.

Your officers do not consider that permissions or sites now under construction in the area would render this proposal unacceptable, having regard to the weight given to the Government's guidance on approaching applications to extend planning permission.

Changes to the scheme

No changes to the scheme considered and approved by members at committee in November 2006 are proposed. Any changes required to satisfy new or revised climate change policy objectives can be incorporated into the reports required to be submitted to the Council for approval before commencement of works as secured in the S106 agreement; it is standard practice to leave these aspects of a development until after permission has been secured as the expensive and technically demanding process of designing the building(s) to meet the agreed standards requires the certainty of what is to be built that permission confers.

Changes to the planning permission

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 section 7 of the S106 agreement will be subject to a deed of variation to reflect the agreed heads of terms as set out in the *Sustainability Assessment* section, above.

Environmental Impact Assessment (EIA)

The original application was subject to an EIA under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. More detail on this can be found in Appendix 1, the original committee report, which can be viewed on our website for this case. (Web link is <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=100457&st=pl>).

EIA regulations do apply to this type of application, and a new screening opinion, if requested, will be necessary (Communities and Local Government, 2009, 6). It is for the LPA to seek further information to support an application for extension if the LPA considers the environmental statement (ES) submitted in support of the original application requires updating or if the likely significant environmental impacts have changed (2009: 5).

A screening opinion was sought by the applicant by letter dated 26 March 2010. Your officers confirmed that the possible cumulative impacts of both this site and the Wickes site do not warrant any changes to the ES submitted with the original application. This decision was taken in light of the Secretary of State's decision regarding the aforementioned Wickes site on Capitol Way, where a screening opinion was sought and the your officers held the view that the Wickes site required an EIA on the basis of the cumulative impact of the Wickes site and the Oriental City site. The applicants of the Wickes site sought a Screening Direction from the Secretary of State which concluded that the Wickes site was not EIA development. The Secretary of State would have had regard to all factors, including cumulative impact of the Wickes site and Oriental City site when considering the need for an EIA, in reaching his decision.

Objections

As discussed in the *Consultation* section, above, most of the objections raised have been addressed in the original committee report and supplementary report (Appendix 1 and 2, which can be viewed on our website for this case. (Web link is <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=100457&st=pl>). and given due weight and consideration by members before planning permission was granted.

The new objections relate to the strength of feeling amongst the local Oriental and Far Eastern community and traders following the closure of Oriental City in June 2008 and the lack of any progress since that time. The overwhelming majority of the 262 objections received by 25 May relate to this matter. The letters request that the Oriental City complex be re-opened as it was, or if it is to be approved, to ensure the project is implemented immediately with the community space the first to be built.

The Council does not have the authority to require the applicant to re-open the complex, nor does existing planning legislation allow LPAs to require development to commence. The original committee report gave some weight to the expectation that any disruption to the traders of Oriental City and the wider community that benefitted from it would be limited to the construction period. However that report also gave significant weight to the planning merits of the scheme, including the provision of a new school. The Council negotiated a sum of £250,000 to be paid to traders by the applicant to help with the relocation. This sum has been paid and disbursed. Your officers are sympathetic to the feelings of the traders and the community but your officers also recognise the difficulties the recession has caused to the delivery of sustainable development. Given that the negotiated sum has been paid to the traders, it is considered unreasonable to require further financial assistance from the applicant.

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.

Any weight that is given in this decision to the fact that Oriental City lies vacant will be limited due to: (a) the fact the planning legislation does not give LPAs the power to force either its reopening or its redevelopment; and (b) the need to keep alive planning permissions during the UK recession.

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

REASON FOR GRANTING

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

Central Government Guidance

The London Plan (consolidated with alterations since 2004), save for the policies requiring 50% affordable housing.

Brent's Unitary Development Plan 2004

Council's Supplementary Planning Guidance

Relevant policies in Brent's 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 sustainability, protecting specific features of the environment and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

Employment: in terms of maintaining and sustaining a range of employment opportunities

Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities

Transport: in terms of sustainability, safety and servicing needs

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

Waste: in terms of the development of waste management facilities

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 with the date of this permission.

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

- (2) The area of public footway beneath the building in the vicinity of retail atrium 1 shall be stopped up before any work is commenced and the development shall be carried out and completed in accordance with the details so approved before the building(s) are occupied.

Reason: In the interests of public safety.

- (3) The premises shown to be used for the sale of bulky goods and as a school shall be used only for those purposes and no other purposes specified in the Schedule to the Town and Country Planning (Use Classes) Order 2005 as amended without the prior

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.

- (4) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site.

Reason: To safeguard the visual amenities of the area and the efficient operation of activities within the site.

- (5) The A3/A5 uses shall only take place between the hours of 7.30 hours and 24.00 hours daily unless the Local Planning Authority gives its written consent otherwise.

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

- (6) During demolition and construction on site:

- the best practical means available in accordance with British Standard Code of Practice BS5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
- vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
- no waste or other material shall be burnt on the application site;
- a suitable and efficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material, so as to prevent it becoming airborne at any time and giving rise to nuisance.

Reason: To protect the amenity of the occupiers of adjoining premises.

- (7) Dust levels at sensitive receptor points, to be agreed in writing with the Council, shall be continuously monitored using frisbee gauges in accordance with arrangements which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To monitor dust levels.

- (8) All parking spaces, turning areas, loading bays, access roads and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development, or upon further application within such longer period as may be approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved plan(s). Parking spaces shall be constructed with minimum dimensions 2.4m x 4.8m and lorry spaces with minimum dimensions 15m x 3.5m.

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

- (9) Notwithstanding the provisions of Schedule 2, Part 1 (Class H), Part 24 and Part 25 (Classes A to B) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any future enactment of that Order, no development by telecommunications-code systems operators carried out on the school and residential building(s) hereby approved, in the form of telecommunications, satellite antenna installation development shall be carried out,

unless a formal planning application is first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent installations on school buildings that are prejudicial to the visual amenity and to safeguard the learning environment.

(10) During demolition and construction on site:-

a) The operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;

b) The hours of demolition and construction limited to 0800 - 1830 Mondays - Fridays, 0800-1300 Saturdays and at no other times on Sundays or Bank Holidays.

Reason: To limit the detrimental effect of demolition and construction works on adjoining residential occupiers by reason of noise and disturbance.

(11) The development hereby approved shall be fully completed in all respects in accordance with the proposals contained in the application, and any plans or particulars submitted therewith and details subsequently approved.

Reason: To ensure that the regeneration benefits of the development are fully realised and to avoid any detriment to amenities by any work remaining incomplete.

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

2800_MP_00_021	2800_MP_00_022
2800_MP_00_023	2800_MP_00_100 Rev I
2800_MP_00_101 Rev K	2800_MP_00_102 Rev J
2800_MP_00_103 Rev J	2800_MP_00_104 Rev J
2800_MP_00_105 Rev H	2800_MP_00_106 Rev D
2800_MP_00_401 Rev B	2800_MP_00_402 Rev F
2800_MP_00_404 Rev B	2800_00_511 Rev A

2800_MP_20_105	2800_20_135 Rev B
2800_20_136 Rev B	2800_20_137 Rev B
2800_20_138 Rev B	2800_20_401 Rev B
2800_20_402 Rev B	2800_20_403 Rev B
2800_20_404 Rev B	2800_20_405 Rev B
2800_20_406 Rev B	2800_20_407 Rev B
2800_20_408 Rev A	2800_20_501 Rev A
2800_MP_20_512	2800_MP_00_513

2800_A_20_205 Rev F	2800_A_20_217 Rev B
2800_A_20_220 Rev B	2800_A_20_223 Rev B
2800_B_20_205 Rev F	2800_B_20_212 Rev C
2800_C_20_205 Rev G	2800_C_20_210 Rev C
2800_D_20_205 Rev D	2800_D_20_207 Rev C
2800_E_20_205 Rev C	2800_E_20_205 Rev C
2800_F_20_205 Rev C	2800_F_20_208 Rev C
2800_G_20_205 Rev D	2800_G_20_208 Rev C
2800_H_20_205 Rev E	2800_H_20_212 Rev C
2800_I_20_205	

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

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

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

- (14) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall comprise:-
- (a) the design of the building(s), including annotated elevations;
 - (b) the external appearance of the building(s), including profiles of elevations;
 - (c) elevations of buildings showing location of advertising signage;
 - (d) method of supplying tv digital cabling to all residential units;
 - (e) the provision and safeguarding of dedicated parking spaces for car club use;
 - (f) the design of the means of vehicular and pedestrian access to and movement within the site;
 - (g) the finished levels of all buildings, roads (indicating gradients), landscape works and boundaries relative to adjoining properties;
 - (h) the use and treatment (including drainage) of all open areas of the site;
 - (i) controls at pedestrian and vehicular entry points to provide safe and secure access;
 - (j) the provisions for loading, unloading and parking of service vehicles;
 - (k) the provisions for school servicing and drop off;
 - (l) cycle storage/parking provisions for residential, school and retail uses
 - (m) the proposed boundary treatment including all fences, walls and gateways;
 - (n) the provision of refuse and waste storage and disposal facilities;
 - (o) parking and access provision for disabled persons
 - (p) the provision of lighting to ensure safety and convenience on roads, footpaths and accesses to buildings;
 - (q) the provision and safeguarding of dedicated parking spaces for motor cycles.
 - (r) the provision of any green roofs to the development;
 - (s) the design of the front of the school building and its relationship with the kerbs on the access ramp to ensure drivers leaving the school car park can see traffic descending from the residential car park;
 - (t) combined waste collection areas (recycling/residual waste) shall be provided on each floor level in accordance with details that shall first be submitted to and approved in writing by the local planning authority;
 - (u) the provision of separate waste storage for the retail part of the development, with allowance for segregated waste streams to meet the Landfill Allowance Trading Scheme allowances for the Borough. Commercial waste can not be mixed in with domestic waste;
 - (v) further details of the entrance to the retail car park and service yard;
 - (w) further details of the layout of the school staff car park to ensure adequate safety for the users of the site, including pedestrians.

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

- (15) The remainder of the undeveloped land within the curtilage of the site shall be

suitably treated with hard and soft landscaping, including trees/shrubs/grass, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on the site; such landscaping work shall be completed prior to occupation of the building(s) or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority. The approved scheme shall be fully implemented.

Such a scheme shall also indicate:-

- (a) details of the construction of the podium deck and its planters
- (b) details of the subsoil on the podium
- (c) moundings and contours;
- (d) other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian areas.
- (e) details of the proposed arrangements for maintenance of the landscaping

In the event that no scheme is submitted and approved prior to commencement of demolition/construction works, the Local Planning Authority shall be empowered to prepare a scheme which shall be forwarded to the applicant or any subsequent occupier of the site, and such scheme shall be implemented as required above.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- (16) No development shall commence until a detailed phasing plan (to include demolition) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area.

- (17) No development shall commence until further details of the proposed development have first been submitted to and approved in writing by the Local Planning Authority which list and detail the actions and works to be carried out, together with their timetable for implementation, to address the issues identified in the Environmental Impact Assessment, which include the impact study required by Thames Water and details of mitigation measures. The development shall thereafter only be implemented in accordance with the approved details so approved unless otherwise agreed in writing by the local planning authority.

The details in particular relate to;

- a) Noise level and its mitigation during construction/demolition phase and operational phase (Chapter 6)
- b) Water quality and resources mitigation measures during construction/demolition and operational phase (Chapter 10)
- c) Ecology and Nature Conservation mitigation measures during construction/demolition and operational phase (Chapter 13)
- d) Socio Economic mitigation measures during construction/demolition and operational phase (Chapter 14)

Reason: To ensure a satisfactory form of development.

- (18) Details of adequate arrangements for the storage and disposal of

- (a) refuse
- (b) food waste
- (c) paper and cardboard waste
- (d) including litter bins inside and outside the premises

shall be submitted to and approved, in writing, by the Local Planning Authority and shall be installed prior to the commencement of the appropriate part of the development hereby approved.

A waste-management strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and implemented thereafter.

Reason: To protect the amenities of the locality and in the interests of hygiene.

- (19) Notwithstanding the details submitted and otherwise approved, no part of the development shall commence until the applicant has submitted to and had approved in writing by the Local Planning Authority, further details that show either:

(a) that the development particularly will not have any adverse effect on radio and television reception at properties in the surrounding area, or

(b) that remedial measures will be implemented to prevent any such adverse effects. The details of these remedial measures shall be agreed in writing with the Local Planning Authority before development commences and shall be implemented before the development could cause any disruption to reception.

Reason: To protect the interests of occupiers of nearby residential and commercial occupiers.

- (20) Notwithstanding the development hereby approved, details of apparatus for the neutralisation of all effluvia from the processes of cooking, etc., shall be submitted to and approved in writing by the Local Planning Authority and thereafter installed in accordance with the approval prior to commencement of any A3/ A5 use and retained thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining property.

- (21) Before building works commence on the site, a study of noise levels and vibration - measuring existing and predicted noise levels and vibration at the boundary of and within the site and providing for the insulation of the proposed dwelling units and the school against the transmission of external noise (and vibration) from the adjacent highway and the servicing area - shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed in accordance with the details so approved before any of the dwelling units are occupied.

Reason: To safeguard the amenities of the future occupiers of the development and in order to comply with PPG24 "Planning & Noise".

- (22) Details of the play area and its equipment on the podium deck shall be submitted to and approved in writing by the Local Planning Authority and the play areas shall be completed in accordance with the approved details prior to the commencement of use of the residential accommodation. Appropriate access arrangements shall also be submitted to and approved in writing by the Local Planning Authority and shall be

fully implemented.

Reason: In order to ensure satisfactory provision of the playground and its equipment.

- (23) The development shall not be commenced until (i) a site investigation (in accordance with a scheme to be agreed in writing by the Local Planning Authority and carried out by a person approved by the Local Planning Authority) has been carried out to determine the nature and extent of any contamination present and the results, of such investigation together with recommended measures to contain, treat or remove any contamination found have been submitted to the local planning authority .
- (ii) The local authority have approved in writing remediation measures to be taken to contain, treat or remove any remediation found or to avoid risk to the public when the site is developed (or have confirmed in writing that no remediation measures are required) and
- (iii) the remediation measures (if any) approved by the Local Planning Authority have been implemented and a completion report and certification of completion by the person approved by the Local Planning Authority has been submitted stating that remediation has been carried out in accordance with the approved remediation scheme and the development can be implemented.

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

- (24) A fixed wheel-washing facility shall be provided before commencement and be operational during development, the location and details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the environment.

- (25) Prior to the operation of any retail uses hereby approved, further details of hours of servicing and hours of opening to the public shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approval.

Reason: To enable the Local Authority to assess the servicing pattern of similar type of uses and assess its potential impact to the nearby and future occupiers of the residential dwellings and to the school users.

- (26) Before any demolition works commence on site, details shall be submitted to and approved in writing by the Local Planning Authority, specifying the access points to the site and routes for demolition and construction traffic, the parts of the site used for site huts, storage of materials and plant.

Reason: In the interests of residential amenity.

- (27) Notwithstanding the submitted details of this application, development shall not commence until details of surface-water drainage systems have been submitted to and approved in writing by the Local Planning Authority. These agreed details shall be fully implemented. The design shall be in accordance with current Government policy and guidance and satisfy statutory obligations in consultation with the Environment Agency and Thames Water. Existing run-off rates and volume shall be reduced as much as reasonably practical, given the nature of the development and

the local ground conditions.

Reason: In order to prevent flooding to properties and as required by Thames Water.

- (28) Notwithstanding the submitted details of this application which are otherwise approved, the development shall not be commenced until:-
- (i) a Flood Assessment of the site (in accordance with a scheme of investigation and analysis which has been approved by the local planning authority) which addresses the risk of flooding; has been submitted to the local planning authority
 - (ii) the Local Planning Authority have approved in writing remedial measures to address the risk of flooding (or have confirmed that no remedial measures are required; and
 - (iii) such remedial measures (if any) have been fully carried out.

Reason: In order to address any risk of flooding to properties in the locality.

- (29) Notwithstanding hereby approved, parking management plans shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the occupation of the development.

Reason: To ensure that the parking spaces and the arrangement for both commercial and residential development would benefit the end users and to minimise any impact or overspill of residential parking on the nearby streets.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Committee Report - 21 November Item 1/04 (Case no. 06/1652)

Supplementary Information - 21 November Item 1/04 (Case no. 06/1652) which can be viewed on our website for this case. (Web link is <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=100457&st=pl>).

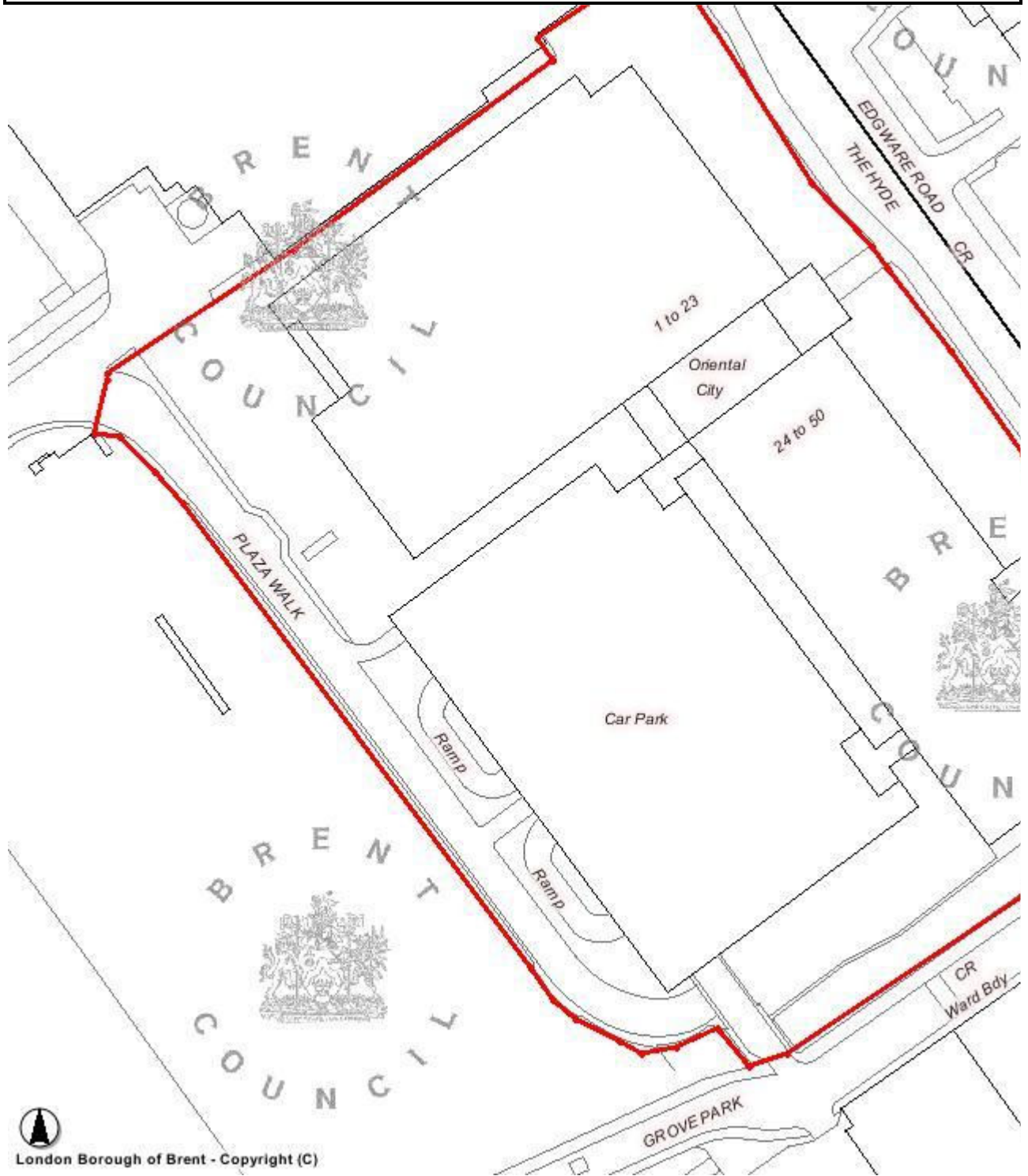
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: BUILDING & GROUNDS, ORIENTAL CITY, Edgware Road, Kingsbury, London, NW9

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 5
Case No. 10/0867

RECEIVED: 12 April, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 26 Westward Way, Harrow, HA3 0SE

PROPOSAL: Erection of first floor side/rear extension and external alterations to the existing ground floor side to rear extension to dwellinghouse.

APPLICANT: Mr M Shah

CONTACT: Mrs Jaini Shah

PLAN NO'S:
Refer to condition 2

RECOMMENDATION

Approval

EXISTING

The application site comprises a semi detached dwellinghouse located on Westward Way. The site is not located in a conservation area nor is it a listed building. The surrounding uses are predominantly residential.

PROPOSAL

Erection of a first floor side to rear extension to dwellinghouse

HISTORY

86/1822: Full Planning Permission sought for erection of part single storey, part two storey side extension and single storey rear extension - Granted, 07/01/1987.

H3616 2801: Full Planning Permission sought for erection of a porch - Granted, 03/12/1976.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE2: Townscape: Local Context & Character - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

BE9: Architectural Quality - Extensions and alterations to existing buildings shall be designed to:-
(a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or

complementary colour and texture, to the surrounding area.

Supplementary Planning Guidance

Supplementary Planning Guidance No 5 "Altering and Extending Your Home"

CONSULTATION

Consultation Period: 21/04/2010 - 12/05/2010

Public consultation

15 neighbours consulted - 3 letters of objection received during the consultation period raising the following objections:

1. Loss of privacy and overlooking to rear bedroom windows and rear gardens of the properties on Regal Way;
2. First floor extension will block sunlight to rear gardens of the properties on Regal Way;
3. Overdevelopment of the house;
4. Noise and inconvenience during construction works;
5. Limited access to the property at the rear which will impact upon the boundaries with neighbouring properties.

Points 1 - 3 have been discussed within the remarks section of this report. Points 4 and 5 are addressed below:

Noise and inconvenience during construction works

This issue is not planning consideration and as such can not be considered as part of this application. Your officers can however advise that there is environmental health legislation which controls noisy works. Noisy works can only take place between the hours of 8am to 6pm on Mondays to Fridays and 8am to 1pm on Saturdays. No noisy works are allowed on Saturday afternoons, Sundays or bank holidays.

Limited access to the property at the rear which will impact upon the boundaries with neighbouring properties

Boundary issues are not covered by planning legislation and as such can not be considered as part of this application.

REMARKS

Site and Surroundings

The application site comprises a semi detached dwellinghouse located on Westward Way. The application property has already been extended with a single storey rear extension and part single part two storey side extension (LPA Ref: 86/1822).

The other pair of the semi, No. 24 Westward Way, has not been extended to the rear. The application site abuts the rear gardens of Nos. 75 to 85 Regal Way. There is no significant changes in ground levels across the site.

Proposal

First floor side and rear extension

This application proposes a first floor side and rear extension behind the existing first floor side extension. The extension will sit on top of the existing ground floor side and rear extension. The extension is proposed with a pitched roof to be in keeping with the design of the main roof of the house. The width of the first floor rear extension is approx. half the width of the extended house, and as such is considered to be in keeping with the overall scale of the house.

The proposed extension will be set in from the boundary with the properties on Regal Way by 1.0m. It will project in depth from the main rear wall of the application property by 2.5m. In terms of assessing the impact of the first floor rear extension upon the amenities of No. 24 Westward Way, SPG5 "Altering and Extending Your Home" states that the depth of the first floor rear extension is restricted to half the distance between its side wall and the middle of the neighbours nearest habitable room window (this includes kitchens but excludes bathrooms, storage cupboards etc). This guidance ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits. In this particular case, the distance from the side wall of the proposed first floor extension to the middle of the bay window at No. 24 Westward Way is 5.05m. The rear extension is proposed at 2.5m in depth measured from the inside of the bay window. This distance complies with 1:2 guidance, and as such the first floor rear extension is not considered to adversely impact upon the amenities of No. 24 Westward Way.

In terms of the impacts upon the properties and rear gardens of the properties in Regal Way, the extension will be set in from this boundary by 1.0m. The type of extension sited next to the rear gardens of neighbouring properties is routinely approved by the Council. The overall length of the extension at 5.5m is not considered to be excessive and its impact is further reduced by its set in off the boundary.

The objectors have raised concerns with a loss of sunlight to the rear gardens of the properties on Regal Way as a result of the proposed extension. Your officers can advise that as the extension is due west of the rear gardens in Regal Way, sunlight will only be marginally affected during the early morning, and as such this impact would not warrant a reason for refusal.

Two windows are proposed on the flank wall but these serve the landing and ensuite bathroom. As they are non-habitable rooms, your officers recommend that a condition is secured for these windows to be obscured glazed and for them to be openable at high level only. Additional light will be afforded to these two rooms by the use of two roof lights in the roof of the extension. As these windows are to be obscured glazed and openable at high level only, overlooking and a loss of privacy will not occur to the properties and rear gardens in Regal Way. The objectors have also raised concerns with overlooking from the window on the rear elevation of the extension. This window will not face directly into the rear gardens of the properties on Regal Way, and your officers are of the view the overlooking from this window will be no greater than the existing situation.

Alterations to the existing ground floor rear extension

The two existing windows on the flank wall of the ground floor side extension are to be blocked up. A window will replace a door between the existing garage and ground floor extension. Whilst outlook from this window will be partly restricted by the boundary fence between the application property and rear gardens of the properties on Regal Way, as this window will serve a non-habitable room, your officers recommend that a condition is secured for this window to be obscured glazed.

Conclusions

The proposal is considered to be in keeping with the character and appearance of the dwellinghouse and is considered to not adversely impact upon neighbouring properties. As such the proposal complies with policies BE2 and BE9, and the guidance as outlined in SPG5 "Altering and Extending Your Home".

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

WESW26/1

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

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

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

- (4) The windows in the flank wall of the building as extended at both ground and first floors shall be glazed with obscure glass and the windows shall open at high level only (not less than 1.8m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (5) No windows or glazed doors other than any shown in the approved plans shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004

SPG5 "Altering and Extending Your Home"

3 letters of objection

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



Planning Committee Map

Site address: 26 Westward Way, Harrow, HA3 0SE

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 6
Case No. 10/0766

RECEIVED: 29 March, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 10 The Garth, Harrow, HA3 9TQ

PROPOSAL: Demolition of detached garage and erection of a single and two storey side extension, first floor rear extension, front porch and associated landscaping to front of dwellinghouse (as amended by plans received 26.05.2010)

APPLICANT: Mr V Gajparia

CONTACT: Mr H Patel

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval

EXISTING

Two-storey semi-detached dwellinghouse on a splayed site close to the junction of The Garth with Preston Hill. The surrounding uses are similar suburban semi-detached dwellings. It is not a listed building nor is it within a Conservation Area.

PROPOSAL

Full planning permission is sought for the demolition of the existing detached garage and the erection of a single and two storey side and part first floor/part ground floor rear extension to dwellinghouse with two off-street parking spaces and associated landscaping.

HISTORY

No relevant planning history

POLICY CONSIDERATIONS

UDP 2004

BE2: Townscape: Local Context & Character - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

BE7: Public Realm: Streetscape - 50% soft landscaping should be provided in the front garden.

BE9: Architectural Quality - Extensions and alterations to existing buildings shall be designed to:-
(a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale,

design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

TRN23: Parking Standards: Residential Developments - Residential developments should not provide more parking than the levels as listed in standard PS14.

PS14 - 2 parking spaces should be provided for dwellings with 4+bedrooms.

SPG 5: 'Altering and Extending Your Home'

CONSULTATION

7 neighbouring properties consulted. 5 objections received on the following grounds:

- 1) The proposal is out of keeping with the character of the area;
- 2) The proposed extension will result in additional on-street parking in area where there is already high levels of on-street parking and which is used to drop off and collect children from the neighbouring school;
- 3) Loss of light, sunshine, privacy and outlook at No. 8 the Garth;
- 4) Loss of value to property.

Points 1-3 are addressed under the relevant headings in the remarks section.

In relation to point 4, the value of neighbouring properties is not a matter that can be taken into consideration when determining planning applications. "The Planning System: General Principles" which provides government guidance on the operation of the planning system at paragraph 29 states that "The basic question is not whether owners and occupiers would experience financial or other loss from a particular development but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest." Therefore this assessment of the proposals is based on the impact of the proposals on the amenities of neighbouring residential uses.

The Council's Highways Engineer has been consulted and has no objections to the proposal subject to conditions being attached requiring the provision of 2 off-street parking spaces in line with the Council's standards and that the crossover is widened to 4.2m.

REMARKS

Amendments during planning process

Following discussions between the applicant and the planning officer, amended plans have been submitted by the applicant. The amendments are as follows:

- 1) The proposed side extension has been reduced to a width of 3.5m on both floors from the frontage although the groundfloor element will project up to the boundary where it is set back 2.5m from the front wall of the proposed groundfloor side extension.
- 2) The first floor side extension is setback 1.5m from the main front wall of the dwellinghouse as a 1m set in from the side boundary is maintained the full width of the site on the first floor.
- 3) The width of the first floor rear extension has been reduced from 4.9m to 2.5m and the depth has been reduced from 2.6m to 2m.

4) The proposed front porch has been altered so that it projects out 1m from the main front wall of the dwellinghouse and has a flat roof at a height of 2.6m.

The amended plans were received on 26/05/2010 and the assessment is based on these revised plans.

Character and appearance of extension

The groundfloor element of the side extension is set back 250mm from the main front wall of the house to prevent a difficult construction junction in accordance with SPG5 guidelines. The first floor side element is set back 1.5m from the main front wall of the dwellinghouse. SPG5 advises that a set back of 1.5m is appropriate where the first floor extension is set in 1m from the joint boundary. The extension has been set in by 1m from the joint boundary and as such, complies with the requirements of SPG5. These setbacks ensure that the proposed development is in keeping with the scale and proportion of the dwellinghouse and that the extensions appears suitably subservient to the main dwellinghouse.

The roof of the first floor extensions to both the side and rear are setdown from the main roof ridgeline, emphasising the subservience of the proposed extensions. The front windows and roof design will replicate the original dwellinghouse.

The width of the single storey side extension at the frontage is 3.5m and steps out and additional 1m at a setback 2.5m from the front wall of the house. It is considered that the extension will not dominate the house and will appear as a subservient addition. The additional 1m side projection will not be prominent in the street scene due to the setback and existence of a neighbouring single storey garage that is located 1.75m forwards of this point with a flat roof at a height of 2.75m. The proposed single storey side extension will have a flat roof at height of 2.7m. The area of frontage created by this setback will be used for refuse and cycle storage.

The existing front garden area comprises concrete hardstanding. This proposal includes its replacement with areas of soft landscaping up to 50% of the area along with hardstanding with space for 3 off-street parking spaces. This will improve the character and appearance of the dwelling within the streetscene. Further details of the front garden will be sought by condition.

Impact on neighbouring residents

SPG 5 sets out the guidelines for extensions to dwellinghouses to ensure that they do not have a detrimental impact on the amenity of neighbouring residents in terms of outlook, daylight, sunlight and privacy. The 1:2 guidance sets out the acceptable depth for first floor rear extensions and states that the depth of the rear extension should be no more than half the distance between the mid-point of the nearest habitable room window of the neighbouring property and the flank wall of the extension. In this instance, the midpoint of the nearest habitable room window on the adjoining property is 5m from the flank wall of the dwelling (No. 8 The Garth) and the habitable room window on No. 12 the Garth is over 8m from the first floor rear extension. The extension has a rear projection of 2m and therefore the proposal complies with the 1:2 guidance in relation to the adjoining property. The extension is considered to be sufficiently set away from the neighbouring property for it to retain adequate levels of amenity for the adjoining residents.

There is an existing ground floor rear extension that is to be retained directly adjacent to the adjoining property at No.8 The Garth. On the other side, the proposed extension will be set-in 1m from the boundary except where it is directly adjacent to the existing garage and shed in the rear garden of No. 12 The Garth. The proposed groundfloor element will have a maximum height of 2.7m at this point. Therefore the proposal is considered to be of a size and scale that will not have a detrimental impact on the amenity of neighbouring residents. The first floor side extension will not project beyond the main rear elevation of the house and is not considered to give rise to any significant amenity issues.

Highways

The proposal will result in the loss of 1 off-street parking space in the garage to be demolished. The proposed extension will result in the increase in the number of bedrooms from 3 to 4 (or potentially 5 bedrooms as there is a study proposed that could also be used as a bedroom). This will result in a change in the number of parking spaces required from 1.6 spaces to 2 spaces in line with policy TRN23 and parking standard 14. The front forecourt has a width of 12.4m on the front boundary which narrows to 12m at the main front wall of the dwelling. Therefore it can adequately accommodate 2 off-street parking spaces while also providing 50% soft landscaping. Indicative details of this arrangement for the proposed front forecourt have been submitted but further details will be sought by condition to ensure that 2 parking spaces are provided in conjunction with the proposed soft landscaping. The existing crossover will have to be widened to 4.2m to allow for this.

Conditions will be attached to the approval to ensure that the crossover is provided and details of the hard and soft landscaping are provided. While it is noted that parents use the Garth as a drop-off point for the local school the dwellinghouse can still accommodate additional off-street parking in line with the Council's maximum standards and therefore will not result in a significant increase in on-street parking to the detriment of highway safety.

Conclusion

The proposed extension is considered to be in accordance with the relevant planning policies and guidance and accordingly is recommended for approval subject to the conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

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

Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

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

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

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

PA/

PA/362/P.01RevC

PA/362/P.02RevC

PA/362/P.03RevC

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

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

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

- (4) Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the use of the extension hereby approved. Such details shall include:

- (i) planting of the front garden area with shrubs and/or trees;
- (ii) provision of front garden wall or walls or other form of boundary treatment;
- (iii) car parking space for 2 cars, the defined points of access with a maximum width of 4.2m and the surfacing materials to be used;

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004
SPG 5

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: 10 The Garth, Harrow, HA3 9TQ

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 7
Case No. 10/0518

RECEIVED: 4 March, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 4 Aston Avenue, Harrow, HA3 0DB

PROPOSAL: Demolition of attached side garage and erection of part single-/part two-storey side and rear extensions, erection of rear dormer window and installation of 2 rooflights to both side roof slopes and 1 front rooflight to dwellinghouse

APPLICANT: Mr R. Arora

CONTACT: Mrs Jaini Shah

PLAN NO'S:
Refer to condition 2.

RECOMMENDATION

Approval

EXISTING

The property is a 2-storey detached dwellinghouse on the north side of Aston Avenue, near the junction with Woodcock Hill. It is one of a pair (No. 2, to the east) of similar design, the only two such designs on the street. No. 2 has been altered with a 2-storey side extension in the past. The surrounding uses are residential. The property is not in a Conservation Area, nor is it listed.

PROPOSAL

Demolition of attached side garage and erection of part single-/part two-storey side and rear extensions, erection of rear dormer window and installation of 2 rooflights to both side roof slopes and 1 front rooflight to dwellinghouse.

HISTORY

09/2640-Single and 2-storey side and rear extensions, single storey side extension, rear dormer window and 1 front, 3 side roof lights to dwellinghouse - Approved by Planning Committee 24/02/2010.

POLICY CONSIDERATIONS

Brent UDP 2004

The statutory development plan for the area is the London Borough of Brent Unitary Development Plan (UDP), which was formally adopted on 15 January 2004.

The following are the policies within the UDP relevant to this decision:

- **BE2 Local Context**
 - relates to design within the local context and character and the need to take into account existing landforms and respect and improve existing materials and townscape.
- **BE9 Architectural Quality**
 - relates to extensions and alterations to existing buildings and requires them to embody a creative and appropriate design solution specific to the site's shape, size, location and development opportunities. They should be designed to be of a scale, massing and height appropriate to their setting and the townscape location. It also requests that development respects without necessarily replicating the positive local design characteristics and satisfactorily relate to them. The design should exhibit a consistent and well considered application, and be laid out to ensure that building and spaces are of a scale design and relationship to each other that promote the amenity of users, provide satisfactory levels of sun and day light, privacy and outlook for existing and proposed residents.

NOTE: Since 27th September 2007 a number of the adopted Brent Unitary Development Plan 2004 policies have been deleted. This is part of a national requirement (introduced in the Planning & Compulsory Purchase Act 2004). The policies that remain valid are described as 'saved' policies and will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. Only saved policies are considered in determining this application.

SPG

The Council produces a series of Supplementary Planning Guidance Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. These SPG were subject to widespread public consultations as part of the UDP process before being adopted by the Council and given this widespread public consultation the Planning Authority would suggest that considerable weight be attached to them.

SPG 5 Altering and extending your home Adopted September 2002

CONSULTATION

Consultation period 16 March 2010 - 6 April 2010. 8 neighbouring properties consulted. 2 objections were received, on the following grounds:

- Impact of proposed 2-storey rear extension on receipt of light to 2 Aston Avenue;
- Overdevelopment of the site;
- Impact of rear extensions on character and appearance of original dwelling.

Brent Transportation Unit, and the Landscape Design team were also consulted. No objections were raised, although it was requested that a revised front garden landscape scheme be required by condition.

REMARKS

Summary

The current scheme before Members is very similar to a scheme previously approved by the Planning Committee on the 24th of February 2010 (ref 09/2640). The key difference is that the current proposal includes a first floor rear extension which was not included in the previous scheme. This extension is considered to have an acceptable impact on the character of the property and the area without undue harm to neighbouring amenity. Further details of front landscaping are required.

Key considerations:

- Impact on character of property and area
- Impact on neighbouring amenity

- Parking
- Landscaping

Part single-storey, part 2-storey rear extension, and single-storey side extension

The scheme proposes a part single storey rear extension, which is identical to that approved by permission 09/2640, with a new 2-storey element. The single storey element comprises a 3.5m deep, 3m high, extension, generally in accordance with SPG5. The extension is set in from the boundary with No. 2 by 1m and No. 4 by 0.4m. Both neighbouring properties have single-storey rear extensions (apparently original on No. 2, No. 6 granted permission 87/0605). As a result of this, the single-storey element extends only approximately 1.5 - 2.0m from the rear of each of the neighbouring properties.

The centre of the extension reuses the original bay of the house, and this extends a further metre (to 4.5m). This additional depth is not considered to have any amenity impact on neighbouring properties. On balance, the 4.5m depth, including the bay, is considered acceptable. It should be noted that the applicant could have built a 4m deep extension using permitted development rights.

The extension includes a single-storey side element which comes close (0.4m) to the boundary with No. 6. This is the location of No. 6's side extension, and is not considered harmful.

The rear extension has one flat rooflight, which is acceptable.

The 2-storey element of the rear extension complies with 2:1 guidance provided by SPG5, which advises that the depth of 2-storey rear extensions should be no more than half the distance between the extension and mid-point of nearest habitable window of both neighbouring properties, in order to have an acceptable level impact on the amenities of residents of these properties. The nearest of these habitable windows are the ground and first floor rear windows of 2 Aston Avenue, which both have a centre line 5.0m from the flank wall of the proposed extension. The 2.5m deep extension would not be considered to have a significant harmful impact on these windows in terms of outlook and light. The residents of this property have objected to the proposal on these grounds, however Officers would request that Members give significant weight to the adopted guidance provided by SPG5 in respect of this issue.

The design of the 2-storey extension is considered to be sympathetic to the scale and design of the original dwelling.

Single and 2-storey side extension

The side extensions are also identical to those approved by permission 09/2640, replacing an existing single-storey attached garage. Set in 1m from the boundary, the first floor is set 1.5m back from the main front wall of the property, in accordance with SPG5. The ridge is set down from the original ridge by only 0.4m, which is less than usually sought but no specific distance is quoted in SPG5. It is considered acceptable.

Four flank windows are proposed, two on the ground floor serving a boiler room and a pantry and two on the first serving a bathroom and stairwell. These are to be obscure-glazed. A condition is added to ensure they are also non-opening below 1.7m.

Dormer and rooflights

The rear dormer has been reduced in width from that previously approved, from 2.5m to 1.75m wide, which is less than the maximum width normally allowed under SPG5 (half the width of the original roof). There are no roof dormers visible from the property's garden, nonetheless this dormer is not considered to cause harm to the character or appearance of the property and is a well-designed example, well positioned on the roof.

The four rooflights (one on front, two to the side facing No. 2, one facing No. 6) are visually acceptable and would not harm neighbouring amenity.

Parking and front garden layout

The maximum parking standard for a 4-bedroom house (the original property) is two spaces. For a 5-bedroom house (as extended) the maximum remains two spaces. Despite the loss of the garage, these two spaces can still be accommodated on-site whilst enabling further landscaping to be incorporated.

The front garden layout requires more detail, this matter can be conditioned.

Response to objections

The proposed extensions will have some impact on the amenities of neighbouring residents. The Council has developed and adopted supplementary design guidance documents, which seek to provide clarity for developers as to what level of impact is acceptable. This proposal complies with this guidance, which is provided in SPG5 - Altering and Extending Your Home.

In terms of the character of the original dwelling and that of the locality, the proposal is considered to be suitably designed to compliment and preserve this character, which is in accordance with the relevant policies and design guidance.

Conclusion

The proposal is a well-designed extension to an interesting but not protected property. As such, the proposal is considered to comply with policies BE2 and BE9 of the adopted Brent UDP 2004 and Supplementary Planning Guidance No. 5 "Altering & Extending Your Home".

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

Site Plan (1:1250)
ASTA4/A/1 [Existing Plans and Elevations];
ASTA4/A/1 [Proposed Plans and Elevations];
ASTA4/A/3.

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

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

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

- (4) The two windows on the first floor of the east face of the building hereby extended shall be obscure-glazed and non-opening, or with openings at high level only (not less than 1.7m above floor level), and shall be permanently retained and maintained in that condition thereafter, unless the prior written consent of the Local Planning Authority is obtained. No further windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank walls of the building, as extended, without the prior written consent of the Local Planning Authority.

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

- (5) Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the use of the building/extension hereby approved. Such details shall include:

(i) planting of the front garden area with shrubs and/or trees including a planting schedule (detailing species, planting densities and location).

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004;
SPG5 - Altering and Extending Your Home.

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



Planning Committee Map

Site address: 4 Aston Avenue, Harrow, HA3 0DB

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Committee Report Planning Committee on 8 June, 2010

Item No. 8
Case No. 10/0305

RECEIVED: 9 February, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 90 Regal Way, Harrow, HA3 0RY

PROPOSAL: Demolition of attached garage and erection of a single and two storey side extension, a single and two storey rear extension, installation of 1 front, 1 side and 1 rear rooflight and a rear dormer window to dwellinghouse

APPLICANT: Mr D Kaye

CONTACT: Studio 136 Architects Ltd

PLAN NO'S:
Refer to condition 2.

RECOMMENDATION

Approval

EXISTING

The subject site is a 2 storey semi-detached dwellinghouse located on Regal Way. The surroundings are residential. The site is not in a Conservation Area, nor does it contain a listed building.

PROPOSAL

Erection of rear dormer window, two-storey side and single-storey rear extension, and addition of 1 front, 1 rear and 1 side rooflight to the dwellinghouse

HISTORY

09/3420 - Demolition of attached garage, erection of a two storey side extension, single storey rear extension, installation of a rear dormer window and front rooflight to dwellinghouse – **Application withdrawn.**

10/095 - Demolition of attached garage and erection of a single and two storey side extension, a single and two storey rear extension, installation of 1 front, 1 side and 1 rear rooflight and a rear dormer window to dwellinghouse – **Refused.**

POLICY CONSIDERATIONS

Brent UDP 2004

BE2: Townscape: Local Context & Character - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

BE7: Public Realm: Streetscape - In residential areas the following will be resisted where they detract from the character of the area:- (a) excessive infilling of space between buildings and the road; (b) forecourt parking which would result in the loss of boundary treatment of character and common to the street; (c) hardsurfacing occupying more than half of a front garden area; and (d) forecourt parking which would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem.

BE9: Architectural Quality - Extensions and alterations to existing buildings shall be designed to:- (a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

SPG

SPG 5 – Altering and Extending Your Home

CONSULTATION

Consultation period: 18/02/2010 – 11/03/2010

3 neighbours consulted – 2 objections received, which raise the following issues:

- Visual appearance of proposal, including roof pitch, removal of chimney, overall bulk of roof, number of rooflights, inadequate set-back of side extension;
- Size, appearance, and location of rear dormer;
- Potential for rear flat roof to be used as balcony;
- Possibility of flank wall remaining unfinished;
- Noise and dust during construction;
- Loss of privacy due to angled side lights of rear bay.

Non-planning related objections were raised relating to use of neighbouring property for construction access, damage, and increased fire risk.

Transportation Unit – No objection, condition proposed.

REMARKS

The existing property consists of a 2-storey semi-detached dwelling with an attached garage. The front garden is entirely paved apart from the existing side and front boundary hedges. The application seeks permission for a 2-storey side extension, part single-storey, part 2-storey rear extension, and alterations to the roof including a rear dormer window and rooflights. The key planning considerations are considered to be the design quality and appearance of the extensions, and the impact of the proposal on the amenities of neighbouring residents.

Design and appearance

The design of the proposal has been revised from that originally submitted and consulted on, and is now considered to be acceptable. The proposed extensions comply with SPG5 guidance, as follows:

- The proposed side extension has adequate set-back from the main front wall at ground and first floor levels;
- The roof of the extension appears subservient to main roof, and matches original pitch;

- 2-storey rear extension complies with 2:1 guidance;
- Ground floor rear extension is shallower than 3.0m maximum depth;
- Dormer window suitably designed, is less than half width of rear roof plane, and has adequate set-up from eaves and set-down from ridge;
- Rooflights suitable positioned and not excessive in number.

The proposal will result in the loss of a garage parking space, however 2 spaces can be comfortably provided in the front garden area, therefore no increase in parking pressure should result from the proposal. An indicative plan has been provided showing an increase in soft landscaping to balance the appearance of the front garden; specific details will be required by condition.

The design and appearance of the proposed extensions are considered to be acceptable, and will cause no harm to the character and appearance of the original dwelling or the surrounding area.

Impact on neighbouring amenity

Concerns were raised by neighbours regarding impacts of the proposal on privacy. There are no flank windows proposed in any of the extensions, and a condition is proposed controlling any future window installation. There is one angled, bay-type window proposed in the ground floor extension. As this is set at least 4.5m from the site boundary, and is at ground level, this would not be considered to have any more impact on privacy than the existing ground and first floor bay windows. Concerns regarding the possible use of flat roofs as balconies will be controlled via condition.

An informative is proposed advising the applicant to adhere to best practice guidelines with regard to construction noise and dust management, in order to comply with Environmental Health legislation.

Response to objections

Officers believe that concerns relating to the design and appearance of the proposed extensions have been addressed by revisions to the original proposal, as outlined above. Amenity issues have also been discussed above, and the proposal is considered acceptable in this respect. Conditions and informatives are proposed to address other concerns, including finishing of flank walls, and the need to use neighboring land to do so. The applicant has been informed of the objections raised in relation to the use of such land.

The proposal is considered to comply with policies BE2, BE7, and BE9 of Brent's Unitary Development Plan 2004, and policy guidance provided by SPG5 – Altering and Extending Your Home. Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

D_09_90RW_04 Rev H.

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

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

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

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

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

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

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

- (6) Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the use of the extensions hereby approved. Such details shall include:

- (i) planting of the front garden area with grass, shrubs and/or trees;
- (ii) the retention of existing hedges and shrubs, and front boundary treatment;
- (iii) car parking space for 2 cars, the defined points of access and the surfacing materials to be used;
- (iv) waste and recycling storage facilities.

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

INFORMATIVES:

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- (2) Attention is drawn to ss 60 & 61 of the Control of Pollution Act 1974 and to the associated British Standard Code of Practice B.S.5228:1984 which set down statutory requirements for the control of noise during construction works. The contractor should also be made aware of the requirements of the Clean Air Acts 1956 & 1968 and the Control of pollution Act regarding the prohibition of site bonfires. The Council's Environmental Health Section, Brent House, High Road, Wembley, Middlesex HA9 6BZ. Tel: 0181 937 5252 can provide advice on these matters.

REFERENCE DOCUMENTS:

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

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



Planning Committee Map

Site address: 90 Regal Way, Harrow, HA3 0RY

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Committee Report Planning Committee on 8 June, 2010

Item No. 9
Case No. 10/0515

RECEIVED: 4 March, 2010

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Caretakers House, Kingsbury High School Annexe, 75 Roe Green, London, NW9 0PN

PROPOSAL: Retrospective application (and completion of works) for the erection of 3 x 3 bedroom terraced dwellinghouses, with creation of 2 vehicular accesses, hard and soft landscaping to front and provision of private amenity space to rear as accompanied by Deed of Agreement dated 22nd August 2008 under Section 106 of the Town and Country Planning Act 1990 (as amended)

APPLICANT: Mr Eugene Hickey

CONTACT: Lamont Planning Associates

PLAN NO'S:
Refer to condition 1

RECOMMENDATION

Approval

EXISTING

This application seeks retrospective planning permission for 3 x 3 bedroom terraced dwellinghouses located on Roe Green. The site was previously occupied by the caretakers house for Kingsbury High School. The site is not located in a conservation area nor is it a listed building.

Planning permission was originally granted for the three terraced properties on the site in August 2008. It was revealed during the construction of the properties, that they were not being built in accordance with the approved plans. This application seeks to retain the three properties as built.

PROPOSAL

Retrospective application (and completion of works) for the erection of 3 x 3 bedroom terraced dwellinghouses, with creation of 2 vehicular accesses, hard and soft landscaping to front and provision of private amenity space to rear

HISTORY

E/09/0680: Enforcement investigation into the erection of a terrace of dwellings without planning permission - ongoing.

09/2117: Details pursuant to conditions 4 (Tree Protection Method) and 5 (Landscape works) of full planning permission ref: 08/0850 - Granted, 08/10/2009.

09/1848: Details pursuant to conditions 3a-c (materials), 8 (cycle parking), 9 (refuse) and 11 (wheel wash) of full planning permission ref: 08/0850 - Granted, 24/09/2009.

08/0850: Full Planning Permission sought for demolition of existing dwellinghouse and erection of 3 no. three-bedroom terraced dwellinghouses, with alterations to existing means of access to create two separate vehicular accesses and provision of 3 parking spaces to front and associated landscaping to site, subject to a Deed of Agreement dated 22 August 2008 under Section 106 of the Town and Country Planning Act 1990 - Granted, 29/08/2008.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE2: Townscape: Local Context & Character - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

BE6: Public Realm (Landscape Design) - A high standard of landscape design is required as an integral element of development schemes. This shall include the retention of existing mature trees and landscaping, particularly where these form part of the character of the area; new planting and boundary treatment which complement the development and enhance the streetscene.

BE7: Public Realm (Streetscape) - In residential areas the following will be resisted where they detract from the character of the area:- (a) excessive infilling of space between buildings and the road; (b) forecourt parking which would result in the loss of boundary treatment of character and common to the street; (c) hardsurfacing occupying more than half of a front garden area; and (d) forecourt parking which would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem.

BE9: Architectural Quality - Extensions and alterations to existing buildings shall be designed to:- (a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

H12: Residential Quality (Layout considerations) - The layout of residential development shall have a site layout which reinforces or creates an attractive and distinctive identity; face onto streets; have an appropriate level of car-parking and cycle parking; and avoid excessive coverage of hard landscaping and have an amount and quality of open landscaped areas appropriate to the character of the area.

TRN15: Forming an access to a road - An application for the creation of an access from a dwelling to a highway is acceptable where the location of the access would be at a safe point with adequate visibility and the access and amount of off-street parking proposed would be visually acceptable (having regard to existing highway verges and trees and policy BE7).

TRN23: Parking standards (residential development) - Residential developments should not provide more parking than the levels as listed in standard PS14 (maximum of 1.6 spaces per 3 bedroom house).

Supplementary Planning Guidance

SPG5 – Altering and Extending Your Home

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

SPG 17 - Design guide for new developments

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

Supplementary Planning Document “S106: Planning Obligations”

CONSULTATION

Public Consultation

Consultation Period: 16/03/2010 - 06/04/2010

Consultation Period on revised plans: 10/05/2010 - 24/05/2010

73 neighbours consulted - one letter of support received during the initial consultation period and one letter raising objections received during the initial consultation period with further objections on the revised plans. Details of the objections are set out below:

1. Properties as built result in a flank wall which projects significantly beyond the rear wall of No. 77 Roe Green leading to an unsightly overbearing wall
2. Loss of midday sun to veranda and garden of No. 77 Roe Green
3. The new dwellings are on a higher level than 77 Roe Green leading to overlooking and a loss of privacy from the patios of the new houses

The above objections are addressed in the remarks section of this report.

Internal Consultation

Transportation Unit - No objections on transportation grounds as there will be sufficient parking provision for the new dwellinghouses and will meet the Council's maximum standards. The parking layout and access arrangements and refuse bins are acceptable as they were previously approved as part of application ref: 08/0850.

Landscape Team - No objections raised as the proposal is in accordance with the previously approved landscape details and the minor amendments are considered acceptable.

REMARKS

Background

In summary, the reason for the difference between the approved plans and the development as built relate to inaccuracies when surveying the site and the adjoining property (No. 77 Roe Green). These inaccuracies have resulted in the following variations:

- The application site is deeper overall than shown in the approved plans.
- The front gardens of both the new development and No. 77 Roe Green are deeper than shown on the approved plans.
- The house at No. 77 Roe Green is smaller than shown in the approved plans.
- The house at No. 77 Roe Green is located further away from the shared boundary with the development.

The key issue is the changed relationship with the house at No. 77 Roe Green, and the impact this has. An assessment of the revised relationship and the siting of the development is discussed in detail below.

Proposal

Design and siting

The development as approved was designed to follow the front building line of the house at No. 77 Roe Green. The development as built does follow the front building line, but due to the inaccuracies with the plans both the front gardens of No. 77 Roe Green and the application properties are deeper, resulting in a greater setback from the street. The development as built is considered to respect the streetscene and satisfactory relate to No. 77 Roe Green when viewed from the streetscene.

The plans approved in 2008 show the house at No. 77 Roe Green set away from the site boundary by 0.5m and having an overall gap of 0.8m between the new development and No. 77 Roe Green. The house at No. 77 Roe Green is in fact set in from this boundary by 0.85m at the front increasing to 1.0m at the rear (due to the splayed angle of the site), and the overall gap between the two buildings varies from 1.37m at the front in increasing to 1.52m at the rear. In reality, there is a larger gap between the two buildings which is considered acceptable.

The plans as approved show the house at No. 77 Roe Green with a total depth (including the front porch and rear canopy) of 11.7m. The approved plans indicated that the new dwellinghouses would not project beyond the rear building line of No. 77 Roe Green. However, the house at No. 77 is smaller than shown on the approved plans with a total depth of 10.54m. As the new dwellinghouse have been built to the same depth as shown on the approved plans, the resulting relationship with the house at No. 77 Roe Green has changed. The new dwellinghouse projects beyond the rear main building line of the house at No. 77 Roe Green by 2.5m from the main rear wall and 0.66m beyond the rear canopy as measured on site. The resulting relationship on the surrounding residential properties is discussed in detail below.

Impact of the development upon surrounding residential properties

The development does not result in direct overlooking into rear habitable rooms windows of surrounding properties. The relationship with Park View Court, which is located to the west of the new dwellinghouses, was previously considered acceptable and this relationship has not materially changed.

As mentioned above, the key difference in the relationship with the house at No. 77 Roe Green is that the development as built projects beyond the main rear wall of the house at No. 77 Roe Green by 2.5m. Whilst this application is not considering a two storey rear extension to a domestic property, your officers consider that reference should be made to the 1:2 guidance as set out in SPG5 "Altering and Extending Your Home". This states that the depth of the first floor rear extension should be restricted to half the distance between its side wall and the middle of the neighbours nearest habitable room window (this includes kitchens but excludes bathrooms, storage cupboards etc). This guidance ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits.

In terms of the impact to the ground floor rooms in the house at No. 77 Roe Green, the distance from the middle of the glazed kitchen door to the flank wall of the terraced dwellinghouses is 2.4m. This would normally permit the projection beyond the rear wall to 1.2m. As built, the development exceeds this guidance by 1.3m. Your officers have visited the site on a number of occasions to assess the impact of the terraced properties on the availability of light and the outlook to the kitchen at No. 77 Roe Green at different times. However, the existing rear canopy at No. 77 Roe Green which is a fixed and permanent structure with a rigid and opaque roof. Given the existence of this feature, your officers are of the view that the new dwellinghouses do not have a significant additional impact in terms of reducing outlook and light to the original kitchen. At first floor level, the house at No. 77 Roe Green, has a non-habitable room nearest to the new development and the houses as built would therefore comply with the 1:2 guidance.

Your officers have also viewed the development from the rear garden of No. 77 Roe Green. There is a level difference of approx. 0.2m between the two properties with No. 77 Roe Green at the lower level. Your officers are of the view that the development does not appear overbearing when viewed from the rear garden of No. 77 Roe Green. Sunlight to the rear garden will only be marginally affected during late afternoon, but once again the loss is not considered to be of significant to warrant a reason for refusal.

The impact of the raised patios to the new dwellinghouses has also been considered. Due to the close proximity of the patio to No. 77 Roe Green, the plans have been revised to remove the corner element of this patio and provide some planting along this boundary. Such details are recommended to be secured by condition.

Residential quality

These reflect the original approval and meet the Council's standards and guidance.

A condition has been attached removing permitted development rights for the properties, due to the relatively small area of the gardens.

Landscaping

The front forecourt as approved provided comprise soft landscaping, a shared pathway and three parking spaces. Bordering the site are trees with TPO's. A condition was attached requiring a tree survey and tree protection method statement in compliance with BS 5837. These details were approved as part of planning application ref: 09/2117.

During the course of the previous application, the proposed front forecourt landscaping was considered to be a significant improvement on the existing situation and was considered to enhance the visual amenities of the locality. Details of soft landscaping, boundary treatment and hard surfacing materials were approved as part of application ref: 09/2117. The works have been carried out and are considered to be acceptable.

Parking

The parking and access arrangements are as previously approved with one off street parking space located at the northern end of the site accessed off 3.0m wide crossover and to the south of the site, two off street parking spaces accessed off 3.5m wide crossover. This meets Council requirements.

Section 106 agreement

In line with the requirements as set out in Supplementary Planning Document "S106: Planning Obligations", the original planning application was approved subject to a Section 106 Agreement, which secured a contribution of £18,000 towards the provision and/or improvement of education facilities in the Borough, non-car access/highway, sports and public space improvements in the area. The obligations and requirement have been complied with. However, as this application seeks retrospective planning permission for the three terraced properties as built, the deed of agreement has been transferred over to this application.

Conclusions

In summary the proposed scheme is considered to be provide good quality accommodation and satisfactorily relates to the character and appearance of the locality. Whilst it is noted that the relationship with No. 77 Roe Green differs to the approved plans, your officers are of the view that

the resulting relationship does not have such a harmful impact upon the amenities of No. 77 Roe Green to warrant refusal, and would reflect a normal interpretation of design guidance.

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

RG/01A
RG/04A
AP-U0-0010-01 A1
AP-00-9000-10 A1
AP-U1-0010-01 A1
AE-00-0040-01 A1
AE-00-0040-01 A1 (Revised Site Plan)
AP-00-0300-06 A4

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

- (2) The existing vehicular crossover along Roe Green that will become disused shall be reinstated to a footway at the applicant's expense to the Council's satisfaction, prior to occupation of the development hereby approved.

Reason: To ensure that the redundant crossover does not prejudice conditions of safety for pedestrians on the public highway.

- (3) Notwithstanding the provisions of Classes A, B & E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no further extensions or buildings shall be constructed within the curtilage of the dwellinghouses hereby approved, unless a formal planning application is first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent any over-development of the site and loss of amenity to adjoining occupiers.

- (4) Notwithstanding the siting of the three terraced properties and No. 77 Roe Green as shown in Plan Nos: AP-00-9000-10 A1; AP-U0-0010-01 A1; AP-U1-0010-01 A1; and AE-00-0040-01 A1, the three terraced properties shall be retained in the position as shown on Drawing Nos: RG/01A and RG/04A, and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and in the interests of neighbouring occupiers.

- (5) The landscape scheme and bin store location as shown in revised site plan AP-00-9000-01A1 shall be fully completed within six months of the date of this permission and retained in accordance with the approved details. Any trees or shrubs planted in accordance with the approved landscaping scheme which, within five years of planting, are removed, die, or become seriously damaged or diseased, shall be replaced by trees and shrubs of a similar species and size as those originally planted, unless the Local Planning Authority agrees otherwise.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality and in the interests of neighbouring occupiers.

- (6) Notwithstanding the details submitted as part of Drawing No: RG/04A, further details of the removal of the patio next to No. 77 Roe Green and the planting of soft landscaping along this boundary shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this approval. The approved landscaping shall be planted within three months of the date of the approved details and thereafter maintained in accordance with the approved plans.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality and in the interests of neighbouring occupiers.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004

SPG5 – Altering and Extending Your Home

SPG 17 - Design guide for new developments

Supplementary Planning Document "S106: Planning Obligations"

One letter of support and one letter of objection

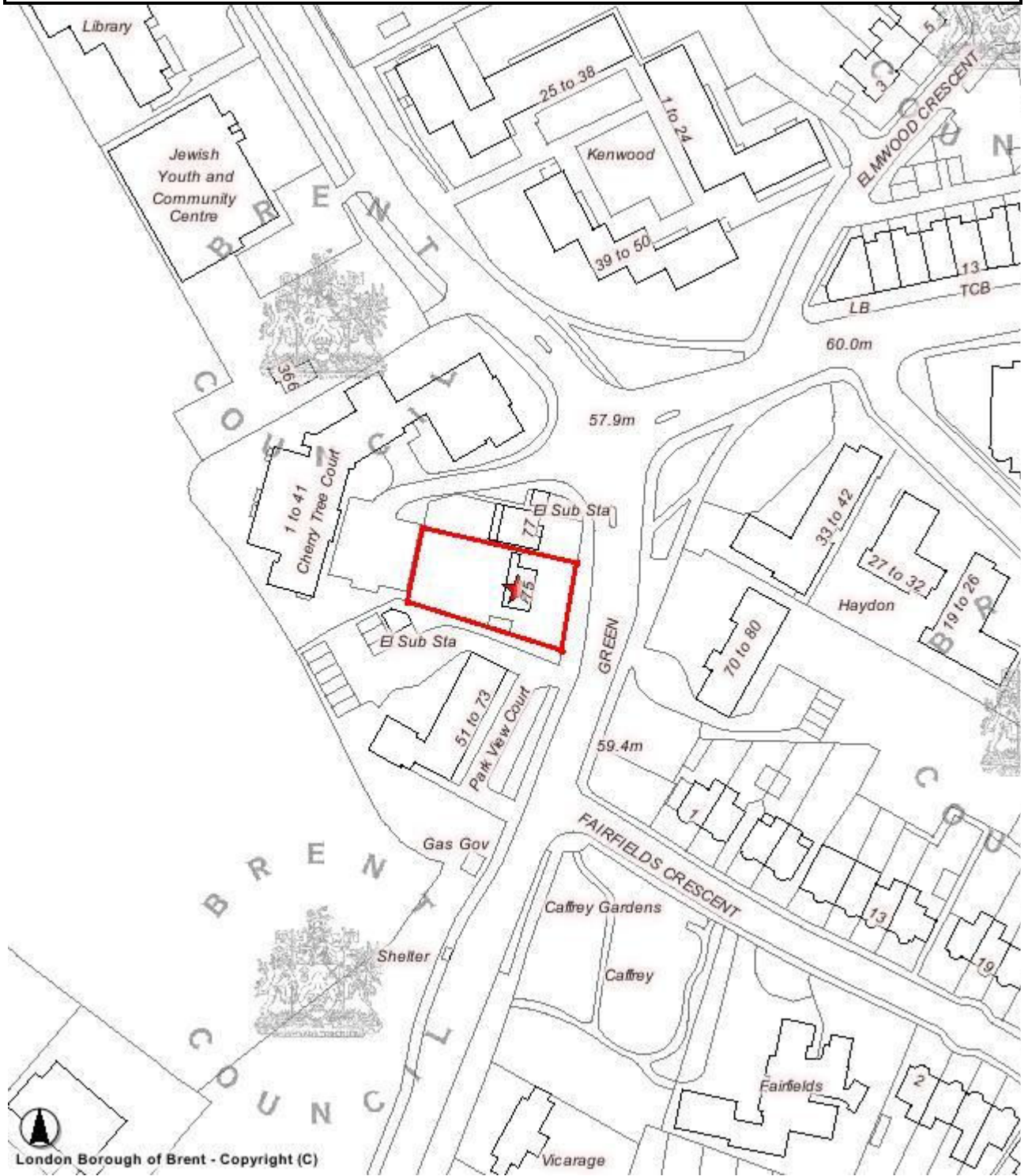
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Caretakers House, Kingsbury High School Annexe, 75 Roe Green, London, NW9 0PN

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 10
Case No. 10/0456

RECEIVED: 25 February, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 145 Harvist Road, London, NW6 6HB

PROPOSAL: Erection of a single storey rear extension, installation of 1 rear rooflight, 2 side doors, 3 ground floor, 3 first floor and 3 second floor windows to side elevation, new timber door to rear elevation and erection of timber gates to side of dwellinghouse

APPLICANT: Mr Victor Basta

CONTACT: Paul+O Architects

PLAN NO'S:
See condition 2

RECOMMENDATION

Approve

EXISTING

The site is occupied by a two-storey end of terraced property that is used as a single family dwellinghouse. This property is located on Harvist Road and is located within the Queen's Park Conservation Area.

PROPOSAL

Erection of a single storey rear extension, installation of 1 rear rooflight, 2 side doors, 3 ground floor, 3 first floor and 3 second floor windows to side elevation, new timber door to rear elevation and erection of timber gates to side of dwellinghouse

HISTORY

None relevant

POLICY CONSIDERATIONS

The London Borough of Brent Unitary Development Plan 2004

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies, which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

BE2 Townscape:Local Context & Character
BE9 Architectural Quality
BE25 Development in Conservation Area
BE26 Alterations & Extensions to Buildings in Conservation Areas

Queen's Park Conservation Area Design Guide

CONSULTATION

Consultation letters, dated 3rd March 2010, were sent to 16 neighbouring owner/occupiers and a site notice was posted to the front of the property on 16th March 2010. In response two letters of support and two letters of objection have been received. For the sake of completeness, the concerns raised include:-

- The submitted plans are incorrect in that the submission shows no windows on the flank of No. 147 Harvist Road
- The proposed windows will cause overlooking
- Loss of privacy
- The rear extension would be the only extension that projects beyond the rear building line of the existing properties along the terrace.

The letters of support encouraged the restoration of the building.

The application had been called-in for determination by Members at the request of former Ward Councillors Emily Tancred and Will Motley who wished the application to be considered by the Planning Committee if officers were recommending approval

REMARKS

The proposal involves the erection of a single storey rear extension, installation of 1 rear rooflight, 2 side doors, 3 ground floor, 3 first floor and 2 second floor windows to side elevation, new timber door to rear elevation and erection of timber gates to side of dwellinghouse

Alterations to Flank Wall

Two doors on the ground floor, three windows on ground and first floor and two windows on the second floor to the side elevation have been proposed. The flank of No 145 has one door at ground floor level and a 2m high boundary treatment between 145 and 147 Harvist Road. Owing to No 147 having a number of openings in its flank the creation of additional openings on the subject flank cannot be objected to in principle the issue is whether they cause planning harm. All proposed openings will serve a hall. Officers consider there to be two key considerations in this regard:

- i) Privacy and overlooking on neighbouring property No 147 Harvist Road
 - ii) Impact by way of design
- These will be addressed in turn.

i) Impact on 147 Harvist Road

The gap between 145 and 147 (flank to flank) is approximately 8.5m where the windows are being proposed. No 147 has 6 windows in the affected flank wall, however only two of which are sole habitable room windows. The remaining 4 windows on No 147 are smaller, non habitable room windows which contain obscure glazing. The habitable windows are located in the middle of building on the first and second floors. It is therefore considered that the directly facing proposed first floor window on No 145 is the only window that could cause planning harm by way of privacy and overlooking

In an attempt to respect neighbouring amenity, the applicant has proposed to have all new windows obscure glazed and non opening. This matter would be secured by condition. Owing to all windows serving a hall and there being no impact on neighbouring property No 147, officers consider the proposal acceptable in its current form.

ii) Impact on property

By way of design, the openings should be of a proportion and style that compliments one another.

In this regard most windows are positioned directly above or below one another and will be identical in style featuring wooden sash design. Wooden sash windows meet requirements set out in the Queens Park Design Guide

Single Storey Rear Extension

SPG 5 requires single storey extensions to terraced properties to be no deeper than 2.5m, no higher than 3m (Flat roof) and may span the full width of the house. The proposed single-storey extension spans the width of the outrigger at 4.1m in width, will be 3m in height and 2.5m in depth resulting in a development that complies with the Councils Guidance. For the avoidance of doubt, this is less than could be built as 'permitted development' which could be 3m in depth. The side and rear elevation of this extension will have new timber doors.

Whilst objection has been raised to the proposed extension as being out of character with the area. Officers do not take issue with the proposed single storey extension, as the development is compliant with the Councils Guidance in all respects. No detail of materials to be used have been specified, however such detail will be secured by condition. The extension must be constructed of materials that respect the property.

Rear Rooflight

One rooflight is proposed to the rear slope of the property. The Queens Park Design Guide does not provide a requirement for the size of rooflights. The proposed rooflight is to be 1.5m x 1m. Whilst this rooflight is slightly larger than normally not allowed, the proposed rooflight will not be visible by neighbouring properties owing to the rear boundary abutting a railway and further is not considered to dominate the roofplane. Therefore on balance officers find this rooflight to be acceptable. A condition requiring the rooflight to be of 'Conservation Style' will be added so to ensure no additional visual harm

Wooden Gate

A 2m high wooden gate providing pedestrian access is proposed at to the side of the property. Materials in which the gate is to be constructed of has not been specified, however such detail will be secured by condition. The proposed gate must be constructed of materials that respect the character area. Officers do not take issue with this feature.

Consideration of Objections

- The concerns of objectors with relation to privacy and outlook have been considered in the main report above. It is also noted that all proposed windows will be obscure glazed and none opening.
- Objectors' views relating to the single storey extension have been expanded on above.

Conclusion

Overall, the proposals are considered to comply with the policies contained in Brent's UDP 2004 as well as the Queens Park Design Guide and approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

Relevant policies in the Adopted Unitary Development Plan are those in the following

chapters:-

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

CONDITIONS/REASONS:

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

PL200
PL201
PL001
PL101
PL210D
PL210B
PL111BG

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

- (2) The proposed roof-light shall be detailed to be flush with the roof covering.

Reason: In the interest of visual amenity of the Queens Park Conservation Area and the Locality .

- (3) All windows on the flank of the building shall be constructed with obscure glazing and non-opening and shall be permanently retained and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

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

- (4) The flat roof of the extension shall not be used as a roof terrace at any time.

Reason: To protect the privacy and amenity of neighbouring properties.

- (5) Details of materials for all external work (Including gate and single storey rear extension) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

INFORMATIVES:

None Specified

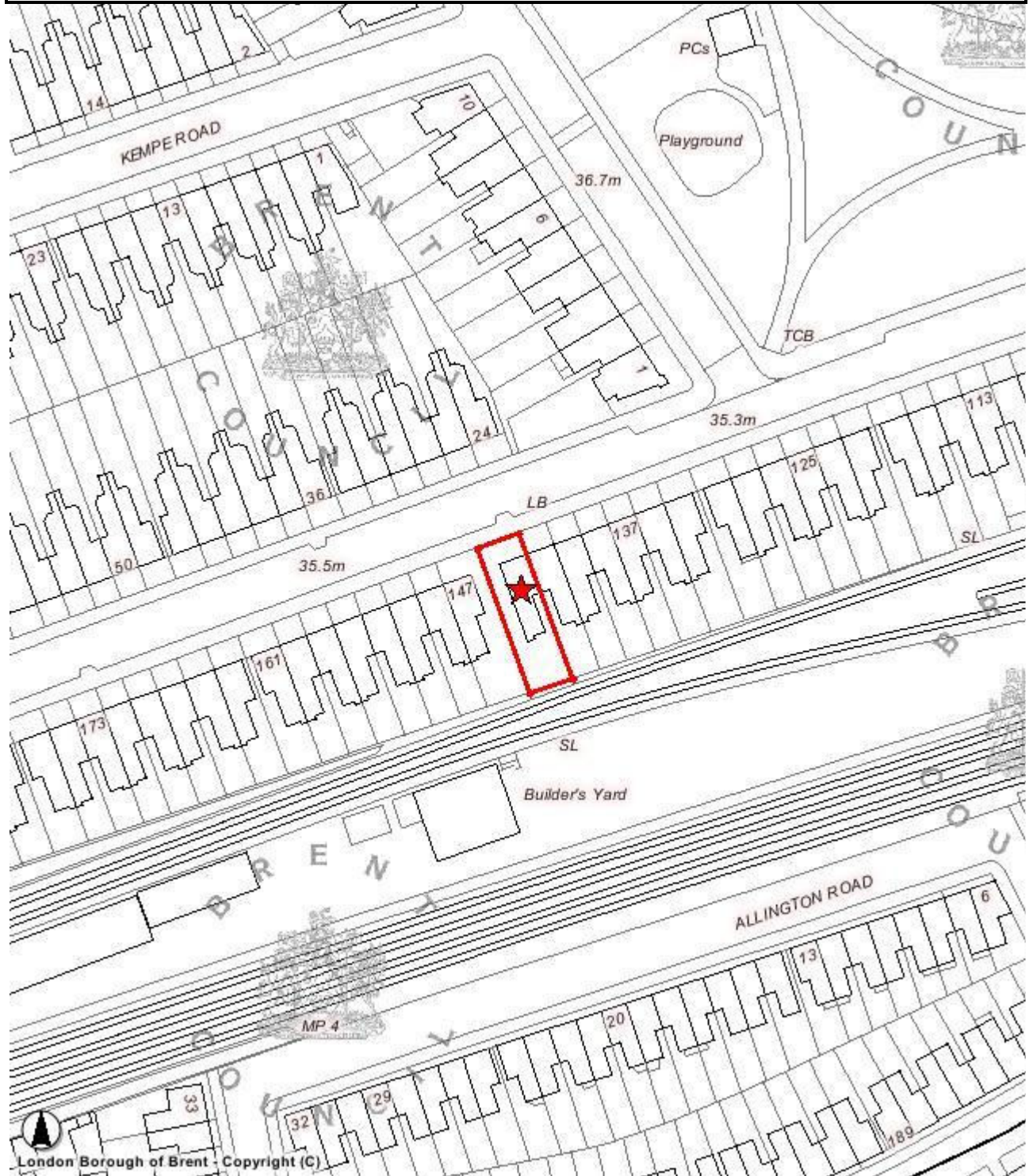
Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: 145 Harvist Road, London, NW6 6HB

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Committee Report Planning Committee on 8 June, 2010

Item No. 11
Case No. 10/0290

RECEIVED: 8 February, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 30 Hopefield Avenue, London, NW6 6LH

PROPOSAL: Demolition of existing rear conservatory and erection of single-storey side infill extension to dwellinghouse

APPLICANT: Mrs Katherine Malachi

CONTACT: Mr John A. Paul

PLAN NO'S:
See Condition 2

RECOMMENDATION

Refusal

EXISTING

The subject site, located on the southern side of Hopefield Avenue, is occupied by a two-storey terraced dwellinghouse. The property is at the end of a short run of more modern post-war dwellinghouses located within an area which is predominantly characterised by Victorian terraced properties. The property is located within the Queen's Park Conservation Area.

PROPOSAL

Demolition of existing rear conservatory and erection of single-storey side infill extension to dwellinghouse

HISTORY

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

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE9 Architectural Quality
BE25 Development in Conservation Areas
BE26 Alterations & Extensions to Buildings in Conservation Areas.

Supplementary Planning Guidance 5:- Altering & Extending Your Home
Queen's Park Conservation Area Design Guide

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

Consultation letters, dated 17th February 2010, were sent to the 6 neighbouring owner/occupiers and the Queen's Park Residents Association. A site notice, dated 18th February 2010 and a press notice, published 25th February 2010, have also been issued.

One letter of objection from the Queen's Park Residents Association has been received in response. The grounds of objection include:-

- The footprint of the dwelling would be radically altered and is not allowed in the Conservation Area.
- The proposal would constitute an overdevelopment of the site
- The proposal would result in a loss of privacy for neighbouring occupiers.

REMARKS

The proposed development would include the erection of a side infill extension along the entire length of the side return (approx 7.5m) at the rear of the property. The proposed infill extension would have a mono-pitched roof sloping upwards from 1.9m on the joint boundary with 28 Hopefield Avenue to an overall height of 3m against the flank wall of the outrigger, which in this case consists of a two-storey element with a cat-slide roof sloping down to a single-storey element with a flat roof. The roof of the proposed infill extension would be a glazed aluminium frame.

A number of applications proposing single storey extensions to the side of the existing outrigger of a property have been submitted to the Council in recent months. These proposals have taken a number of forms. In some instances, an extension 3.0 metres in depth, built on the rear wall of the building has been proposed and in other cases, a courtyard area of 4m in length is proposed to be retained between the rear window of the rear facing neighbours windows, facing the passage along the rear projection, before the side extension begins. This allows light and outlook to both the room of the subject property itself, but also it reduces the impact of the proposed extension on the neighbouring property. Indeed, a number of proposals on this Agenda relate to such developments. Members of the Planning Committee have in the past endorsed this approach as being an appropriate and balanced way of allowing a building to be extended without impacting detrimentally on people living next to it.

In this case, however, the extension would be 7.5 in length, projecting along the full side of the outrigger to match the existing rear building line of the property. Although the height of the addition would be limited in order to seek to minimise its impact on the neighbour, concern has been raised about the impact that allowing such a large extension, filling the whole area next to the outrigger, would have on the character and appearance of the property, in particular, and the Queens Park Conservation Area, in general. As indicated in the "Consultation" section above, the Queens Park Residents Association have expressed concern that the size of extension would be out of character with the area.

Side infill extensions have been resisted in the past, although as explained above there have been recent cases where subject to a sympathetic design, some including the formation of a 4m courtyard and an appropriate height along the joint boundary, have been granted planning permission. In this case, it is considered that the overall scale of the proposal and its length in relation to the existing building would result in a development that would fail to pay special attention to the preservation or enhancement of the character or appearance of the Conservation Area, which Councils have a duty to ensure. Although the proposal has been designed to seek to

minimise impact on the adjacent neighbouring occupier, in terms of light and outlook, it is considered that, on balance, it has failed to be similarly sympathetic to the character of the building and the Queens Park Conservation Area and for this reason the application is recommended for refusal. For clarity, the General Permitted Development Order of 2008 makes a distinction between properties inside, and those outside, Conservation Areas in terms of how it refers to proposals of this kind and defines "permitted development". Therefore, whilst outside of any Conservation Area there is in most cases (certainly where the property is a dwellinghouse) a "fall-back" position, whereby a planning application proposal can be compared to what could be built without planning consent (and in some instances the "fall-back" would have more of an impact than the proposed scheme), this is not the situation here. Any extension to the side of the outrigger in a Conservation Area would need planning permission and the development can, therefore, be controlled and its impact fully assessed.

REASONS FOR CONDITIONS

In the event that this decision is the subject of an appeal and the Inspector is minded to allow the appeal, the Local Planning Authority would ask that a condition covering the following issue be attached to any permission in addition to the normal time limit condition:

- Details of materials.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development, by reason of its overall size, length and siting would constitute an over-intensive cramped development of the site which would fail to preserve or enhance the character and appearance of the Queens Park Conservation Area, in general, and would also relate poorly to the building, in particular. As a result, the proposal would be detrimental to the amenity of the locality, contrary to saved policies BE2, BE9, BE25 and BE26 of the London Borough of Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 5;- Altering & Extending Your Home
Queen's Park Conservation Area Design Guide
One letter of objection

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



Planning Committee Map

Site address: 30 Hopefield Avenue, London, NW6 6LH

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 12
Case No. 10/0310

RECEIVED: 15 March, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Land rear of 40-42, Okehampton Road, London, NW10

PROPOSAL: Demolition of 4 garages and erection of a two-storey, two-bedroom dwellinghouse with basement, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space

APPLICANT: Mr Mike Brasier

CONTACT: Inglis Badrashi Ltd

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- £9000 to go towards open space, education and non-car access improvements in the local area due on material start, index-linked from the date of Committee.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The site is located to the rear of Nos. 40 and 42, Okehampton Road, but is accessed off Dundonald Road and abuts the flank wall of No. 44 Dundonald Road. The site is bounded to the rear by the garden of No. 38 Okehampton Road.

The site is currently 4 disused garages, formally associated with Nos. 40-42 Okehampton Road.

PROPOSAL

This application seeks consent for the demolition of the 4 garages on the site and the erection of a two-storey, two-bedroom dwellinghouse with basement, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space.

For the information of Members the application is identical in every way to planning permission 07/2012 (see "Relevant planning History" section below) with the exception that this proposal includes a basement area below the house.

HISTORY

07/2012 - Demolition of existing 4 garages and erection of a 2-storey 2-bedroom dwellinghouse, 1.8m high, timber fencing to boundary, installation of 0.8m high, vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow the existing vehicular access, with provision of 1 car-parking space, refuse and recycling store. Permission granted, subject to legal agreement, at the Planning Committee of 17 June 2009.

POLICY CONSIDERATIONS

UDP 2004

BE2	Townscape: Local Context and Character
BE3	Urban Structure: Space and Movement
BE7	Public Realm: Streetscape (a)
BE9	Architectural Quality
H12	Residential Quality – Layout Considerations
H16	Frontage Redevelopment
TRN11	The London Cycle Network
TRN23	Parking Standards – Residential Developments

Other policy guidance

SPG17	Design Guide for New Development
SPD	Planning Obligations.

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

A total of 25 addresses were consulted about this proposal on 23 March 2010. Ward Councillors were also notified of the application at that time.

Two letters have been received in response to the consultation. These raise the following issues:-

- materials proposed are incongruous in the streetscene.
- building would result in a loss of privacy.
- height of the building will be overbearing and will impact on Okehampton Road properties leading to a loss of light.
- basement will create subsidence. Concern that to allow this would result in a full basement in the future creating further problems.
- Party Wall Act and insurance policies should be fully complied with by the applicant.

TRANSPORTATION ENGINEER

No objections.

LANDSCAPE DESIGNER

No objections.

URBAN DESIGNER

No objections.

REMARKS

The proposal is for a two-storey, 2-bed dwellinghouse with associated landscaping and one car parking space.

Differences between approved 07/2012 and the current scheme.

As indicated above, this application is identical to a proposal that was formally considered at the Planning Committee in June of last year. The difference here is that the applicants are now seeking to introduce an area of basement accommodation underneath part of the dwelling to provide a storage area. The basement would have a floor area of 39 square metres and the submitted plans indicate that the area would be used for storage. Light to the storage area would be gained from a skylight to the rear of the building and there would be no change to the appearance of the front of the building as compared to the approved 07/2012.

As a result of this limited change to the scheme approved last year, it is considered that the discussions at this time can only reasonably relate to the differences between the two proposals, rather than revisit matters which were considered when the Planning Committee approved the proposal for a house on the site less than 12 months ago. Essentially, these changes relate to the introduction of the basement and, consequently, any concerns about the impact of the building on neighbours or the established streetscene, whilst understood, were considered last year and were deemed to be acceptable.

In terms of the basement itself, the fact that it would have no outlook and restricted light would mean that it would not be considered as appropriate for habitable room accommodation in itself. As a result, Officers are clear that they are only considering this application on the basis that is non-habitable and that any other use would be in breach of the permission. A condition is suggested to be attached to this permission to control the matter.

For Members information, there is no adopted, or emerging, policy or guidance that currently discourages the development of basements as a matter of principal. Such developments must, therefore, be assessed on their merits, and their effect on the character and appearance of any area needs to be considered as one of the main issues.

As no alterations are proposed to the front of the property here the potential for the development to affect the character and appearance of the area is very limited. Objectors have expressed concern over the potential effect of the development on the structural stability of the site and neighbouring properties and disturbance works during construction, which would apply generally in the Borough, and across London. Although these are understandable concerns, Officers are of the view that they are not areas which would sustain a reason for refusal on planning grounds.

As explained above, there was a full discussion of the merits of the proposal to erect a dwellinghouse of this size and design on this site when the matter came before Members in Summer 2009. Although the concerns that were expressed at that time were understood, it was decided that those concerns were not sufficient in order to justify refusing planning consent. However, for the information of Councillors, the issues are fully rehearsed below in order to understand the context within which the previous decision was made.

The issues raised were:

Principle of development

The application site is currently occupied by 4 vacant garages in a single block which were until recently within the ownership of Okehampton Road properties. It is fairly evident that it is some time since they were used for the parking of vehicles, and in any event do not provide a particular attractive environment for the keeping of cars. In this respect they are no different to a number of other examples of such garage courts throughout the Borough that have become unused.

The principle of redeveloping this site for residential development, therefore, needs to be assessed on the matter of the loss of the garages. They are not currently in use, and have not recently been used, for parking cars and so the loss of the 4 off-street spaces is not considered to be such a concern so as to withhold consent on this basis. The Applicant has previously provided a letter stating that two of the garages have most recently been used for the storage of household effects and the remaining two have been vacant (previously also used for storage). In these circumstances, the Okehampton Road households have had to rely on parking on-street for some time and the proposed house proposes to have its own off-street provision. It is the case that the garages have not been used for their "proper" purpose for some time and can be lost. Officers consider that a refusal based on a loss of off-street parking, given these circumstances, may be difficult to sustain.

Design comments

The proposal has an innovative contemporary design, using a combination of vertical cedar timber boards and a metal standing seam roof. The proposed dwellinghouse has a true two storey element to the front with a roof that gradually slopes away to the rear of the site. It incorporates a single storey element to the rear of the house. The height of the building would be significantly below that of the adjacent No.44 Dundonald Road but would be sited forward of the main front wall of properties on this side of the road. They do have two storey bay features and the proposed house would be no nearer to the footpath than those.

The Team Manager of the Design & Regeneration Section has been involved with the evolution of the proposal and has concluded that the scale, form and height are appropriate to the site and the broader streetscape for this part of the Borough, whilst accepting that it is different to what is around. The design is considered to represent a high quality building based on well composed elevations, high quality architectural detailing and an acceptable palette of materials.

As indicated above, the design is of a contemporary approach and Officers hope that it will set the standard for future similar development sites, whilst acknowledging that this is but one way in which sites of this nature can be approached. Officers remain of the view that this modern approach to a site like this is preferable to a more traditional, pastiche development, although that is not to say that this would not also be possible of working successfully. In townscape terms, the proposed scheme is considered to represent a development that constitutes an acceptable intervention in the existing townscape. Officers consider that the design and appearance of the building is acceptable, with conditions allowing for a full assessment of the merits of the chosen materials.

The building is set forward of Dundonald Road properties, as described above, but lines up with the flank of No.42 Okehampton Road. It is considered that this forward siting would be acceptable and that, indeed, the house would provide added interest to the streetscene. The first floor is shown as a cantilever over the car parking space which would also serve to break up this end elevation.

Impact on residential amenity

The proposal has been designed in accordance with the guidance of SPG17 and following amendments to the previous scheme now fully complies with the document. The bulk is limited in order to minimise the potential for overbearing impact, with the submitted drawings indicating how the building would relate to adjacent sites. It is considered that a combination of the distance between the building and the site boundaries and the height of the building itself means that the relationship with adjacent sites would be acceptable. At first floor level windows are limited to the front elevation and consequently privacy issues do not arise. There are two rooflights to the rear within the metal standing seam roof but these would not result in unacceptable overlooking.

Obviously the situation will change for people living in the vicinity of this site, given that it has previously been occupied by a block of garages, but it is the view of Officers that the building would relate acceptably to people around and the wider streetscene in general. The forward siting of the building has no particular impact on No.44, as there is a gap of approx 2.0 metres between the flank of the existing and proposed buildings (No.44 has its parking space in this location) and the development itself would be only 1.0 metre in front of the adjacent building.

Quality of residential environment for future occupiers

The proposal provides 2 bedrooms at first floor level with a study (which could be used as a bedroom) at ground floor level. As a result, it is considered to be a family sized dwelling, with its internal floor area needing to be a minimum of 85 sq.m in order to meet SPG17 guidance. The proposal provides in excess of this figure by approximately 5 sq.m. Furthermore, all of the habitable rooms have an outlook from them and allow adequate light to them meaning that the quality of environment for residents will comply with the standards the Council sets for residential development.

The external amenity space also achieves SPG17 guidance. 50 sq.m is normally sought for houses and the building would meet this. In every instance there is also the need to check that even if the amount of space meets this figure in quantitative terms it also provides the necessary quality and useability so as to provide a useful amenity for occupiers. In this case, following suggestions by Officers the applicants have removed a portion of the ground floor rear of the building so as to create a sizeable square of external space (part of it covered) that could have provided an area that could have been used by occupiers for a range of activities. It is this part of the site that will now provide a skylight to allow light to the basement level. Although this would result in a reduction in the amount of outside space that would be available for day-to-day use, it is considered that the area to the rear, along with the area of land to the side of the building which would be landscaped, would provide both the quantity and quality of external space that would provide an appropriate amenity for future residents. Any approval would be subject to a condition requiring a landscaping scheme and this would further allow for an enhancement of the appearance of the site. Members should be aware that there are opportunities to provide for additional planting to the front of the building that would serve to both enhance the streetscene but also soften the visual impact of the new house.

Transportation Issues

The application site is located on the western side of Dundonald Road, a local access road which is defined as being heavily parked (as is Okehampton Road). It lies within a CPZ which operates between 0800 and 1830 on Monday to Fridays. It is classed as having moderate accessibility to public transport with a PTAL of 3.

The issue about the loss of the garage court is discussed earlier in this report. In terms of the proposed house, the provision of a single off-street car parking space meets the policy PS14 standards. In addition, the proposal involves reducing an existing vehicular crossover into the site from 5.5 metres in width to 3.0 metres, increasing the amount of on-street parking available. The

reduction in the crossover will be the subject of a condition and will need to be at the applicants expense. The gates into the site need to have a width of 3.0 metres between gateposts in order to avoid restricting the access and, again, this will be conditioned.

There is space for refuse and recycling storage to be provided on site in an acceptable location and this also needs to be the subject of a condition.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

CONDITIONS/REASONS:

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

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

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

- 704 P 01.
- 704 P 02.
- 704 P 03.
- 704 P 04.
- 704 P 05.
- 704 P 06.
- 704 P 07.
- 704 P 08.

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

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development within Classes A, B, C, D or E of Class 1, Schedule 2 to the said Order shall be carried out to the dwellinghouse hereby permitted, except with the prior written permission of the Local Planning Authority

obtained through the submission of a planning application.

Reason : To enable the Local Planning Authority to maintain control over future extensions and works to the property in the interests of the visual amenities of the locality.

- (4) The gates into the site need to have a width of 3.0 metres between gateposts in order to avoid restricting the access.

Reason: In the interests of highway safety.

- (5) Planning permission is granted for use of the basement as a storage area (i.e. as indicated on plan no: 704 P 08). The basement shall not be used as additional bedrooms or living space and any change in the use of the basement will require planning permission.

Reason: To safeguard the amenity of future residential occupiers

- (6) 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.

- (7) Notwithstanding the plans hereby approved, a scheme for the landscape works and treatment throughout the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development (to exclude demolition works) on the site. Any approved planting included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed, in writing, with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed railings, walls and fences indicating materials and heights
- (b) adequate physical separation, such as protective walls and fencing between landscaped and paved areas.
- (c) areas of hard landscape works and proposed materials

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 by trees and shrubs of similar species.

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that it enhances the visual amenity of the area and in the interests of future residential occupiers of the scheme.

- (8) The existing vehicular crossover shall be reduced to 3.0 metres in width prior to the first occupation of the dwelling and that part of the crossover rendered redundant by the development shall be made good, and the kerb reinstated, at the expense of the applicants, also prior to the first occupation of the development.

Reason: In the interests of highway safety and in order to allow the Council to secure proper control over the development.

- (9) Further details of adequate arrangements for the storage and disposal of refuse and recycling, in accordance with the Brent Streetcare's Draft Waste Planning Policy, shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. The refuse and recycling facilities shall be provided and available for use prior to the first occupation of the dwelling.

Reason: To ensure adequate refuse and recycling facilities are provided in conjunction with the development and in pursuance of the policies in the adopted Unitary Development Plan.

INFORMATIVES:

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

In addition, they are reminded of the need to comply with the requirements of the Party Wall Act and that all matters relating to the Building Regulations are fully addressed.

- (2) The applicant is informed that there may be asbestos in the existing garages to be demolished as part of this application. Members of the public may contact the Health and Safety Executive infoline, 0845 345 0055, for general advice on asbestos and its disposal.

REFERENCE DOCUMENTS:

- Brent UDP 2004.
- SPG17
- Two letters of objection.

Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228



Planning Committee Map

Site address: Land rear of 40-42, Okehampton Road, London, NW10

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Committee Report Planning Committee on 8 June, 2010

Item No. 13
Case No. 10/0523

RECEIVED: 9 March, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 113A, 113B & 113C Keslake Road London NW6

PROPOSAL: Conversion of 3 self contained flats into a single family dwellinghouse and erection of 1 rear dormer window, 1 rear rooflight, replacement of lower ground floor side door with window, replacement of lower ground floor side window with new window and a single storey side extension to dwellinghouse

APPLICANT: Mr Adrian Brady

CONTACT: Claridge Architects

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approve

EXISTING

The subject site, located on the north-western side of Chevening road, is occupied by a two storey semi-detached dwellinghouse which has been converted into three self-contained flats. The adjoining property at 187 Chevening Road is also converted into two self-contained flats. The subject site is located within the Queen's Park Conservation Area.

PROPOSAL

Conversion of 3 self contained flats into a single family dwellinghouse and erection of 1 rear dormer window, 1 rear rooflight, replacement of lower ground floor side door with window, replacement of lower ground floor side window with new window and a single storey side extension to dwellinghouse

HISTORY

None relevant

POLICY CONSIDERATIONS

The London Borough of Brent Unitary Development Plan 2004

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies, which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

BE2 Townscape:Local Context & Character
BE9 Architectural Quality
BE25 Development in Conservation Area

BE26	Alterations & Extensions to Buildings in Conservation Areas
H8	Loss of Residential Accommodation
PS14	Parking Standards – Residential Development
TRN23	Parking Standards – Residential Development

Queen's Park Conservation Area Design Guide

London Borough of Brent Core Strategy (Proposed Submission June 2009)

CP21 A Balanced Housing Stock

CONSULTATION

Consultation letters, dated 12th March 2010, were sent to 27 neighbouring owner/occupiers and a site notice was posted to the front of the property on 23rd March 2010. In response two objections and 2 letters of support have been received. The concerns raised include:-

- There is no need for the extensions
- The rear extension will cause the rear of the property to be cramped
- The development will result in a long period of building works that will cause disturbance by way of noise, dust loss of privacy
- The conversion of flats into a single family dwellinghouse should be resisted as the existing flats cater for families who can not afford to purchase their own homes.
- The character of the area will be lost as all neighbouring properties are converted into flats.

Letters of support strongly encouraged the conversion of the property into its original form.

REMARKS

The proposal is for the conversion of 3 self contained flats into a single family dwellinghouse and erection of 1 rear dormer window, 1 rear rooflight, replacement of lower ground floor side door with window, replacement of lower ground floor side window with new window and a single storey side extension to dwellinghouse

Single Infill Extension

A single storey extension is proposed to the side of the proposed living room at the rear of this end of terrace building. A courtyard area of 4m in length will be retained between the rear window of the proposed kitchen, facing the passage along the rear projection, before the side extension begins. This allows light and outlook to both the proposed kitchen and reduces the impact of the proposed extension on the neighbouring property. The extension is 3.7m in length, projecting from the end of the 4m courtyard along the side of the outrigger to match the existing rear building line of the property. The proposed extension will square off the rear of the property.

The extension will be approximately 2m wide resulting in a 1m set off from the boundary. Along the boundary with 115 Keslake Road the extension has been amended to be 2m in height. This is significant as a boundary fence or wall of this height could, hypothetically, be erected along the boundary between the properties without planning permission under permitted development. The extension then steps up to a height of 2.2m at a distance of 1m in from the end of the extension before sloping upwards to a maximum height of 3m where it abuts the side elevation of the existing building. The roof is glazed

Side infill extensions are normally resisted but there have been recent cases where subject to a sympathetic design, including the formation of a 4m courtyard and an appropriate height along the joint boundary, such extensions have been granted planning permission. The design merits of the current proposal include a low height and offset from the joint boundary, construction using visually light materials and the formation of courtyard with a 4m depth. It is considered that, on balance, together these elements would help to minimise any impact of the proposed extension on the

amenity, in terms of light and outlook, of the adjacent neighbouring occupier and indeed the character of the area. The same design considerations also result in a modest proposal which is considered to be reasonably sympathetic to the character of the building and the layout of this row of traditional terraces in the Queens Park Conservation Area

Roof Alterations

To the main rear roofplane a dormer window measuring two thirds width of the existing roofplane is proposed. The dormer is positioned centrally and is set up adequately from the eaves and down from the ridge. Three timber sash windows are proposed to the facade of the dormer with lead proposed to the rest of the face and its side elevations. Its design is considered to comply with the guidance contained in the Queens Park Conservation Area Design Guide. Supplementary Planning Guidance 5:- 'Altering and Extending Your Home' requires dormer windows to be no wider than half the width of the original roofplane, however rear dormers that are two thirds of the roofplane have become a common feature in Queens Park Conservation Area and therefore the considered to be acceptable.

The proposed rooflight of conservation style will be positioned on the roof of the outrigger. The Queen's Park Conservation Area Design Guide does not suggest a maximum size for rooflights installed on the rear roofslope. On balance, it is considered that this rooflight to the rear would not be easily visible due to its siting on the flat roof outrigger and that it would not harm the character of the existing building or surrounding Conservation Area.

Conversion of flats to single house

The proposed development will result in the existing 3 x two-bedroom flats being converted into a 4-bedroom dwellinghouse with study. The proposed development would result in one 4-bedroom dwellinghouse. Policy CP21 of the Council's emerging Core Strategy seeks to redefine the UDP definition of family sized accommodation to units containing 3-bedrooms or more. The UDP definition considered units with two or more bedroom to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. Therefore, whilst the proposed development would result in the loss of smaller flat units, which is contrary to the provisions of UDP policy H18, this loss is considered to be adequately compensated for through the creation of a type of accommodation for which there is an acute demand in general and in Queens Park in particular. As such, the proposed development is considered to comply with the aspirations of policy CP21 which seeks to achieved a balanced housing stock for the Borough.

Other Alterations

The door and window on the flank of the lower ground floor will be replaced with two windows. These windows will match the proportion of windows on the upper floors. The window in the inner rear wall will be blocked up. No additional overlooking or matters of loss of privacy are considered to occur. Officers do not take issue with these alterations

Response to Objections

i) There is no need for the extensions

The 'question of need' is not based on a planning consideration. As indicated above the extension complies with the Councils Guidance

ii) The rear extension will cause the rear of the property to be cramped

Officers assessment of the extension, including the impact on neighbouring properties and indeed the property has been detailed above. Therefore officers do not take issue with the single storey extension.

iii)The development will result in a long period of building works that will cause disturbance by way of noise, dust loss of privacy

Whilst there will be inevitably be some disruption from any building works, it would not be possible

to refuse any planning application on these grounds

iv)The conversion of flats into a single family dwellinghouse should be resisted as the existing flats cater for families who cannot afford to purchase their own homes.
The overriding need for family housing in the borough has been detailed above

v)The character of the area will be lost as all neighbouring properties are converted into flats. Officers are mindful that the character of the Conservation Area must be preserved or enhanced. It is not considered that the proposal will have any effect on the character of the Conservation Area

Conclusion

Overall, the proposals are considered to comply with the policies contained in Brent's UDP 2004 as well as the Queens Park Design Guide and approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

GA01 Rev B
GE02 Rev B
GA01 Rev B
GS01
GA03 Rev B
GA04 Rev B
GA05 Rev B
GA01 Rev B
EX.06
EX.01
EX.02
EX.03
EX.04
EX.05

EX.07

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

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

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: 113A,113B & 113C Keslake Road London NW6

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 14
Case No. 10/0672

RECEIVED: 13 April, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 41A Montrose Avenue, London, NW6 6LE

PROPOSAL: Single-storey side and rear extensions to ground-floor flat

APPLICANT: Mr Carr-Yii Benjamin Loh

CONTACT: Yiannis Pareas Chartered Architects

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval.

EXISTING

The subject site is a two storey terraced property located on Montrose Avenue, the application relates to a ground floor flat. The surrounding area is predominately residential with similar terraced type properties. The subject site is located in Queens Park Conservation Area, but is not a listed building.

PROPOSAL

Proposed erection of single storey side and rear extension to ground floor flat.

HISTORY

No planning history.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE9 Architectural Quality
BE25 Development in Conservation Areas
BE26 Alterations & Extensions to Buildings in Conservation Areas

Supplementary Planning Guidance 5 'Altering and Extending Your Home'

Queens Park Design Guide

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters dated 27th April 2010, were sent to eight neighbouring owners/occupiers. The subject site is located within a Conservation Area and as such a site notice was placed in the vicinity of the site on the 7th May 2010 and a Press Notice dated 6th May 2010 informing residents of the proposal. Three letters of objection and one letter of comment were received, the following issues were raised;

- Loss of amenity, in relation to daylight;
- The proposed rear extension would encroach upon the rear garden and set precedent for similar extensions;
- The roof of the proposed rear extension could be used as a roof terrace, causing overlooking into neighbouring gardens;
- Building over the party wall;

The proposed single storey rear extension is not designed to provide an additional outdoor terrace for the residential flat above, however a condition will be attached to ensure that there will be no use of the roof space as a terrace.

The proposal will entail construction works at both neighbouring boundaries. Although neighbouring occupiers are concerned with the proposed building encroaching upon their rear garden, the agent has confirmed that this will not be the case and has referred to the Party Wall Act 1996 in that this in itself, is not a planning consideration.

Other matters of amenity and built form are discussed in detail below.

REMARKS

The subject site is a two storey terraced property located on Montrose Avenue. The applicant has proposed a single storey side and rear extension to the ground floor flat. The property is located in Queens Park Conservation Area and therefore proposals should be designed with respect to the character and appearance of the locality.

Single storey side extension

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

In this case, officers have requested amendments to ensure that the negative impacts of this type of extension are reduced. The proposed side extension projects 3.6m to the rear building line of the original single storey rear projection, featuring an internal courtyard 4.0m in depth. The internal courtyard serves to lessen the impact of enclosure and loss of amenity into neighbouring property Number 39a Montrose Avenue and serves to maintain the character and appearance of the original property in the conservation area.

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

Single storey rear extension

The proposed single storey rear extension is 3.0m in depth featuring a flat roof 3.0 in height. Whilst design guidance SPG5 seeks to restrict this depth to 2.5m, recent changes in permitted development legislation, which have taken the impact on residential amenity into account, consider that a 3.0m deep extension to a terraced property is acceptable. Although objectors are concerned that the proposed rear extension will encroach into the rear garden area, the resulting garden depth would be approximately 9.2m and the size and scale of the proposed is deemed acceptable in relation to policy.

All windows and doors will be timber framed which are deemed acceptable in relation to the character and appearance of the conservation area. However, further details of materials, including samples of proposed brick are required to ensure that the proposed extension respects the character of the original property. This detail will be secured by condition.

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

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Queens Park Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s): 497/1; 497/2; 497/3; 497/4; 497/5; 497/6 B; 497/7 B; 497/8 B; 497/9 A.

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

(3) Details of materials for all external work, including samples of brick material, shall be submitted to and approved in writing by the Local Planning Authority before any work

is commenced. The work shall be carried out in accordance with the approved details.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance 5

Three letters of objection, one letter of comment.

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



Planning Committee Map

Site address: 41A Montrose Avenue, London, NW6 6LE

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Committee Report Planning Committee on 8 June, 2010

Item No. 15
Case No. 10/0569

RECEIVED: 17 March, 2010

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

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

PROPOSAL: Outline application for erection of 3- and 4-storey building with basement to provide 20 affordable flats, consisting of 1 one-bedroom, 12 two-bedroom and 7 three-bedroom flats (matters to be determined: access, appearance, layout and scale)

APPLICANT: Albemarle Trust PLC

CONTACT: Robin Bretherick Associates

PLAN NO'S:
See condition 2.

RECOMMENDATION

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

SECTION 106 DETAILS

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

- (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) 100% Affordable Housing – to be agreed by the Council
- (c) A contribution £110,400 (£2,400 per additional AH bedroom), due on material start and, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) The Removal of the rights of residents to apply for parking permits.
- (h) A contribution £30,000, due on material start and, index linked from the date of committee for local play and open space improvements in the local area.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

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

PROPOSAL

Outline application for erection of 3- and 4-storey building with basement to provide 20 affordable flats, consisting of 1 one-bedroom, 12 two-bedroom and 7 three-bedroom flats. The Outline application is to determine matters of: access, appearance, layout and scale: outstanding matters are Landscape which will be determined under a separate Reserved matters application.

HISTORY

- Planning reference 09/2240 was refused at Planning Committee 17th December 2009, for "Outline application (matters included: access, appearance, layout and scale) for erection of a 4-/5-storey building (with basement) comprising 23 affordable flats (2 one-bedroom, 9 two-bedroom and 12 three-bedroom)

The reasons for refusal were:

"The proposed four- and five-storey building (with basement), by reason of its overall height, width, bulk, and proximity, relates poorly with properties on Rucklidge Avenue and would have an unacceptable impact on the amenities of neighbouring occupiers to the rear of the site, by reason of the creation of an overbearing impact on existing properties, impacting on privacy and outlook. The proposal would thus result in a development that is out of character with the existing and adjoining buildings to the detriment of the visual character and appearance of the area. As a result, the proposal would be contrary to policy BE9 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development"

"The proposed flats are located in an area which is deficient in public open amenity space and, by reason of the limited amenity value of the private external space of some of the large family units, the development would be contrary to policies H9 and H18 of the Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17: "Design Guide for New Development"

"The proposed treatment of the rear elevation, by reason of its poor use of materials and articulation, does not succeed to break the overall bulk and width of the development, while resulting in a building which fails to add a positive contribution to the street-scene, and is thus contrary to policies BE2 and BE9 of the Unitary Development Plan 2004"

"The proposed internal arrangement of the proposed flat units do not provide satisfactory living conditions, in terms of the duplex units on the ground and lower ground floors. All units should be arranged to achieve acceptable levels of natural daylighting and ensure natural street surveillance. The proposed fails this by placing bathrooms at the front elevation on the ground floor with centrally based kitchens, and is thus contrary to policies BE5 and BE9 of the Unitary Development Plan 2004"

Other reasons for refusal related to the absence of legal agreements to control matters of: contributions; sustainable development; car free agreements; and affordable housing.

- 07/2829 was refused at Planning Committee 19th December 2007, for the "Erection of four-storey building comprising 449m² retail floor space (Use Class A1) on ground floor and 14 self-contained flats on upper floors, consisting of 3 x one-bedroom flats, 9 x two-bedroom flats, and 2 x three-bedroom flats, formation of roof terrace at first-floor and third-floor level to rear and third-floor front, new vehicular access to front, provision of 2 car-parking spaces, cycle storage for 19 cycles, refuse and recycling stores, hard and soft landscaping to site".
- The applicants subsequently appealed the Council's decision, the appeal was dismissed 28th July 2008. The main issue highlighted by the appeal inspector was *"the effect of the proposal on the living conditions of neighbours"*.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

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

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

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

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

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

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

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

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

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

BE12 – Proposals should embody sustainable design principles.

EP6 – When development is proposed on or near a site suspected of being contaminated an investigation of

the hazards posed and any necessary remedial measures will be required from the developer.

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

H9 – On developments capable of 10 or more dwellings, or residential sites of 0.5 ha or more, irrespective of the number of dwellings, a mix of family and non-family units will be required, having regard to local circumstances and site characteristics. Exceptions may be made for developments of sheltered or supported housing, housing in or adjoining town centres or where the site is unsuited to family occupation. Special regard will be had to affordable housing developments designed to meet the needs of a particular priority group.

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

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

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

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

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

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

Supplementary Planning Guidance

SPG17 – Design Guide For New Development

SPG19 - Sustainable Design, construction and pollution control

SPD - S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The development proposal aims to achieve a minimum Code Level 3 for sustainable homes in terms of construction and energy efficiency with the potential to reach Code Level 4. The subject site is not located in a designated growth area where even higher standards are sought and therefore Code Level 3 is deemed acceptable.

CONSULTATION

Consultation letters, dated 23rd March 2010, were sent to 94 neighbouring owners/occupiers. Eleven letters of objection and one petition with 161 signatures were received, the following comments were made:

- Concerned about the height of the proposed building and its impact upon sunlight upon garden areas and habitable rooms,
- Overlooking into rear garden areas,

- The side flank of Number 155 High Street had always been visible from the street and a gap retained between Numbers 155 and 153 High Street;
- No parking on site for residents, and will have a negative effect on local parking conditions;
- Proximity in relation to side kitchen windows at Number 139 High Street;
- Proposed front balconies are out of character in relation to the street-scene;
- The guard rails are not a natural feature and are out of character with the locality;
- The proposed four stories is out of character with the two-storey dwellings on Rucklidge Avenue;
- Overlooking, SPG17 states there should be a minimum of 20m between facing windows;
- Balconies are closer than 20m;
- The proposed multi-bed units have low areas of residential amenity and the communal area of amenity is restricted;
- The building is only one metre further away than the previous scheme considered and refused by Committee;
- The design does not take into account the constraints or possibilities of the site, has ignored rights to privacy, overlooking and daylight;

The issues highlighted above are discussed in detail below. It should be noted that there have been changes to the proposed scheme since its submission in an attempt to take account of officer and residents' comments.

Internal Consultation:

The issues raised by: Transportation, Environmental Health and Housing Officers are included within the remarks section below.

REMARKS

The site is currently vacant and has been cleared, it is adjoining one side of the High Street frontage by Number 139 and Number 155 on the other. To the rear there are rear gardens of houses in Rucklidge Avenue which are above the level of the site.

Principle of Development

The loss of the petrol filling station use is acceptable as the Council does not seek to protect petrol stations as local employment sites. The site is not designated within any centre and therefore the principle of residential development is considered acceptable. While normally policy would have allowed a commercial ground floor, this scheme is 100% residential and this is considered to be acceptable, subject to detailed design/amenity considerations as set out below.

Main alterations from previous refusals

As indicated earlier in this report, a scheme for 14 flats and retail floorspace at ground floor level was dismissed at appeal following a Hearing to discuss the case. As a result of this decision, a critical consideration here is to assess how this revised proposal takes account of the Inspectors decision letter of July 2008. A new proposal was submitted but subsequently refused at Planning Committee in December 2009 as the main issues which were raised at appeal were not considered to be successfully dealt with.

The 2008 Inspector stated that the proposal was overbearing "as a result of the height, width, and proximity of the proposal" upon neighbouring properties at Rucklidge Avenue. In comparison with the previously dismissed appeal and refused application at planning committee, the current proposal has been reduced in height, width and proximity to the properties to the rear which has resulted in a reduction of units from 23 to 20 and the replacement of the ground floor commercial use with residential accommodation and a different residential mix. These changes will be discussed in detail below.

Housing Mix

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

Bedroom Size	Number	Percentage
1	1	5
2	12	60
3	7	35

The proposed number of three bedroom family units has been reduced from the previously refused application 09/2240. All three bedroom (duplex) units are on two floors having access to rear gardens of approximately 30m² of usable amenity space (not including lightwells). Housing Officers are supportive of the

principle of 100% affordable housing. Officers were originally concerned with the 6 person occupancy levels of the 3 bedroom family units on upper floors without direct access to a sufficient area of amenity, these however have now been removed from the proposal and Housing support the scheme for affordable units despite the limited private gardens to the family units and layout constraints related to creating basement accommodation.

Residential Quality for Future Residents

Supplementary Planning Guidance 17 indicates minimum unit sizes for flats, the Council's current standards seek the following flat sizes as a minimum:

- 1-bedroom flat – 45 square metres.
- 2-bedroom (3-person) flat – 55 square metres.
- 2-bedroom (4-person) flat – 65 square metres.
- 3-bedroom flat (5/6 person) – 80 square metres.

All flats shown either meet, or are in excess of, the Council's minimum guidelines for internal floorspace. Previously, concerns were raised in relation to the internal arrangement of the duplex units where natural street surveillance was restricted at the ground floor. This arrangement has been subsequently altered and deemed acceptable in relation to policy BE5 of the UDP 2004.

Although there are instances where differing habitable rooms are 'stacked' above one another, which can cause noise problems between bedrooms and kitchens/living rooms, this is a new build that provides opportunities for appropriate sound insulation during construction.

Officers were concerned with the quality of daylighting into front and rear light wells into the duplex bedrooms. For clarity, lightwells are areas of excavated ground in front of habitable room windows which serve to provide natural daylighting. The lightwells to the rear have been increased to 3m in depth and further modelling has been submitted to demonstrate the proposed quality and outlook of the lightwells. Proposed rear lightwells will serve two bedrooms and the applicant has sought to increase daylighting through ensuring that the walkways, allowing residents to access their gardens will be glazed. Notwithstanding this detail a condition shall be attached to ensure that these lightwells will use high quality durable materials with appropriate screening and that front lightwells will be improved through reducing the height of dividing walls at lower ground level. The British Research Establishment (BRE) has an established means of testing the impact of new development upon neighbouring properties and upon the quality of daylight within new development. A further BRE test was requested and it has confirmed that the proposed lightwells, which seek to provide daylighting into lower ground bedrooms, will provide adequate internal natural daylighting for their use.

The proposed duplex units on the ground and lower ground floors have their own access to rear private amenity space of approximately 30m². Although this is under the required 50m² by SPG17 for family units, this when it is considered in combination with the lightwell terraces will provide a sufficient amount of amenity space. All units located on the upper floors have access to private balconies as well as a communal garden of approximately 52m². The revised proposals have included an upper communal terrace on the roof of the third floor, providing approximately 32m² amenity space, this is sited 6.2m from the main rear flank wall of the building and should not therefore cause overlooking into rear gardens in Rucklidge Avenue. In addition to the on-site provision of outside space a financial contribution is sought through the legal agreement to go towards the improvement of Bramshill Park, approximately 600m from the site, where funding has been gained to improve the existing play space but extra funds are required for the further enhancement of facilities.

Although Landscaping is not a matter for consideration here, officers would note that proposals for landscaping will need to include details of all boundary treatments, in particular fencing between rear gardens in separate occupation and the rear boundary wall facing Rucklidge Avenue. Due to the height and appearance of the rear boundary wall improvements to its appearance will be sought and is likely to include vigorous evergreen and semi-evergreen climbers on a lattice wire mesh to be tracked up the rear wall.

Officers have raised concerns with the proposed quality of accommodation for residents within the ground and lower ground duplex units, in particular because there is inevitably going to be restricted outlook from, and to, the proposed flats. However, these issues have been discussed with Housing officers who are in support. The Housing Officer has confirmed that: "*The scheme proposes new social rented housing and will therefore help those in most pressing housing need within the borough. The proposed unit size mix is also considered acceptable, and allows for a healthy proportion of larger three bedroom affordable family accommodation, of which there is an acute shortage in the borough*"

Design and Appearance

The applicant has designed the proposed three and four storey building in context to the natural street rhythm of High Street and has also introduced a 6.4m break in the centre of the upper floor between two parts of the building. The width and general mass of the proposed structure is broken further by using varied materials to create two distinct blocks. These proposed blocks are separated further at third floor level with a section of aluminium cladding. The proposed rear elevation has improved from the previous submission from the sheer mass of brick with aluminium at the fourth and fifth floor towards a varied mix of brick, aluminium, and timber which responds to the character and appearance of the front elevation.

The existing street-scene of High Street consists of two, three, and four storey buildings and as such the proposed three and four storey building is in character with the locality. In terms of surrounding building heights, Number 155 High Street is 7.8m and Number 139 is 8.7m in height and although these are below the proposed building height, Number 161-163 is 16.4m and significantly larger than the proposal. The elevations are clean and simple but the use of breaks within the upper floor, varied materials, glazing and balconies to provide further interest successfully break up the massing of the proposed three and four storey building.

Impact upon neighbouring properties

Size and scale

In assessing the impact of size and scale of the proposed, the properties likely to be affected by this application are those on Rucklidge Avenue and adjoining properties at Numbers 155 and 139 High Street. The appeal inspector for the previous refusal (07/2829) considered this was the main issue. The design and access statement submitted within this application illustrates how the current proposal has reduced the impact upon neighbouring residents and also how it complies with the guidance in SPG17.

The appeal inspector for 07/2829 noted that the rear gardens of Rucklidge Avenue were shorter than most properties, partly as a result of this the proposal was deemed overbearing. The current proposal will not have a negative impact upon the rear gardens of Rucklidge Avenue; where the proposed building is significantly clear of the 45° degree line when measured at a point of 10m from the rear of the two storey rear projections at Rucklidge Avenue which is something the appeal inspector considered to be the right approach. This is also illustrated in the 'worst case' at Number 49 Rucklidge Avenue. Furthermore, the building height has been reduced by approximately 1.2m from the dismissed appeal and the depth of the building has been reduced from 15m to 11.4m and 12.6m (at first floor). This in combination with the fact that the building has moved away from the rear of the site and broken in width at the top floor, has significantly reduced impacts upon neighbouring rear gardens at Rucklidge Avenue and is thus deemed acceptable with adopted policy and design guidance SPG17.

Objections have been raised in relation to the impact of the proposed building upon obstructing the side flank of Number 155 High Street. Although it is noted that there is a forward projection of the building at this corner of approximately 1.4m the appeal inspector did not feel that it was a sufficient reason, in itself, for withholding planning permission.

Privacy

Privacy standards for residential development are: 10m separation between habitable windows on the rear flank of the development and the rear boundary; and 20m distance between habitable rooms which face each other, as per SPG17. The distance between windows on the rear elevation and the rear boundary at ground floor level is an average of 9m this shortfall is not considered unacceptable providing that further detail is submitted in relation to the quality of the rear garden space. All other windows above ground floor level are outside the 10m to rear boundary standard.

In relation to directly facing habitable room windows, previous proposals have fallen significantly short of the required 20m separation distance, which added to the unacceptable impact of the proposals. For clarification, the 20m separation line has been drawn from the habitable room windows located within the side return of properties in Rucklidge Avenue to the rear façade, as the windows to the first floor rear in Rucklidge Avenue properties have been identified as non habitable (obscurely glazed). There will be no directly facing windows or balconies that are less than the 20m separation distance. There are points on the first and second floor where the proposal falls 0.8m under, but this is not deemed detrimental in terms of overlooking and privacy as the 20m separation distance is specifically in relation to directly facing windows. There is also one window which is not obscurely glazed (Number 49 Rucklidge Avenue) at first floor level which is within 16.4m to the rear flank of the proposed building however, no windows are directly facing this property.

Daylight & Sunlight

Objections have been raised in relation to the impact of the proposed structure upon residential flat units at Number 139 High Street. In response, at first floor level and above, the building has been set away by another metre, from 5m to 6m and is deemed acceptable. Although windows located on the side flank of the site boundary are sole windows to kitchens, these are particularly small areas without room for dining. It must be noted that these windows are located on the site boundary. In view of the regular street pattern of conjoining buildings of four, three and two stories an increased separation distance of more than 6m would not follow the existing building form on this road.

The applicant has submitted a technical daylight and sunlight report which has assessed the impact of the proposed building upon neighbouring residents. It is noted that in terms of daylight for affected windows in Rucklidge Avenue, the proposal fully satisfies the 'Vertical Sky Component (VSC) Daylight Distribution and Average Daylight Factor Guidelines'. The Vertical Sky Component (VSC) measures daylight striking the window and the Average Daylight Factor (ADF) value provides a measure of overall internal lighting conditions. The report concludes that "there will be no material impact on daylight received by Rucklidge Avenue properties".

It reaches a similar conclusion on sunlight. Whilst the report notes that the results for sunlight availability are very good, one window will experience an impact at Number 53 Rucklidge Avenue, in excess of the guideline standards. This impact is however, 0.8% of the total available amount of sunlight throughout the year. The affected window is recessed back between original rear projections and faces south-west and the percentage loss is marginal. In cases such as this, light is one assessment that needs to be considered, but compliance with a Daylight & Sunlight report does not, in itself, demonstrate that a particular relationship is acceptable. As important are, the size and scale tests contained within SPG17, which are used to assess the impact of new development upon the living conditions of neighbouring occupiers. These demonstrate that the proposal meets these guidelines.

Highway Considerations

Transportation Officers note that the subject site is located in an area with very good access to public transport and is located within a Controlled Parking Zone. In consideration that the site is located on a major London Distributor Road where demand for on-street parking is high and with no scope for overspill parking, a "car free" agreement has been sought. This will be secured by a legal agreement, as part of the S106, which restricts the right of future residents to apply for parking permits and therefore the proposal will not result in an increase in parking demand or traffic generation in the locality.

The proportion of cycle storage has increased to accommodate 24 stacked bicycles and therefore complies with adopted policy TRN11 of the UDP 2004, which requires one bicycle space per flat. The area designated for refuse accommodates sufficient storage for general waste and recycling. This is internal and located to the front of the building which allows for routine collection.

Contaminated Land

The site, a former petrol station, has the potential to be contaminated. The site has already been cleared and all the buildings and surface materials removed. The contamination report provided is deemed satisfactory with Environmental Health officers. A condition requiring a site investigation focusing on sensitive areas (proposed rear gardens) with soil samples analysed for a full suite of potential contaminants will be requested via condition.

Section 106 Contributions

On this particular application, the proposed Heads of Terms, including the total financial contribution required to comply with the Council's adopted SPD on the subject has been agreed, in principle and is set out at the start of this report. Although they have been aware of the Council's requirements for some time, the applicants have requested that the payments are staged rather than paid up front. In addition, they are indicating that they wish to submit a viability assessment with a view to reducing the final sum paid. Officers would be prepared to consider such information, but none has been submitted at this time of drafting this report. Members will be updated in a supplementary report but they will note that there is a "dual recommendation" on this Major Case whereby failure to conclude the legal agreement within the statutory period will result in the application being refused.

Sustainability measures to achieve 20% renewables have been agreed to be secured by a legal S106 agreement. Due to the lack of amenity space provided within this development contributions are sought to improve local open playspace at Bramshill Park, this shall be confirmed in the officers' supplementary report.

Conclusion

The principle of residential development at the site is acceptable. The negative impacts of the proposal dismissed at appeal have been resolved, in that the size and scale of the building has been reduced and the siting amended. The small nature of rear gardens at Rucklidge Avenue have been fully taken into account and the scale and massing of the proposed building would comply with adopted SPG17 guidance. The proposed development seeks to provide 20 affordable housing units (which is supported by the Council's Housing Service) which provide acceptable levels internal living space. Although the areas of external amenity are restricted this is considered acceptable, on balance, providing financial contributions are secured to improve areas of local public open space. Members are informed that if the S106 contributions and staging of payments are not agreed it would make this scheme unacceptable.

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 'Design Guide for New Development'

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) Details of all of the reserved matters: landscaping, shall be submitted to be approved in writing by the Local Planning Authority before:-

- (i) the expiration of three years from the date of this permission; or
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 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): 507S_00 P3; 507GAB1 P5; 507GA00 P4; 507GA01 P4; 507GA02 P4; 507GA03 P4; 507GA05 P4; 507GE00 P4; 507GS01 P4; 507GS02 P4; 507GS03 P4; 507GE01 P4.

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

- (3) During construction on site:-

- (a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;
- (b) - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
- (c) - Vehicular access to adjoining and opposite premises shall not be impeded;
- (d) - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;
- (e) - No waste or other material shall be burnt on the application site;
- (f) - All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
- (g) - A barrier shall be constructed around the site, to be erected prior to demolition;
- (h) - A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (4) No further extensions or buildings shall be constructed within the curtilage of the duplex units subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s):

In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

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

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

- (6) 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 the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Reason:

In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties.

- (7) A timber close boarded fence to a height of 1 metre shall be erected between the gardens in separate occupation along the side boundaries prior to the commencement of the use of the development hereby permitted which shall not thereafter be removed or altered in height.

Reason: In the interests of the visual amenity and character of the locality.

- (8) No development shall take place before a scheme for adequate sound insulation to walls and/or floors between units in separate occupation hereby approved has been submitted in addition to BRGs and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

- (9) Before building works commence on the site, a scheme providing for the insulation of the proposed dwelling units against the transmission of external noise (and vibration) from the High Street (in particular ground and lower floors) shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwelling unit(s) are occupied.

Reason: To safeguard the amenities of the occupiers.

- (10) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) Sections of the front and rear lightwells;

(b) Materials used on all external surfaces of front and rear lightwells;

(c) Full details of the pedestrian entranceway's and walkway's and screening;

Reason: These details are required to ensure a satisfactory level of amenity is achieved for future occupants.

- (11) 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 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.

- (12) 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

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

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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

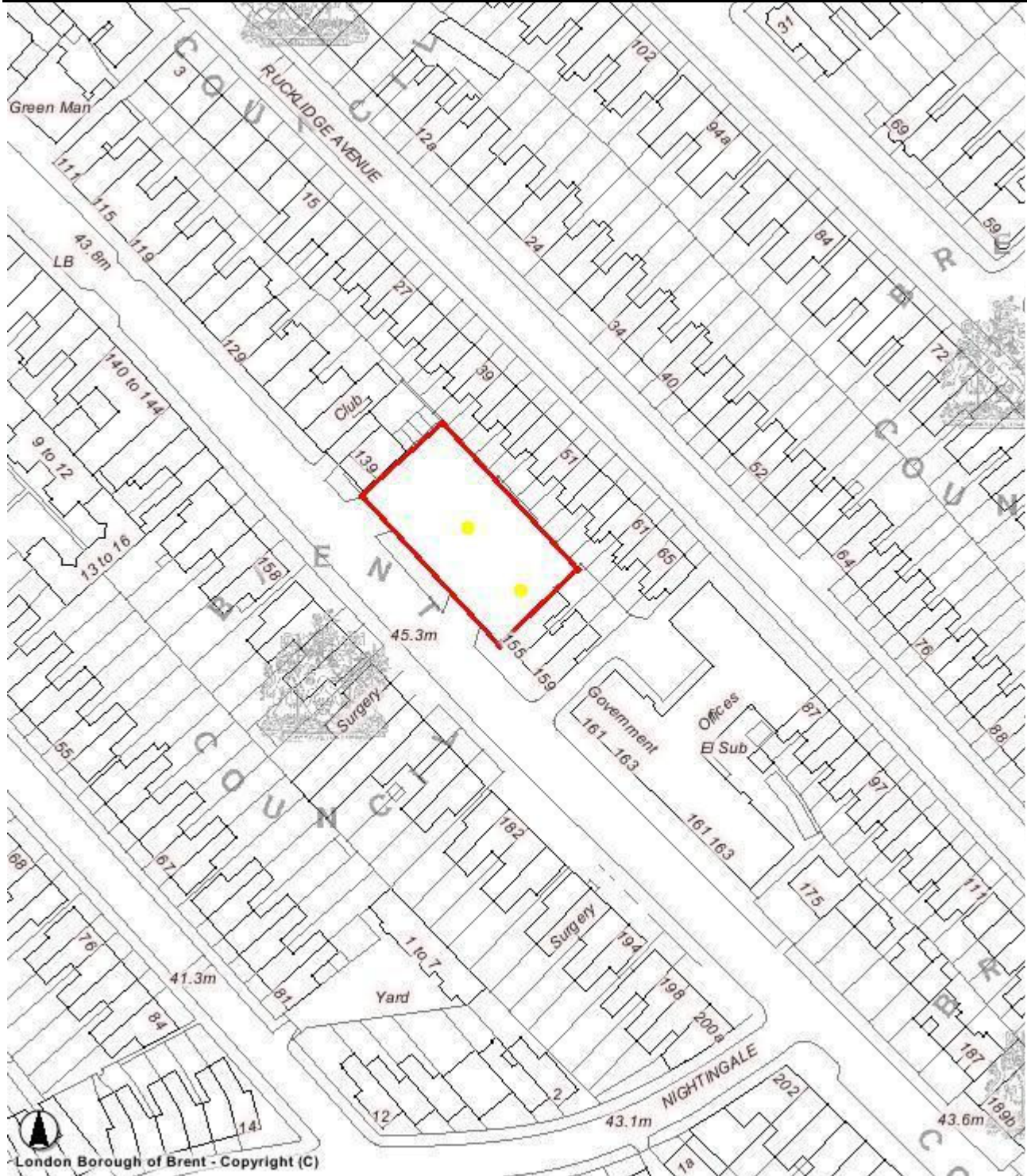
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

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

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 16
Case No. 10/0728

RECEIVED: 25 March, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 24 Carlisle Road, Kilburn, London, NW6 6TS

PROPOSAL: Single storey rear extension, rear dormer window and installation of 1 rear and 1 front rooflight and 1 rooflight to rear projection of dwellinghouse

APPLICANT: Mr Sebastian Timpson

CONTACT: Claridge Architects

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The application site is a mid-terrace 2-storey dwellinghouse on the west side of Carlisle Road, NW6. The site is within Queens Park Conservation Area.

PROPOSAL

Single storey rear extension, rear dormer window and installation of 1 rear and 1 front rooflight and 1 rooflight to rear projection of dwellinghouse

HISTORY

09/3288 Part Allowed

Single storey rear extension, rear dormer window and installation of 1 rear, 1 front and 1 side rooflight to dwellinghouse

This application was refused by the Council. This decision was appealed by the applicant and the Planning Inspector considered this on its impact on the conservation area and its impact on neighbouring occupiers. The Inspector 'Part Allowed' the appeal granting permission for the front, side and rear roof light and the rear dormer. Permission was not given for the single storey extension.

POLICY CONSIDERATIONS

- **Brent Unitary Development Plan 2004**

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to Buildings in Conservation Areas

- **Supplementary Planning Guidance Note 5**
- **Queen's Park Conservation Area Design Guide**

CONSULTATION

The Owner/Occupiers of the neighbouring properties were consulted on 7th April 2010, a press notice was made on 15th April 2010 and a site notice was posted to the front of the property on 16th April 2010. 1 objection was received:

- No objection to loft conversion.
- Side extension would have profound impact on neighbouring amenity.
- The proposal is in conflict with the character of the original building, extending what is already an extension.
- The outriggers are very close and filling in this gap would result in an unreasonable loss of amenity, sunlight and daylight.
- If permission was given the following details should be considered:
 - height at boundary should be limited to 2000mm from no. 22 Carlisle Road ground level.
 - The boundary wall should be 1500mm above external ground level of 22 Carlisle Road.
 - Wall is shown astride the boundary line which would require a party wall agreement.
 - Beside the boundary at no. 22 there is a hedge of ivy, jasmine, honeysuckle and rose which would be replaced by a brick wall, the proposal should include the replacement of this green edge.
 - The roof angle of the extension should match the outrigger roof.
 - The glazing in the roof should be obscure glazed as should the glazed doors facing the rear of the building to prevent a conflict with the neighbouring property.
 - Further clarification for the proposed ground levels should be provided.

A second objection has been received from Queen's Park Residents' Association:

- Increase in height of boundary treatment will harm amenity of no. 22.
- A chimney to the outrigger is to be removed, the design guide suggests they should be retained.
- 'Infills' represent over development in the terraced houses of this smaller width and adversely affects the adjoining property
- On streets where houses are wider and separated by side passages these developments can be absorbed without so much detriment.

Where adjacent owners object there is a strong feeling that their wish to reject such an intrusion should carry definitive weight.

REMARKS

The proposal is for a single storey rear extension, rear dormer window and installation of 1 rear and 1 front rooflight and 1 rooflight to rear projection of dwellinghouse. As indicated above an Planning Inspector recently considered an appeal for a scheme on this site and consequently the views expressed in his decision letter form the basis of any future considerations.

Roof extensions and alterations

The proposed dormer is half of the width of the rear roof plane and is designed in accordance with the Queens Park Design Guide. It is centrally positioned and its front elevation is filled by timber sash windows.

A single rooflight is proposed to each of the front, rear and side roofplanes. The rooflights are acceptable in size (850mmx500mm) and are conservation style i.e. flush with the roof plane.

The roof extensions and alterations formed part of the previous application but were not part of the reason for refusal, this was agreed by the Planning Inspector who part allowed the appeal meaning that this part of the proposal already has permission.

Single storey extension

The proposed extension is to the side of the 2-storey outrigger and begins at a distance of 4m from the rear elevation of the main part of the house. This is considered to be an acceptable distance to allow outlook and light from windows which rely on outlook along the outrigger as well as providing a form of extension that would not detract from the character and appearance of the Queen's Park conservation area, which may be the case if it extended the full length of the outrigger. The extension is 3.6m in length.

At the boundary, measured from the neighbours ground level which is 0.2m lower than the application site, the existing 1.5m high fence would be replaced with a 2m high boundary wall and beyond this the extension slopes up to a approximately 2.8m measured from the neighbour's external ground level. The pitch of the roof has been revised to better reflect that of the outrigger and therefore the maximum height has reduced from 3m as originally proposed.

This compares favourably to the previous scheme which was refused and subsequently dismissed at appeal. The side elevation of the extension was proposed to be 2.7m in height from the neighbours ground level and given the siting of the extension and the sensitivity of windows relying on this passage for light and outlook this was considered overly high.

It is recommended that such extensions have a height at the boundary of 2m in the interest of neighbouring amenity, this has been difficult to achieve in this instance due to the application site having a higher ground level than its neighbour. However the proposal involves excavating the ground level by 0.65m to achieve this height at the boundary.

At ground floor the neighbour's outrigger is a kitchen, this has 2 windows in the flank wall and a sliding door to the rear. One flank wall window would be opposite the extension which would be situated at a distance of 1.65m. This relationship has significantly improved with the reduction in height of the extension to 2m.

The main part of the house has an internal floor level of 0.65m higher than external ground level. The height of the side elevation of the extension would therefore be just 1.35m above the internal floor level of the main part of the house. The glazed panels proposed to the roof will also minimise its impact compared to a slate roof.

In this instance, as pointed out by the Planning Inspector, the distance between the outriggers is quite narrow, though not notably different from the rest of the conservation area and this style of terraced property. While windows do rely on the space for light and outlook it is considered that the proposed extension is sufficiently modest so as not to have an unacceptable impact on neighbouring amenity.

In the elevation of the extension facing the main part of the house patio doors are proposed and plans indicate that these would be obscure glazed to prevent any conflict of privacy between this window and the neighbouring property. The treatment of the rest of this elevation would be brick, matching the rest of the extension. A door from the main part of the house opens onto the side return currently, the proposal involves excavating ground level of the courtyard and as such it is envisaged that the existing stairs will be continued down to the new level.

The rear elevation of the house and extension would, at ground floor, be filled by glazed sliding or folding doors. Further details are required of the proposed treatment of the garden to demonstrate how the proposed excavation will be dealt with in terms of landscaping.

Regarding the neighbours concern about the existing planting to the no. 22 side of the boundary treatment, the applicants have indicated that they would be willing to replace this planting. This could be dealt with as part of a Party Wall agreement but being a civil matter it does not form a part of this application or condition attached to it the permission.

The proposal is considered to comply with policies contained in Brent's UDP 2004 as such approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

GA.00
GA.01
GA.02
GA.03
GA.04D
GA.05C
GA.06C
GA.07C
GE.01
GE.02
GE.03E
GE.04E
GS.02C

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

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

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

(4) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved. Such details shall include:-

- The landscaping of the rear of the site including proposed ground levels and hard and softlandscaping.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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



Planning Committee Map

Site address: 24 Carlisle Road, Kilburn, London, NW6 6TS

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London Borough of Brent - Copyright (C)

This map is indicative only.

**Committee Report
Planning Committee on 8 June, 2010**

Item No. 17
Case No. 10/0932

RECEIVED: 17 April, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Garages rear of 55 Mount Pleasant Road, Henley Road, London

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

APPLICANT: Mr Rayburn

CONTACT: Ambo Architects

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 to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £6,000 (£3,000 per bedroom), due on material start, index-linked from the date of decision for Education, Sustainable Transportation and Open Space & Sports in the local area.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The application refers to the site at the rear of No 55 Mount Pleasant Road which sites a detached double garage. The ownership of the application site have been separated from the dwellinghouse at No 55 for over 7 years.

The predominant surrounding character is residential, mainly with semi detached properties along Mount Pleasant Road and terraced properties along Hanover Road. The rear gardens of Mount

Pleasant Road and Hanover Road make up the street frontage of Henley Road with access to the detached garages at the rear of those properties. There are four detached garages in total, including the application site, fronting Henley Road.

PROPOSAL

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

HISTORY

The application site has been subject to various applications in previous years.

00/1475 - An application was refused for the demolition of existing double garage and the erection of a two storey detached house in the rear garden, in 2000. The applicant appealed the Council's decision and the Appeal was subsequently dismissed.

06/0254 - A change of use application for the use of the garage as a design studio was refused on 06/04/06

07/1004 - An application for the demolition of the garage to erect a two storey dwellinghouse was withdrawn on 02/08/2007

08/0150 - A similar application to 07/1004 was refused on 31/3/08

08/1976 – Demolition of an existing single-storey double garage to the rear of 55 Mount Pleasant Road, NW10, and erection of a new two-storey (basement and ground-floor level), 3-bedroom dwellinghouse, replacement of boundary fences and walls, removal of existing vehicular access onto Henley Road, NW10, and formation of new pedestrian access onto Henley Road, with associated landscaping. Dismissed at appeal.

Another application was submitted simultaneously, the principle difference being the form of the roof:

10/0933 - Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and the erection of a new single-storey, **pitched-roof**, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area. A report regarding this application appears elsewhere on this Planning Committee agenda.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

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

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

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

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

BE3 – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

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

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

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

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

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

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

Supplementary Planning Guidance

SPG17 – Design Guide For New Development

CONSULTATION

Neighbouring occupiers were consulted on 28th April 2010. Neighbours have commented on both this application and 10/0933 without specifically differentiating between them, therefore the objections are considered as relating to both applications. There are 13 in total, plus a petition of 90 signatures from the local area raising the following issues:

- Increased noise - impacting on tranquility and use of gardens.
- Effect on character of the area and local distinctiveness - suburban and open character would be harmed, existing buildings are ancillary. There is no precedent for a dwelling on Henley Road but this would set a precedent for the area.
- Loss of privacy - location of a master bedroom in close proximity to neighbours gardens would impact on their use and enjoyment.
- Loss of trees - if permission is given it would likely lead to requests to remove or severely lop neighbouring trees.
- Development has a cramped 'chicken coop' design and site is too small for a residential dwelling.
- Light would emanate from the proposed rooflights harming residential amenity - an approved 'lantern' at the Tiverton centre has been conditioned to be lit only between 7am and 10pm in the interest of neighbouring amenity.

Another issue regarding fencing at the site has been raised, stating that the fence between the site and number 55 Mount Pleasant Road is not to be removed and is to remain at 3m in height. A 3m high fence would not affect the acceptability of this scheme and the issue of it not being removed i.e. during construction would be a civil matter which both parties would need to negotiate, this would not be a planning consideration.

Internal

Transportation:

- Existing garages providing 2 off-street spaces will be lost, however these are in separate ownership from 55 Mount Pleasant Road and are not in use.
- Proposed dwelling will attract a maximum of 1.2 car spaces.

The applicant has confirmed that the dropped kerb will be reinstated which will allow for a single on-street space.

REMARKS

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

Introduction

The application site comprise a double domestic garage which once belonged to the dwellinghouse at No 55 Mount Pleasant Drive. The site has been subdivided for more than 7 years. The garage and the dwellinghouse are now under separate ownership.

As indicated in the history section above, the application site has been the subject of several development proposals none of which have been successful. However, two have been taken to appeal and the views of the Inspector become material to the consideration of this proposal. The difficulties in the past have, in part, been due to privacy and overlooking impact from the proposed first floor level. However, in an appeal outcome for the demolition of the garage and the building of a new coach house at the bottom of the garden (Council's ref 00/1475), the Inspector had made the following comment.

'...there is no overriding reason why, in principle, part of the existing curtilage of 55 Mount Pleasant Road should not be put into more efficient use, by the erection of a new dwellinghouse, of a

suitable design. A substantial garage currently occupies most of the site and the footprint of the proposed dwelling would cover a similar area. The development would not impinge significantly, on the existing garden area for 55 Mount Pleasant Road and thus, I do not consider that it would detract significantly from the spaciousness of the area....."

In these circumstances, it is considered that the principle of erecting a separate house on the site has been established and it consequently falls to deal with the related details to ensure local amenity is not harmed.

Proposal - design

Application reference 08/1976, for a 2-storey dwellinghouse (basement and ground floor) was refused by the Council. The main reasons for refusal were for its size, scale, siting and design. This decision was taken to appeal and while the Planning Inspector dismissed the appeal it was not for the reason of design stating:

'..the setting of the appeal site would be able to successfully accommodate the low profile contemporary design proposed, it would add interest to the locality and contribute positively to its character and appearance'.

The existing garage on the site is 3.45m high and its footprint covers the western two-thirds of the plot with its front elevation within 2m of Henley Road.

The proposal has an innovative contemporary design with a green flat roof. The proposed dwellinghouse is L-shaped allowing for usable amenity space at the front and is designed sensitively to reduce any impact to the nearby neighbours. While its elevations are close to the boundaries it sits easily within a 45 degree angle from 2m in height at the boundaries as per the guidance of SPG17. At its closest point to the neighbouring garden boundaries it is 2m, at a distance of 1m from the boundary with 100 Hanover Road the height steps up to 3m and at 0.9m from the rear of 55 Mount Pleasant it steps to approximately 2.5m - this height difference is due to the ground level change along Henley Road.

The proposed building steps up to its maximum height at about 3.8m from the rear boundaries of Hanover Road and about 2m from the side boundary of 57 Mount Pleasant. From ground level this maximum height is approximately 3.6m and falls well below the 45 degree angle.

The dwelling is proposed at ground floor with a basement for storage. The previous scheme included a habitable basement and raised ground level with a maximum height of 3.9m. In height and bulk the current proposal, without the raised ground floor appears more modest and sympathetic to its restricted location.

The highest 'step' of the current proposal is smaller in width than the previously refused scheme. While officers considered the height and siting to be harmful to neighbouring amenity previously, the Planning Inspector disagreed stating that it would be *'unlikely to appear overdominant when seen from neighbouring dwellings or gardens'* and this was not held as a reason for the dismissal of the appeal. As discussed above the maximum height of the proposal is less and it sits more easily below the 45 degree angle demonstrating that its impact would be less significant. Given that this relationship is improved and the Planning Inspector did not think that the previous scheme would be harmful, officers are clearly of the opinion that the current scheme is satisfactory in terms of any neighbouring impacts.

The front elevation includes large glazed windows/doors facing the frontage of the site and the main fenestration from bedroom 2 faces the garages at the rear of 98 Hanover Road, no part of the scheme would impact on the privacy of neighbouring occupiers in terms of overlooking.

As noted above objections have been received with regard to noise, privacy and outlook, however as described the proposal is considered to comply with the Council's policies and guidance.

Moreover the Planning Inspector for the previous scheme stated

‘..the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook, privacy as well as noise and disturbance, would be acceptable’.

There are no new issues in the current scheme which would lead to this outcome being different.

Policy BE9 states that the new buildings should embody creative and appropriate design solutions, specific to their site's shape, size and location. The proposal does this and promotes the amenity of the users providing a satisfactory level of daylight, sunlight, outlook and privacy for existing nearby residents and future residents.

The proposal provides 2 bedrooms, a family sized dwelling, with its internal floor area exceeding the minimum requirement of 65sqm. The proposal provides approximately 78sqm plus a basement storage area of 18.5sqm. The reason for the Planning Inspector's dismissal of the previous scheme was the quality of accommodation which would be provided by the basement level habitable accommodation. In the current design the basement would be a utility and storage room, not requiring windows and as such the level of amenity in terms of light and outlook provided by the proposed dwellinghouse would be acceptable.

Streetscene

The detached garages and rear gardens set the streetscene for Henley Road. The existing garage is set back slightly from the boundary along Henley Road and the adjacent garage at the rear of No 98 Hanover Road is sited flush along the boundary. The majority of the proposed dwellinghouse is separated from the street by the amenity space at the front, with the smaller element containing bedroom 2 having a set back of 1.2m. The height of the proposed structure, ranging from 2m to 3.6m is not significantly different to the existing 3.45m high garage and would not dominate the streetscene. Furthermore the northern elevation of the highest element of the proposed building is largely glazed, minimising its impact. The dwelling would have an active and attractive appearance.

Amenity space

The amenity space for the proposed dwellinghouse is located to the front which provides over 50sqm which is the minimum required by SPG17. In addition, the floor plan currently indicates new silver birch trees and a high quality landscaping scheme will be sought through a condition to further enhance the amenity space and streetscene. The location of the amenity space also reduces the potential overlooking and privacy impact to the nearby neighbours.

Transportation

The existing garage can accommodate 2 off street parking spaces however the site is under separate ownership to No 55 Mount Pleasant Road and it is not currently in use. The proposed dwelling will result in an increase in parking attracting up to 1.2 spaces in accordance with the Parking Standard 14 of Unitary Development Plan 2004. In order to ease the parking spaces on Henley Road. the existing 6m dropped kerb serving the garages will be reinstated to pedestrian footway and would allow room on street for a vehicle space to serve the dwelling, although this will not be restricted in anyway.

Details of the bicycle parking storage and refuse storage is integrated within the design of the dwellinghouse, located closer to the highway, which provides satisfactory storage and is screened from the street.

Conclusion

The proposed development would utilise the site in a more efficient and attractive way adding to the housing stock in the Borough. The proposed design is innovative and well designed to minimise any potential impact to the existing occupiers of the nearby dwellings and the character

and appearance of the streetscene. The proposal is in accordance with policies contained in Brent's Unitary Development Plan 2004 and the design standards in SPG 17. Therefore, the proposal is duly recommended for approval subject to conditions and S106 agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

CONDITIONS/REASONS:

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

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

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

OS Sitemap
350/020
350/021
350/022
350/023A
425/GA.2A
425/GA.3
425/GA.4
425/GA.5
425/GA.6
425/GA.7
425/GA.8
425/GA.9
425/GA.10
425/GA.11
425/GA.13
425/GA.15

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

- (3) The area so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

The scheme shall include species, sizes and numbers as well as details of hardstanding materials.

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) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s):

To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (5) No off-street parking shall be allowed at the site at any time in the future.

Reason:

To ensure the modest amenity space is not eroded by vehicle parking.

- (6) The roof shall not be accessed other than for maintenance and shall not be used as a roof terrace at any time.

Reason: In the interest of neighbouring privacy.

- (7) Before the development hereby approved is occupied, the redundant vehicular access and crossover shall be stopped up and reinstated to footway, and a new on-street parking bay installed including the removal of the single yellow line, at the applicant's expense.

Reason: In the interests of pedestrian and highway safety, and to provide suitable car parking for the scheme in compliance with Policy TRN24 of the UDP 2004.

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

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

- (9) A full tree survey and tree protection statement complying with BS5837:2005 'Trees in relation to construction' shall be submitted to and approved in writing by the Local

Planning Authority before any works commence on site, the work shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in the damage or death of nearby trees which would result in the loss of amenity and biodiversity.

INFORMATIVES:

None Specified

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



Planning Committee Map

Site address: Garages rear of 55 Mount Pleasant Road, Henley Road, London

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 18
Case No. 10/0933

RECEIVED: 17 April, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Garages rear of 55 Mount Pleasant Road, Henley Road, London

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

APPLICANT: Mr Rayburn

CONTACT: Ambo Architects London

PLAN NO'S:

OS Sitemap
350/020
350/021
350/022
350/023A
407/GA.1A
407/GA.2B
407/GA.3A
407/GA.4A
407/GA.5A
407/GA.6A
407/GA.8A
407/GA.10A
407/GA.11A
407/GA.13A
407/GA.15

RECOMMENDATION

Refusal

EXISTING

The application refers to the site at the rear of No 55 Mount Pleasant Road which sites a detached double garage. The ownership of the application site have been separated from the dwellinghouse at No 55 for over 7 years.

The predominant surrounding character is residential, mainly with semi detached properties along Mount Pleasant Road and terraced properties along Hanover Road. The rear gardens of Mount Pleasant Road and Hanover Road make up the street frontage of Henley Road with access to the detached garages at the rear of those properties. There are four detached garages in total, including the application site, fronting Henley Road.

PROPOSAL

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

HISTORY

The application site has been subject to various applications in previous years.

00/1475 - An application was refused for the demolition of existing double garage and the erection of a two storey detached house in the rear garden, in 2000. The applicant appealed the Council's decision and the Appeal was subsequently dismissed.

06/0254 - A change of use application for the use of the garage as a design studio was refused on 06/04/06

07/1004 - An application for the demolition of the garage to erect a two storey dwellinghouse was withdrawn on 02/08/2007

08/0150 - A similar application to 07/1004 was refused on 31/3/08

08/1976 – Demolition of an existing single-storey double garage to the rear of 55 Mount Pleasant Road, NW10, and erection of a new two-storey (basement and ground-floor level), 3-bedroom dwellinghouse, replacement of boundary fences and walls, removal of existing vehicular access onto Henley Road, NW10, and formation of new pedestrian access onto Henley Road, with associated landscaping. Dismissed at appeal.

Another application was submitted simultaneously, the principle difference being the form of the roof:

10/0933 - Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new **single-storey**, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area. This application appears elsewhere on this Planning Committee agenda.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

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

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

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

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

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

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

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

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

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

Supplementary Planning Guidance

SPG17 – Design Guide For New Development

CONSULTATION

Neighbouring occupiers were consulted on 28th April 2010. Neighbours have commented on both this application and 10/0933 without specifically differentiating between them, therefore the objections are considered as relating to both applications. There are 13 in total, plus a petition of 90 signatures from the local area raising the following issues:

- Increased noise - impacting on tranquillity and use of gardens.
- Effect on character of the area and local distinctiveness - suburban and open character would be harmed, existing buildings are ancillary. There is no precedent for a dwelling on Henley Road but this would set a precedent for the area.
- Loss of privacy - location of a master bedroom in close proximity to neighbours gardens would impact on their use and enjoyment.
- Loss of trees - if permission is given it would likely lead to requests to remove or severely lop neighbouring trees.
- Development has a cramped 'chicken coop' design and site is too small for a residential dwelling.
- Light would emanate from the proposed rooflights harming residential amenity - an approved 'lantern' at the Tiverton centre has been conditioned to be lit only between 7am and 10pm in the interest of neighbouring amenity.

Another issue regarding fencing at the site has been raised, stating that the fence between the site and number 55 Mount Pleasant Road is not to be removed and is to remain at 3m in height. A 3m high fence would not affect the acceptability of this scheme and the issue of it not being removed i.e. during construction would be a civil matter which both parties would need to negotiate, this would not be a planning consideration.

Internal

Transportation:

- Existing garages providing 2 off-street spaces will be lost, however these are in separate ownership from 55 Mount Pleasant Road and are not in use.
- Proposed dwelling will attract a maximum of 1.2 car spaces.

The applicant has confirmed that the dropped kerb will be reinstated which will allow for a single on-street space.

REMARKS

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

Introduction

The application site comprises a double domestic garage which once belonged to the dwellinghouse at No 55 Mount Pleasant Road. The site has been subdivided for more than 7 years. The garage and the dwellinghouse are now under separate ownership.

As indicated in the history section above, the application site has been the subject of several development proposals none of which have been successful. However, two have been taken to appeal and the views of the Inspector become material to the consideration of this proposal. The difficulties in the past have, in part, been due to privacy and overlooking impact from the proposed first floor level. However, in an appeal outcome for the demolition of the garage and the building of a new coach house at the bottom of the garden (Council's ref 00/1475), the Inspector had made the following comment.

'...there is no overriding reason why, in principle, part of the existing curtilage of 55 Mount Pleasant Road should not be put into more efficient use, by the erection of a new dwellinghouse, of a suitable design. A substantial garage currently occupies most of the site and the footprint of the proposed dwelling would cover a similar area. The development would not impinge significantly, on the existing garden area for 55 Mount Pleasant Road and thus, I do not consider that it would detract significantly from the spaciousness of the area.....'

In these circumstances, it is considered that the principle of erecting a separate house on the site

has been established and it consequently falls to deal with the related details to ensure local amenity is not harmed.

Proposal - design

Application reference 08/1976, for a 2-storey dwellinghouse (basement and ground floor) was refused by the Council. The main reasons for refusal were for its size, scale, siting and design. This decision was taken to appeal and while the Planning Inspector dismissed the appeal it was for the reason of the level of amenity which the dwelling would provide rather than any concern about the appearance of the building or its relationship with neighbours.

The dismissed scheme was a flat roofed building with a half basement and raised ground floor level and the Inspector stated:

‘.the setting of the appeal site would be able to successfully accommodate the low profile contemporary design proposed, it would add interest to the locality and contribute positively to its character and appearance’.

The proposed dwellinghouse is L-shaped with a high pitched roof. The proposed building site within a 45 degree angle from 2m in height at the boundaries as per the guidance of SPG17, however the pitched roof means that rather than a 'low profile contemporary design' the proposed pitched roof has an obtrusive appearance. The maximum height of the main pitched roof is approximately 4.1m, over 0.5m higher than the existing flat roofed garage and officers' consider that its scale, height and bulk is inappropriate to its setting and would have a dominating impact on neighbouring gardens.

The nature of buildings on Henley Road has traditionally been ancillary to the frontage buildings of Mount Pleasant Road and Hanover Road, and while the principle of the residential use is not considered to conflict with planning policy the impact of this particular design of building is considered to significantly alter this traditional 'ancillary' character. There is an example of a single storey building with a pitched roof to the rear of 96 Hanover Road, fronting Henley Road, for which there is no planning history. It is apparent that the design of the roof of this building has a much more pronounced impact on the road than the flat roofed garages and it is not considered that replicating this design is appropriate as it would be harmful to the somewhat suburban and open character of the streetscene.

More over the pitched roof results in a design which is not obviously contemporary nor traditional in its appearance and is not considered to exhibit a consistent design approach as required by Policy BE9. There is also an incongruous relationship between the pitched roof over the main part of the building and the lower pitched roof over the forward projecting bedroom, which appears almost as a separate building.

The front elevation includes large glazed windows/doors facing the frontage of the site and the main fenestration from bedroom 2 faces the garages at the rear of 98 Hanover Road, no part of the scheme would impact on the privacy of neighbouring occupiers in terms of overlooking.

As noted above objections have been received with regard to noise and privacy, however as described the proposal is considered to comply with the Council's policies and guidance in these areas and the Planning Inspector did not consider that the noise level from a new dwellinghouse would be unacceptable.

The proposal provides 2 bedrooms, a family sized dwelling, with adequate internal floorspace plus a basement for utilities/storage. The reason for the Planning Inspector's dismissal of the previous scheme was the quality of accommodation which would be provided by the basement level habitable accommodation. In the current design the basement would be a utility and storage room, not requiring windows and as such the level of amenity in terms of light and outlook provided by the proposed dwellinghouse would be acceptable.

Amenity space

The amenity space for the proposed dwellinghouse is located to the front which provides over 50sqm which is the minimum required by SPG17. In addition, the floor plan currently indicates new silver birch trees and a high quality landscaping scheme could be sought. The location of the amenity space also reduces the potential overlooking and privacy impact to the nearby neighbours.

Transportation

The existing garage can accommodate 2 off street parking spaces however the site is under separate ownership to No 55 Mount Pleasant Road and it is not currently in use. The proposed dwelling will result in an increase in parking attracting up to 1.2 spaces in accordance with the Parking Standard 14 of Unitary Development Plan 2004. In order to ease the parking spaces on Henley Road. the existing 6m dropped kerb serving the garages could be reinstated to pedestrian footway and would allow room on street for a vehicle space to serve the dwelling, although this will not be restricted in anyway.

Conclusion

The proposed dwellinghouse by reason of its design and specifically high pitched roof, results in a height, scale and bulk detrimental to the amenity of neighbouring occupiers. Furthermore the design of roof would dominate the streetscene detrimental to the character of the road while also failing to exhibit a consistent and considered design approach. As such the proposal fails to comply with policies BE2, BE7 and BE9 of Brent's Unitary Development Plan 2004 as well as SPG17.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed dwellinghouse by reason of its design and roof design, results in a height, scale and bulk detrimental to the visual amenity of neighbouring occupiers, in particular, and the locality, in general. Furthermore the design of roof would dominate the streetscene detrimental to the generally open character of the road while also failing to exhibit a consistent and considered design approach. As such the proposal fails to comply with policies BE2, BE7 and BE9 of Brent's Unitary Development Plan 2004 as well as *SPG17: Design Guide for New Development*.

INFORMATIVES:

None Specified

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



Planning Committee Map

Site address: Garages rear of 55 Mount Pleasant Road, Henley Road, London

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 19
Case No. 10/0455

RECEIVED: 17 March, 2010

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: 68 Walm Lane, London, NW2 4RA

PROPOSAL: Change of use from sandwich bar (Use Class A1) to cafe (Use Class A3) and installation of extract duct

APPLICANT: Artisen Energy Ltd

CONTACT:

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval

EXISTING

The subject site, located on the south-eastern side of Walm Lane, is occupied by a three-storey terraced building consisting of a vacant sandwich bar (Use Class A1) at ground floor level with residential accommodation above. The vacant sandwich bar is the subject of the current application.

The site is located within a designated Primary Shopping Frontage and the Willesden Green Conservation Area.

PROPOSAL

Change of use from sandwich bar (Use Class A1) to cafe (Use Class A3) and installation of extract duct

HISTORY

An application for planning permission (05/2089) for the change of use of the premises from a retail shop (Use Class A1) to a coffee shop (Use Class A3), including the installation of a new shopfront, the use of the area to the front of premises for customer seating and the proposed installation of ventilation ducting was refused in April 2006. The application was refused for the following reasons:-

1. The change of use from A1 (retail) to A3 (Food and Drink) use has a detrimental effect on the retail function of the primary shopping parade by resulting in an overconcentration of such uses which do not provide an essential local service in the shopping area, thereby reducing local service and shopping outlets for residents in the adjoining area. This is contrary to policy SH7 contained within the Brent Unitary Development Plan 2004.

2. The shopfront by reason of its inappropriate design, incongruous materials and appearance in general would significantly detract from the visual appearance of the Willesden Green Conservation Area thus failing to preserve and enhance its special character contrary to policies BE2, BE9, BE25, BE26 and SH21 of the Brent Unitary Development Plan 2004 and advice contained within the Council's Supplementary Planning Guidance No.7 "Shopfronts and Shopsigns"

3. The extract ducts by reason of their siting and appearance on the building would significantly detract from the visual appearance of the Willesden Green Conservation Area thus failing to preserve or enhance its special character contrary to policies BE17 and BE25 of the Brent Unitary Development Plan 2004.

4. The extract ducts by reason of their siting and appearance would result in a reduction to residential amenity and would be visually intrusive to the residential units above the subject site. As such, the development would be contrary to policies BE2, BE9 and BE17 of Brent's Unitary Development Plan 2004.

The Council's Planning Enforcement Team subsequently investigated the premises for any alleged breach of planning control and it was observed during site visits, undertaken by the Council's Enforcement Officer, that the premises was being used as a sandwich bar (Use Class A1), without any form of primary cooking, and that no extract equipment had been installed. As such, it was considered that no change of use to the premises had occurred. The existing shopfront had been replaced without benefiting from planning permission but, following consideration of a recent appeal decision at 19 Walm Lane for a similar breach, it was considered that it would not be expedient to take enforcement action against the shopfront alone.

During a recent site visit, in connection with the current application, it was observed that the proprietors of the sandwich bar have recently vacated the premises and that the unit is currently empty.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

The following policies contained in the Council's Unitary Development Plan are considered of most relevance to the determination of the current application.

BE2	Townscape: Local Context & Character
BE17	Building Services Equipment
BE25	Development in Conservation Areas
BE26	Alterations & Extensions to Buildings in Conservation Areas
SH6	Non-Retail Uses Appropriate to Primary Shopping Frontages
SH7	Change of Use From Retail to Non-Retail
SH10	Food and Drink (A3) Uses
SH11	Conditions for A3 Uses
TRN22	Parking Standards - Non Residential Developments

SUSTAINABILITY ASSESSMENT

Not applicable

CONSULTATION EXTERNAL

Consultation letters, dated 25th March 2010, have been sent to (pre-election) Ward Councillors and 18 neighbouring owner/occupiers. A site notice, dated 31st March 2010 was posted outside of the premises. The initial site notice was replaced following a complaint that it had been removed. In response 8 individual letters of objection and petitions of objection, with a total of 113 signatures, have been received in response. The concerns of the objectors include:-

- The proposed development will cause problems of noise, vibration odour and waste for local residents
- The proposed use will not be of benefit to residents in the local community
- The proposal involve the use of a residential garden which the applicant does not own
- The proposed use will increase competition for local businesses which are already struggling
- The applicant does not have permission of the free-holder to attach the proposed extract duct to the building.

INTERNAL

PLANNING POLICY & RESEARCH

Following a recent survey of the Willesden Green Primary Shopping Frontage the Council's Planning Policy Officers have considered the principle of the change of use against the policies contained in the adopted Unitary Development Plan (2004). The view of the Council's Planning Policy Officers is that the proposed change of use would be in accordance with the Unitary Development Plan policies. The Council's Planning Policy Officers consider that the proposal would add to the vitality, viability and diversity of Willesden Green Town Centre.

ENVIRONMENTAL HEALTH

The Council's Environmental Health Officer has stated that the siting of the proposed ducting should be sufficient to ensure that problems of noise disturbance and odours do not occur. However, to ensure that this would be the case the Environmental Health Officer has suggested a condition requiring the submission of further technical details of the proposed extract system for approval prior to installation.

TRANSPORTATION UNIT

The existing and proposed uses generate the same maximum car-parking standard for the site and therefore there will be no change in the existing demand for car-parking within the locality. The Council servicing standards for the proposed use are less rigorous than those for the existing use and there will be little noticeable difference in existing highway conditions as a result of the change. Refuse collection arrangements would remain unchanged from the existing situation. The site constraints make the inclusion of secure cycle storage problematic. However, it is noted that there are public cycle stands within 25m of the subject site.

The Council's Transportation Unit do not raise any objection to the proposed development.

REMARKS

POLICY CONTEXT

The borough's main network of town centres, consisting of Major Town, Main District and Other District Centres, is generally formed through the designation of Primary and Secondary Shopping Frontages. Within these designated frontages the Council's planning policies, set out in the adopted Unitary Development Plan 2004 (UDP), seek to promote a diverse and appropriate mix of both retail and non-retail uses which can add vitality to the town centre. However, whilst it is acknowledged that certain non-retail uses can complement and benefit the retail function of a town centre, it is important to ensure that these non-retail uses do not become overly dominant within

the centre as this can lead to problems in terms of reducing the retail choice available to shoppers and in terms of creating "dead frontage", where there is a general absence of window displays, which can lessen the attractiveness of the centre to shoppers. In response to these concerns the Council's planning policies seek to prevent an over-concentration of non-retail uses at the heart of the town centre, within the Primary Shopping Frontage, whilst encouraging complementary non-retail uses towards the Secondary Shopping Frontage on the periphery of the centre. As such, proposals for appropriate non-retail uses within the Primary Shopping Frontage will be assessed against a number of factors, including the composition of uses present within the frontage at the time of the application.

PRINCIPLE OF CHANGE OF USE

The proposal would involve the change of use of the existing sandwich bar (Use Class A1), which is now vacant, into a cafe (Use Class A3). The subject site is located within the designated Primary Shopping Frontage of Willesden Green Main District Centre. The designated Primary Shopping Frontage generally runs from Willesden Green Station, on Walm Lane, to just beyond Willesden Library, on High Road Willesden.

Policies SH6 and SH7 of Brent's Unitary Development Plan 2004 (UDP) set out the criteria where, in principle, a change of use from retail to non-retail would normally be accepted within a Primary Shopping Frontage. Policy SH6 sets out the types of non-retail uses that may be appropriate within a Primary Shopping Frontage, and this includes cafes and restaurants. Policy SH7 sets out the specific conditions and requirements that should be considered when determining applications for such a change of use.

The policy considers the location of the proposal in relation to other existing non-retail units with an aim of avoiding an excessive concentration of units or continuous non-retail frontage with any parade or street block. The units adjoining the subject site are occupied by a chemist (Use Class A1) and a restaurant (Use Class A3). The wider parade running between the junctions with Rutland Park and Chatsworth Road also contains a reasonable variety of both retail and non-retail uses. On balance, it is considered that the proposed use would not result in a localised over-concentration of non-retail uses.

The policy also considers the wider context, in terms of the overall proportion of non-retail units within the entire Primary Shopping Frontage. The policy seeks to limit the proportion of non-retails uses to no more than 35% of the frontage. However, in order to maintain the vitality of the Town Centre during periods of low consumer expenditure the policy sets out that this restriction on non-retail frontage will be relaxed to allow non-retail units to occupy up to 50% of the frontage at times when more than 10% of the frontage is vacant. A previous application on the site in 2006 (see 'History') to change the use of the property to a cafe was refused, in part, on the grounds that at that time already more than 35% of the Primary Shopping Frontage was occupied by non-retail uses. However, surveys carried out this year indicate that the proportion of vacant frontage has increased to 11.2% and therefore the increased threshold of 50% is currently applicable. The proportion of the designated Primary Shopping Frontage occupied by non-retail uses is currently 40.5%. It is therefore considered that the proposed change of use, given the current levels of vacancy within the Town Centre, would comply with the criteria set out in this policy statement.

Overall, it is considered that, in principle, the proposed change of use would comply with the policies SH6 and SH7 contained in the UDP. However, before the proposed change of use can be considered acceptable, in all respects, the other, more direct, impacts of the proposed development must first be considered.

IMPACTS OF THE PROPOSED USE

Given that the principle of the proposed change of use has been established (see above), policy SH10 of the UDP sets out the specific issues associated with food and drink (Use Class A3) uses

which must be considered if the proposal is to be considered acceptable in all respects. These issues generally include the impact of the proposal on residential amenity and local highway conditions. Policy SH11 suggests that conditions may be imposed on any new A3 use to ensure satisfactory standard of development. There are a number of residential units located on the upper floors of the building above the subject site. There are also residential properties towards the rear of the site, along Rutland Park but these are considered to be less directly affected by the proposals.

EXTRACT DUCT

The proposal will involve the erection of an extract duct to the rear of the property. The proposed extract duct would have a diameter of 200mm, would be located approximately 1.75m from the nearest habitable room window and would terminate approximately 1.5m above the eaves. The Council's Environmental Health Unit have inspected the proposals and consider the location of the extract duct to be generally conducive to protecting residential amenity in terms of noise and odours. However, for the avoidance of doubt, it is recommended that a condition requiring further technical details of the extract system should be attached to any permission to ensure that the proposed duct would not cause unreasonable noise, vibration or odours.

In terms of character and appearance, the siting of the proposed extract duct would make it unlikely to be visible from any of the residential windows within the subject building. However, the ducting is likely to be visible from areas to the rear of the subject site, including properties along Rutland Park. Given that the subject site is located within the Willesden Green Conservation Area, the applicant has agreed in principle to paint the extract duct with black or a similarly dull colour to reduce the visual impact of the proposed duct on the character and appearance of the surrounding area. In light of recent appeal decisions within Willesden Green Conservation Area, where larger and more prominent extract flues have been allowed, Officers consider that the proposed extract duct would have a reasonable impact on the character and appearance of the property and surrounding area.

GENERAL ACTIVITY

The subject site is located within a busy Town Centre and therefore some level of disturbance arising from the general activities of commercial operations is to be expected. However, it is important to ensure that any disturbance is kept to a reasonable minimum. It is therefore recommended a condition restricting the hours of use from 0800-2300 on Monday to Saturday and 0800-2230 on Sundays and Bank Holidays. These hours are in accordance with those considered appropriate by a Planning Inspector when determining a recent appeal within the locality of the subject site.

There is an open area to the rear of the subject site. The applicant has confirmed that the area is in fact a shared garden for the flats above 66 and 68 Walm Lane although the occupiers of the subject premises do have a right of way over this land. For the avoidance of any doubt, Officers consider that a condition should be placed on any permission restricting the use of the rear garden for any purpose in connection with the proposed cafe use.

TRANSPORTATION & SERVICING

The premises is located within an area of good public transport accessibility (PTAL4) with Willesden Green tube station and a number of bus routes in close proximity of the site. The surrounding area is located within controlled parking zone MW which operates from 0800-1830 Monday to Saturday. In any case, the proposed change of use is unlikely to significantly change the existing demand for parking and servicing within the locality of the site as confirmed by the Council's Transportation Unit (see 'Consultation').

The applicant has not provided specific details for the storage and collection of refuse as part of the application details. However, it is envisaged that refuse requirements of the proposed use would not differ significantly from the previous use as a sandwich bar. For the avoidance of doubt, a condition should be imposed on any permission requiring the applicant to submit and adhere to an approved refuse management plan. It should be noted that the previous use operated without the control of such an agreement.

CONSIDERATION OF OBJECTIONS

Concerns relating to the impact of the proposed extract duct, the use of the residential garden and the principle of the proposed change of use have been addressed in the above report

Concerns have been raised regarding the increased competition that the proposed use would generate for similar existing uses within the vicinity of the site. Whilst acknowledging the concerns of the objector, as Members will be aware, competition between individual small scale businesses is not normally a material planning consideration that can be used to determine planning application. Furthermore, whilst some objectors have questioned the benefit of the proposed use to the wider community, Officers consider that any appropriate proposal, as defined by UDP policy, which would encourage the reoccupation of this vacant unit would be of benefit to the general vitality of Willesden Green Town Centre.

An objector has stated that they would have the legal right to prevent the installation of the proposed extract duct regardless of the Council's planning decision. This may very well be the case but as this would constitute a matter of civil law Officers do not consider that this should affect the determination of the current application as it would be for the applicant to resolve any such matters through the appropriate channels. For clarity, without the extract duct there would be a significant restriction on the range of food and drink activities likely to be provided on the site.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

- (2) The development hereby permitted shall be carried out in accordance with the

following approved drawings:

- PRQD_0525
- PRQD_0525 A
- A-#.##

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

- (3) The premises shall only be open and used for the preparation or sale of hot food and accept deliveries to the premises between the hours of:

0800 to 2300 Monday to Saturday (Excluding Bank Holidays)
0800 to 2230 Sundays & Bank Holidays

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

- (4) The rear garden of the premises shall not be used for as an area for storage or as a customer seating area in connection with the use, hereby approved, unless prior written approval is first obtained from the Local Planning Authority.

Reason: In the interests of residential amenity

- (5) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (6) Further details, including the manufacturers' specification and external appearance, of the proposed extract duct, indicated on the approved plans, shall be submitted to and approved in writing prior by the Local Planning Authority. The approved details shall be implemented in full prior to the commencement of any cooking of hot food on the site.

Reason: To ensure that the proposed extract equipment would not harm the amenity of residential occupiers.

INFORMATIVES:

- (1) The applicant is informed that any alterations to the existing shopfront or signage may require a separate grant of planning permission and/or advertisement consent.

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
8 letters and 3 petitions of objection

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



Planning Committee Map

Site address: 68 Walm Lane, London, NW2 4RA

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 20
Case No. 08/1712

RECEIVED: 18 July, 2008

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 212-214 Church Road, London, NW10 9NP

PROPOSAL: Retention of a single-storey rear extension to the community centre with set back from rear of Ilex Road across whole extension, landscaping of exposed area, lowered and non-opening roof lantern windows, air-conditioning units to flat roof and planters at end of rear extension

APPLICANT: Afghan Islamic Cultural Centre

CONTACT: Mr Omar Shahzadah

PLAN NO'S:
See condition 1

This application was previously considered at Planning Committee on 7th October 2008. It was deferred by Councillors who were of the opinion, following a Committee Site Visit, that the reduction in the depth of the existing extension had the potential to lead to further issues such as noise from the proposed windows and wanted this to be further considered. This issue is discussed in detail below.

Since the proposal was last seen at Committee, the current scheme has been amended to include airconditioning units on the roof (removing any need for windows to be opened for ventilation) and planters on the roof of the extension at the rear elevation.

RECOMMENDATION

Approval

EXISTING

The three-storey mid terrace property is in use as the 'Afghan Cultural Centre' at ground floor level, this use was given permission in 2002. A single storey extension covers the whole rear curtilage of both 212 and 214 Church Road.

PROPOSAL

Retention of a single-storey rear extension to the community centre with set back from rear of Ilex Road across whole extension, landscaping of exposed area, lowered and non-opening roof lantern windows, air-conditioning units to flat roof and planters at end of rear extension

HISTORY

02/3289 Granted - Change of use from Use Class A1 to community centre and internal alterations to provide reception, library, cafe and kitchen facilities

03/2399 Refused - Erection of single-storey rear extension and external staircase to community centre (part retrospective)

Enforcement

Following the refusal of application 03/2399, enforcement proceedings were undertaken as the extension had been constructed without planning permission.

An appeal was made against an enforcement notice, and the findings of the Inspector were that the staircase and extension to the rear of no. 214 had been in place for a significant amount of time and should not be included in the enforcement notice, however the extension to the rear of no. 212 should be removed.

Following this officer's decision that enforcement would not be immediately taken but that the applicant would be given the opportunity to submit a further proposal to improve the situation which may not require the total demolition of the extension to the rear of no. 212.

Other relevant history

The applicant's of the current application have advised that no. 210 Church Road, the neighbouring property, is in their ownership, the following is an enforcement record at no. 210 Church Road:

2007 - E/07/0415 - Without planning permission, the change of use from shop to D1 (Non-residential institutions - including places of worship) and a rear extension. The extension referred to in this enforcement record has since been removed.

2010 - A further enforcement record has since been created - E/10/0143, the alleged breach is 'The change of use of the premises to a mosque and 4 self-contained flats (temporary description)'

The principle of the change of use of no. 210 Church Road will be considered following the outcome of this current application at 212-214 Church Road.

POLICY CONSIDERATIONS

STR11 The quality and character of the Borough's built and natural environment will be protected and enhanced.

EP2 Noise & Vibration

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

CF4 Community Facilities Capable of Holding Functions

CONSULTATION

Neighbours have been consulted on the various iterations of the current application and were consulted on the current proposal on 21st May 2010. 4 objections from neighbours have been received during the lifetime of the application. Any additional representations will be reported to Members at the meeting.

The issues raised are as follows:

- The structure was built with no planning permission
- The centre was ordered to stop building on 3 occasions
- The centre lost their appeal against the council's order
- Brent took out a court order for the demolition of the illegal and totally inappropriate structure
- The centre is now extending across another building
- The structure is inappropriate in a residential area – noise and other activities cause disturbance,
- Children play on the roof so privacy is lost
- Traffic and parking - visitors to the centre cause congestion in Ilex Road and large emergency vehicles cannot access the road

- Sycamore trees and other bushes etc. which were between the rear of the properties have been removed destroying outlook
- Loss of security
- Overlooking into French doors in rear of Ilex road

REMARKS

As discussed above in the history section, it is a consideration that the half of the rear extension which is to the rear of no. 214 is deemed to be lawful following the Appeal decision. The proposal seeks permission for the element of the extension to the rear of no. 212, balancing the overall impact of this by pulling the extension away from the rear boundary across both units.

The key issues raised by this application are considered to be:

- is the scale and nature of the use acceptable in this location
- is the scale and appearance of the extension acceptable
- can the noise be reasonably controlled in relation to nearby dwellings

The Scale and Nature of the Use

It has been raised as a point of objection that when the centre is in use by large numbers of people, parking and congestion is a particular problem. However, as discussed above permission has been granted for the existing use at this site and the half of the extension which projects the full depth of the plot to the rear of no. 214 is lawful. The difference in floor space between the lawful extension and the currently proposed alteration to the existing extension is estimated at about 50sqm, the proposed alteration is a reduction of about 35sqm from the existing extension. It is not considered that the extension being considered within this application would have a significant impact on transportation and parking.

The site is within a town centre location and on balance the nature and scale of the use is considered to be acceptable.

With regard to the change of use at number 210 Church Road, which is expected to be considered in the near future in a separate application, officers are of the opinion that the impact on transportation and parking in the local area would require further assessment due to the additional increase in floor area. It is likely that if the use is considered to be acceptable in principle a Travel Plan will be sought from the Centre.

The Scale and Appearance of the Extension

The extension is proposed to be set back by 2.5m from the rear of Ilex Road and 2m for a 3.5m wide section which is to the rear of 212 Church Road and to the rear of numbers 29 and 31 Ilex Road. This would have the impact of reducing the dominance of the extension to properties to the rear.

Members of the Planning Committee previously considered this reduction in depth and the consequent introduction of windows increased the number of possible locations for noise to escape creating nuisance for neighbours. Officers are of the opinion that this issue is thoroughly dealt with and controlled by condition, which is discussed in detail below. However the option of improving the existing extension without altering its size was considered. Since this earlier Committee meeting an appeal decision has been received regarding 196 Church Road, which is pertinent to this scheme. This application related to an extension which is not as large as the existing structure at 212-214 Church Road, but the Planning Inspector still concluded that it was a disproportionate enlargement to the property at ground floor. In view of this recent appeal decision officers are clearly of the opinion that an extension entirely filling the plot is contrary to the Council's policies and harmful to the character of the site and area. As a result, the idea of siting the extension away from the rear boundary, with the controls set out below, has been retained.

Along the edge of the reduced extension planters are proposed with Pittisporum (Tom Thumb) as recommended by the Council's landscape officers as a low maintenance and hardy plant. Other than for maintenance there shall be no use of the flat roof, this is to be controlled by a condition.

The height of skylight will be reduced significantly from 0.85m in height to approximately 0.45m by removing the vertical panes which include opening windows leaving the top of the structure only. This will reduce its visual impact from the rear of Ilex Road.

There are residential units above both 212 and 214. No comments have been received from occupiers. Although the size of the extensions would inevitably have an impact on outlook from rear facing windows, it is not considered that the current application would impact on occupiers significantly other than in slightly improving outlook with planting to the rear of the extension.

The reduction in the depth of the extension and the proposed landscaping is considered to be a significant improvement to the character and appearance of the site and immediate area as well as the visual amenity of neighbouring occupiers.

Control of Noise in Relation to Nearby Dwellings

Noise from the use of the extension has been raised as a significant issue, it is therefore necessary for all windows to be non-opening and doors to be for emergency and maintenance access only. This is labelled on the proposed plans and is also the subject of a condition.

In the rear elevation there will be a number of windows, all non-opening, providing light to the extension. The boundary/wall/fence and additional screening of planting will ensure there is no impact on the privacy of neighbours from these windows. There will be one door for emergency and maintenance access only.

A condition also requires that the window to the side elevation will also be made non-opening and the side door leading to the staircase will only be opened for emergency or maintenance access.

The removed part of the rear of the extension adjoining the rear gardens of Ilex Road properties is proposed to be landscaped including some trees. The amount of hardstanding is minimal and the landscaping proposed appears comprehensive, and should limit the concern that it will become a place where people congregate. A single door being for emergency and maintenance use only is proposed.

A greater set back has been requested by residents of Ilex Road. Whilst this could have a positive impact in terms of the character of the building it would also further increase the size of the open space to the rear. It is expected that this may be more likely to lead to the use of the space as amenity or sitting out space which would worsen the impact on Ilex Road in terms of privacy and noise.

Ventilation is required to enable windows to remain closed all year. The proposed external units of the air-conditioning system are proposed on the roof adjacent to the skylight and will be orientated so as not to face the rear of Ilex Road. Noise details for the particular Mitsubishi units proposed have been submitted along with an 'Environ acoustic enclosure' to further reduce their noise level, these details have been considered by an Environmental Health Officer who has confirmed that they comply with the Council's requirements, it will also be covered by a condition.

Subject to conditions the proposal is considered to comply with policies contained in Brent's UDP 2004, as such approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

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

- (2) All proposed and existing windows to the extension, including the roof light lantern will be non-opening. Doors will provide access for emergency and maintenance reasons only and will not be opened for any other reason.

Reason: To protect the amenity of neighbours in terms of noise.

- (3) The flat roof of the extension shall not be used as a roof terrace at any time and shall only be accessed for maintenance reasons.

Reason: To protect the privacy and amenity of neighbouring properties.

- (4) Notwithstanding the submitted landscape plan, the area so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work shall be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

- (5) The air-conditioning equipment shall be installed in accordance with the submitted details including an acoustic enclosure. If the equipment is found to not comply with the Council's requirement that it is '10dB(A) or greater below the measured background-noise level at the nearest noise-sensitive premises' details of further noise attenuation measures will be required. Details of this shall be submitted to and approved in writing by the LPA and implemented in accordance with the approved details.

Reason: To ensure that the proposed ventilation plant and equipment will not be harmful to residential amenity.

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

General Map
2008/AICC/LAPL/01
2008/AICC/LAPL/02
2008/AICC/LAPL/03F
Sound Acoustics Ltd report
Environ Acoustic Enclosures

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

INFORMATIVES:

- (1) The applicant is advised that works to implement this scheme should be undertaken within 3 months of the date of this decision. Failure to do so will be likely to result in the Council considering taking enforcement action to ensure compliance with the consent.

REFERENCE DOCUMENTS:

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



Planning Committee Map

Site address: 212-214 Church Road, London, NW10 9NP

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Committee Report
Planning Committee on 8 June, 2010

Item No. 22
Case No. 10/0601

RECEIVED: 12 March, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 29-31, Brook Avenue, Wembley, HA9 8PH

PROPOSAL: Extension to time limit of planning permission 07/0158, dated 18/04/2007, for demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall

APPLICANT: Gateway No. 1 LLP

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £60,000 due on material start and, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area
- Prior to Practical Completion make a contribution to the Council of £50,000, index-linked from the date of committee towards Affordable Housing in Brent, unless an acceptable Affordable Housing Toolkit is submitted showing a return of less than 17.5%.
- A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing, prior to commencement of works. This shall demonstrate how the development will achieve Code for Sustainable Homes Level 3, how the indicated Brent Sustainability Checklist measures (Energy, Water, Materials, Demolition/Construction & Pollution) will be incorporated and how the measures to provide 20% of energy demand

through onsite renewable sources will be implemented within the scheme. Adherence to the approved Strategy.

- The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, renewable energy, 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.
- On completion, independent evidence (through a Post-Construction Review by an accredited Code for Sustainable Homes assessor) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least Code for Sustainable Homes Level 3.
- The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required
 - 1) the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - 2) the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough
- Join and adhere to the Considerate Contractors scheme.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement within the Statutory Application (13 week) timeframe.

EXISTING

The application site is situated on the south side of Brook Avenue approximately 50m from the junction with Bridge Road. To the rear of the site is Wealdstone Brook. To the north of the site on the opposite side of Brook Avenue is the Wembley Park station and car park.

The site is rectangular in shape and measures 27.6m in width and 52.8m in depth. Levels drop within the site towards the rear boundary which abuts Wealdstone Brook. The site currently contains three, two storey residential dwellinghouses. The south side of Brook Avenue is mainly characterised by two storey residential properties however the eastern end of Brook Avenue appears more commercial as a result of a ten-storey hotel occupying the corner site which fronts Bridge Road.

PROPOSAL

The application seeks an extension to permission 07/0158 using the recent measures introduced on 1 October 2009 to allow applicants to apply to extend a planning permission by seeking a new planning permission to replace an existing one which is in danger of lapsing. In accordance with the legislation, no changes are proposed to the scheme already granted. The existing permission relates to the demolition of the existing three residential properties and the erection of a part 3-storey, part 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall

Planning permission was granted for this scheme on 18 April 2007 following the completion of the legal agreement. This was given a three year consent and expired on 18 April 2010 however as the application was submitted prior to the expiry date for the consent, the application to extend the time limit is valid and must be determined.

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

Policy documents adopted since the previous consent was issued:

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

- Providing for Children and Young People's Play and Informal Recreation (March 2008)
- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)

SUSTAINABILITY ASSESSMENT

The original sustainability checklist submitted at the time of the submission of the original application was considered to lack supporting evidence however clauses were contained within the S106 which secured measures which would ensure compliance with the policy requirements at the time.

Since then, alterations to the London Plan have resulted in a new energy hierarchy approach being adopted which aims to reduce carbon emissions through design and energy efficiency, decentralised energy provision and the installation of renewable technology measures. Your officers requested an energy strategy in order to address this policy development which has been submitted. This is currently being reviewed by policy officers and conclusions will be reported within the Supplementary Report.

CONSULTATION

Standard three week consultation period carried out in which 32 properties were notified. A site notice was posted outside the site and notification of the application was advertised in the press.

No objections have been received regarding the proposal.

Internal Consultees

Landscape Design Team - No comments as this is a renewal and no policy changes have occurred regarding landscaping since the approval of the scheme.

Sustainability Officers - Comments pending.

Transportation - Raised objection due to recently approved development at 32-34 Brook Avenue which would, in conjunction with this scheme, result in excessive demand for on-street parking.

Environmental Health - No objection.

Thames Water - No objection.

Environment Agency - No objections subject to conditions

REMARKS

Where an extension to a time-limit on an existing permission is applied for, guidance issued by the Department of Communities and Local Government advises Councils to only consider changes in the development plan or other relevant material considerations.

The original application ref: 07/0158 dealt with material considerations such as design, siting, scale, quality of accommodation and mix of units, relationship with neighbouring properties, landscaping and parking provision and considered the scheme to comply with the development plan and policy guidance.

Since the granting of this consent, the main policy changes to have occurred are the alterations to the London Plan. In addition to the new hierarchy approach to energy discussed in the *Sustainability* section of this report, the alterations to the plan have reduced the threshold for 50% Affordable housing from 15 units to 10 units. Furthermore major developments are now required to have on-site playspace provision and meet Lifetime Homes Standards.

In terms of these policy developments, the applicants have submitted a viability toolkit to demonstrate that it is not possible to achieve a profit on the scheme and thus any requirement for Affordable housing would have further negative implications for the proposal. Evidence has not been provided which supports the toolkit however your officers do not consider the scheme to be viable currently and any Affordable housing would reduce the viability further. It should also be noted that the original design of the building only has one central core and would limit the suitability for a mixture of tenures as this layout is considered unfavourable by Housing Associations. This would therefore limit the Affordable units to those capable of being independently accessed (i.e. ground floor units). Whilst officers would typically require two cores to address such issues, this is a renewal application and in such situations additional S106 contributions for off-site Affordable housing provision are typically sought. Therefore, your officers consider it appropriate to secure an open-book financial appraisal of the development upon completion of the scheme in order to assess whether contributions can be sought towards off-site provision as improvements to market conditions may have occurred by this time. This would be secured through the S106 agreement. This approach is considered to satisfy this policy requirement.

With regards to the requirement for on-site playspace, the original scheme significantly exceeded SPG17 amenity space standards providing a large communal garden with an area of approximately 700 sqm. The proposed child yield for the scheme would require only 20sqm of playspace which can be accommodated easily within this space in an informal way. A condition is recommended which secures this provision within the development.

With regards to Lifetime Homes Standards, plans have been submitted which verify that it is possible for the requirements of these standards to be achieved within a typical unit layout. A new condition is recommended which ensures that these measures are secured within the development.

Relevant council policy developments relate to the adoption of a Planning Obligations Supplementary Planning Document which has introduced a standard tariff approach for new development. In the case of residential, a charge of £3,000 per new bedroom is now made which mitigates the impact of new residential developments on local infrastructure in terms of education, transportation and sports and open spaces. This would reduce the level of payment previously agreed from £74,500 to £60,000. The applicant has agreed to the new contribution as part of the Heads of Terms for the S106 agreement.

Summary

The proposed renewal has satisfied the policy developments adopted since the issuing of the original consent ref 07/0158 and is therefore in compliance with the development plan. The application is accordingly recommended for **approval**, subject to conditions and the completion of a legal agreement.

REASONS FOR CONDITIONS

n/a

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan Consolidated with Alterations since 2004

Brent Unitary Development Plan 2004

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London Supplementary Planning Guidance:

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

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

- Built Environment: in terms of the protection and enhancement of the environment
- Housing: in terms of protecting residential amenities and guiding new development
- Transport: in terms of sustainability, safety and servicing needs
- Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
- Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

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

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

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

-F250/001 - Site Layout Revision B

-F250/002 - OS Map

-F250/003 - Existing Street Elevation

-F250/004 Revision A - Lower Ground, Ground Floor and First Floor Stepping

Massing Studies (received on 09/03/2007)
 -F250/100 Revision A - Lower Ground Floor Plan (received on 08/03/2007)
 -F250/101 Revision B - Ground Floor Plan (dated 19/05/2010)
 -F250/102 Revision A - First Floor Plan (received on 08/03/2007)
 -F250/103 Revision A - Second Floor Plan (received on 08/03/2007)
 -F250/104 Revision A - Roof Plan (received on 08/03/2007)
 -F250/200 Revision A - Proposed Front Elevation (received on 08/03/2007)
 -F250/201 Revision A - Proposed Side Elevations to adjoining No. 32 (received on 08/03/2007)
 -F250/202 Revision A - Proposed Rear Elevation (received on 08/03/2007)
 -F250/203 Revision A - Proposed Side Elevation to adjoining No. 28 (received on 08/03/2007)
 F250/204 Proposed side elevation of 28
 -F250/205 Revision A - Proposed Street Elevation (received on 08/03/2007)
 -F250/206 - Proposed Street Prospective
 -F250/300 Revision A - Section A-A (received on 08/03/2007)
 -F250/301 Revision A - Section BB (received on 08/03/2007)
 -6009/001 Revision B - Site Survey

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

- (3) The bicycle-storage facility hereby approved shall be fully constructed and available for use prior to the first occupation of any of the flats and thereafter shall be maintained and shall not be obstructed or used for any other purpose, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a bicycle-storage facility is available for use by the occupiers of this residential development.

- (4) The reinstatement of the redundant crossover(s) onto Brook Avenue shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority and at the applicant's expense, prior to the occupation of any of the units hereby approved and all accesses shall remain thereafter unobstructed and available for access unless the prior written permission of the Local Planning Authority is obtained by way of a formal planning application.

Reason: To provide adequate safe servicing in the interests of the free flow of traffic and conditions of general highway safety on the estate and neighbouring highways.

- (5) Prior to the occupation of any part of the approved development all parking spaces, turning areas, access roads and footways shall be constructed and permanently marked out in accordance with approved plans. Thereafter these areas shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose.

Reason: To ensure a satisfactory design and access to service the development and to enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety within the site and along the neighbouring highways and in the interests of pedestrian safety.

- (6) The units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority demonstrating that lifetime homes standards and a minimum of 4 wheelchair accessible units are provided within the development as shown on approved plan numbered F250/101 Rev B.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

- (7) No development shall commence unless details of materials for all external work, including samples, have been 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.

- (8) No development shall commence unless all areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to first occupation of building.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (iv) Screen planting along the site boundaries.
- (viii) All planting including location, species, size, density and number
- (ix) Any sustainable construction methods which are to be used.
- (x) Trees to be retained within the site.

Any trees and shrubs planted in accordance with the landscaping scheme, including those trees indicated to be retained, 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.

- (9) No development shall commence unless a Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-

- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
- (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
- (iii) Inspection and checking of all plants and for health and/or damage to plants.
- (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
- (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
- (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.

- (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
- (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The Landscape Management Plan as approved (or as amended through an agreement in writing with the Council) shall be implemented on first occupation of the development and throughout the lifetime of the development.

Reason: To ensure the survival and ongoing vitality and of all plants and soft landscape. To ensure that the environment for the local community and residents continues to remain pleasant and attractive indefinitely.

- (10) No development shall commence unless details of all (appropriately aged) play spaces are submitted to and approved in writing by the Local Planning Authority. The approved playspace scheme shall be completed prior to occupation of the building(s) and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

The details submitted pursuant to this condition should reflect the details relating to boundary treatments, contours and levels and planting submitted pursuant to condition 8.

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

- (11) Prior to the commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These shall adhere to the principles embodied in BS5837:2005 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experience arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees on the site in the interests of amenity.

- (12) Prior to the commencement of the development hereby approved a construction method statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development and the approved construction method statement shall be fully implemented during the construction of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the

development that would otherwise give rise to nuisance.

INFORMATIVES:

- (1) The applicant must ensure that the treatment/finishing of flank walls can be implemented, before work commences, as this may involve the use of adjoining land, and should also ensure that all development, including foundations and roof/guttering treatment, is carried out entirely within the application property.
- (2) During construction on site:-
 - (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
 - (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
 - (c) Vehicular access to adjoining and opposite premises shall not be impeded.
 - (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
 - (e) No waste or other material shall be burnt on the application site.
 - (f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
 - (g) A barrier shall be constructed around the site, to be erected prior to demolition.
 - (h) A suitable and sufficient means of suppressing dust must be provided and maintained.

REFERENCE DOCUMENTS:

The London Plan Consolidated with Alterations since 2004

Brent's Unitary Development Plan - 2004

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London Supplementary Planning Guidance:

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
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- Providing for Children and Young People's Play and Informal Recreation (March 2008)

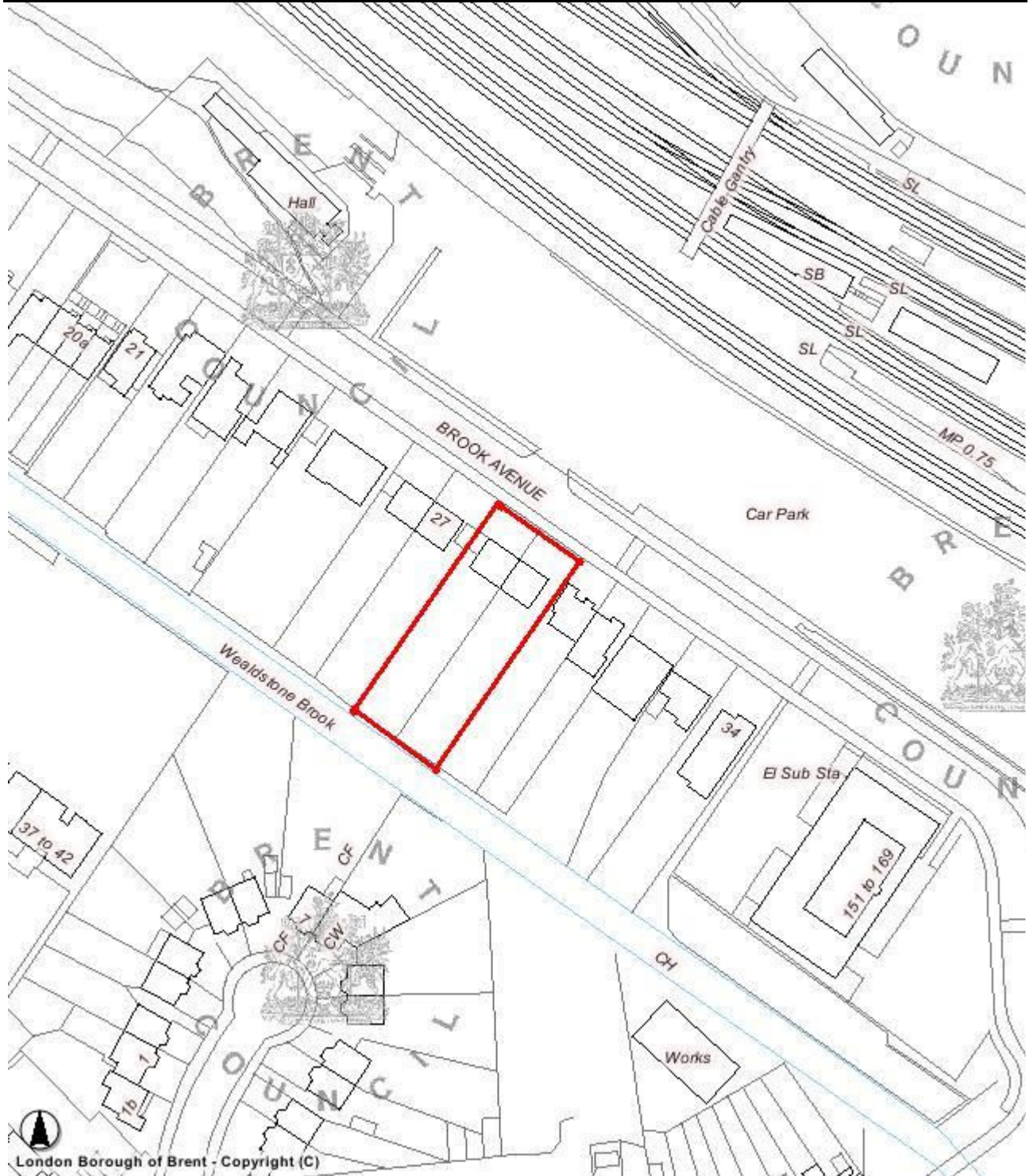
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 29-31, Brook Avenue, Wembley, HA9 8PH

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 22
Case No. 10/0646

RECEIVED: 19 March, 2010

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Wembley Mini Market and Public Convenience, Lancelot Road, Wembley, HA0

PROPOSAL: Demolition of existing market structures and public convenience, and erection of a part two-, three- and four-storey building, comprising 21 flats (1 x 1-bedroom, 18 x 2-bedroom and 2 x 3-bedroom), with amenity space and associated landscaping

APPLICANT: London and Quadrant Group

CONTACT: John Thompson & Partners

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 100% affordable housing
- A contribution of £55,000 due on material start and, index linked from the date of the committee for measure to enhance the Town Centre retail offer
- A contribution of £103,200 due on material start and, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area
- A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing, prior to commencement of works. This shall demonstrate how the development will achieve Code for Sustainable Homes Level 4, how the indicated Brent Sustainability Checklist measures (Energy, Water, Materials, Demolition/Construction & Pollution) will be incorporated and how the measures to provide 20% of energy demand through onsite renewable sources will be implemented within the scheme. Adherence to the approved Strategy.
- The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, renewable energy, 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.

- On completion, independent evidence (through a Post-Construction Review by an accredited Code for Sustainable Homes assessor) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least Code for Sustainable Homes Level 4.
- The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required
 - 1) the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - 2) the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough
- Join and adhere to the Considerate Contractors scheme.
- Removal of the rights of residents to apply for parking permits.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement within the Statutory Application (13 week) timeframe.

EXISTING

The application site occupies a corner location which fronts Lancelot Road and Turton Road. This is designated an opportunity site within Wembley Town Centre as it is currently a redundant market with an existing poor quality open canopy structure which has fallen in to disrepair since the use ceased. Surrounding uses to the north are predominantly residential. To the south of the site are town centre uses.

The northern frontage of the site which fronts Turton Road measures approximately 26.7m. The western frontage of the site which fronts Lancelot Road measures approximately 32.6m. Levels change across the site with the land falling from south to north. The eastern boundary of the site abuts a servicing road in use by users of properties fronting the High Road.

To the east and north of the site, the prevailing pattern of development is two storey victorian residential terraces. To the south of the site, the character of the area is more mixed with building heights increasing towards the high road.

PROPOSAL

This application proposes the erection of a part two- part three- part four storey building containing 21 residential units. The scheme will be 100% affordable providing social rented accommodation. The mix of accommodation proposed is 1x 1-bed unit, 18x 2-bed units and 2x 3-bed units.

The L-shaped building is designed to front both Lancelot Road and Turton Road with a curved element defining the corner. The main entrance is situated on Lancelot Road towards the southern end of the site. The units are single aspect units facing either on to the public realm (on Lancelot Road and Turton Road) or on to the rear of the site where a communal amenity space is provided at the ground floor level. Other amenity space provision is in the form of a communal roof terrace and private balconies. A landscaping strip is provided along the site frontages. Refuse storage facilities and cycle storage provision is situated on the ground floor of the building.

The main portion of the building along Lancelot Road is three storeys with the fourth storey recessed. The bulk and massing is repeated along the Turton Road frontage however the height of the building is reduced to two storeys at the eastern end of the site.

The development will be car-free with the S106 including a clause which removes the rights of residents to apply for on-street permits.

HISTORY

07/0676 - Demolition of existing market structures and formation of new vehicular and pedestrian access for change of use to a temporary public pay car-park, providing 23 car-parking bays
Pending decision - Resolution to grant subject to completion of a legal agreement

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR9 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR11 - The quality and character of the Borough's built and natural environment will be protected and enhanced.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

STR14 - New development to make a positive contribution to improving the quality of the urban environment in Brent

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP10 - Protection of Surface Water

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN35 - Transport access for disabled people & others with mobility difficulties

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

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- Accessible London: Achieving an Inclusive Environment (April 2004)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

Planning Policy Guidance and Statements

PPG13- Transportation

PPS1- Delivering Sustainable Development

PPS1 - Supplement: Planning and Climate Change

PPS22 - Renewable energy

SUSTAINABILITY ASSESSMENT

The applicants have submitted a TP6 Sustainability Checklist which they have scored at 61.5% (Very Positive). However, your officers have scored the Checklist at 49.5% (Fairly Positive). Whilst this falls below the minimum level that is normally considered acceptable, this could be brought up to an acceptable level through the provision of additional information regarding measures such as the incorporation of SUDS and permeable paving for the hardsurfaced areas within the sites. Further detail regarding the implementation of measures identified within the Checklist can be provided within the Sustainability Implementation Strategy that is to be secured through the Section 106 agreement.

The Energy Demand assessment that has been submitted examines the proposal having regard to the energy hierarchy that is set out within the London Plan. This assessment states that CHP is not feasible within the development. Officers agree with this conclusion. Rather the statement proposes the use of photovoltaic panels to achieve a 20% reduction in carbon emissions. Officers have checked the calculations and are satisfied that the figures can be achieved. A roof plan has been provided by the applicants to demonstrate that the roof can support the amount of panels required (169sqm) and can be laid out in a way which prevents overshadowing and allows for access and maintenance. These have been reviewed by officers and a satisfactory layout is shown subject to an alteration to the pitch of the solar panels to 35 degrees rather than the 45 degree pitch currently shown on the elevations.

CONSULTATION

Standard three week consultation period was carried out between 24 March 2010 and 14 April 2010 in which 250 properties were notified. A site notice was posted at the site and notification of the application was placed in the local press. Consultation was also extended to ward councillors. 5 letters of objection have been received which raise the following concerns:

- Increased pressure on on-street parking in the area
- Detrimental impact on property values (*Officer's Note: This is not a material planning consideration*)
- Increased crime and robberies from the development
- Existing area is already poor quality. Flats would exacerbate this. Need new four bedroom housing
- Increase noise and traffic
- Council should install speed bumps and limit cars to 20mph for public safety to cope with extra traffic arising from the development
- Four storey development is too high and out of keeping with the existing housing in the area

- No parking on site - CPZ only operated until 6.30pm therefore residential units will cause considerable additional congestion exacerbating existing problems from number of nightclubs and restaurants
- Loss of privacy to 6 Lancelot Road. Flats will overlook garden of this property. Height of flats would also obstruct the sunlight coming in to the garden

Petitions have also been received from residents in Elspeth Road, St Anne's Road, Thurlow Gardens, Turton Road and Lancelot Road with 132 signatures. The petition raises the same concerns outlined above with additional concerns raised regarding potential drainage problems arising, the river passing through the area may make the site unsuitable for heavy construction and the loss of a landmark.

Internal Consultees

Landscape Design Team - Lack of detailing on hard and soft landscaping. Concerns raised regarding the quality of amenity space provided. The frontage spaces have a lack of privacy and are cramped. The communal garden is positioned in such a way that it will be extremely shared. Communal roof terraces are bland and do not possess any landscape features.

Urban Design - The overall scale of the building should be reduced. Front entrance should be prominent and of generous proportions to allow clear recognition from the street. The corner element should be more articulated by enlarging and projecting the proposed corner balconies from Lancelot Road towards Turton Road. This would assist in breaking the massing of the facade. Overall palette of materials is considered acceptable.

Transportation - No objections subject to legal agreement to secure a car-free agreement, financial contributions and works to the highway. The gradient of the ramp to the refuse store should also be adjusted to 1:12.

Streetcare (Waste) - Waste provision proposed is acceptable. Ramp should be adjusted to 1:12 gradient. In addition a drop down kerb should be provided on the highway in direct alignment with the bin storage area.

Thames Water - No objections.

Sustainability Team - No objections - see sustainability section of the report.

REMARKS

Principle of development

The redevelopment of the site proposed is solely for residential units. Policy WEM28 subsection (c) designates the site as an opportunity site within Wembley Town Centre. Such sites are considered suitable for residential where it is part of a mixed use scheme. The site is not situated on a main road in Wembley Town Centre and is the last site appropriate for a retail use when travelling north from the High Road along the eastern side of Lancelot Road. As a result, pedestrian footfall to support a retail unit is unlikely to be high. On this basis, the applicants propose a development which is solely residential but have acknowledged the policy through a financial contribution of £55,000 which would be reserved for measures which enhance the town centre offer. Your officers consider this to be acceptable and consider the level of payment offered to be suitable to mitigate the loss of retail.

Design Approach

The existing site contains a redundant market canopy structure which is in the process of being demolished. The existing site has fallen in to disrepair and the redevelopment of this site is

welcomed by officers. The proposed building adopts a modern design approach which maintains frontages along both Lancelot Road and Turton Road. The building is set back from each boundary by a distance of 2m in order to allow opportunities for soft landscaping. The corner element is defined by a curved feature which is articulated by private balconies which add definition through a vertical crease line. The bulk and massing of the building is broken up through the use of different materials and recessed elements where private balconies are inserted. This articulates the frontages and provides rhythm in the street scene. The fourth storey element is recessed and surrounded by roof terraces which are either for communal use or private to the top floor units where the areas are close to habitable room windows. On the western side of the site, the development is reduced to two storeys in order to provide a stepped approach which relates more closely to the pattern of development within Turton Road. Details of all materials would be secured by a condition requiring samples to be submitted prior to the commencement of works on site in order to ensure a satisfactory palette of materials are secured for the development.

The objectors concerns regarding the quality of the development and height of the proposed building are therefore not considered significant issues by officers. Although it is recognised that the existing landmark would be removed, the structure is in poor condition and would be difficult to re-use for residential/mixed use purposes by virtue of its design. Furthermore the landmark is not protected within policy and overall, the proposed development is considered to significantly improve the appearance of the site.

Siting, scale and density

The site is located between a denser urban form to the south and the suburban form to the north and east and is therefore a transition between the two. In consideration of the scale and density of development in relation to the surrounding buildings, the proposal should reflect this transition. Given the corner plot location of the site there is scope for a taller form of development which marks the end of the denser urban form provided a satisfactory relationship is achieved with Turton Road. The majority of the building reads as three storeys due to the set back of the fourth storey from both frontages. The change in levels down to the site from its southerly neighbour results in the proposed building providing continuity in building heights.

The 2m setback from the front boundaries softens the appearance of the building and respects the established building line in Turton Road. The scale and massing of the building has been broken up to provide a more traditional residential rhythm through projections which are interspersed with recessed balconies. The proposed treatment of these elements is also varied providing visual interest and greater definition to these different sections. Therefore, despite the scale and massing of the scheme which extends across the majority of the site, the proposal is considered to relate appropriately to the character of the existing area by providing suitable architectural devices which ensure the rhythm of the street scene is maintained.

A stepped approach has been adopted at the eastern end of the site in recognition of the prevailing pattern of development on Turton Road which is two storeys. Although the proposed building is in close proximity with the eastern boundary this is considered acceptable due to the separation from the nearest neighbouring properties by the servicing road and the stepped change in building heights close to the eastern boundary.

An assessment of the scheme in relation to neighbouring properties has been made to ensure SPG17 standards are met. In addition a desktop daylight and sunlight report has been provided by the applicants to ensure that the impact on the nearest neighbouring property would not receive any significant adverse impact. The most sensitive property to the east of the site is 20 Turton Road. This property has been subdivided into flats in the 1980s. The daylight and sunlight report has assessed the scheme in accordance with BRE standards which state that any window would not receive a significant adverse impact provided it retains 80% of the previous level of light received. Only 1 window in 20 Turton Road would lose more than 20% of its previous light level. According to the approved plans for the flats, this window serves a bathroom/dressing room for the

first floor flat which would not be classed as a habitable room and as such, the development is considered to have a satisfactory relationship with these units. The applicants have also provided a plan showing that the building does not significantly breach a 45 degree line from the residential garden of 20 Turton Road. Where the 45 degree line is breached, the breach is marginal and relates not to the building but to screening surrounding roof terraces. As a result, the impact on the garden belonging to 20 Turton Road is considered reasonable. The scheme has also been designed to prevent any significant overlooking into the windows and garden of this property. The second floor unit which has eastern facing windows has a 2m privacy screen preventing any direct view into this property. At the first floor level, only secondary habitable room windows are positioned in the eastern flank wall and can be conditioned to be obscurely glazed to prevent any loss of amenity to this property. On this basis, the scheme is not considered to have an unduly detrimental impact on the light, outlook or privacy of 20 Turton Road as defined within SPG17.

The other nearest neighbour is situated to the north of the site fronting Lancelot Road. This property (number 4) contains 2 flats and has habitable kitchen windows in the flank elevation facing on to Turton Road. A 30 degree line has been drawn taken from 2m above ground level. The proposed building does not breach this line although there is a marginal breach with the roof terrace railing. As the breach is marginal and the balustrading would be glazed, this is not considered to have a significant detrimental impact on the amenities of the ground floor flat. The roof terrace provided has a 1m landscaping buffer around the perimeter to prevent significant overlooking from this communal amenity space. Furthermore the development is 15m from these windows and the amenity space belonging to the flats which is considered satisfactory to preserve the amenities currently enjoyed by the occupants of 4 Lancelot Road as defined within SPG17.

The residential density of the proposed scheme has been calculated to be 581HR/Ha. The London Plan indicates the site to fall within the density range of 200-700HR/ha appropriate for a site within an urban context with a PTAL rating of 6. The density of the proposed scheme is therefore considered appropriate for its location.

Your officers accordingly consider the scale and massing of the building and its siting and design to respect the amenities of neighbouring properties and be in-keeping with the character of the area.

Quality of Accommodation

Unit Size: All units within the development meet or exceed the minimum size guidelines advocated by SPG17. The development complies with lifetime homes standards and 2 wheelchair accessible units are provided on the ground floor of the scheme.

Light and outlook: The majority of units overlook either the public realm (Lancelot Road or Turton Road) or the communal courtyard garden to the rear of the site. As the units tend to be single aspect, a desktop study of the scheme has been provided to assess the scheme in line with BRE standards. All units are considered to receive adequate daylight (following some revisions to increase the proportion of glazing). It should be noted that the original scheme included windows within the southern elevation of the site to provide additional light to units numbered 12 and 18 which have one deep, open plan living room/dining room and kitchen. As this relied on light from a neighbouring site which may prejudice future development on this site, these have been removed and replaced with sunpipes which supplement the main window. Whilst the layout is not ideal, the daylight offered within these units is considered sufficient.

In terms of outlook, ground floor units are a minimum of 9m from site boundaries which is marginally below SPG17 standards however the outlook offered is considered acceptable. Officers have raised concerns regarding outlook from the main living accommodation in units 13 and 19 which is largely enclosed by the flank walls of the building. This is currently considered unacceptable however a solution has been put to the applicants which would address these concerns with only marginal changes to the scheme. Confirmation that amended plans have been

submitted which address these issues will be provided in the supplementary report.

Privacy: Sensitive habitable room windows at the ground floor (close to shared entrances) and on the third floor (close to the communal roof terrace) are afforded privacy through screens. The 2m setback from the main frontages is considered sufficient to provide defensible space for the ground floor units which will ensure adequate privacy. It should also be noted that this relationship with the public realm is typical of the existing pattern of development in the area and would therefore not raise concerns. The rear ground floor units are afforded privacy through designated private gardens and privacy screens. At the rear, it should be noted that some habitable room windows are 6m from private balconies currently. This will be increased in amendments but the 10m guideline is unlikely to be achieved. In these situations, privacy screens can be incorporated in to the scheme to ensure adequate privacy without eroding outlook significantly. On this basis, officers consider the standard of accommodation provided to be satisfactory in terms of light, outlook and privacy.

External amenity space: External amenity space provision is provided in the form of a ground floor communal courtyard, a communal roof terrace and private gardens and balconies. It should be noted that only the ground floor units at the front of the building (numbers 4 and 5) would have no private space. All private balconies are a useable size. The scheme as a whole would require a total amenity space provision of 420sqm with a further 50sqm of playspace for children aged between 0 and 5 on-site. Units 1, 6, 14, 20 and 21 have private amenity space which significant exceeds SPG17 standards. The remaining units would require around 320 sqm of amenity space and 50 sqm of playspace. The total amenity space provision provided for these units has been calculated to be 357sqm which marginally fails to meet this requirement. The aforementioned amendments to reduce the scale of the building further are likely to address this issue.

Confirmation of this will be supplied within the supplementary report. It should be noted that the Landscape Design Team have raised concerns regarding the quality of amenity space provision at the ground floor level within the rear courtyard garden. This is due to the scale of the building, the lower ground level of the amenity space, neighbouring buildings overshadowing the space due to level changes and the need for adequate screening from the servicing road to the rear of the site. However the amenity area is south facing and any boundary treatments can be softened through innovative planting. A detailed scheme to ensure a good quality space for future occupants is secured by condition.

Cycle storage: Cycle storage is provided within the building in accordance with council standards. Due to the small area dedicated to this provision, confirmation of a stacking solution which can achieve the required provision has been sought. The details of this will be supported within the supplementary report.

Refuse storage: Refuse storage is provided which meets the council's adopted standards. These facilities are situated in a suitable location for both residents and servicing. Amendments to the gradient of the ramp have been provided which comply with council standards.

Landscaping

Minimal landscaping details have been submitted with this application however the scheme provides opportunities for a meaningful landscaping buffer along the site frontages on Lancelot Road and Turton Road which would positively contribute to the public realm. The communal courtyard amenity space shows a mix of lawn, pathways, play space, benches, seating and planting whilst the communal roof terrace shows a landscaping buffer which would enhance this area and prevent overt overlooking into neighbouring gardens from this area. A detailed scheme relating to landscaping, playspace and boundary treatments can be secured by condition to ensure a high quality landscaping is achieved on site.

Parking and Servicing

The development is proposed to be car-free which would be secured through a clause within the S106 agreement. This clause would prevent residents from being permitted to apply for any parking permits within an area of controlled parking and as such the development is not considered to have any significant impact on existing parking demands.

This approach is commonly accepted by the council where the site is situated in an area with a very good public accessibility level. The PTAL rating for the site has been assessed to be Level 6 which is the highest level. This assessment is made on the basis of the close proximity to Wembley Central Station and a significant number of bus routes.

The objectors concerns regarding the existing hours of the controlled parking zone are noted which may result in an increase in overspill parking from the development outside of controlled hours however if this were to occur, mechanisms to increase the hours of control are available to address this if concerns were raised with the council's Transportation department.

Comments regarding speed bumps and lower speed limits within the area are noted but are not considered necessary to mitigate potential impacts of the car-free development however this matter has been passed to Transportation for consideration.

Although no disabled parking provision has been provided on-site. Transportation have confirmed that this could be accommodated on-street in designated bays at the request of eligible residents.

Impact on crime

The objectors concerns regarding increased crime are noted however your officers do not consider the new residential development to provide new opportunities for crime within the area. The scheme has been considered by the Secured By Design officers within the Metropolitan Police who have also raised no objection to the scheme on these grounds as the scheme allows natural surveillance of footpaths and streets and associated improvements on the existing site.

Other issues

Comments regarding the impact of the development on property values are noted however this cannot be considered as a potential impact in the planning process. The matters regarding drainage are also noted however no objection has been received from Thames Water thus this issue is not considered to raise significant officer concerns.

Conclusion

Your officers consider that the proposal will maintain the amenities of surrounding residents and provide a satisfactory standard of accommodation subject to the amendments which have been agreed with the applicants although the receipt of appropriately amended plans will be confirmed within the supplementary report. The proposed development is considered to be an appropriate density within this context and acceptable in terms of scale and design maintaining the general character of the area. The success of the scheme will be largely dependent on the quality of materials which can be secured by condition to ensure compliance with development plan policies. As such it is recommended that the scheme be approved, subject to conditions.

REASONS FOR CONDITIONS

n/a

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan Consolidated with Alterations since 2004
Brent Unitary Development Plan 2004

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London Supplementary Planning Guidance:

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

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

- Built Environment: in terms of the protection and enhancement of the environment
- Housing: in terms of protecting residential amenities and guiding new development
- Transport: in terms of sustainability, safety and servicing needs
- Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
- Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

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

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

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

PL01
PL02 Rev A.
PL03 Rev E
PL04 Rev E
PL05 Rev D
PL09 Rev A
PL06 Rev D
PL07 Rev C
PL08 Rev C
PL10

and the following approved documents:

Transport Statement by BCHF (UK) Limited - 25 February 2010
Design and Access Statement by John Thompson and Partners (March 2010)
Planning Statement (March 2010)
Daylight and Sunlight Report by James M A Crowley (dated 14 April 2010)
Energy Strategy prepared by Bluesky Unlimited (dated 16 March 2010)

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

- (3) The bicycle-storage facility hereby approved shall be fully constructed and available for use prior to the first occupation of any of the flats and thereafter shall be maintained and shall not be obstructed or used for any other purpose, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a bicycle-storage facility is available for use by the occupiers of this residential development.

- (4) The reinstatement of the redundant crossover(s) onto Turton Road shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority and at the applicant's expense, prior to the occupation of any of the units hereby approved and all accesses shall remain thereafter unobstructed and available for access unless the prior written permission of the Local Planning Authority is obtained by way of a formal planning application.

Reason: To provide adequate safe servicing in the interests of the free flow of traffic and conditions of general highway safety on the estate and neighbouring highways.

- (5) The units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority demonstrating that lifetime homes standards and a minimum of 2 wheelchair accessible units are provided within the development as shown on approved plans.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

- (6) The windows on the first floor on the eastern face of the building shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier(s).

- (7) No development shall commence unless details of materials for all external work, including samples, have been 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.

- (8) No development shall commence unless all areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to first occupation of building.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a

permeable construction.

(iii) Proposed boundary treatments including walls and fencing, indicating materials and heights.

(iv) Screen planting along the site boundaries.

(viii) All planting including location, species, size, density and number

(ix) Any sustainable construction methods which are to be used.

(x) Trees to be retained within the site.

Any trees and shrubs planted in accordance with the landscaping scheme, including those trees indicated to be retained, 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.

- (9) No development shall commence unless a Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-

(i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.

(ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.

(iii) Inspection and checking of all plants and for health and/or damage to plants.

(iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.

(v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.

(vi) Necessary pruning, dead heading, trimming, mulching of shrubs.

(vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.

(viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.

(ix) Care not to damage any trees or shrubs by strimming and adding protection as required.

(x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The Landscape Management Plan as approved (or as amended through an agreement in writing with the Council) shall be implemented on first occupation of the development and throughout the lifetime of the development.

Reason: To ensure the survival and ongoing vitality and of all plants and soft landscape. To ensure that the environment for the local community and residents continues to remain pleasant and attractive indefinitely.

- (10) No development shall commence unless details of all play spaces are submitted to and approved in writing by the Local Planning Authority. The approved playspace scheme shall be completed prior to occupation of the building(s) and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

The details submitted pursuant to this condition should reflect the details relating to boundary treatments, contours and levels and planting submitted pursuant to condition 8.

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

- (11) Prior to the commencement of the development hereby approved a construction method statement and Site Waste Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development and the approved details shall be fully implemented during the construction of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (12) Prior to the commencement of works on the development hereby approved, a report prepared by an approved Acoustic Consultant, prepared in accordance with BS8233:1999 "Sound Insulation and Noise Reduction for Buildings-Code of Practice", is submitted to and approved in writing by the Local Planning Authority demonstrating that internal noise level meet the following standards:

Reasonable resting conditions - Living Rooms - 30-40dB (day: T = 16 hours 07:00-23:00)

Reasonable sleeping conditions - Bedrooms - 30-35 dB (night: T = 8 hours 23:00-07:00)

Reason: To safeguard the amenity of future occupants of the development

- (13) The units hereby approved shall not be occupied unless details of the levels of noise and vibration in each of the flats' living-rooms and bedrooms (post-completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233:1999 "Sound Insulation and Noise Reduction for Buildings-Code of Practice".

If "reasonable" noise levels have not been achieved, the report will detail what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with the details so approved.

Reason: To ensure satisfactory noise levels for the future occupants of the building.

- (14) Prior to the occupation of the development, a scheme for external lighting to all footways and the communal amenity space to the rear of the building shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external lighting scheme within the development site does not result in nuisance to adjoining residential properties and provides a safe environment for residents.

INFORMATIVES:

- (1) During construction on site:-
 - (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
 - (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
 - (c) Vehicular access to adjoining and opposite premises shall not be impeded.
 - (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
 - (e) No waste or other material shall be burnt on the application site.
 - (f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
 - (g) A barrier shall be constructed around the site, to be erected prior to demolition.
 - (h) A suitable and sufficient means of suppressing dust must be provided and maintained.

- (2) There are public sewers crossing the site. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

- (3) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated and regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required and can be contacted on 0845 850 2777.

REFERENCE DOCUMENTS:

The London Plan Consolidated with Alterations since 2004
Brent's Unitary Development Plan - 2004
SPG12 - Access for disabled people
SPG17 - Design Guide for New Development
SPG19 - Sustainable design, construction and pollution control
SPD - Section 106 Planning Obligations
Mayor of London Supplementary Planning Guidance:

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

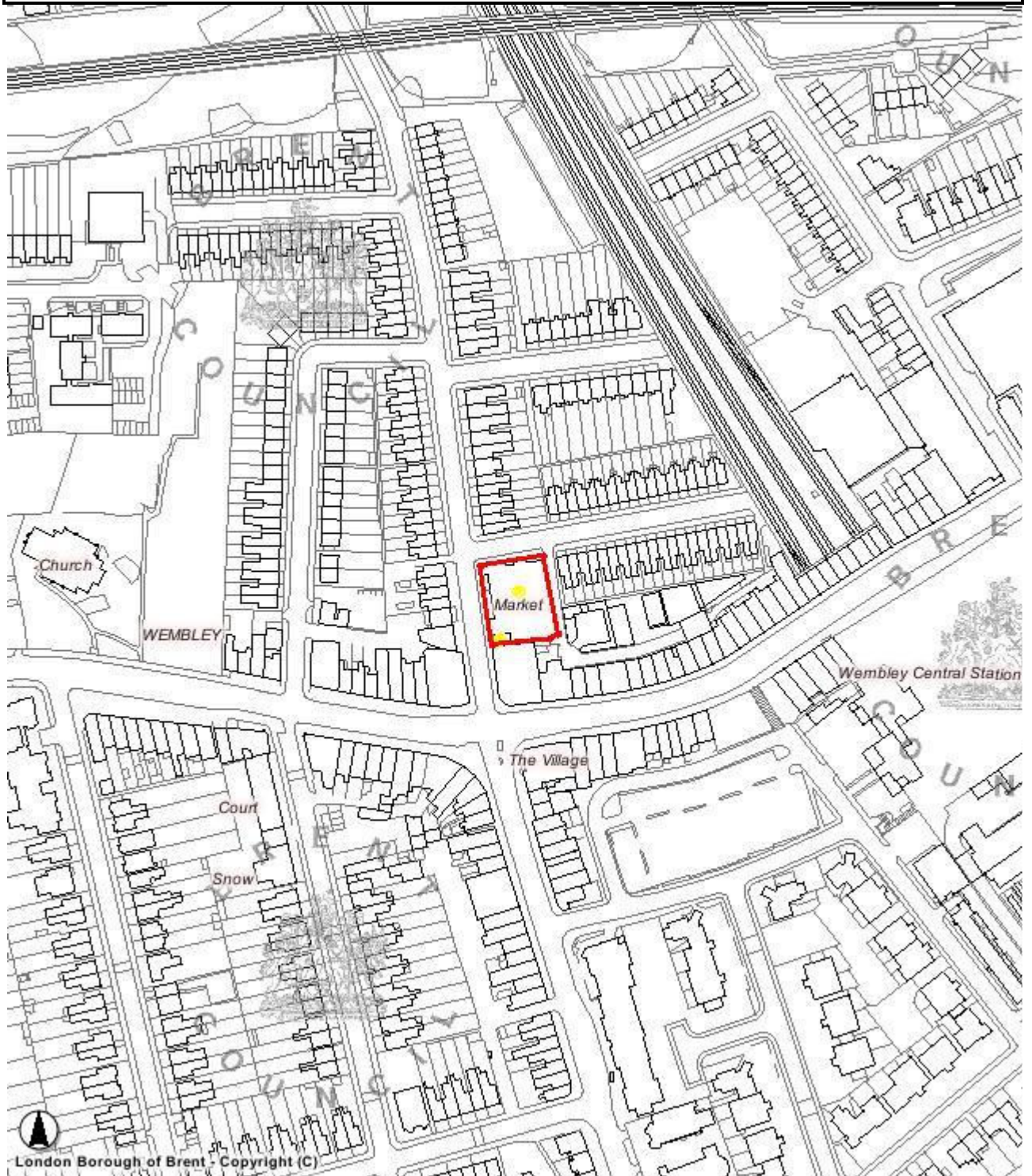
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: Wembley Mini Market and Public Convenience, Lancelot Road, Wembley, HA0

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Committee Report
Planning Committee on 8 June, 2010

Item No. 23
Case No. 10/0631

RECEIVED: 16 March, 2010

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: The Stonebridge Centre, 6 Hillside, Stonebridge, London, NW10 8BN

PROPOSAL: Installation of 12 metre pole mast with broadcast antenna and flat plate link antenna for community radio station on roof of building (The Hillside Hub)

APPLICANT: Bang Entertainment Ltd

CONTACT: Station Z Media Production Services

PLAN NO'S:
See condition 2.

RECOMMENDATION

EXISTING

The subject building, known as the Stonebridge Centre, is the recently constructed mixed use community / residential / shopping building situated on the north side of Hillside. The uses within the building include a PCT clinic, convenience retail store, a café, a community hall and community rooms together with retail uses on the upper floors. The building is not within a Conservation Area and is not listed.

PROPOSAL

The applicants propose the erection of a 12 m high pole antenna on the roof of the eastern "wing" of the building. The antenna is detailed to project 10.4 m above the parapet within the side elevation, or 9.9 m above the highest point of the parapet. One antenna is to be attached approximately 2.2 m from the top of the pole. The diameter of the pole is 50 mm, and the applicants have specified that the antenna is coloured white and the pole could be any colour that is considered acceptable. The guys are 2 mm in diameter and dark green in colour. The guys will be attached to the inside of the existing parapet.

The antenna is to serve a community radio station which is based in Harlesden.

HISTORY

06/0078 - Granted 30 June 2006

Erection of part three-, five- and six-storey building to provide health centre, community centre, radio station, cafe, retail shop, 25 one-bedroom flats, 32 two-bedroom flats and 2 studio flat, formation of 47 basement car-parking spaces (of which 14 are for the Health Centre), 17 surface car-parking spaces and 4 layby car-parking spaces, provision of vehicular access from The Avenue and landscaping on land fronting Hillside and The Avenue between Stonebridge Park Hotel and the BACES site.(as accompanied by Planning Support Information document dated 14 June 2006 and Supporting Statement dated January 2006)

POLICY CONSIDERATIONS

BE2 Townscape: Local Context and Character
BE9 Architectural Quality
BE19 Other forms of telecommunications development

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

135 Consultation letters sent on 24 March 2010

Two letters of objection have been received from residents citing the following issues:

- Impact on health of residents
- Noise
- Cost to residents
- Visual appearance (it will be an eyesore)
- Obstruction of views

These issues are dealt with in the remarks section of this report.

Environmental Health:

Please see Remarks section of this report.

REMARKS

Planning permission is sought for a twelve metre high radio mast to be located on top of the Hillside Hub. It will act as transmitter for a local community radio station based in Harsleden. The proposed mast and antenna will be visible from a number of locations, however given that the pole has a diameter of just 5cm and given its slimness and its siting on top of one of the Hub's six storey wings the likely visual impact of the structure will be limited. The pole will be mounted in the centre of the roof and the three guy ropes supporting it will be fixed behind the parapet.

It should be noted that the visual impact of the proposed antenna is likely to be far less significant than that of the typical mobile phone masts found on top of buildings. These normally have multiple antennas and tend to be much more substantial structures. They also do not normally require the benefit of planning permission, as they fall within one of the types of development allowed by the Town & Country Planning General permitted Development Order. Specifically part 24 of the Order which covers mobile phone masts and other ancillary development by mobile phone operators.

The Council's Environmental Health Unit have confirmed that the antenna does not need to be regulated under ICNIRP as the potential radiation from an FM antenna is low and that the responsibility for the inspection and regulation falls with OfCom.

Whilst objections have been received relating to the potential public health implications of the antenna, this is regulated by another body and in any case, Environmental Health have confirmed that potential levels of radiation are low.

Objectors have raised concerns over potential noise from the mast. While there will be some disturbance during its installation, there is no evidence that the antenna will produce any significant noise.

The colour will be selected to blend in with the sky as far as practicable. The applicants have specified that the pole could be any colour to ensure that this happens. Your officers recommend that the colour of the pole is grey.

Your officers recommend that planning permission is granted for the mast and antenna.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public

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):

BR/AM/PL001, BR/AM/PL002, BR/AM/PL003, BR/AM/PL003, "Design and Access Statement", "BANG Radio Transmission mast Planning Application", "Jaybeam Wireless Direction Panel Antenna 5680000"

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

- (3) The pole mast and antenna hereby permitted shall only be for the purposes of radio broadcasting and shall not be used for any other purposes unless otherwise agreed in writing by the Local Planning Authority. If the mast is no longer used for such purposes, the works hereby approved shall be removed within 6 months of the cessation use and the roof restored to its former condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: The scale of the pole mast is greater than would not normally be permitted, but personal permission is given because of the slim nature of the pole and the limited number of antennae on the pole.

- (4) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no additional antennae shall be attached to the pole mast hereby approved unless prior written consent is obtained from the Local Planning Authority through an application for planning permission.

Reason: The scale of the pole mast is greater than would not normally be permitted, but personal permission is given because of the slim nature of the pole and the

limited number of antennae on the pole.

- (5) The antenna mounting pole hereby approved shall be coloured grey unless details of an alternative colour have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. The works thereafter shall be carried out in full accordance with the approved details.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent Unitary Development Plan 2004

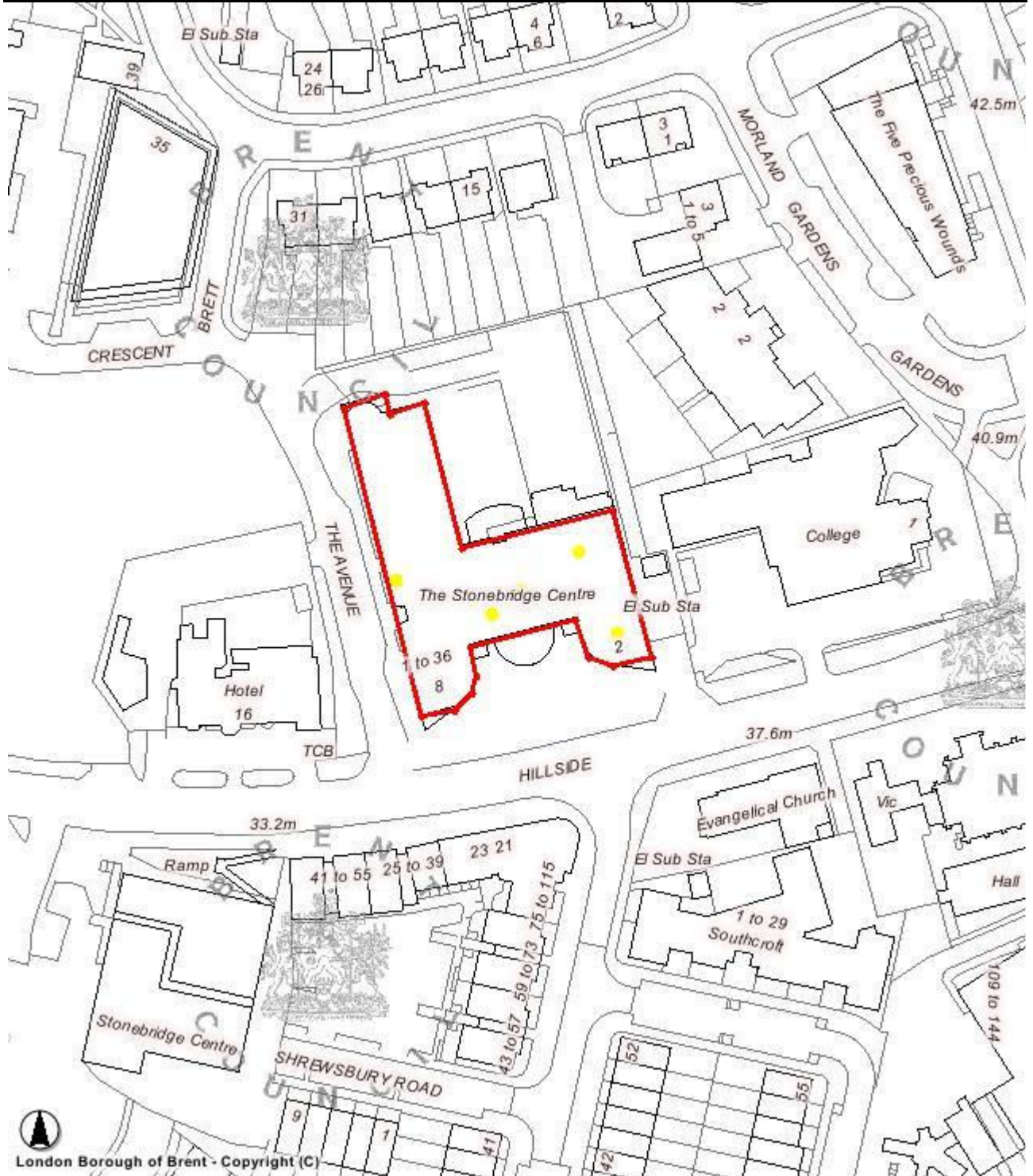
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



Planning Committee Map

Site address: The Stonebridge Centre, 6 Hillside, Stonebridge, London, NW10 8BN

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**Committee Report
Planning Committee on 8 June, 2010**

Item No. 24
Case No. 10/0245

RECEIVED: 4 February, 2010

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Minavil House, Rosemont Road, Wembley, HA0

PROPOSAL: Demolition of existing building and erection of new building ranging from one storey to 11 storeys in height, comprising retail space at ground floor, office space at first floor, 55 flats at upper-floor levels, provision of 35 off-street parking spaces, cycle storage areas, roof terraces and amenity space with associated landscaping to site

APPLICANT: Lidl UK GmbH

CONTACT: Walsingham Planning

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 51% Affordable Housing (by unit)- to be agreed with the council,
- (c) A contribution of £243,800 (£3,000 / £2,400 per private / AH bedroom), due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area, this includes:- £10,000 for extend the CPZ in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 4, and BREEAM Excellent level for the non-residential elements with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through on site renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.

- (g) Residents will be required to sign-up to a permit-free agreement for any future CPZ.
- (h) Prior to any retail or residential use, the provision of 1,000 sqm of Affordable Workshop space, at 50% below market rent, provided through a provided approved, but not unreasonable withheld, by the LPA.
- (i) Prior to any Occupation of either the retail or residential undertake necessary highway improvements under s38/s278 of the Highways Act 1980, including re-aligning the junction Ealing Road / Bridgewater Road and Ealing Rd/ Rosemont Rod junctions.
- (j) A contribution of £10,000 towards the establishment of a car-club due on Material Start and index-linked from the date of committee.
- (k) Maintenance of the proposed ground cover system to limit risk of exposure to contaminants onsite
- (l) Prior to any residential Occupation, to provide, maintain and permanently make available to all residents of the development, the Play Space identified on Plan X.
- (m) The retail unit and affordable office space shall not operate until the superstructure of the residential units above from floors 2-11 have been built out
- (n) Prior to Occupation, submit, gain approval for and adhere to a Travel Plan for both the retail and residential elements of the building.
- (o) Prior to any retail or residential Occupation, public access to the canal shall be provide and maintained linking Ealing Road to the existing canal path to the south of the site.

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.

Note: The applicants are seeking a reduction in the contribution to off-set some of the benefits they perceive the Council to be getting from some of the highways improvements that they are undertaking. Any agreement of a reduction on the contribution set out above will be covered in a supplementary report that will provided for members at the committee meeting.

EXISTING

This application relates to a 0.48 hectare site located on the junction of Ealing Road and Bridgewater Road. It is currently occupied by a two-storey commercial building with a total floor space of 3,290 sq.m. The existing building houses a variety of users including a language school, various offices and a car repair workshop.

The site is bounded by Ealing Road to the north and west, Rosemont Road to the east and by the Wharfside Industrial Estate to the South. The site also has a short frontage to the Grand Union Canal. Alperton Piccadilly Line Station and Alperton Bus Garage are both located on the opposite side of Ealing Road from the site.

The site has a public transport accessibility level (PTAL) of 4 on a scale of 1 to 6, where 6 is the most accessible. The Piccadilly Line station is less than 50 metres to the north. The nearest bus stop is on Ealing Road outside the underground station and is served by 4 bus routes.

The site lies within the Alperton Growth Area as identified in the London Plan and the Council's

Core Strategy. The site also lies within the boundary of the draft Alperton Masterplan.

PROPOSAL

Planning permission is sought for the demolition of the existing building and the erection of a new building ranging in height from one to eleven storeys, comprising a Lidl supermarket at ground floor, office space at first floor and 55 flats on the upper-floors. The proposal includes the provision of 35 off-street parking spaces, cycle storage areas, roof terraces, landscaped amenity space and the option for a new canal side footpath should neighbouring sites come forward for redevelopment in the future.

HISTORY

The site was developed in the 1950s as a warehousing with ancillary office accommodation. Industrial use was introduced to part of the site in the 1960s. The more recent and relevant planning history is set out below:

- 05/02/2009 Planning permission refused for the demolition of the existing building and erection of an 8-storey building incorporating, a Lidl supermarket (Use Class A1) on the ground floor, office space (Use Class B1) on the first floor, 79 self-contained flats on the remaining floors, 86 car-parking spaces and external amenity space (Ref: 08/3067).
- 26/10/2007 Enforcement investigation into the unauthorised use of the building as an educational college. The investigation revealed that part of the building was being used as a college but had been going on for over ten years and was therefore immune to enforcement action. (Ref: E/07/0769).
- 28/06/2006 Application for outline planning permission for demolition of the existing building and the erection of a two-storey building, consisting of a Lidl supermarket, offices on the first floor and provision of 91 car-parking spaces, withdrawn at the request of the applicant (Ref: 05/3651).

POLICY CONSIDERATIONS

The following saved policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to consideration of the application.

Brent's Unitary Development Plan 2004

STR2 – The sequential test should be used for the development of retail uses.

STR3 – the development of previously developed land will be maximised.

STR11 – seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 – new development will be expected to make a positive contribution to townscape, urban structure, the public realm, architectural quality and sustainability.

STR19 – new housing development should reduce the need to travel, give preference to the use of previous developed land, and provide an acceptable level of amenity of existing and proposed residents.

STR23 – Strategic and Borough Employment Areas will be protected.

STR29 – Development should sustain and enhance local centres.

STR36 – Protect and enhance sites with conservation value.

- BE1** –requires the submission of an Urban Design Statement.
- BE2** - Proposals should be designed with regard to their local context and character of the area.
- BE3** – relates to urban structure, space and movement.
- BE4** – states that developments shall include suitable access for people with disabilities.
- BE5** –Urban Clarity and safety.
- BE6** – Public Realm- Landscape design.
- BE7** – Public Realm: Streetscene.
- BE9** – Architectural Quality.
- BE11** – Intensive and Mixed Use Developments.
- BE12** – States that proposals should embody sustainable design principles.
- BE14** – Grand Union Canal Corridor.
- BE17** – Building services equipment.
- BE20** – Advertisements on Buildings.
- BE21** – Advertisement Hoardings.
- EP3** – requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.
- EP6** – Contaminated Land.
- EP10** – Protection of Surface Water.
- H9** – On developments greater than 15 dwellings, a mix of units will be required having regard to local circumstances.
- H10** – New residential accommodation should be self-contained.
- H11** – Housing will be promoted on previously developed urban land.
- H12** – Layout and urban design of residential development.
- H13** – Residential Density.
- H14** – States that planning permission will be refused where development would under-utilise a site.
- H18** – flat conversions should provide an acceptable standard of accommodation to future residents.
- H19** – flat conversion schemes should have a safe and convenient pedestrian access.
- TRN1** – Transport Assessment

TRN2 – Public Transport Integration

TRN3 – Environmental Impact of Traffic - where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused.

TRN4 – Where transport impact is unacceptable, measures will be considered that could mitigate against this.

TRN10 – Walkable Environments.

TRN11 – The London Cycle Network.

TRN14 – Highway Design.

TRN16 – The London Road Network.

TRN20 – London Distributor Roads.

TRN22 – Parking for non-residential developments.

TRN23 – Parking standards for residential developments.

TRN34 – Servicing facilities are required for all new development

TRN35 – Transport Access for Disabled People.

EMP7 – Borough Employment Areas.

EMP8 – Protection of Strategic and Borough Employment Areas.

EMP11 – Regeneration of Employment Areas.

SH3 – Major Town and District Centres.

SH5 – out of centre retail developments.

SH21 – Shopfront Design.

SH31 – Further expansion of Ealing Town Centre beyond the defined boundaries will be resisted.

OS15 – Species Protection.

OS18 – Children’s Play areas.

CF6 – School Places.

MOS8 – Industrial Estate, Rosemont Road, Ealing Road.

Supplementary Planning Guidance/ Documents

SPG4 “Design Statements” Adopted 2004

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

SPG 18 “Employment Development” Adopted October 2001

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

Supplementary Planning Document - S106 Planning Obligations.- Adopted October 2007

Site Specific Allocations DPD – published June 2009 (EIP expected later this year) – SSA106
– Minavil House and Unit 7 Rosemont Road.

SUSTAINABILITY ASSESSMENT

The London Plan requires new development to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply and incorporating renewable energy technology within new development. The London Plan sets a target of 20% carbon reductions from on-site renewable energy.

The baseline carbon dioxide emissions expected from the development have been calculated using a suitable and approved methodology and modelling tool. It is estimated that the proposed building would have a baseline carbon emission rate of 416 tonnes per year.

The applicant has incorporated a number of energy efficiency and conservation measures which will achieve an estimated 7.1 % reduction in baseline carbon emissions. This is considered acceptable.

The next stage of the Mayor's energy hierarchy is to utilise any available decentralised energy supply. Typically this would be a district combined heat and power system such as the one being developed in Wembley as part of the Quintain developments. At present there is no such system in Alperton, however the applicant has committed to future proofing the scheme to ensure that the proposed energy centre on-site would have the necessary pipe work extended to the perimeter of the site to allow future linking and connection if a distinct heating network is ever developed in the area.

The application proposes a 70 kilowatt combined heat and power plant that will provide 90% of the development's annual heating demand. This will reduce carbon dioxide emissions by a further 14% over and above the reductions due to energy efficiency measures. A combination of solar photo-voltaic panels and ground source heat pumps are also proposed which will result in further 10% reduction.

Other sustainability measures include a proposed limit on water usage to 105 litres per person. This is to be achieved through water conservation measures, including rain water harvesting, low flow taps and dual flush toilets.

In conclusion officers are satisfied with the sustainability measures proposed subject to agreeing with the applicant a sustainable drainage scheme for the site. This and all the other agreed measures will be secured through the s106 agreement.

CONSULTATION

1211 properties have been consulted individually and the proposal has been advertised in the press and by site notice.

3 letters of objection have received, raising the following issues:

- A building of this height will be out of character with the area.
- The amount of parking proposed is insufficient.
- The surrounding roads already experience high levels of on street parking.
- The development will result in increased noise, smell, dust and traffic.
- The proposal will increase crime.
- Development will result in a loss of privacy.

- Will increase congestion and compromise traffic safety.

A letter has also been received from a neighbouring industrial unit stating that they would be happy for their site to be incorporated into the development.

Statutory and internal consultees:

British Waterways - The integrity of the canal wall, under existing vegetation may be unsustainable and require a survey. A feasibility study for using waterborne freight in association with the development should be undertaken as soon as possible. The use of the canal water for heat exchange technologies should also be explored. British Waterways support the use of land alongside the canal for an amenity area, but request further details of the edge treatment and adoption of CCTV along the canal.

Environment Agency- request a condition on the disposal of foul and surface water

Thames Water- No objections

REMARKS

Introduction

Planning permission is sought for the demolition of the existing building and the construction of a new building ranging in height from 1 to 11 storeys. A 1,380 sq.m. retail unit to be occupied by Lidl is proposed on the ground floor, 1,145 sq.m. of affordable office/workshop space is proposed on the first floor and 55 flats are proposed on the remaining floors.

The scheme includes 2,000 sq.m. of external residential amenity space in the form of communal gardens and terraces, 35 car parking spaces and an option for a canal side footpath should future neighbouring development provide the opportunity to create a continuous path along this stretch of the Grand Union.

The main issues are as follows:

- The potential impact of the proposed retail store on Brent's existing Town Centres.
- Implications for employment.
- The mix and quality of housing proposed.
- The building's mass, height and the quality of its design.
- The transport implications arising from the scheme.
- The schemes relationship to the Canal.
- The sustainability of the proposed scheme - this is covered in a separate section of this report.

Retail Impact

The application site is 350 metres beyond the edge of the 'Ealing Road' District Centre as identified in Brent's Unitary Development Plan and annex 1 of the London Plan. The proposed retail use therefore constitutes a town centre use in an out of centre location. In line with government policy as set out in Planning Policy Statement (PPS) 4 and Policy SH5 of the UDP the applicant has carried out a sequential test and retail impact assessment. The purpose of this is to determine whether or not the proposed retail development will have any negative impact on the viability of nearby town centres by making sure there are no suitable alternative town centre sites available.

The applicant has examined six potential town centre sites within a catchment area of a five minute drive and includes sites in Wembley and Ealing Road. This study demonstrates that there is very limited scope for new development within, or on the edge, of the Ealing Road District Centre and there are currently no available sites with Wembley Major Town Centre of a comparable size.

Given the lack of availability of suitable alternative sites within the catchment area; given the sites

location within the Alperton Growth Area which is identified in the London Plan as having capacity to accommodate 1,600 new homes; and given the sites highly accessible location, the proposed retail development is considered acceptable.

Employment

1,145 sq.m. of office floor space is proposed. This is estimated as being capable of providing up to 64 jobs. This office space is to be secured through the s106 legal agreement as affordable space. This means the space will be provided at 50% below market rent, managed by a specialist provider to be agreed by the Council. At present there are five companies occupying Minavil House with a combined workforce of 44.

The new flexible office space together with the proposed retail unit is expected to significantly increase the level of employment on the site compared to current levels.

Housing

Mix

The application proposes 55 residential units, comprising 15 one-bed units, 28 two-bed units and 12 three-bed units. Of the 55 residential units, 27 would be private (49%) and 28 would be affordable (51%). The proposed level of affordable housing is acceptable. Of the 28 affordable units 21 would be general needs rented units (75%) and 7 would be shared ownership (25%) This tenure mix is considered acceptable.

The affordable units will include 12 three-bed family units. This high provision of affordable family units is welcomed.

Density

The application site is an urban location, 350 metres from the Ealing Road Town Centre, has good public transport accessibility (PTAL 4) and therefore applying the London Plan Density Matrix gives an appropriate density range of between 200 and 700 habitable rooms per hectare. The proposed scheme would have a residential density of 338 habitable rooms per hectare, well within the appropriate range for this location..

Residential quality

The size of the proposed flats all meet the minimum flat size standards set out in the Council's Supplementary Planning Guidance for new development (SPG 17).

The applicants have submitted a daylight and sunlight report for the scheme. This assesses the expected daylight and sunlight levels that the residential units will receive against BRE guidelines. While these guidelines are not an absolute requirement they are a useful indicator of the quality of housing being provided. The report demonstrates an acceptable level of daylight and sunlight will be achieved for the units.

A total of 2000 sq.m. of external amenity space is to be provided in the form of communal gardens and terraces. This falls just short of the 20 sq.m. per unit minimum as set out in SPG17. This marginal shortfall is more than compensated for by the inclusion of balconies and private terraces.

In conclusion the proposed scheme is considered to achieve an acceptable quality of residential environment.

Design, height and massing

The building has a single block form that runs parallel to Ealing Road. The mass of the building is broken into two elements. The taller 11-storey element is located at the corner of Ealing Road and

Bridgewater Road. The Alpeton growth Area is identified as an area suitable for taller buildings. The corner of Ealing Road and Bridgewater Road has been specifically identified by Council policy as being suitable for a tall building. The introduction of an 11-storey building on this corner helps to mark the entrance to the emerging Alpeton Growth area and is acceptable.

The building steps down in height towards the north, closer to Alpeton Station. Along Ealing Road the building varies in height from 2 to 7-storeys.

The ground floor of the building along Ealing Road includes the main entrances to the office, retail and residential uses. This approach of focusing movement along Ealing Road is supported.

In summary the height, massing and design of the proposed building is considered acceptable.

Transportation

Site Layout

The car parking allowances for the various uses are set out in standards PS7, PS6 and PS14 of the UDP.

As such, up to ten spaces would be permitted for the retail unit, seven spaces for the office floorspace and 67 spaces for the residential units, giving a total allowance of 84 spaces for the whole development. The proposed provision of 29 standard width spaces would therefore accord with overall standards.

However, it is not intended that residents or office staff be given access to any of the standard width spaces, with these being used by retail customers instead, which gives rise to two issues that need to be considered.

Firstly, the provision for the retail unit would exceed maximum standards for a store of below 2,000m². However, the provision of 28 spaces for the store would accord with standards were the store to be over 2,000m², so a degree of flexibility would not be unreasonable in this case, given that the overall traffic impact of the proposal has been shown to be acceptable.

Secondly, a means of regulating any overspill parking from the site by residents and office staff is required. In this respect, the site currently lies just outside Ealing Road Controlled Parking Zone "E", which operates between 8am and 9pm daily. However, it would be a relatively simple matter to extend the boundary of this CPZ further southwards along Ealing Road past this site, as no on-street parking bays would be affected in so doing. This would then bring the development into the CPZ area and allow the Council to then impose a 'car-free' agreement on the development, preventing residents from applying for on-street parking permits. If future residents were still to own cars, they would have the option of using streets further a field (e.g. Bridgewater Road, Burnside Crescent, Carlyon Road), but would again be excluded from being able to obtain permits should new CPZ's be introduced in those areas in future. A fairly minimal sum of about £10,000 would be sufficient to cover these works, including the required amendments to the traffic orders and CPZ boundary signage.

Given that the car park is to be almost entirely for retail use, the provision of a car park management plan is now less essential, but would nevertheless be of some use.

With regard to disabled parking, one wide space should be provided for every twenty flats (every ten in the case of the social rented units), giving a total residential requirement of about four spaces. At least 5% of the remaining spaces should also be widened and marked for disabled persons. The proposed provision of six disabled spaces therefore accords with standards, but a further space should be allocated to the residential units if demand dictates.

A secure bicycle parking space is again required for each flat, plus one space per 125m² for both the retail and the office areas, giving a total requirement for 75 spaces for this amended scheme. The proposed provision of six publicly accessible bicycle stands close to the store entrance, together with secure stores for the office (9 spaces) and residential (55 spaces) uses will satisfy standards.

Servicing standards require the retail unit to be serviced by full-size articulated lorries and the offices to be serviced by 8m rigid lorries, with refuse collection vehicles also needing access to the refuse stores. To this end, a shared loading bay (11m x 4.5m) is indicated at the rear of the building, alongside rear entrances to the store, offices and residential bin store.

With the single loading bay to be shared amongst the various uses of the building though, a Delivery and Servicing Management plan setting out how deliveries will be scheduled amongst the various businesses so that no more than one lorry will require access to the site at any time will be required.

Emergency access requirements are satisfied, with vehicular access available to three sides of the building.

Vehicular access to the site is generally fine, but as with the previous application, there is confusion over the precise layout of the proposed southern kerb line at the junction of Rosemont Road and Ealing Road – this should preserve a 7.3m carriageway width, with a 10m radius kerb into Ealing Road supplemented by a speed table (entry treatment). Further details of this should be submitted as a condition of any approval. The car parking layout, although a little wasteful of space in its design, is fine in terms of parking bay dimensions, aisle widths and entrance width.

Pedestrian access around the site is again shown improved, with the proposed widening of the footway along the Ealing Road frontage to at least 3.2m and the formation of a new pedestrian route between the Ealing Road/Bridgewater Road junction and the northern canal-side walkway being particularly welcome. Works in Ealing Road will need to incorporate resurfacing/accommodation works in the existing footway and the reinstatement of all redundant crossovers to footway (including the existing 3m wide crossover for the substation at the western end of the site).

Some further simple improvements to footway provision could also be made within the site. Firstly, it would be preferable to increase the new footway width alongside Rosemont Road to at least 2m – this can be easily achieved by narrowing car parking spaces 13-17 to 2.4m each to provide an additional 500mm and moving spaces 1-2 southwards by 1m, thereby allowing spaces 3-12 to be brought forward slightly with the central aisle marking also moved slightly closer to spaces 18-23.

A footway should also be provided to either the front or rear of spaces 27-35 for pedestrian safety, given that delivery lorries are to reverse through this area.

Transport Impact

The vehicular traffic estimates to and from the development total 12 arrivals/7 departures during the weekday am peak hour (8-9am), 49 arrivals/53 departures during the pm peak hour (5-6pm) and 101 arrivals/97 departures during the Saturday peak hour (1-2pm). These are again assumed to be distributed with 60-70% of traffic arriving/departing via the Bridgewater Road junction and 30-40% to/from the north.

The predicted increase in peak hour traffic flows on Ealing Road to the north of the site as a result of this development is less than 5% of existing flows, so is not considered significant. However, a significant increase is predicted on Ealing Road to the south of the Rosemont Road junction during the Saturday afternoon peak period as a result of this proposal.

The junction assessments showed the Rosemont Road/Ealing Road junction to operate well within capacity at all times, allowing for the proposed alterations to the junction design to increase the kerb radii.

For the Ealing Road/Bridgewater Road junction, results show the junction to be operating beyond its practical capacity during the weekday evening and Saturday afternoon peak periods during the development's opening year of 2012, with the situation worsening significantly by 2017.

However, the proposed junction improvements to widen the Ealing Road (north) approach to the junction to accommodate a staggered pedestrian crossing facility lead to an increase in the junction capacity, which is more than sufficient to offset the increase in traffic flows through the junction from this development. As such, results for 2012 actually show an element of spare capacity through the junction in the future for all modelled time periods, although this is minimal during Saturday afternoon peaks.

When predicted traffic growth over the subsequent five years to 2017 is factored into the modelling though, capacity issues would resurface during the weekday evening and Saturday afternoon peak periods. However, the results are less severe than would be the case in the absence of any junction improvements.

As such, the proposed junction improvements are considered more than sufficient to mitigate against the impact of the additional traffic generated by this development and will also deliver a much needed pedestrian crossing facility at the junction to address an existing pedestrian accident problem in this length of Ealing Road.

Conclusion

the application can be supported on transportation grounds subject to the following:-

- (a) A Section 38/278 Agreement to include highway works to:- (i) widen the Ealing Road (northern) arm of the junction with Bridgewater Road to provide a central island and staggered pedestrian crossing; (ii) widen the adoptable footway along the Ealing Road site frontage to 3.5m and reinstate all existing redundant vehicular crossovers to the site to footway; and (iii) modify the junction of Rosemont Road with Ealing Road to provide an enlarged kerb radius and a speed table;
- (b) A financial contribution of £25,000 towards parking controls and the setting up and operation of a Car Club in the area;
- (c) A 'car-free' agreement for the development, removing the right of any future occupiers to on-street parking permits within any CPZ currently operating or introduced in the area in the future; and
- (d) The development of the full Travel Plans of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme for:- (i) the Lidl store; (ii) the office area; and (iii) the residential units, using the submitted documents as a basis;
- (e) The submission and approval of a delivery and servicing plan for the site;

Together with a condition requiring the submission and approval of a more detailed construction drawing for Rosemont Road adjoining the site, to include the provision of a 10m kerb radius onto Ealing Road, 2m wide footway along the northeastern edge of the site and a safe pedestrian route to the parking spaces along the rear of the store.

Canal

The site is adjacent to the Grand Union Canal, and therefore Sustainable Urban Drainage (SUDs) should be implemented to prevent surface water running into the canal. This is not mentioned within the submitted documents and further information needs to be provided.

An option is included for a canal side footpath should future neighbouring development provide the opportunity to create a continuous path along this stretch of the Grand Union. This option will be secured through the section 106 Agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan Consolidated with Alterations since 2004

Brent Unitary Development Plan 2004

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London Supplementary Planning Guidance:

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

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

- Built Environment: in terms of the protection and enhancement of the environment
- Housing: in terms of protecting residential amenities and guiding new development
- Transport: in terms of sustainability, safety and servicing needs
- Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
- Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

(1) The development hereby approved shall be commenced within [\$] years of the date of this permission.

Reason: [\$]

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

3858 PLSL(90)101

3859 PLAL(90)101

3860 PLAL (90) 102 Rev F

3861 PLAL (99) 101 Rev A

3862 PLAL (99) 102 Rev F

3863 PLAL (99) 102 Rev C

3864 PLAL (99) 103 Rev A

3865 PLAL (99) 104 Rev A

3866 PLAL (99) 105 Rev F

3867 PLAL (99) 106 Rev F
3868 PLAL (99) 107 Rev F
3869 PLAL (99) 108 Rev A
3870 PLAL (99) 109 Rev A
3871 PLAL (99) 109 Rev A
3872 PLAL (99) 110
3873 PLAL (99) 112
3874 PLAL (99) 113

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

- (3) The bicycle-storage facility hereby approved shall be fully constructed and available for use prior to the first occupation of any of the flats and thereafter shall be maintained and shall not be obstructed or used for any other purpose, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a bicycle-storage facility is available for use by the occupiers of this residential development.

- (4) The reinstatement of the redundant crossover(s) onto Turton Road shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority and at the applicant's expense, prior to the occupation of any of the units hereby approved and all accesses shall remain thereafter unobstructed and available for access unless the prior written permission of the Local Planning Authority is obtained by way of a formal planning application.

Reason: To provide adequate safe servicing in the interests of the free flow of traffic and conditions of general highway safety on the estate and neighbouring highways.

- (5) The units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority demonstrating that lifetime homes standards and a minimum of 2 wheelchair accessible units are provided within the development as shown on approved plans.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

- (6) No development shall commence unless details of materials for all external work, including samples, have been 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.

- (7) No development shall commence unless all areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to first occupation of building.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.

- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (iv) Screen planting along the site boundaries.
- (viii) All planting including location, species, size, density and number
- (ix) Any sustainable construction methods which are to be used.
- (x) Trees to be retained within the site.

Any trees and shrubs planted in accordance with the landscaping scheme, including those trees indicated to be retained, 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.

- (8) No development shall commence unless a Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-

- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
- (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
- (iii) Inspection and checking of all plants and for health and/or damage to plants.
- (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
- (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
- (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
- (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
- (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The Landscape Management Plan as approved (or as amended through an agreement in writing with the Council) shall be implemented on first occupation of the development and throughout the lifetime of the development.

Reason: To ensure the survival and ongoing vitality and of all plants and soft landscape. To ensure that the environment for the local community and residents continues to remain pleasant and attractive indefinitely.

- (9) No development shall commence unless details of all (appropriately aged) play spaces are submitted to and approved in writing by the Local Planning Authority. The approved playspace scheme shall be completed prior to occupation of the building(s) and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

The details submitted pursuant to this condition should reflect the details relating to boundary treatments, contours and levels and planting submitted pursuant to condition 8.

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

- (10) Prior to the commencement of the development hereby approved a construction method statement and Site Waste Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development and the approved details shall be fully implemented during the construction of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (11) Prior to the commencement of works on the development hereby approved, a report prepared by an approved Acoustic Consultant, prepared in accordance with BS8233:1999 "Sound Insulation and Noise Reduction for Buildings-Code of Practice", is submitted to and approved in writing by the Local Planning Authority demonstrating that internal noise level meet the following standards:

Reasonable resting conditions - Living Rooms - 30-40dB (day: T = 16 hours
07:00-23:00)

Reasonable sleeping conditions - Bedrooms - 30-35 dB (night: T = 8 hours
23:00-07:00)

Reason: To safeguard the amenity of future occupants of the development

- (12) The units hereby approved shall not be occupied unless details of the levels of noise and vibration in each of the flats' living-rooms and bedrooms (post-completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233:1999 "Sound Insulation and Noise Reduction for Buildings-Code of Practice".

If "reasonable" noise levels have not been achieved, the report will detail what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with the details so approved.

Reason: To ensure satisfactory noise levels for the future occupants of the building.

INFORMATIVES:

None Specified

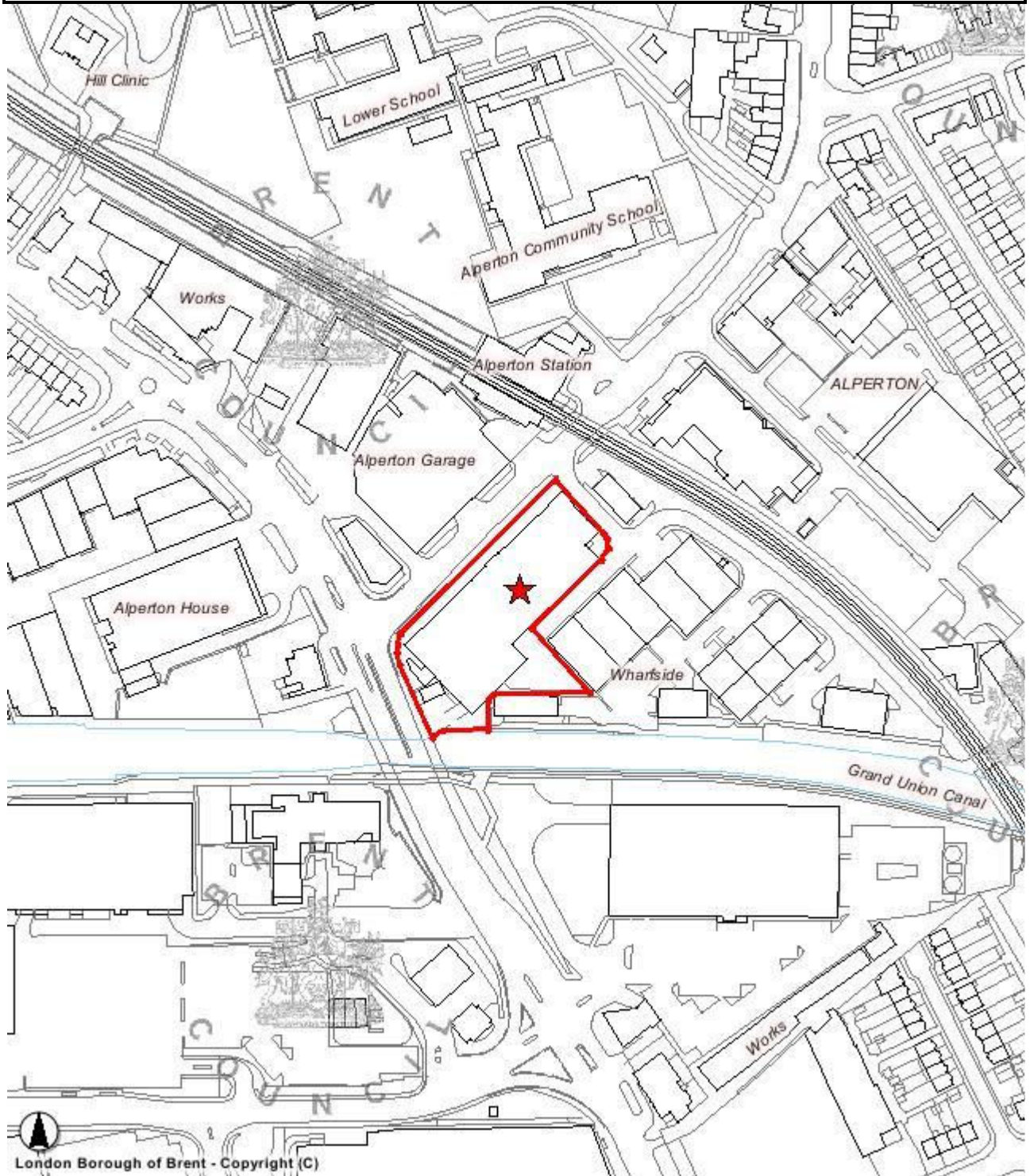
Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243



Planning Committee Map

Site address: Minavil House, Rosemont Road, Wembley, HA0

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Committee Report
Planning Committee on 8 June, 2010

Item No. 25
Case No. 10/0436

RECEIVED: 2 March, 2010

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: Wembley High Technology College, East Lane, Wembley, HA0 3NT

PROPOSAL: Three-storey extension to school building to provide sixth-form facility adjacent to East Lane (as amended by revised plans dated 13/05/10)

APPLICANT: The Governors of Wembley High Technology College

CONTACT: ABA Chartered Surveyors

PLAN NO'S:
(See Condition 2 for the approved plans and/or documents)

RECOMMENDATION

Grant subject to the completion of a satisfactory s106 legal agreement

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Submission and compliance with a revised TP6 Form "Sustainability Checklist" which ensures a minimum score of 31.5% is achieved and measures to ensure that BREEAM 'Excellent' rating has been achieved. Following the completion of construction works, appropriate independent evidence (such as BRE Post-Construction Review) should be submitted to the Local Planning Authority to verify this. In addition to adhering to the ICE Demolition Protocol
- Join and adhere to Considerate Contractors Scheme.
- Offset 10% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The site is located within the school grounds of Wembley High Technology College, in an area that is currently tarmaced. The school has previously been extended in a piecemeal fashion. The proposed new extension is to be located to the south-east of the existing school buildings, fronting onto the school playing fields and East Lane to the south.

PROPOSAL

Three-storey extension to school building to provide new sixth-form facility.

HISTORY

- 08/1481** Erection of a single-storey detached building adjacent to East Lane, HA0, comprising a school hall and 4 classrooms (Revised Scheme) as amended by plans received 23/07/08 and mud mitigation strategy emailed 21/07/08. **GTD**
- 08/0278** Erection of a single-storey detached building adjacent to East Lane, HA0, comprising a school hall and 4 classrooms. **GTD**
- 01/2693** Erection of a two-storey extension to the south and west elevations, a single-storey extension to the north elevation and construction of a new main entrance on the west elevation and formation of disabled parking space. **GTD**

POLICY CONSIDERATIONS

Unitary Development Plan [UDP] 2004

BE7- Public Realm: Streetscape

BE9- Architectural quality

OS8- Protection of Sports Ground

CF8- School Extensions

SPG17 - Design Guide for New Development

SPG19 - Sustainable Design & Construction

Considerations;

- Size and scale of proposed building upon surroundings
- Visual impact
- Continuation of sport provision
- Demonstration of need
- Sustainability measures

SUSTAINABILITY ASSESSMENT

Sustainability and renewable energy measures been considered and incorporated into the building's construction.

A range of renewable technologies have been considered for this extension, as set out in the revised Energy Statement. Solar thermal hot water has been selected as being the most suitable technology. 40m² of panels which are to be south facing are proposed to achieve a 10% reduction in carbon dioxide emissions from on-site renewables. London Plan policy is to achieve a minimum of 20% where feasible, but in this case this is an extension to an existing school which already has its own heating systems in place. It would not be feasible to achieve a 20% reduction and a more flexible approach to achieve 10% has been applied. Your Sustainability Officer considers this to be an acceptable strategy. These measures will be secured as part of the s106 legal agreement.

A Sustainability Checklist has been submitted, the applicants achieve a score of 36.5% which is significantly less than the minimum score expected to be achieved which is 50%. Your Officer's have reviewed the TP6 checklist awarding a score of 24%, and a number of areas have been identified where improvements can be made. if incorporated officer's consider a score of 31.5% is realistically achievable with modest improvements and the submission of additional evidence. The submission of a revised TP6 checklist to achieve an improved score is to be secured as part of the s106 legal agreement.

A Construction Method Statement has been submitted in support. This sets out measures for the

management of construction vehicles and the storage of materials whilst construction works are on-going. This confirms wheel washing facilities will be available, fencing/hoardings will separate builders compounds from school playgrounds and access paths during works and all existing trees and hedges to be retained and protected. A condition is recommended to ensure the development proceeds in accordance with these details.

CONSULTATION

132 properties locally were consulted on 15th March 2010. Site Notices were displayed on 17th March 2010 and a press notice displayed on 25th March 2010.

One letter of objection and two letters of support have been received.

The reason for the objection and the officers responses are as follows:

The development is likely to lead to increased traffic, noise and anti-social behaviour.

There is no Transportation objection, the existing Travel Plan does not need amending as there will be no increase in staff or pupil numbers as a result of this new sixth form facility.

The increase in pupils will lead to an increase in activity on the school playing fields, which in turn will increase noise levels.

The extension is to provide much needed, improved classroom space. No increase in pupil numbers will result, as confirmed by the school. It is extremely unlikely that there will be a knock on effect in terms of additional noise from the use of the playing fields/. No objection has been raised by Environmental Health.

Internal and Statutory Consultees:

Environmental Health- Having considered the application no comments made.

Thames Water- No objection.

Transportation- No objections to the proposal on the basis that there will be no additional pupils or staff as a result of the application. A School Travel Plan is already in place.

Ward Councillor's - No response received

REMARKS

Summary:

Wembley High Technology College is a thriving, high achieving secondary school located on East Lane. The school currently has 1300 pupils, 80 teaching staff and 50 non-teaching staff. The school struggles to accommodate these numbers with classrooms at over 95% occupancy, and lacks a dedicated sixth form facility of its own. This current application seeks to address the needs of the school's existing sixth form and does not anticipate an increase in student numbers. A three storey extension is proposed on the school's East Lane frontage on land that it is currently occupied by a tarmaced netball court. The extension will provide 12 new class rooms each of approximately 40 square metres. It will also extend the proposed new sixth form library that was granted planning permission two years ago but has not yet been built. The earlier planning permission for the library included the relocation of the net ball court to a site adjacent to the school playing fields

The school has confirmed that there are no plans to expand pupil numbers as a result of this extension, and state that there should be no impact on traffic and parking. A Travel Plan is already in place to assist the school in minimising its transportation impacts on its surroundings.

Further improvements to the school are planned in the future including upgrading the pre-sixth form classroom arrangements and the provision of a new sports hall. These further improvements will be the subject of future planning applications.

Siting, layout, design & appearance;

The application proposes a 3-storey extension to the south eastern side of the main school building on the East Lane frontage. This will extend the sixth form library which was approved through planning permission 08/0278 (although not yet built), and will provide additional much needed classroom space on the upper floors which is to be dedicated for sixth form pupils. A total of 12 new classrooms at approximately 40m² are proposed along with a new café/canteen area on the ground floor.

The proposed extension will not be visible to the north or west as it is to be screened by existing school buildings. The school playing-field is to the east and to the south is the school boundary with East Lane. The existing trees in this area will be protected via a condition. The size of the site and the siting of the extension will ensure that there is no impact on surrounding residential properties, the closest of which are approximately 30m away on the opposite side of East Lane.

The design of the proposed building has one distinct mass with a flat roof set at a slight pitch. The extension is 12.6m high at its tallest and the lowest part of the classroom's roof is 11.5m high. The sixth form block will be constructed in red facing brick to blend in with the main school and will have glazing on the south, east, west and north elevations. The classrooms have high-level glazing to the east and south elevations, The sloping roof and the general appearance, and choice of materials of the extension are in keeping with the adjoining single storey extension which was approved under planning reference 08/1481.

The building has also been designed to be fully wheelchair accessible with ramped access and a platform lift which will provide access to the upper floors.

Transportation impacts;

The school has moderate access to public transport, with PTAL Level 1. There are currently 22 off-street car parking spaces and secure storage for 27 bicycles.

The existing Travel Plan includes measures which will encourage staff, parents and other users of the school to use non-car modes of access to the site and other measures to reduce the impact of parking and congestion associated with the use of the school. As the proposed extension will not increase pupil or staff numbers then no changes to the travel plan are required. In summary there is no objection to the proposal on transportation grounds.

Sports space provision;

The proposed development will result in the loss of a tarmac surfaced area which is marked out as a netball court area, but in accordance with Policy OS8, this facility has already been provided for elsewhere on site within the playing fields. Given the playing fields and sports space provision elsewhere within the site officers consider the proposal to meet the requirements of OS8.

Summary:

With reference to Council's policies **BE7, BE9, OS8 and CF8** of **Brent Unitary Development Plan 2004** the proposed development is considered to be in character with its surroundings, with suitable justification for its need and its siting within the school grounds with adequate sports reprovision. It is accordingly recommended for planning approval subject to the attached 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
Council's Supplementary Planning Guidance

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

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

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):

1001-pl-01, revB (1:200)

1001-pl-02, revB (1:200)

1001-pl-03 (1:500)

Design & Access Statement - *22nd Feb 2010*

Construction Method Statement - *18 May 2010*

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

- (3) The development hereby approved shall be carried out in fully accordance with the Construction Method Statement dated 18 May 2010, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (4) (a) 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.

(b) Details of materials for all external work 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 any plant/ extraction equipment to be installed together with any associated ducting and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed in accordance with the approved details.

Reason: In order to ensure adequate insulation and noise mitigation measures to safeguard the amenities of adjoining occupiers

- (6) A Tree Protection Method Statement, giving 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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Plan (consolidated with alterations) 2008
London Borough of Brent Adopted UDP 2004
SPG17 - Design Guide for New Development
SPG19 - Sustainable Design & Construction

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: Wembley High Technology College, East Lane, Wembley, HA0 3NT

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