



## Planning Committee

**Wednesday 13 October 2010 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

RS Patel (Chair)

Ketan Sheth (Vice-Chair)

Adeyeye

Baker

Cummins

Daly

Hashmi

Kataria

Long

McLennan

CJ Patel

#### Substitute Members

Councillors:

Councillors

**For further information contact:** Joe Kwateng, Democratic Services Officer, (020) 8937 1354; [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 6.00pm in Boardrooms 7 and 8**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

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12. Offices 1st, 2nd 3rd Floors, 101A Kilburn High Road and 2A Brondesbury Road London, NW6 (Ref. 10/0491)	Kilburn	109 - 114
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22.	91 Sudbury Court Drive, Harrow, HA1 3SS (Ref. 10/2366)	Northwick Park	179 - 186
23.	Play Area at the junction of Pitfield Way & Henderson Close, Henderson Close, London, NW10 (Ref. 10/1980)	Stonebridge	187 - 202
24.	Boiler Room next to 65, Besant Way, London NW10 (Ref. 10/2076)	All Wards	203 - 214
25.	Land next to 10, Tillett Close, London, NW10 (Ref. 10/2075)	Stonebridge; All Wards	215 - 230

### **PLANNING APPEALS**

- |     |  |           |
|-----|--|-----------|
| 26. | Planning & Enforcement Appeals August 2010 | All Wards |
| 27. | 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.

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|-----|---------------|--------------|
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Site Visits - 9 October 2010

### **SITE VISITS – SATURDAY 9 OCTOBER 2010**

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
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	3NJ		Park		
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**Date of the next meeting: Wednesday 20 October 2010**

The site visits for that meeting will take place the preceding Saturday 16 October 2010 at 9.30am when the coach leaves the Civic Centre.



Please remember to switch your mobile phone to silent during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.



## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Wednesday, 15 September 2010 at 7.00 pm

PRESENT: Councillors RS Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Daly, Kataria, Long, Moloney and CJ Patel

ALSO PRESENT: Councillor Jack Beck, Councillor Kana Naheerathan and Councillor Carol Shaw

Apologies for absence were received from Hashmi and McLennan

#### 1. Declarations of personal and prejudicial interests

None.

#### 2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 18 August 2010 be approved as an accurate record subject to the correct spelling of Councillor "Sheth" (recorded votes, item 3: 22 Wembley Park Drive).

#### 3. Churchill House, 15 Dollis Hill Estate, Brook Road, London, NW2 7BZ (Ref. 10/1712)

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

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

With reference to the tabled supplementary report the Area Planning Manager Rachael McConnell reported that the applicant had submitted revised drawings to correct the position of the western boundary of the site and the proposed landscaping. She added that the Council's Legal Adviser considered that the

applicant had not submitted sufficient information to support his claim that the proposal did not constitute a change of use. She continued that the applicant had requested that a number of amendments be made to proposed conditions 2, 5, 14 and 16 and with that in view she requested that authority be delegated to officers to amend those conditions. She also drew members' attention to an amendment to the Section 106 contribution to £10,000 in addition to the payment of the Council's legal and professional costs in preparing and completing the legal agreement and monitoring and enforcing its performance.

The Area Planning Manager then referred to additional objections received which she added did not raise new issues except community access to the site and the height of the building. She clarified that community access to the use of the multi use games area (MUGA) for up to 20 hours would be secured and that whilst access to other facilities may not be feasible, it would be explored through the Community Access and Management Plan to be submitted as part of the Section 106 legal agreement. She added that as the development related to the refurbishment of the building it would not alter the height other than the roof terrace.

Mr Stephen Hill a local resident objected to the proposed development on grounds of traffic congestion, parking, noise nuisance and detriment to residential amenities. Mr Hill considered that the plans submitted had not adequately addressed the issues he had raised.

Mr Patrick Grincell the applicant's agent stated that the proposal which had been designed in accordance with standards set by the Department of Education would provide quality school accommodation to meet modern day standards for 195 students and 40 full time staff. He drew members' attention to the beneficial impact of the proposal including community access to the MUGA use and the Section 106 financial contribution. Mr Grincell added that conditions imposed and those to be amended by the officers would address the issues raised by the objectors to the proposal. In response to members' questions, Mr Grincell stated that measures including the proposed travel plan (car sharing, large coaches for student movement) and management of the 1.8m boundary fence would be put in place to preserve residential amenities.

The Head of Area Planning Steve Weeks in outlining the relationship of the site with adjoining properties stated that there already existed a separation. He however recommended that a further condition be imposed which would require the applicant to submit further details on bin enclosures.

**DECISION:** Planning permission granted subject to conditions with conditions 2, 5, 14 and 16 to be amended by officers under delegated authority, an additional condition requiring details of bin enclosure to be submitted for approval, the completion of a satisfactory Section 106 or other legal agreement as amended and delegate authority to the Director of Environment and Culture, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

**4. 137A Tanfield Avenue, London, NW2 7SR (Ref. 10/1762)**

Retrospective application for an air conditioner unit and proposed repositioning to the side elevation of first floor flat

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

Mrs Aristea Diamond in objecting to the application stated that the proposed new position of the air conditioning unit would project about 40cm over her garden and would also block natural light. She continued that noise disturbance from the air conditioning unit would result in a detrimental impact to her amenities. Mrs Diamond added that the proposal would add to an already existing pressure on the drainage system.

Mrs Cathy Nicholoso speaking in a similar vein added that in addition to its unsightly appearance, bulk and projection, the air conditioning unit would create noise nuisance to the previous objector's property. She added that for the above reasons Mrs Diamond's property would be devalued.

The Head of Area Planning Steve Weeks clarified that concerns about devaluation of property were not within the remit of the Committee. He added that the position of the air condition unit had been moved at Officer's request and its impact was now not considered to warrant refusal.

DECISION: Planning permission granted subject to conditions and informatives

**5. 14 Heber Road, London, NW2 6AA (Ref. 09/1616)**

Erection of single-storey detached outbuilding in garden ground-floor flat (14b Heber Road) as amended by plans received 16/11/2009 and 20/08/2010

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

Members decided to defer this application for a site visit in order to assess the full impact of the proposal including the significance of the use of the side extension.

DECISION: Deferred for a site visit in order to assess the impact of the proposed development.

**6. Dollis Hill Estate (excluding Further Education College and Gatehouses), Brook Road, London, NW2 7BZ (Ref. 10/1388)**

Demolition of existing buildings and erection of 160 residential dwellings comprising: 1 part two-, part three-, part five-storey block with a communal roof-terrace area to the three-storey part, comprising 21 x 1-bedroom and 26 x 2-bedroom private flats; 1 five-storey block comprising 17 x 1-bedroom and 26 x 2-bedroom shared-ownership flats; 1 five-storey block comprising 7 x 1-bedroom, 30 x 2-bedroom, 12 x 3-bedroom and 3 x 4-bedroom social-rented flats; with 146 car-parking spaces at basement level, associated hard and soft landscaping, emergency-access road to Brook Road, refuse stores and 137 secure cycle-storage spaces; erection of 18 three-storey, terraced dwellinghouses comprising 10 x 3-bedroom, 6 x 4-bedroom and 2 x 5-bedroom, all for social rent, with off-street parking and private amenity space (as amended by revised plans and documents received 03/08/2010)

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

The Area Planning Manager Rachel McConnell started by responding to the concerns expressed by residents at the site visit. In respect of its height and prominence she stated that the five-storey element would remain below the parapet of Chartwell Court, allowing that building to maintain its prominence in the landscape. She added that an assessment of the relationship with Hillcrest Gardens was considered acceptable. In addition, the applicant submitted revised plans that resulted in amendments set out in the tabled supplementary report which not only protect residential amenities but would also comply with the guidance set out in SPG17. She did not consider that measures were required to control the use given the modest size of the proposed roof terrace and the distance from neighbouring occupants. The Area Planning Manager further informed members that the distance of the closest part of the development to Chartwell Court and Flowers Close (30m) the 5-storey element (35m) was in excess of the SPG limit of 20m and would therefore prevent an unacceptable loss of outlook. In her view the development would affect the adjoining school site unacceptably and that issues raised in the Fire Officer's report would be covered by Building Regulations.

Mr Jochem van Ast objected on the grounds that the proposed development which would be out of keeping within the area would overlook his property, resulting in a loss of privacy. He continued that the development, with excessive density, would be unsympathetic within the area and that the amendments submitted by the applicant would not adequately address the concerns expressed by the residents. In order to overcome their concerns, he requested that the applicant be asked to re-submit the proposal for a 4-storey building.



Mr Mark Connell the applicant's agent stated that his client had undertaken full consultations with the local residents which had resulted in a number of changes being made to the original scheme including its design. He added that adequate car parking provision had been made for every home and that the development would be about 60 metres away from the nearest home in Hillcrest Gardens.

In respect of the claim for overdevelopment, Mr Connell informed members that Stadium Housing, the applicants had submitted this proposal for 160 homes, as against 170 which was considered suitable for the site by the Planning Inspector on appeal. He continued that the proposed development would address chronic housing shortage especially for larger affordable homes within Brent, adding that funding for the development was dependent on planning permission being obtained.

**In accordance with the provisions of the Planning Code of Practice, Councillor Jack Beck** a ward member stated that he had been approached by objectors to the development. Councillor Beck stated that the development had not been designed to complement the area in view of the detrimental impact that would result in terms of overlooking, loss of privacy and loss of outlook. He continued that as a result the development would be out of keeping with the current landscape of the local area. He questioned whether all relevant residents had been consulted about the application and with that in view he requested a deferral.

During members' discussion Councillor Cummins expressed a view that the proposed development would be an overdevelopment of the site insensitive to the area and would therefore constitute an unacceptable proposal. He suggested that the applicant be asked to submit proposals for a lower building, from a 5-storey to a 4-storey building. Councillor Daly also enquired about the possibility of lowering the building to 4-storeys. Councillor Long in expressing a different viewpoint stated that adequate distances had been maintained and that the development would not result in a detrimental impact to the residents.

In response to the issues raised, the Head of Area Planning Steve Weeks submitted that any harm that could result from the proposal development would not be adequate enough to justify refusal. He added that the proposal would introduce adequate gaps between the larger blocks and the relationship to the surrounding boundaries should balance privacy and residential amenity.

DECISION: Planning permission granted subject to conditions with condition 2 to be amended, referral to the Mayor of London and subject to the completion of a satisfactory Section 106 or other legal agreement to be amended with Travel Plan details and delegate authority to the Director of Environment and Culture, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

**7. 20 Rowdon Avenue, London, NW10 2AL (Ref 10/1591)**

Erection of a two-storey side extension and insertion of 1 rear and 1 side rooflight to the dwellinghouse (amended plans received 31 August 2010)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**8. Sports Ground, Roundwood Club & Roundwood Club Annexe, Longstone Avenue, London, NW10 (Ref. 10/1525)**

Demolition of the existing youth centre and erection of a new part 2-, part 3-storey youth centre with a multi-use games area, 16 off-street parking spaces and associated landscaping to the site.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager Andy Bates reported that an email had been received from Councillor Powney in support of the application on the basis that the Youth Club would address a major need in the area for youth provision.

DECISION: Planning permission granted subject to conditions.

**9. Former Manor School, 5-7 The Avenue & Former Simon Wells Unit Special School, Christchurch Avenue, London, NW6 (Ref. 10/1691)**

Erection of 2 two-storey buildings, erection of rear extension to existing single-storey building, a fenced multi-use games area (MUGA), provision of 8 off-street parking spaces, cycle-storage area and associated landscaping to site, to provide accommodation for the relocated Swiss Cottage Specialist SEN School (SCSSS) for a temporary period of 30 months

OFFICER RECOMMENDATION: Grant temporary planning permission for 30 months subject to conditions.

With reference to the tabled supplementary report the Area Planning Manager Andy Bates reported that correspondence had been received from Camden's Director of Children Schools and Families and Councillor Mary Arnold, Lead Member for Children and Families in support of this application emphasising how critical it was to ensure continuity in the delivery of specialist teaching currently provided at Swiss Cottage. He added that the applicant had confirmed the coloured panels on the temporary buildings to a more neutral Goosewing Grey rather than blue as agreed at a recent meeting between the applicant, local residents and Councillor Shaw, through amended drawings. In respect of the changes, the Area Planning Manager drew members' attention to amended conditions 2 and 5 as set out in the tabled supplementary. He continued that the applicant had indicated to plant two further trees on the site taking the overall number of trees to be planted to 15, resulting in the net gain of two trees on the site.

Mr John Wozencroff in objecting to the application stated that the existing traffic calming measures were inadequate to cope with resulting additional traffic. He added that parking provision was inadequate to accommodate the proposed use of a 32-seater coach to transport the children to and from the proposed school site. Mr Wozencroff expressed a view that the need for educational provision for the residents in Brent was more pressing than that of the Borough of Camden.

Mr Robin Mills a local resident objected to the proposed development on the grounds of transportation and loss of trees adding that the proposed replanting of trees was likely to take several years to come to fruition.

**In accordance with the Planning Code of Practice, Councillor Shaw** stated that she had been approached by some of the objectors to the application. Councillor Shaw objected to the proposal on the following grounds:

- (i) The need for additional school places in the local area within Brent such as Malorees Primary which was heavily oversubscribed should be a priority.
- (ii) Loss of trees.
- (iii) Noise nuisance to the detriment of residential amenities.
- (iv) Increase in traffic which could result in a danger to both pedestrians and motorists.
- (v) Increase in parking problems for the local residents.

Councillor Shaw alleged that the consultation period was too short to allow residents an adequate opportunity to respond and in this respect she requested members to defer the application for further review.

Kay Bedford the head teacher of the Swiss Cottage SEN School stated that the school had received an outstanding Ofsted report with the exception of the buildings. She added that it would take longer for the contractors to complete the new buildings on the school's site in Camden if SEN children who were vulnerable with mental health needs were kept on site whilst building work took place. Ms Bedford reiterated that the permission was for only 30 months enabling the school to return to its new buildings in the autumn term, 2012).

In responding to some of the issues raised, the Area Planning Manager stated that the proposed site was already a school site and that the proposed school Travel Plan using large buses would result in a significant reduction in vehicular movements. He added that issues about transportation and trees had been fully addressed in the reports and that as a temporary application he did not envisage any permanent harm. The Head of Area Planning added that the amount of on-site construction would be limited as it was proposed to use prefabricated structures which would then be delivered to the site.

**DECISION:** Temporary planning permission for 30 months granted subject to conditions as amended in condition 5

**10. Land north side of Lovett Way, Lovett Way, London, NW10 0UJ (Ref. 10/1764)**

Erection of 12 no. two-storey, three-bedroom, single-family dwellinghouses on land to the north side of Lovett Way

OFFICER RECOMMENDATION: Grant delegated authority to the Director of Environment and Culture to determine this application on the basis that planning permission will be granted subject to conditions providing no further comments are received prior to the end of the extended statutory consultation period that raise objection to matters that have not been discussed within this report or the supplementary report for this application.

With reference to the tabled supplementary report, the Area Planning Manager Neil McClellan informed members that the proposed houses had been designed to address the noise from the Strategic Industrial Land to the rear, having regard for both current and potential future uses. He then referred to the internal and external mitigation measures include as set out in the tabled supplementary adding that the new buildings would reduce noise levels for those dwellings. The Planning Manager clarified that as the houses were to provide decant housing for the North Circular Road project, it was considered appropriate to require the re-provision of the open space prior to occupation, under condition 11. The condition required the submission and approval of the details and therefore would maintain an adequate level of control over the details.

Mr John Wood objected to the proposal on the following grounds:

- (i) Overlooking impact and loss of privacy.
- (ii) Untenable pressure on parking and congestion.
- (iii) An over-development of the site resulting in cramped conditions.

In responding to the issues raised the Area Planning Manager submitted that the proposed development complied with Supplementary Planning Guidance 17 (SPG17). He added that the parking provision would be greater than the minimum standards required and that the Council's Transportation Unit did not consider that any harm would result from the proposal.

DECISION: Delegated authority granted to the Director of Environment and Culture to determine this application on the basis that planning permission will be granted subject to conditions providing no further comments are received prior to the end of the extended statutory consultation period that raise objection to matters that have not been discussed within this report or the supplementary report for this application.

Note: Councillor Baker was not present throughout the discussion on this application and therefore could not take part in the voting.

#### **11. 50 Ambleside Gardens, Wembley, HA9 8TL (Ref. 10/1782)**

Erection of a single storey detached outbuilding including proposed alterations to reduce the width in rear garden of dwellinghouse (part retrospective application)

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

DECISION: Planning permission granted subject to conditions and informatives.

**12. Multi Storey Car Park, Royal Route, Wembley (Ref. 10/1417)**

Approval of reserved matters for provision of interim car park with access from South Way, new pedestrian link and service access road between South Way and Royal Route, pursuant to condition 2(i), (ii), (iii), (iv) and (v) of **Outline planning application 03/3200**, relating to plot W10.

Together with associated open space, public market area (Class A1), hard and soft landscaping, highway and engineering works, electricity substation, other utility requirements, other parking and servicing, and improvements to Olympic Way; and

Reserved matters relating to siting, design, external appearance and means of access for the 3-storey structure to provide car and coach parking

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

The Area Planning Manager, Neil McClellan updated members that a revised drawing had been received which detailed the revised junction layout, with speed table.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegated authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

**13. 197 Preston Road, Wembley, HA9 8NF (Ref. 10/1630)**

Change of use from retail (Use Class A1) to solicitors office (Use Class A2)

OFFICER RECOMMENDATION: Defer from tonight's meeting to allow officers to grant planning permission subject to conditions under Officer's delegated powers as the policy basis for the original recommendation for refusal had changed.

DECISION: Deferred from tonight's meeting to allow officers to grant planning permission subject to conditions under Officer's delegated powers as the policy basis for the original recommendation for refusal had changed.

**14. Land next to 25, Craigmuir Park, Wembley, HA0 1NY (Ref. 10/1698)**

Erection of a two storey dwellinghouse with provision of an off street car parking space to the rear garden, refuse storage area to the front garden facing Craigmuir Park and associated landscaping

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

The Area Planning Manager Neil McClellan informed members about an amendment to condition 4, as set out in the supplementary report which was to ensure a satisfactory development that did not prejudice the amenity of the locality.

DECISION: Planning permission granted subject to conditions as amended in condition 4, the completion of a satisfactory Section 106 or other legal agreement and delegated authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

**15. 57 The Fairway, Wembley, HA0 3TN (Ref. 10/1558)**

Erection of a single- and two-storey rear extension and a single- and two-storey side extension to the dwellinghouse

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

DECISION: Planning permission granted subject to conditions and informatives.

**16. Any Other Urgent Business**

None

The meeting ended at 9.05pm

RS PATEL

Chair

## **EXTRACT OF THE PLANNING CODE OF PRACTICE**

### **Purpose of this Code**

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

### **Accountability and Interests**

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

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

### **Meetings of the Planning Committee**

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

### **STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE**

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



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

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

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## Committee Report Planning Committee on 13 October, 2010

Item No. 3  
Case No. 09/1616

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**RECEIVED:** 14 July, 2009

**WARD:** Mapesbury

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 14 Heber Road, London, NW2 6AA

**PROPOSAL:** Erection of single-storey detached outbuilding in garden of ground-floor flat (14b Heber Road) (as amended by plans received 16/11/2009 and 20/08/2010)

**APPLICANT:** Camross Investment Management

**CONTACT:** Mr Michael Burnand

**PLAN NO'S:**  
(see condition 2 for details)

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This application was deferred at the Planning Committee meeting on 15th September 2010 for a site visit.

### RECOMMENDATION

Approval

### EXISTING

The application relates to 14b Heber Road in Cricklewood. This is the ground floor flat which comprises 2 bedrooms with sole use of the rear garden. The surrounding uses are predominantly residential. The site is not located in a conservation area nor is it a listed building. Heber Road is designated as a Heavily Parked Street.

### PROPOSAL

Full planning permission is sought for the erection of a single storey detached outbuilding to be used for domestic storage purposes.

### HISTORY

**93/1674.** Full planning permission was refused for the erection of a detached two bedroom residential dwelling in side of garden No. 14, on 01/12/1993 (06/1466).

**96/2046.** Full planning permission was refused and a subsequent appeal dismissed for the erection of a detached 2 bedroom residential dwellinghouse inside garden of No. 14, on 15/07/1997 (Planning ref: 96/2046).

**97/0176.** Full planning permission was refused and a subsequent appeal dismissed for the erection of a detached bungalow for a disabled person, on 20.10.1997 (Planning ref: 97/0176). The three reasons for refusal were:

1. *The proposed development would result in an incongruous and cramped form of development and would be detrimental to the amenities of adjoining residents by reason of obtrusive appearance contrary to policies E1 & H6 in the Council's Unitary Development Plan.*

2. *The proposal does not make adequate provision for the parking of vehicles within the curtilage of the site, in accordance with the standards adopted by the Local Planning Authority as such is likely to give rise to the conditions which are prejudicial to the free flow of traffic on the adjoining highway contrary to Policies H6, T13 and standard PS12 in the Council's Unitary Development Plan.*
3. *The proposal would constitute an overdevelopment of the site resulting in inadequate amenity area for both the existing and proposed dwellings contrary to Policies H6 & H14 in the Council's Unitary Development Plan.*

**06/1466.** Full planning permission sought for the retention of detached outbuilding incorporating residential accommodation and prayer-room to be used in connection with the ground floor flat. The application was refused on 04/07/2007 for the following reasons and was also dismissed on subsequent appeal:

1. *The proposed detached outbuilding by reason of its siting, size, obtrusive appearance, and close proximity to the side and rear boundaries represents a substantial building within the garden of this property that is out of character of the area, and is detrimental to the amenities of neighbouring occupiers, by virtue of its scale and massing which results in the unacceptable loss of outlook, contrary to policies BE2, BE7, BE9 and H21 of the Unitary Development Plan 2004.*
2. *The proposed detached outbuilding represents a form of self contained residential development considered substandard by reason of the failure to provide a dwelling that meets the Council's minimum floor area standard or to provide adequate provision for off-street parking, refuse storage and cycle parking creates an unacceptable impact on adjoining properties by reason of outlook, privacy and use of the amenity area and would therefore fail to provide an adequate living environment for future occupiers contrary to policies H12 and TRN23 of the adopted Brent Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance No. 17: "Design Guide for New Development".*

**E/04/0326:** An existing detached outbuilding was demolished as part of Enforcement Action related to the erection of a building and fence

**09/0816.** Full planning permission sought for the erection of detached outbuilding in the rear garden of 14 Heber Road. .Refused 29/05/2009 for the following reasons:

1. *The proposed single-storey detached outbuilding, by reason of its siting, size, obtrusive appearance and close proximity to the boundary with the rear gardens of other properties, would result in a development that is out of keeping with its backland setting and which would be detrimental to the amenities of neighbouring residents, contrary to policy BE9 of Brent's Unitary Development Plan 2004*

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

**BE2** - Local Context

**BE9** - Architectural Quality

## **CONSULTATION**

11 neighbours were consulted, three representations have been received objecting to the proposal from residents on Oaklands Road on the following grounds:

- Loss of light;
- Noise and disturbance;

- Lack of parking;
- Loss of trees;
- Too close to boundary with neighbouring properties;
- Loss of privacy.

These issues are addressed in the *Remarks* section of this report

## REMARKS

### *Context*

The site has a significant planning history as set out in the *History* section above. In 2006, a single storey detached outbuilding was found to be in use as an unauthorised dwelling and was demolished by the Council following an enforcement appeal. A subsequent application was made for the erection of an outbuilding and was refused in 2009. The current planning application was submitted taking into account some of the amendments suggested by your officers. The amendments are as follows:

- The area of the proposed building reduced from 21m<sup>2</sup> to 15 m<sup>2</sup>;
- The height of the ridgeline reduced from 4m to 2.5m;
- The height at the eaves reduced from 2.8m to 2.1m;
- The position of the building set in 2m from the boundary with the rear gardens on Oaklands Road and average of 3.05m from the splayed boundary with no. 16 Heber Road.

After further dialogue with the applicant, additional amended plans and information regarding the proposed use and the status of the site have been provided. The amended plans and additional information confirm the following:

- The proposal relates solely to 14b Heber Road;
- The use is for storage purposes incidental to the use 14b Heber Road as a 2-bed residential flat;
- The building has been reduced in size and positioned further from the boundaries with neighbouring properties;
- The existing fence sub-dividing the rear garden of 14b Heber Road will be removed prior to the commencement of development;
- The existing single storey lean-to structure attached to the flank wall of 14 Heber Road (applicant refers to this as 14c) does not form part of the application site. The current use of this structure has not been clarified as officers have not been permitted access to this part of the site.

Whilst there is uncertainty regarding the use of other parts of 14 Heber Road (in particular the single storey lean-to structure referred to by applicant as 14c), it is important to note that the applicant has clarified that this application relates solely to 14b Heber Road and the external amenity space associated with this flat. The status of this outbuilding will be pursued by the Enforcement Team in view of the applicants inability to do so.

### *Siting and Design*

14b Heber Road is a 2-bedroom ground floor flat with sole access to a rear garden of approximately 150 sqm. The proposed outbuilding measures 3m x 5m (15m<sup>2</sup>) and positioned 2m from the boundary with No.77 Oaklands Road and a minimum of 2.5m from the angled boundary with No. 16 Heber Road. Currently the garden serving the ground floor flat at no. 14b Heber Road is subdivided by a fence. This is to be removed as part of this proposal. The outbuilding will have a dual pitched roof with the eaves height at 2.1m and the ridge height at 2.5m. It will have shiplap timber cladding to the exterior and is screened from the road by the existing side lean-to structure to no 14 Heber Road (referred to by applicant as 14c Heber Road). There are existing 1.8 m high fences along the side and the rear boundaries.

It is considered that the reasons for refusal of the previous application (09/0816) have been overcome and that the proposed single storey detached outbuilding will be in keeping with the character and appearance of the rear garden and will not have a detrimental impact on the amenity of neighbouring residents. The footprint of the outbuilding is of a size commonly seen in residential gardens and, given its size, could not readily be used for purposes other than those incidental to the enjoyment of the flat. Notwithstanding this, a condition will be attached to the permission restricting the use of the premises to domestic purposes. This includes usage for domestic storage, garden storage and as a summer house. Any use for the storage of materials relating to business or use as separate living accommodation is expressly forbidden.

An additional landscaping condition is also to be attached as the existing rear garden is predominantly hard landscaping. The reason for this condition is to ensure that the proposed development is in keeping with the visual amenities of the site and surrounding area.

#### *Other Issues raised by Objectors*

In relation to the issues of loss of light and proximity to the neighbouring boundaries, the revised scheme is not considered to have any adverse impact in view of the modest height of the outbuilding and proximity to the boundaries. Similar size buildings are not uncommon in residential areas and are lawful when they are for incidental use to the dwellinghouse.

In terms of noise and disturbance, the application relates to an outbuilding in a domestic garden. It is not considered that its use for purposes incidental to the enjoyment of the flat would lead to noise and disturbance exceeding that generally associated with the use of a residential property. Noise nuisance is covered by Environmental Health legislation.

There are no protected trees on this site and no trees within close proximity of the proposed building. As stated above, additional landscaping will be sought by condition if the application is to be approved.

Given that the proposed outbuilding is for storage purposes only there will be no increase in the number of bedrooms or the size of the living accommodation, it is not considered that the proposal will result in an increase of on-street parking. In relation to privacy, the window and door of the proposed building face towards the rear elevation of 14b Heber Road thus there will be no overlooking of neighbouring residents.

#### *Conclusion*

The proposed single storey detached outbuilding is of a scale and appearance that is in keeping with its location and will not have a detrimental impact on the amenity of neighbouring residents. Accordingly approval is recommended 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 and/or documents:

Site Plan received on 20 August 2010  
2810/1 'D'

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

- (3) External work shall be carried out in the following materials:

-Walls: Timber Shiplap Boarding  
-Roof: Green Mineral Felt  
-Windows & Door: Timber

Unless otherwise agreed in writing by the local planning authority.

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

- (4) The outbuilding hereby permitted shall be used solely for purposes incidental to the enjoyment of the residents of the ground floor flat and for no other purposes, including use as any form of residential accommodation or in conjunction with any business, without the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: In order to ensure that the outbuilding is not used for business use or separate living accommodation, which could harm the amenities of residential occupiers.

- (5) Notwithstanding any details of landscaping works referred to in the submitted application, a scheme for the landscaping works and treatment of the surroundings of 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 the commencement of any demolition/construction works on the site. The landscape work as approved shall be completed during the first available planting season following completion of the development hereby approved and so maintained in accordance with the details so approved. Any plant that dies within a period of five years from the date of planting shall be replaced by a plant of the same species unless otherwise agreed in writing by the local planning authority. Such a scheme shall include:-

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) screen planting along the side boundaries and in front of the outbuilding;
- (c) removal of the existing boundary fence that subdivides the existing rear garden;
- (d) areas of hard-landscaped works and proposed materials.

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

**INFORMATIVES:**

- (1) The applicant is informed that prior to submitting any further applications for development on this site, an appropriate application should be made to ensure that the conversion of the former dwellinghouse into flats is regularised by making a Certificate of Lawfulness if there exist evidence that the 3 flats are self contained have existed for 4 years or more. Please note a planning permission to retain the flats is required if the flats have not been in existence for 4 continuous years.

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: 14 Heber Road, London, NW2 6AA

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This map is indicative only.

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## Committee Report Planning Committee on 13 October, 2010

Item No. 4  
Case No. 10/1781

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**RECEIVED:** 27 July, 2010

**WARD:** Kenton

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 88, 90 & 92 Draycott Avenue, Harrow, HA3 0BY

**PROPOSAL:** Demolition of 3 detached dwellings, erection of 6 x 5-bedroom semi-detached dwellinghouses and 2 blocks of flats totalling 14 units to rear, comprising 2 x studio, 7 x 1-bedroom and 5 x 2-bedroom flats, with formation of new access road from Draycott Road, parking, cycle and refuse store and associated landscaping as accompanied by Design & Access Statement, Landscape Strategy Report, Affordable Housing Report & Toolkit, Arboricultural Report, Sustainability Checklist, Energy Strategy Revised and Sustainability Statement Revised

**APPLICANT:** Gateway No 1 LLP

**CONTACT:**

**PLAN NO'S:**

C071-01 Rev A	C071-02 Rev A
C071-03 Rev A	C071-04 Rev A
C071-05 Rev A	C071-06 Rev A
C071-07 Rev A	C071-08 Rev A
C071-09 Rev A	C071-010 Rev A
C071-011 Rev A	C071-012 Rev A
C071-013 Rev A	

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### RECOMMENDATION

Refuse planning permission

### EXISTING

The application site comprises three detached houses on the west side of Draycott Avenue, Kenton. The site lies within a suburban area that is characterised by predominantly inter-war mock-Tudor two storey houses, many with long rear gardens, although there are a wide variety of designs of properties within the road, with a mixture of detached and semi-detached dwellings and a mix of hipped and gabled roofs and some flatted developments. There are some more recent flatted developments in the wider area (76-78 Draycott Avenue). The housing has reasonably consistent set-backs, spacing and rhythm. Front gardens, many with forecourt parking areas, are common with regular plot-widths.

The majority of the site comprises back gardens to the detached houses and as such is not previously developed land (PDL) as defined by PPS3 (3rd edition).

The site is accessible to public transport (Public Transport Accessibility Level (PTAL) of 3) and other local services and is therefore in a sustainable location. The site backs on to the Metropolitan, Bakerloo and overground railway lines. It is some 500m from Kenton Sainsbury's, beyond which lies Kenton District Town Centre. It is 625m from Kenton station and 550m from Northwick Park station.

## PROPOSAL

The proposal involves the demolition of the existing detached houses and the erection of three pairs of two-storey (with accommodation in the roof) semi-detached houses along the site frontage, which is classified as previously developed land, and two blocks of flats in the backland; these two blocks would be to the north of an access road which leads to parking in the south-west corner of the site. The flat blocks would be two storeys high with accommodation in the roof.

### *Houses*

The houses are numbered H1-6 on the plans, and are paired 1-2, 3-4 and 5-6. Houses H1-2 are located approximately 1m from the boundary with No. 86 Draycott Avenue. They would be 15.5m deep (including bays) and 9.6m wide as a block (4.8m each). The blocks would be 63.049m above ordnance datum (AOD) to the ridge. The eaves would be 58.469m AOD. Each has a car parking space to the front. The front door to H1 is between the two bays of the block and H2 would be accessed from the side. The block would be set about 8m from the back-edge of the footpath and the front gardens would be divided by a hedge. Both houses would have 11m deep gardens.

Houses H3-4 would be 2m apart from H1-2 at the front and would be 10.4m wide (5.2m each) and including bays they would be 14.5m deep as a block; the block would be 62.869m to ridge and 57.894m to eaves AOD. H3 would have a parking space directly accessed from Draycott Avenue and a door between the two bays. H4 would have a parking space position parallel to Draycott Avenue, accessed from the new road. This block would be about 10m from the back edge of the footpath and again the front gardens would be divided by a hedge. Both houses would have 11m deep gardens.

The access road would lead from Draycott Avenue at this point. This road would be 4.8m with a 1.5m footpath on the northern side, adjacent to H3-4. This path would follow the flank wall of H4, where the entrance to H4 would be, with a 500mm margin. The south side of the road would have a 500mm margin leading to a 1m wide footpath serving the entrance door to H5, also positioned in the flank wall of block H5-6. The access road would be parallel to the flank wall of H5-6, which is in turn parallel to the boundary with No. 94 Draycott Avenue. H5-6 would be 15.5m deep and 9.6m wide as a block (4.8m each) and be about 0.85m from the boundary with No. 94, and 1.75m from the flank of No. 94. The block would be 62.049m to ridge and 57.469m to eaves AOD.

The access road would narrow to 3m after 35m from the junction with the road. Some landscaped areas and a parking space would be positioned on the northern side of the access road before it narrows, and the footpath would be on the other side of these features. This path would lead to the central courtyard between Blocks A and B, the northern and southern blocks of flats to the rear of the houses.

### *Flats*

Block A, comprising flats 1-6, would be 10m deep and 16.7m wide, facing the garden of No. 86 Draycott Avenue; it would be 61.748m high to ridge and 57.533m to eaves. It would be 12m from the boundary with No. 86 and 12.5m from the rear of proposed block H3-4 and 2.5-4m from the western boundary. The courtyard would be 10m wide and Block B would be positioned on the southern side, facing No. 94 Draycott Avenue. An L-shaped block also 16.7m wide it would be 11m deep at its narrower leg and 15.5m deep at its wider leg; it would be about 12.5m from the

boundary with No. 94 and between 6-9m from the western boundary (with the railway). Block B would be about 15m from block H5-6 but not located behind it; instead, Block B would be positioned on the axis of the access road, about 41m from the back-edge of footpath. It would be 61.275m to ridge and 57.060m to eaves.

## HISTORY

In November 2004 permission was sought for the demolition of the three dwellings and their replacement with a three storey block of flats comprising 26 x 2-bed flats (04/3521). This was withdrawn prior to determination.

In June 2005 permission was sought for the demolition of the three dwellings and their replacement with a 3-storey block of flats comprising 21 x 2-bed and 5 x 3-bed flats (05/1732). Members refused planning permission on 25 August 2005 on grounds of density (253hrh), design, insufficient affordable housing and sub-standard housing:

1. *The subject site is located within an area only moderately well served by public transport according to map BE1 of the adopted London Borough of Brent Unitary Development Plan 2004, and is located within a suburban area of large family size, inter-war housing. The proposed development would have a calculated density of 253 habitable rooms per hectare, towards the lower end of all development within 600 metres of a town centre, in accordance with Supplementary Planning Guidance 17: "Design Guide for New Development" adopted 2001. The proposal fails in terms of encouraging public transport use and walking and cycling, and discouraging private car use. Furthermore, due to its scale and design, it is at odds with the surrounding development within a predominantly suburban setting, contrary to policy BE12 of the adopted London Borough of Brent Unitary Development Plan 2004.*
2. *It is considered that the proposed development is of an insufficiently high quality of design and fails the requirements of policies BE2, BE3, BE5 BE9 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development" for the following reasons:*
  - (a) *It comprises an uneasy jumble of styles, such as an incongruous mix of roof styles with half-hips and half gables, levels of the storeys at odds with those of the existing buildings and a lack of the rhythm, scale and clarity which is apparent with the existing houses in the streetscene, leading to a loss of views of sky and views through the blocks and a distinct lack of integration with the suburban setting and site.*
  - (b) *The blocks are overscaled and fail to address the lack of detailing and the proposal's incongruous mass which, coupled with the bulky roof details with a mix of gable-ends and half-gables, serves to accentuate the roof volume and contrasts with the dormer windows on the existing buildings in the street.*
  - (c) *The entrances are tightly accessed via the narrow access road and would be overshadowed by the proposed development, which would be at odds with the existing suburban setting; in addition, little attempt has been made to address issues of site security and safety.*
3. *The Urban Design Statement itself provides insufficient details of the proposed development, with limited or a lack of information regarding important existing features on site and forming edges of the site, the location of the existing and potential links to and through the site, important views within and out of the site, the relationship of the site to the surrounding area and how it relates to and enhances the urban context and contributes to*

urban sustainability. Consequently the proposed development fails policy BE1 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".

4. *The proposed development, by reason of its location outside of areas well served by public transport, the lack of details submitted with regard to hard and soft landscaping and planting and sustainable construction techniques and their implementation, has resulted in a scheme that fails to demonstrate its compatibility with the principles of sustainable development. The sustainability of the proposal was appraised in accordance with SPG19 and was rated "Fairly Detrimental" with a score of 115 (11.5%), which is considered to be unsatisfactory and thus fails the requirements of strategy STR5, and policies BE12, TRN2 and TRN3 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 19: "Sustainable Design, Construction & Pollution Control" (2004).*
5. *The proposed development, with an affordable-housing share of 8 units out of the 24 in total, would have a proportion beneath that normally expected for development of this nature unless there are exceptional cost issues. The applicants have not demonstrated sufficiently that the costs incurred through the implementation of the scheme would be such as to justify this low threshold. Accordingly, the proposed development fails to comply with the provisions of policy H3 of the adopted London Borough of Brent Unitary Development Plan 2004.*
6. *The proposed development, by reason of the location of the proposed family-sized residential units, with only one at ground floor level and a lack of any associated private amenity space, would result in substandard housing, contrary to policy H8 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*

This decision was appealed but the appeal was withdrawn prior to determination.

At this point the application site was expanded to include the two properties to the south, Nos. 94 & 96. Permission was sought for the demolition of the five dwellings and their replacement with 6 no. 3- and 4-storey blocks of flats comprising 66 units in total (06/2750). This was withdrawn prior to determination.

In January 2007 permission was sought for the replacement of the five dwellings with 6 no. 4-storey blocks of flats comprising 56 flats in total (07/0272). Members refused planning permission on July 2007 on the grounds of the effect on the character and appearance of the area due to the scale of the proposal and traffic generation:

1. *The proposed scheme by reason of the height, size and overall scale of development proposed would appear as an obtrusive development that relates poorly to the existing buildings around it, appearing out of context with its suburban setting and out of character with the street scene to the detriment of the character and appearance of the area and the visual amenities of local residents. The proposal is therefore considered to be an overdevelopment of the site, contrary to policies BE2, BE3, BE7, BE9, BE11 and H16 of the London Borough of Brent's Unitary Development Plan and the Council's Supplementary Planning Guidance 17: 'Design Guide for New Development'.*
2. *The proposed development by reason of the size and density of new residential accommodation proposed would result in an unacceptably high increase in the volume of traffic using Draycott Avenue, a relatively narrow suburban street that already experiences significant levels of traffic congestion, to the detriment of the free flow of traffic, the local environment and the residential amenities of the occupiers of properties along Draycott Avenue, contrary to policies H13, TRN3 and TRN4 of the London Borough of Brent Unitary*

### *Development Plan.*

This decision was appealed but the appeal was dismissed at public inquiry in January 2008 on the grounds of effect on the character and appearance of the area and the lack of a signed legal agreement, the Inspector citing the width of the two frontage blocks, their height (particularly in relation to No. 98) and views along the proposed access road into the site. The Inspector was, however, satisfied in respect of traffic and highway matters although this reason for refusal was withdrawn by the Council in the Statement of Common Ground.

In October 2007 permission was sought for 5 no. 4-storey and 4 no. 3-storey blocks of flats comprising 54 flats in total (07/2978). Members refused planning permission in February 2008 on grounds of the effect on the character and appearance of the area due to the massing, setting and siting of the rear blocks and the residential amenity of future occupants:

- 1. The scale of the proposed redevelopment, in terms of the massing, setting and siting of the rear buildings, with minimal separation gaps between buildings together with the height, bulk and relationship to boundaries, would create a cramped form of development adversely affecting the character of the area and leading to a poor living environment and amenity for the future occupiers. This would also relate poorly to the existing buildings around it, appearing dominant with excessive bulk in scale to the existing setting in the local area. The proposal is therefore considered to be an overdevelopment of the site, contrary to policies BE2, BE3, BE7, BE9, BE11 and H16 of the London Borough of Brent's Unitary Development Plan and the Council's Supplementary Planning Guidance 17: 'Design Guide for New Development'.*

This decision was appealed but the appeal was dismissed at public inquiry in December 2008 on the grounds of effect on the character and appearance of the area, the Inspector citing the lack of subservience scale and density of the backland element of the proposal. The Inspector was satisfied in respect of living conditions of future occupants the impact on the outlook and privacy of neighbouring residents. Councillor Dunwell acted as a Third Party Witness and raised the matter of traffic and highways and overall density at the inquiry. The Inspector remained satisfied with the implications of the proposal on these matters.

On 6 November 2009 a further application was made for the erection of 6 x 5-bedroom semi-detached dwellinghouses and 2 blocks of flats totalling 14 units to rear, comprising 2 x studio, 7 x 1-bedroom and 5 x 2-bedroom flats (ref: 09/2233). This was withdrawn on 5 January 2010 before it was reported to committee.

### Summary

A number of applications for redevelopment of the three dwellings, some with the addition of two dwellings to the south, have been submitted and refused over the past 5 years. Although the two of the most recent applications have Inspector's decisions to guide further development, this proposal relates more closely in terms of size to those earlier applications for only the three dwellings. It is fundamentally the same application that was withdrawn in January of this year.

## **POLICY CONSIDERATIONS**

The policy framework remained fundamentally unchanged until the most recent application. In the months since the withdrawn application (09/2233) Brent's Core Strategy has been adopted and the definition of Previously Developed Land has been changed in PPS3 (3rd edition, June 2010).

### **Local**

## *Brent Unitary Development Plan 2004*

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

### Strategic

- 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.
- 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.

### Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- 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.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

### Environmental Protection

- EP3 Requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

### Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective



- residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15 Special regard should be paid to certain issues where backland development is proposed
- H15 Planning permission should be refused where development underutilises a site
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

#### Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14 Residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

#### *Brent Core Strategy 2010*

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

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

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy  
*also STR1, EMP4*  
 This sets out the spatial strategy, outlining where growth is to be focused.
- CP 2 Population and housing growth  
*also none*  
 Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 5 Place making  
*also none*  
 Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping  
*also none*  
 Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development  
*also STR19*  
 Requires that the infrastructure requirements of new development are met
- CP 17 Protecting and enhancing the suburban character of Brent  
*also STR11, STR16, STR17*  
 Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 19 Brent strategic climate mitigation and adaptation measures  
*also none*  
 Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 21 A balanced housing stock  
*also STR19, STR21, H7, H8, H9, H10, H18, H23, H25, H27*  
 Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

### *Brent Supplementary Planning Guidance*

#### SPG 17 "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

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

#### SPD "Section 106 planning obligations"

### ***Regional***

#### *London Plan 2008*

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an

integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

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

The London Plan sets 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.

### ***National***

#### ***Planning Policy Statement 3: Housing***

See revised PPS3 (3<sup>rd</sup> edition) published 9 June 2010

In essence, private residential gardens are now excluded from the definition of previously developed land in Annex B. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010).

### **SUSTAINABILITY ASSESSMENT**

The application was accompanied by a Sustainability Strategy and an Energy Strategy, prepared by AJ Energy Consultants Ltd (both dated July 2010) and a completed Sustainability Checklist which shows an indicative score of 58.5.

Your officers are in the process of assessing this information and will update Members in a supplementary report.

### **CONSULTATION**

#### ***Local consultees***

Local residents, Northwick Park Residents Association, QARA Group of Associations and ward councillors were notified by letter on 23/08/10. A site notice and press notice was posted on 25/08/10 and 26/08/10 respectively.

A total of 29 local residents have objected--18 from Draycott Avenue, seven from The Ridgeway, three from Aston Avenue and one from Woodcock Hill--and a petition with 68 signatories has been received, objecting to the effect of the proposal on the character of the area and local amenities.

The reasons for objecting are:

**Principle**

- Previous applications have been refused
- Conflicts with Government and Brent policy about building on back gardens

**Impact on character of area**

- Out of keeping with character of area
- Close to conservation area

**Impact on neighbouring amenity**

- Loss of views
- Loss of light
- Loss of privacy
- Noise, in particular vehicle stackers

**Standard of accommodation**

- Small bedrooms
- Lack of amenity space

**Parking and access**

- Increase in traffic and congestion
- Safety of proposed access

**Landscape and trees**

- Loss of trees
- Loss of green space

**Other**

- Existing houses are of good quality
- Increase demand for local services
- Impact on drainage and sewerage
- Increase in crime
- Dust
- Pollution

***Internal consultees***

***Landscape***

No objections in principle however, I would not recommend approval for the development in terms of landscape for a number of reasons including loss of trees without adequate replacement, lack of ecological report and mitigation measures and lack of play space.

***Transportation***

No objection subject to:

(a) a Section 106 Agreement to secure:

- (i) a financial contribution of £23,000 towards non-car access improvements in the vicinity;
- (ii) resurfacing of the Draycott Avenue footway along the site frontage at the applicant's expense, to include reinstatement of all redundant lengths of existing crossover to footway and formation of new accesses (incl. the provision of a speed table across the bellmouth of the shared access road); and

(b) a condition to secure minor amendments to the site layout to:

- (iii) move the parking space for house 2 alongside that for house 3 with access over a shared crossover;
- (iv) provide a front garden path from Draycott Avenue into the entrance to house 5;

- (v) set the rear garden fence for house 5 450mm from the kerb line of the road;
- (vi) provide radius kerbs on the inside of the bends in the driveway, with an increased 4.1m wide passing place halfway along the narrow length; and
- (vii) indicate sufficient secure and covered cycle storage to accommodate 14 bicycles,

### **External consultees**

Thames Water

No objection

### **REMARKS**

#### **Key considerations**

Your officers consider the main planning issues are:

1. Principle, including density
2. Impact on character of area
3. Impact on neighbouring amenity
4. Standard of accommodation
5. Parking and access
6. Landscape and trees
7. Other

The site as Nos. 88-92 has a history of two applications (one withdrawn, one refused) in 2004 and 2005. The expanded site of Nos. 88-96 has a history of three applications (one withdrawn, two refused and dismissed at public inquiry) in 2006-2008.

The history is relevant to this application but the substantial differences between the proposed scheme and the two schemes dismissed at public inquiry mean little weight can be attached to the Inspectors decision letters other than the fact they offer some indication of what is considered materially harmful, albeit this is a matter of subjective judgement. In both inquiries the Inspector considered the effect of the proposal on the character and appearance of the area as the main issue:

07/0272

*"I have therefore identified one main issue in this case: the effect of the proposal on the character and appearance of the area."* (Inspectors Decision Letter, 07/0272, 8 January 2008)

07/2978

*"I consider the main issues in this appeal to be the effects of the proposed development on: (a) The character and appearance of the area; (b) the living conditions of future occupiers and neighbours, with particular reference to amenity space and privacy."* (Inspectors Decision Letter, 07/2978, 9 December 2008)

### **1. Principle**

#### **1.1 Principle**

The application involves the demolition of existing houses and the redevelopment of this frontage and the gardens to the rear; in this case these rear gardens would constitute backland development. Brent Council policies do not prevent development of gardens, nor does any national or regional planning policy.

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

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

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

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

The definition includes defence buildings, but excludes:

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

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

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

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

As a result of this clear direction in the Core Strategy and the significant change in emphasis at the national level on the development of gardens, it is reasonable that the manner in which applications for backland development on residential gardens are considered should change and the judgements made in respect of relevant UDP policies may change; therefore it is reasonable that development which might have been acceptable before the change to PPS and the adoption of the Core Strategy may not now be acceptable.

**1.2 Backland policies**

Where backland development is proposed, Policy H15 requires special regard to be had to, amongst other things, (a) the density and height of the proposal which should be subsidiary to the frontage housing; (b) the privacy and outlook from existing dwellings and in particular gardens; (c) any proposed demolition of existing dwellings or parts of dwellings to form access - if this would create an unattractive breach in a consistent street frontage this will not be permitted; and (f) the effect and cumulative impact of the development on the loss of garden habitat.

The recent adoption of the Core Strategy (July 2010) means regard should also be had to policy CP17 *Protecting and Enhancing the Suburban Character of Brent* which reads:

The distinctive suburban character of Brent will be protected from inappropriate development. The Council will bring forward design guidance that limits development, outside of the main town centres and away from corner plots on main road frontages, which would erode the character of suburban housing. Development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable. The Council supports emerging London Plan policy to limit the inappropriate development of back gardens that erode the character of suburban areas.

Your officers have considered the above two policies and the history of the sites, including the previous Inspectors' decisions, in assessing this application.

*(a) Subsidiarity*

Policy H15 relates to backland development which requires special regard be had to, amongst other things, the height and density of the proposal which should be subsidiary to the frontage housing. Policy CP17 seeks to limit development which would erode the character of suburban housing and prevent the development of garden space with out-of-scale buildings that do not respect the settings of the existing dwellings.

The most recent appeal decision expanded on the matter of subsidiarity, stating: “...it seems to me that the use of the word ‘subsidiary’ in Policy H15(a) indicates an underlying objective that backland development – whilst related, auxiliary or supplementary to the frontage housing, should also be secondary in importance, having regard to its density and height.” It goes on to say that “The backland development [of the refused scheme] comprises five four-storey blocks, four of which would have significantly greater bulk than the three-storey frontage blocks.” (Inspectors Decision Letter, 07/2978, 9 December 2008).

Your officers consider it significant that the Inspector identified the bulk of the rear blocks relative to the bulk of the frontage blocks as a material consideration, as this does not limit the consideration of subsidiarity to height alone. The Inspector concluded his assessment of this aspect of the proposal by saying “I consider that the backland development would be perceived from Draycott Avenue as the main or predominant part of the scheme.” (Inspectors Decision Letter, 07/2978, 9 December 2008).

An analysis of the submitted documents show the following height relations between the relevant frontage housing and rear blocks:

Block A compares with H3-4:

H3-4 heights:	62.869m to ridge and 57.894m to eaves
Block A heights:	61.748m to ridge and 57.533m to eaves
Block A is lower by:	1.121m to ridge and 0.361 to eaves

Block B compares with H5-6:

H5-6 heights:	62.049m to ridge and 57.469m to eaves
Block B heights:	61.275m to ridge and 57.060m to eaves
Block B is lower by:	0.774m to ridge and 0.409m to eaves.

The Inspector at the recent appeal found that the marginal difference in height between the relevant frontage blocks and rear blocks was not sufficient to mark the backland development as appearing secondary in nature. In that case the rear blocks were lower to ridge by 0.25m, 0.5m, 0.55m, 0.75m and 0.8m. Your officers are of the view that the 0.77m and 1.12m difference in heights between the frontage blocks H3-4 and H5-6 and the rear blocks A and B are also marginal and, when combined with the height difference between the eaves (0.36m and 0.41m), it is likely that the rear blocks will appear to be as significant as the frontage blocks in terms of height.

Turning to bulk, this is a function of the relationship of the blocks with the rear boundary: larger blocks which are farther from the boundary may be less harmful than smaller blocks which are closer. The key differences between the proposed scheme and the earlier refused schemes are the fact the application site is reduced due to the loss of Nos 94 & 96. This means it is difficult for the development to maintain sufficient distance from the boundaries with Nos 86 and 94 whilst maintaining adequate separation between the two rear blocks. The rear blocks are wider than nearby building typologies and any of the previous refused schemes' rear blocks and they are closer to the boundary; consequently the buildings would not appear to be of secondary importance when viewed from neighbouring gardens.. This difficulty in positioning the rear blocks also means that Block B, with its long flank wall, would be particularly prominent when viewed from Draycott Avenue.

The rear blocks would not be secondary in importance or subordinate to the frontage housing. In this respect the proposed scheme would not comply with policy H15(a) of the UDP nor policy CP17 of the Core Strategy.

Policy H15(a) also requires a comparative analysis of density within the scheme - between the backland development and the frontage housing. The lack of a subsidiary density on the backland part of the site was part of the reason the Inspector considered the rear blocks of the most recent refused scheme (07/2978) would not be secondary in importance to the frontage housing: *"There is no evidence to indicate that this secondary status would be achieved by a significant difference in density."* (Inspectors Decision Letter, 07/2978, 9 December 2008)

The applicant has provided comparative densities of the respective areas for the frontage housing and backland development which indicates the following:

<i>Frontage</i>	
Area:	0.1363ha
Hab rooms	48
Density	352hrh
<i>Backland</i>	
Area:	0.1854
Hab rooms	44
Density	237hrh

The above calculation does not account for the street frontage which the applicant has used to calculate density for the whole site (see section 1.3, below). The area for calculating density includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004). If this is allocated to the frontage housing it changes the figures thus:

<i>Frontage</i>	
Area:	0.1570ha
Hab rooms	48
Density	306hrh
<i>Backland</i>	
Area:	0.1854



Hab rooms	44
Density	237hrh

Even in this scenario the density of the backland would be subsidiary to the density of the frontage housing; as such the respective densities are considered acceptable. This does not change the opinion of officers that the rear blocks themselves are not secondary in importance to the frontage housing.

*(b) Privacy and outlook*

Other matters to be given special consideration include the privacy and outlook from existing dwellings and in particular their gardens. This matter was considered by both Inspectors and they found the schemes under consideration would not fail this part of policy H15:

07/0272:

*"I also accept that, due to the distance between the boundaries and the nearest elevations, there would generally be adequate separation to neighbouring properties."* (Inspectors Decision Letter, 07/0272, 8 January 2008)

07/2978:

*"The proposed backland blocks would alter the views from the gardens of Nos.86 and 98 and other nearby properties. However, given the separation distances, I do not consider that the four-storey blocks, by reason of their height and siting, would have an unacceptable overbearing or dominating effect on the outlook from neighbouring properties. Nor would any overlooking result in an unacceptable standard of privacy for this suburban area. I do not consider that these blocks would unduly impact upon the living conditions of neighbours".* (Inspectors Decision Letter, 07/2978, 9 December 2008)

In terms of privacy, SPG17 suggests a minimum distance of 10m from main habitable rooms to the boundary would be sufficient to maintain privacy. The rear blocks are 12m from the boundary and screen landscaping could be incorporated to reduce overlooking, but it is likely that the occupants of Nos. 86 and 94 would perceive a significant loss of privacy in the lower part of their garden, where privacy can reasonably be expected to be at its maximum. In reaching this judgement your officers have considered the fact the proposed rear blocks have accommodation on only three storeys instead of four as in the refused schemes but that the focus of the flats and their habitable rooms will be towards the boundary due to the limited outlook between Blocks A and B. Your officers are of the view that the application fails policy H15(b) and would result in material harm to the privacy of existing gardens.

Turning to outlook, the proposed rear blocks would substantially change the outlook for neighbouring residents from their houses and gardens but it would not be to the extent that their living conditions would be materially harmed: their view may have worsened but that is not in itself a reason for refusal. The bulk of the blocks and their overbearing impact on neighbouring residents is considered a reason for refusal, but this is in respect of the impact on the character of the area (see section 1.2(a), above, and 2.2, below).

*(c) Access arrangements*

Access arrangements should not cause significant nuisance to neighbouring properties. Previous schemes have located the majority of parking to the rear of the site but accessed via a central road which would have benefitted from the distance to the boundaries and the intervening blocks to buffer noise and disturbance from vehicle movements. In this application the access road is directed to close to the boundary with No. 94 and the majority of parking is provided in the 12-vehicle stackers which would be located just 1.5m from the boundary with No. 94.

It is likely that the movement of vehicles along the access road, to and from the vehicle stacker and

the operation of the stacker itself would result in significant noise and disturbance, resulting in material harm to the amenity of neighbouring occupants and their enjoyment of their gardens. Whilst the Council has acknowledged in the past that vehicle parking in the rear of the site is acceptable and that a degree of disturbance is to be expected where the principle of backland development is accepted, it is not clear that this particular arrangement is the only way in which parking and access can be arranged to service backland development.

*(f) Loss of garden habitat*

As discussed in sections 6.2 and 6.3, *Trees and Ecology*, below, the proposed layout would result in the loss of a number of trees without adequate replacement. This is a matter which could be addressed via submission of further details either at this stage or in a condition; as such it is not proposed that this be a reason for refusal, however it should be noted that future applications should address this aspect of policy H15.

### *1.3 Density*

National, regional and local policies seek to maximise the potential of the site, with PPS3 and the London Plan encouraging the efficient use of land. Policy 3A.3 of the London Plan aims to maximise the potential of a site taking account of local context, London Plan design principles and public transport capacity. Policy H13 of the UDP relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. The recently adopted Core Strategy policy CP6 also seeks to ensure developments have proper regard to policy 3A.3 and states that “a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important”.

The proposed scheme has a site area of 3,217sqm (0.3217ha), as stated in the Design & Access Statement. The scheme proposes 20 units with a total of 92 habitable rooms. The area for calculating density includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004); this increases the site area to 3,424sqm (0.3424ha). The overall density is 269 habitable rooms per hectare (hrh), or 58 dwellings per hectare (dph). This is lower than the recent refused applications, which had a density of 330hrh (07/0272) and 299hrh (07/2978). In neither case did the Council object to the density and in both cases this was supported by the Inspector's decision:

07/0272

*“The proposal would achieve higher densities than the prevailing pattern of development, and despite the objections of some local residents, I consider it would make efficient use of previously developed land which would comply with the general thrust of UDP Policies STR3 and STR19.”* (Inspectors Decision Letter, 07/0272, 8 January 2008)

*“The proposal would increase the density of the appeal site from about 65 hr/ha to 330 hr/ha which would be within the density range within the SPG. However, Table 4B.1 Density location and parking matrix of the London Plan (LP) indicates a density range of 200-250 hr/ha for a suburban site with a PTAL 3 to 2. Whilst I accept that the SPG predates the LP, it is specific to the Borough and, therefore, of greater relevance. In my view, subject to an acceptable design, the density of the proposal would make efficient use of the site and need not result in harm to the character and appearance of the area.”* (Inspectors Decision Letter, 07/0272, 8 January 2008)

07/2978

*“In this context, given that the site backs onto railway lines and a large utility building, along with the proximity of local services and public transport, I consider that, subject to an acceptable design which complied with relevant policy, a scheme of the density [299hrh] should not be rejected on this ground alone.”* (Inspectors Decision Letter, 07/0272, 8 January 2008)

The density of 269hrh is within the relevant density range in SPG17 but outside the range of the London Plan density matrix. In light of this and the above Inspectors comments, your officers do not raise an objection to the density figure; the policy position is clear in that urban design and not density is the main driver of what can be considered acceptable; although the application displays many symptoms of overdevelopment--proximity to boundaries and gap between the blocks, over-reliance on obscured glazed windows and windows in unusual positions, necessity of vehicle stackers and route of access road--this does not mean the density itself is a reason for refusal.

#### ***1.4 Affordable housing***

A toolkit has been submitted which claims the site cannot provide any affordable housing. Policy officers are still considering the information and their findings will be reported in a supplementary report to Members. The applicant has offered to enter into an agreement whereby a post-construction appraisal would be undertaken with the intention of making a provision towards affordable housing should financial conditions allow. The Council has entered into a similar agreement in recent months and your officers believe that if no fault is found with the submitted toolkit information, this represents a fair means of securing contributions to affordable housing in light of the current UK recession.

### ***2. Impact on character of area***

#### ***2.1 Design***

The proposed scheme differs substantially to the previous two refused schemes in its design. The frontage blocks have been replaced with three pairs of semi-detached houses and the rear blocks follow a similar architectural language. Your officers raise no objection to the design approach taken and judge it to be appropriate to the area. Matters relating to bulk and mass are addressed elsewhere in this report.

#### ***2.2 Bulk and mass***

As discussed above, in section 1.2, the proposed rear blocks are only marginally lower in height than the frontage blocks to ridge and to eaves; this, combined with their footprint and orientation, means they would appear to be a bulky and out of scale addition to the area, to the detriment of the suburban character of the area and the settings of the existing dwellings.

The rear blocks would not be secondary in importance or subordinate to the frontage housing. In this respect the proposed scheme would: (a) harm the character of the area; (b) not have regard to the existing urban grain and development patterns; (c) not be of a scale, massing and height that is appropriate to their setting; (d) not be appropriate to its locality of would not comply with policies BE2, BE3, BE9, H12 and H15(a) of the UDP nor policy CP17 of the Core Strategy.

The frontage housing is considered generally acceptable, however.

### ***3. Impact on neighbouring amenity***

This is also discussed in section 1.2(b) and (c), above.

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will

mean this must be treated as guidance and could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level. Development for residential purposes can cause noise and disturbance but it is necessary to consider the existing use and the site characteristics, and vehicle movements are significant generators of disturbance.

Privacy and outlook have already been considered above, in section 1.2(b). In addition to the problems of the rear blocks identified in that section, the frontage housing (H1-2) is now closer to the boundary and extends further back into the site than previous refused schemes. Whilst this replaces the bulk of No. 88, it does mean that unlike previous refused schemes, the occupants of No. 86 would not gain any respite from the overbearing impact of the redevelopment which arises from the rear blocks by having some of their outlook improved. Although it remains the case that your officers do not think their outlook would be harmed to the extent that their living conditions would be materially harmed, this does add weight to the view that this proposal constitutes overdevelopment and would have an overbearing impact on neighbouring occupants.

Any impact on sunlight and daylight is expected to be within acceptable norms.

Noise and disturbance have been considered above, in section 1.2(c).

In terms of neighbouring amenity, the proposal is deemed not to comply with policies BE9, H13 and H15(a) and (c).

#### **4. Standard of accommodation**

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

The houses and flats all comply with the minimum space standards as set out in SPG17. The 5-bed houses are between 153-165msqm. The 2-bed flats are between 59-65sqm, the 1-bed flats between 45-47sqm and the studios are both 35sqm.

##### **4.1 Houses**

Each house has at least 12.5m rear outlook, where House 3 backs directly onto the flank of Block A, with most benefitting from more. To the front the houses benefit from outlook to Draycott Avenue encumbered only with typical suburban interruptions such as a car or landscaping. The houses are arranged so that one of each pair is accessed from the side. The internal layouts of the houses are generally acceptable with rooms of functional size and arrangement. Bed 3 of H5 has a flank window for outlook in order to avoid a privacy clash with Flat 10 of Block B, but on its own this is considered acceptable.

Each has a minimum 50sqm private garden.

##### **4.2 Flats**

Turning to the blocks of flats and Flat 1 of Block A. This has flank windows to habitable rooms but they are secondary and therefore acceptable. The principle outlook is provided to the north for the kitchen/living/dining room and the main bedroom and to the south for the secondary bedroom. To the north the outlook is 12m to the boundary with No. 86 and to the south the outlook is 10m to the rear of Block B. The situation is similar for Flat 2, except this is a 1-bed flat. Due to the predominantly north-facing aspect and the fact Block B hinders outlook to the south and the railway building hinders outlook and daylight to the west, the resulting standard of accommodation is likely to be compromised; the fact the outlook to the north would be over a landscaped amenity area and landscape buffer serves to counter this, however, and on balance the standard of accommodation provided to these two ground floor flats is considered acceptable.

The ground floor flats of Block B would not suffer from the same restrictions and the landscaping surrounding Flat 7 means it is unlikely to suffer from a lack of privacy or outlook, despite the proximity of the windows to the access road and the circulation footpaths.

Part of the Council's reason for refusal of the most recent refused scheme (ref 07/2978) included the poor living environment arising from the cramped nature of the site. The Inspector did not support the Council's view on this matter, finding that: "*The proposed development would include substantial amenity areas behind the rear blocks. I am satisfied that these could be landscaped in such a way so as to maintain a reasonable standard of privacy for those occupying flats close to these amenity areas. I do not, therefore, agree with the Council that the scheme would lead to a poor living environment and amenity for future occupiers.*" (Inspectors Decision Letter, 07/2978, 9 December 2008). With this in mind your officers are of the opinion that the proposed scheme could be landscaped in such a way that privacy could be maintained for those windows which overlook the amenity space, which may include provision of private amenity areas for ground floor flats.

The fundamental problem with this smaller site is that the distance between the northern and southern boundary has been reduced with the loss of Nos. 94 & 96. As a result it is harder to maintain a sufficient distance from those boundaries to minimise the impact on Nos. 86 and 94 whilst also providing a sufficient distance between the flat blocks to give adequate privacy; obscured windows and windows directing outlook to the flanks are used to address this. Outlook to the flanks is hindered to the west by the railway building and to the east by the proximity of the gardens and habitable room windows of the proposed houses.

An additional concern is the entrance for the flat blocks. These are located up to 60m from the main car parking area. It may be possible to amend the scheme so access to both blocks is through Block B, but a better solution would be to ensure a closer relationship between the parking and the entrances to the flat blocks.

Whilst these are problems with the scheme they are not considered reasons for refusal, rather they are further indications of the overdevelopment of the site and should be addressed in any future applications.

Turning to amenity space, the 14 flats would require 280sqm of amenity space in total. Your officers are satisfied that this would be provided with this scheme, even taking into account the fact much of the landscaped area is restricted.

## **5. Parking and access**

### **5.1 Parking**

Each of the houses has an allocated space and a further 14 spaces (incl. one disabled) are provided to the rear of the site, twelve of which are in a stacker system.

Full residential car parking allowances apply to this site, giving a total maximum allowance of up to

27 parking spaces for these 20 dwellings. The proposed provision of 20 spaces would therefore accord with standards, with the stacked parking system allowing independent access to all vehicles.

Consideration again needs to be given to the impact of any generated overspill parking on the free and safe flow of traffic in the area though. On-street parking in Draycott Avenue is generally unrestricted in terms of parking controls and lightly parked during the day and at night, whilst public transport access to the site is moderate (PTAL 3). Demand for about 21 spaces is considered likely; therefore to accommodate an additional space on-street along the site frontage a condition of any approval would be the parking space for H2 would be transposed with the footpath to the property to provide sufficient room between crossovers to retain an on-street space in front of H1-2.

Standard PS15 requires one space in twenty to be widened and marked for disabled persons and the proposed space in the centre of the site is again sufficient to satisfy this requirement. The provision of a footpath to the rear of the space now provides sufficient room to manoeuvre a wheelchair around the vehicle.

Local residents have objected on the basis that there would be a lack of parking for the number of cars the site would generate and the resulting overspill would jeopardise highway safety; in addition they are of the view that the traffic movements would increase congestion in the area. As discussed above, your officers do not agree with this and this conclusion is supported by both recent Inspectors decisions, which were for substantially more units:

07/0272

*"In my view, due to the proximity of stations, bus routes and other services the proposed parking provision would be adequate. Moreover, as there are no parking restrictions on Draycott Avenue, any overspill parking could be accommodated on the street. While I appreciate the concerns of local residents, I have found nothing in the evidence presented to suggest that the level of parking proposed, and any overspill parking, would have any significant impact on highway safety."* (Inspectors Decision Letter, 07/0272, 8 January 2008)

07/2978

*"I am satisfied that the proposed on-site parking provision would be adequate given the proximity of local services and public transport."* (Inspectors Decision Letter, 07/2978, 9 December 2008)

## 5.2 Cycle storage

Standard PS16 requires at least one secure bicycle parking space per unit. The six houses will each have private garden space within which bicycles can be stored. However, the communal storage area for the flats now accommodates only about nine bicycles. Further details of bicycle storage showing a minimum of 14 spaces would therefore be required as a condition of any approval.

## 5.3 Bin storage

A communal bin storage point for the flats shown about 20m from Draycott Avenue (and within 30m of the entrances to the two blocks of flats), entailing refuse vehicles reversing into the site from Draycott Avenue; the retention of 6m kerb radii will facilitate this. Fire appliances would also need to reverse into the site from Draycott Avenue to get to within 45m of the flat entrances and the acceptability of this should be confirmed with the local Fire Safety officer.

## 5.4 Access

With regard to the shared access road, the proposed width of 4.8m (plus 1.5m footway on the north side) for the initial 35m length is considered acceptable for this level of development. As before though, the 450mm margin on the south side needs to be continued its entire length, which will necessitate setting the rear garden fence for H5 back from the kerbline of the road. This could be controlled via condition.

The narrowing of the driveway width to 3m over its last 30m, combined with the tightening of the bends in the driveway, causes some concern particularly given the limited intervisibility along this length. It is therefore suggested that suitable radius kerbs be provided on the inside of the bends in the road (rather than the sharp angles indicated) and that the driveway be widened to 4.1m over a 6m length immediately beyond the bicycle store to provide a passing place.

Sightlines onto Draycott Avenue from the main access and individual driveways would be acceptable although visibility on the exit from H5 would again be limited. A speed table entry treatment should be provided across the bellmouth of the access. The works to provide the new accesses will again need to incorporate the reinstatement of all redundant lengths of crossover and given that most of the footway along the site frontage will thus be affected, the whole footway along the site frontage should be resurfaced at the applicant's expense as a condition of any approval.

Local residents have objected to the position of the access road on the basis it would increase traffic accidents in the area. As noted above, your officers do not agree with this and this is supported by both recent Inspectors decisions, which were for substantially more units:

07/0272

*"To my mind, the proposed vehicular access would have good visibility, being situated on the outside of the bend. Therefore, I consider that the increase in traffic flows resulting from the proposal would not result in harm to highway safety."* (Inspectors Decision Letter, 07/0272, 8 January 2008)

072978

*"However, I believe that there is scope within the scheme to make the necessary adjustments [to the access arrangements], and therefore a reasonable prospect that a satisfactory scheme could be devised."* (Inspectors Decision Letter, 07/2978, 9 December 2008)

## **6. Landscape and trees**

A Landscape Strategy Report, prepared by LizLake (dated 21 June 2010, ref 1193 Draycott Avenue, Kenton) was submitted with the application.

### **6.1 Landscape**

The amenity space should be designed to ensure quality usable space for residents; currently there some ambiguity regarding the division of the space and if it is private or semi-private. This is particularly relevant to areas where the doors from the flats open out onto the communal open space. Access to these areas is also unclear and the design lacks defined areas for residents to use and a variety of spaces. This is a matter which could be addressed via condition and is not, therefore, a reason for refusal.

### **6.2 Trees**

The application was supported by an Arboricultural Report, prepared by Andrew Day Arboricultural Consultancy Ltd (dated 13 July 2009, ref 016). This report states most of the trees on site are to be removed with only 18 replacements shown on the submitted plans. Although as individuals these

trees may not be the best specimens as a group in a rear garden context they provide a valuable amenity both visually and from an ecological perspective.

It has been suggested that T8 Oak (just off site, to the south of the railway building) could be removed and replaced. This is unacceptable, and officers are concerned about the effect of the excavation for vehicle stackers on its root system.

The proposals for tree loss on this site may be acceptable if the applicant is willing to specify suitable replacement trees species on a 1 to 1 basis. In the absence of that agreement this application would be resisted on the basis of loss of mature landscape features without adequate replacement, although should permission be granted this could be controlled via a landscape condition. To that end, the row of trees along the western boundary should be extended along the whole boundary to screen the adjoining rail yard from the development, and a small tree should be planted in the front gardens of H1-2 and the rear gardens of each of the houses.

The trees specified in the landscape report are all streetwise; the native species in their natural forms should be used as first preference on all occasions.

### *6.3 Ecology*

The site abuts a Site of Borough (Grade 1) Nature Conservation Importance (as defined on the Proposals Map and policy OS12 of the UDP) and part of the site lies within a Wildlife Corridor (as defined on the Proposals Map and policy OS14 of the UDP).

The proposed buildings appear to encroach on this wildlife corridor and as such mitigation measures should be investigated. Ideally the application should be accompanied by an ecological survey and the layout and landscaping should be informed by its findings and recommendations. Regrettably the wildlife significance of the railway corridor has not been discussed in any of the applications within the past decade. As a result your officers do not believe it appropriate to demand this at this stage in the application, although any future plans for the site should recognise the need to have ecological matters inform the design at an early stage. It is considered that if permission is granted, some mitigation measures could be included in a landscape condition.

### *6.4 Play*

Housing developments of this size require on-site provision of age-appropriate play areas to meet the estimated child yield. The calculations are set out in the London Plan supplementary planning guidance, Providing for Children and Young People's Play and Informal Recreation (GLA, 2008). Similar to the situation with regards ecology, no such play area has been sought for previous applications and your officers are satisfied that the six semi-detached houses would be able to meet incidental play requirements in their generous private gardens and the mix of flats is not likely to generate a significant number of children to merit the imposition of a children's play area; in any event it would be difficult to position one in this space without causing harm to the amenity of neighbouring and future occupants. Rather than being a reason for refusal in itself, this is further indication of the cramped nature of the development.

## **7. Other**

### *7.1 Response to objectors*

#### *Drainage*

Local residents have raised concerns about sewer capacity. Thames Water have been consulted and have raised no objections. Surface water should be attenuated before entering the public sewers and a condition can be imposed to require a sustainable drainage scheme. This is in line with the most recent public inquiry decision:



*“There is local concern about drainage. The scheme would significantly increase the proportion of the appeal site covered by impervious structures or hardstanding, and so would alter site infiltration and runoff. Nonetheless, I am satisfied that this is a matter that could be reasonably addressed by the imposition of a condition requiring prior approval and implementation of a sustainable drainage scheme.”* (Inspectors Decision Letter, 07/2978, 9 December 2008)

#### *Increase demand for local services*

The Council recognises that development of any scale can have an impact on local infrastructure as new population enters an area; this impact is particularly keenly felt on local schools, healthcare facilities and the road network. In recognition of this fact the Council can enter into a S106 legal agreement to secure financial contributions to enable the Council to provide improvements and enhancements of local facilities to accommodate the new population. This application would, if approved, require a contribution of £102,000 to provide improvements to local infrastructure; this is in line with the standard charge set out in the Council's SPD on S106 contributions.

#### *Crime & antisocial behaviour*

Some local residents have objected to the proposed development on the basis that the development would bring about an increase in crime and anti-social behaviour. There is no evidence that housing generates crime although the immediate neighbours may be concerned that access could now be given to their side boundaries. Development of the back gardens for residential purposes would mean the boundaries would be well-observed and opportunities for crime would not necessarily increase.

#### *Dust*

It is presumed that this refers to dust arising from the demolition and construction works. Appropriate measures could be put in place to minimise dust emissions from the demolition and construction phases and a condition could be imposed to ensure a Construction Method Statement is provided and the applicants have agreed in principle to sign up to both the Considerate Contractors Scheme and the ICE Demolition protocols. As such this is not considered a reason for refusal.

#### *Pollution*

Your officers are of the view that the site is not likely to generate sufficient traffic to affect air quality in the area.

### *7.2 Noise Survey*

A Noise Survey, prepared by Noise and Vibration Partnership Ltd (dated 30th June 2010, ref: 1331/2) was submitted with the application. The noise survey suggests that standard double glazing will be suitable for bedrooms facing the railway. Acoustic ventilation is recommended for bedrooms to enable window closure at night. Living rooms can be fitted with standard double glazing. The daytime noise exposure is such that additional acoustic ventilation should be provided for living rooms in the flat blocks. This is a matter which can be controlled via condition prior to commencement.

### *7.3 S106*

For clarity for Members and the applicant, the application would require the following planning obligations to be secured by a Section 106 Agreement:

- (a) Payment of the Councils legal and other professional costs in:
  - (i) preparing and completing the agreement and
  - (ii) monitoring and enforcing its performance
- (b) At least 50% Affordable Housing (habitable rooms) to be agreed or other agreement (including cascade agreement) to be determined

- (c) A contribution £102,000, 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) Resurfacing of the Draycott Avenue footway along the site frontage at the applicant's expense, to include reinstatement of all redundant lengths of existing crossover to footway and formation of new accesses (including the provision of a speed table across the bellmouth of the shared access road)

The applicant has agreed in principle to the above with the exception of points (b) and (g). As no agreement will be completed as the application is recommended for refusal for other matters, the lack of a legal agreement is listed as a reason for refusal; should the other matters be resolved, however, the agreement could be progressed subject to agreement on points (b) and (g).

### **Conclusion**

This site (and the larger one) has always been a finely-balanced site in terms of the type and quantum of development that could be achieved; this is reflected by the different judgments of officers, members and the Inspectorate over the past six years. In the opinion of your officers the recent changes to the national and local policy framework and the emerging changes to the regional policy on private residential gardens increases the weight which the Council should give to protecting the character of an area. PPS3 has always had a requirement to balance efficient use of land with the character of an area; the change in status of private residential gardens so they are not classified as PDL has added weight to that side of the balance which seeks to prevent harm to the character of suburbia and gardens. The adoption of the Core Strategy shows clearly the intention of Brent Council in seeking to direct development to growth areas and town centres and to protect the suburban character from inappropriate development.

Your officers are of the view that the proposed scheme would constitute inappropriate development which harms the character of the area. It would fail to comply with the policies relating to new development and specifically to those relating to backland development and development in gardens in suburbia; in particular the rear blocks would not be subordinate to the frontage housing in terms of height or bulk and mass, they would harm the amenity of neighbouring residents in terms of privacy and the layout would harm the enjoyment of the gardens of residents due to the position of the access road and vehicle stackers. The application is also recommended for refusal due to the absence of an agreement to secure certain undertakings to mitigate for the impact of the scheme, although the applicant agrees in principle and this could be addressed via the submission of a unilateral undertaking. At present a reason is also included regarding the lack of affordable housing provision but this may be the subject of a supplementary report.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The proposed rear blocks, by virtue of their height, bulk, position and prominence when viewed from Draycott Avenue and neighbouring properties, would have an adverse impact on the suburban character of the area as a consequence of being neither secondary in importance nor subordinate to the frontage housing. In these matters the proposed scheme would be contrary to policies BE2, BE3, BE9, H12, H13 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP17 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (2) The proposed rear blocks, by virtue of their height, relationship with the boundaries and number of main habitable rooms facing neighbouring gardens, would result in material harm to the privacy enjoyed by neighbouring occupants in their gardens. Further more the proposed access road and vehicle stackers, by virtue of their proximity to the boundary and the intensive use of the stackers, would result in unacceptable disturbance to the residents of No. 94 when using their garden. As a result, the proposal is contrary to policies BE9 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (3) The applicant has failed to demonstrate adequately that the proposed scheme can make no contribution towards meeting the aims of the Borough and the London Mayor regarding affordable housing provision, contrary to policy STR20 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP2 of the adopted London Borough of Brent Core Strategy 2010 and policies 3A.9 3A.10 of the consolidated London Plan (2008).
- (4) In the absence of a legal agreement to control the matter, the proposed development would result in:
  - additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;
  - increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment;
  - increased pressure on education infrastructure without any contribution to education improvements;
  - no provision of sustainable design features or renewable energy sources

As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, OS7, OS18, BE12 and CF6 of the adopted London Borough of Brent Unitary Development Plan 2004, Supplementary Planning Guidance No. 19 "Sustainable Design", Supplementary Planning Document "S106 Planning Obligations" and policy 4A.7 of the consolidated London Plan (2008).

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

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



## Planning Committee Map

Site address: 88, 90 & 92 Draycott Avenue, Harrow, HA3 0BY

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This map is indicative only.

## Committee Report Planning Committee on 13 October, 2010

Item No. 5  
Case No. 10/1601

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RECEIVED: 21 June, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 33 Northwick Circle, Harrow, HA3 0EE

PROPOSAL: Rebuilding of side dormer window facing No. 32 Northwick Circle and installation of one rear roof light to dwellinghouse (revised description)

APPLICANT:



CONTACT: Mr Elinoar Haseen

PLAN NO'S:  
Refer to condition 2

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### RECOMMENDATION

Approval

#### EXISTING

The application site comprises a detached dwellinghouse located on Northwick Circle. The property lies within the Northwick Circle Conservation Area and is subject to the Article 4 Direction.

#### PROPOSAL

Rebuilding of side dormer window facing No. 32 Northwick Circle and installation of one rear roof light to dwelling house

#### HISTORY

E/10/0386: Enforcement investigation into the side dormer window not being built in accordance with planning permission ref: 09/3248 - on going.

09/2538: Details pursuant to condition 4 (external materials) and condition 5 (Tree Protection Plan and Construction Method Statement) of full planning permission ref: 09/3248 - Granted, 21/01/2010.

09/3248: Full Planning Permission sought for removal of rear chimney stack, erection of single storey side, part single part 2 storey rear extension, alteration to garage, side dormer window, new obscured glazed window facing 34 Northwick Circle and 2 roof lights and 2 obscured glazed windows facing 32 Northwick Circle – Granted, 02/12/2009.

#### POLICY CONSIDERATIONS

Brent UDP2004

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.

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.

BE26: Alterations and Extensions to Buildings in Conservation Areas - Alterations to elevations of buildings in conservation areas should retain the original design and materials; be sympathetic to the original design in terms of dimensions, texture and appearance; characteristic features should be retained; extensions should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area; should be complementary to the original building and elevation features.

### Supplementary Planning Guidance

SPG5 – Altering and Extending your Home

### CONSULTATION

Consultation Period: 02/07/2010 - 23/07/2010

Site Notice Displayed: 12/07/2010 - 02/08/2010

### Public Consultation

Three neighbours consulted - one letter of objection received raising the following issues:

1. Dormer window looks directly into the bedroom of the neighbouring property (No. 32 Northwick Circle) resulting in a loss of privacy.
2. Dormer as built is imposing and is not in keeping with the character and appearance of the property and wider conservation area.

A letter from another neighbouring property queried whether the windows in the flank wall facing No. 34 Northwick Circle were obscured glazed and non-opening.

### External Consultation

Northwick Park Residents Association - No comments received.

Kenton Ward Councillor - Objections raised to the dormer as built on the following grounds:

3. Size of dormer window substantially overlooks the bedroom of the neighbouring property (No. 32 Northwick Circle).
4. Dormer is aesthetically detrimental to the character of the area.
5. Window is oversized and appears to exceed the allowed width and height.
6. Quality of the building is not acceptable and detracts from the rest of the area.
7. Concerns from a health and safety perspective as to the quality of the work carried out.

Points 1 to 6 of the objections raised have been addressed within the remarks section of this report.

Officers can advise that in response to point 7 that the Council's Building Control officers have been inspected the works throughout the construction period (BC Ref: BA/09/12058).

## REMARKS

### Site history

This application seeks planning permission for the rebuilding of a side dormer to the main roof of the application property facing No. 32 Northwick Circle and the retention of a roof light on the rear roof slope of the two storey rear extension.

Planning permission was granted for a side dormer to the application property facing No. 32 Northwick Circle on 02/12/2009. The side dormer formed part of the works approved as part of planning application ref: 09/3248 which also included the two storey rear extension.

The dormer as approved in 2009 comprised a flat roof. It was proposed at a height of 1.2m with a set up of 0.4m from the eaves of the roof. It was proposed at a width of 1.8m. The front face was predominantly glazed comprising three casements, each casement dividing the glass into six panes.

### Side dormer window as built

The side dormer as built is larger than the approved dormer. It has been built with a height of 2.2m with a set up of 0.3m from the eaves of the roof. It is 2.2m wide. The front face remains predominantly glazed but the area of glazing has increased comprising three casements each divided into eight panes rather than six panes.

The applicant has advised that the dormer has been built larger than approved due to building regulations requiring a minimum 2m headroom above the loft floor landing.

### Proposed alterations to the side dormer window

Your officers have visited the application site and viewed the side dormer in the context of the street and directly opposite the application property. The side dormer window has also been viewed from inside the property and the internal headroom measured. The measurements taken on site showed that the headroom is 3.47m high on the half landing of the stairs serving the loft space and 2.02m high at the loft floor level (top of the stairs). The relationship with No. 32 Northwick Circle has been observed from both inside the dormer window and from the bedroom window at No. 32 Northwick Circle.

Whilst officers recognise that a minimum headroom of 2.0m is required and the top of the dormer window when measured from the loft landing level cannot be reduced, there are concerns with the overall increase in height and additional bulk of the dormer window, which is exacerbated by the fenestration not matching the proportions of the windows below. This adverse impact is most noticeable when viewed in the streetscene. To overcome this concern, officers requested for the roof of the dormer window to be sloped downwards, removing the top fanlight within the face of the dormer. This alteration is considered to reduce the bulk of the dormer window, particularly when viewed in the context of the streetscene and better reflects the proportions of the fenestration below. The sloping roof is to be tiled with Sandtoft Clay tiles which can be laid at a shallower pitch angle to traditional plain clay tiles. Your officers recommend that details of the colour of the tile is secured by condition in order for it to blend in with the main roof.

The glazing in the front face of the dormer is to be obscured glazed and non opening. This will overcome the objection raised by No. 32 Northwick Circle concerning overlooking from the side dormer into their bedroom window.

### Additional roof light on rear roof slope of two storey rear extension

A roof light has been built on the rear roof slope of the two storey rear extension. This roof light did not form part of the 2009 planning consent. The original planning consent did include a roof light on the rear roof slope of the main dwellinghouse. SPG5 permits a maximum of two roof lights on a

roof slope. The additional roof light to the rear of the property is considered acceptable as it is not considered to over-dominant the roof plane and complies with the guidance as outlined in SPG5.

### Other matters

The neighbouring occupants at No. 34 Northwick Circle queried whether the windows on the flank wall of the application property facing No. 34 are to be obscured glazed. Officers can confirm that these windows were required to be obscured glazed as part of the 2009 planning consent.

### Conclusions

In conclusion, the side dormer as proposed to be rebuilt and retention of the additional rear rooflight are considered to be in keeping with the character and appearance of the original dwellinghouse and are considered to not adversely impact upon neighbouring properties. As such the proposal preserved and enhances the character and appearance of the Northwick Circle Conservation.

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):

RET33 NOR/AB300A  
RET33 NOR/PL301A "Proposed Rear Elevation"  
RET33 NOR/PL301A "Proposed Front Elevation"  
RET33 NOR/AB301A  
33 NOR/PL302A  
33 NOR/AB302A  
33 NOR/PL400

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



- (3) The dormer window shall be constructed with obscure glazing and non-opening in accordance with the approved drawings and shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimize interference with the privacy of the adjoining occupier(s).

- (4) A sample of the proposed roof tile for the roof of the side dormer 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's UDP 2004

SPG5 "Altering and Extending Your Home"

Three Letters from neighbouring properties and Ward Councillors

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

se address: 33 Northwick Circle, Harrow, HA3 DEE

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 6  
**Case No.** 10/1979

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**RECEIVED:** 27 July, 2010

**WARD:** Queensbury

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** Alleyway rear of 12-30, Princes Avenue, London, NW9 9JB

**PROPOSAL:** Installation of alleygate running behind land r/o 12-30 Princes Avenue  
nw9 and r/o 1 Tennyson Avenue 2 Milton Avenue

**APPLICANT:** Environmental Health

**CONTACT:**

**PLAN NO'S:**  
See condition 2

---

**RECOMMENDATION**

Approve

**EXISTING**

The application site is the alleyway rear of the houses Nos.12 to 30, Princes Avenue, Queensbury. The areas affected are the access points at Milton Avenue and Tennyson Avenue where it is proposed to install the gates.

Tennyson Avenue and Milton Avenue are local access roads. Onstreet parking on these roads is unrestricted. The night time parking on these roads is low.

**PROPOSAL**

Planning permission is sought for the erection of two sets of alley gates across existing accesses between Nos.12 to 30, Princes Avenue, Queensbury, to restrict pedestrian access to the accessway; this is to control environmental crime which includes fly tipping, trespass and often drug abuse. The Council has installed such as gates at several alleyways around the Borough

The gates are single leaf units with support posts. They are manufactured from 50x50x5mm iron frame with 20x20x3mm internal vertical bars at 100mm centres. The alleygate posts and panels are to be made of Mild Steel with a galvanised and black powder coated finish.

**HISTORY**

None

**POLICY CONSIDERATIONS**

***Brent UDP 2004***

BE2- Townscape: Local Context & Character

BE7 - Public Realm: Streetscape

## **CONSULTATION**

### ***Local consultees***

Local residents were consulted on 16/08/10 and site notices were posted at each end of the alley on 26/08/10.

Two residents, Nos 12 and 14 Princes Avenue, located at the Tennyson Avenue end of the alley, have objected on the grounds that the gates would serve no benefit to their properties if positioned in a way which would not affect access to rear garages. No 12 does not have rear access from this alleyway.

Your officers wrote to the two objectors on 08/09/10 to explain that the precise position of the alley gate could be determined onsite to ensure it would not hinder vehicular access to No. 14.

The applicant is the Council's Environmental Health department and a Council officer visited the residents of Nos 12 and 14 and explained the benefits of the alley gate but they maintained their objection that they would not benefit from the gate.

It is not possible to position the gates any further forward than the front wall of No. 1 Tennyson Avenue, which would intersect with the rear boundary of No. 14 near its mid-point, as No. 1 has a low wall which would render the gates useless in terms of preventing unauthorized access. The gate would need to open against the flank wall of No 1 to ensure access to No 14 is maintained; it will be possible to position the post against which the gate would close in a manner to ensure access is maintained to any existing garages which use the alley.

### ***Internal consultees***

#### ***Transportation***

The application can be supported on the transportation grounds subject to above requirements being met

## **REMARKS**

The application is for the installation of alley gates, which control access to a service road rear of Nos.12 to 30, Princes Avenue, Queensbury. The gates will be installed by Environmental Health as part of their alley-gating program, to address a severe fly-tipping problem. Consultation with local residents was undertaken by EH prior to installation.

The gates have vertical metal palings two metres high, with a standard black powder coated steel appearance. Visibility through the gates is good. The appearance of the gates would not harm the character of the locality, and will serve to improve this character by preventing fly-tipping.

Transportation officers have no objection to the proposal. They have requested that the gate from Milton Avenue should be installed close to the building line for the No. 2 Milton Avenue. This will leave sufficient parking for a car to stand freely off the pavement when the driver alights to open or shut the gate. It should be open on the side of the dwellinghouse as there is access required into the garages which are close to the site of the gate. They go on to say that the gate by from Tennyson Avenue would need to be installed close to the side extension of No. 1 Tennyson Avenue to secure the alleyway as there is a low perimeter wall of the dwellinghouse close to the site of the installation. There will be sufficient parking area for the car to stand freely off the pavement when the driver alights to open or shut the gate. The gate should open on the side of the extension as there is an access into a garage opposite.

It is obviously unfortunate that the rear of No. 14 Princes Avenue may not benefit from the gate, however it would provide protection for most of the alley; it would not be logical to refuse planning permission if one property does not fully benefit.

The development is considered to comply with policies BE2 and BE7 of Brent's Unitary Development Plan, and approval is accordingly 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

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

## **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):

Location of gate, scale 1:1250; Location of gate, scale 1:500; Scale drawing of gate located at r/o 12-30 Princes Avenue

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

## **INFORMATIVES:**

None Specified

## **REFERENCE DOCUMENTS:**

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





## Planning Committee Map

Site address: Alleyway rear of 12-30, Princes Avenue, London, NW9 9JB

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 7  
**Case No.** 10/1941

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**RECEIVED:** 22 July, 2010

**WARD:** Barnhill

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 69 Barn Hill, Wembley, HA9 9LL

**PROPOSAL:** Demolition of existing garage and erection of two storey side extension with integral garage at ground floor, single storey rear extension, basement, rear dormer window and two rooflights (one to each flank roof slope) to dwellinghouse (as per revised plans received on 16th September 2010).

**APPLICANT:** Mr Mansoor Ezzati

**CONTACT:** Paul Walsh Designs

**PLAN NO'S:**  
Refer to condition 2

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**RECOMMENDATION**

Approval

**EXISTING**

The application site comprises a detached dwellinghouse located on the southern side of Barn Hill. It is located within the Barn Hill Conservation Area and falls under the restrictions of the Article 4 Direction of this conservation area.

**PROPOSAL**

Demolition of existing garage and erection of two storey side extension with integral garage at ground floor, single storey rear extension, basement, rear dormer window and two rooflights (one to each flank roof slope) to dwellinghouse.

**HISTORY**

**01/0970:** Full Planning Permission sought for installation of replacement windows to dwellinghouse - Withdrawn, 18/10/2001.

**85/1352:** Full Planning Permission sought for erection of two storey side and single storey rear extension - Refused, 04/11/1985.

**POLICY CONSIDERATIONS**

**Brent 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.

**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.

**BE26: Alterations and Extensions to Buildings in Conservation Areas** - Alterations to elevations of buildings in conservation areas should retain the original design and materials; be sympathetic to the original design in terms of dimensions, texture and appearance; characteristic features should be retained; extensions should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area; should be complementary to the original building and elevation features.

### **Supplementary Planning Guidance**

SPG5 – Altering and Extending your Home

### **Design Guide**

Barn Hill Conservation Area Design Guide

### **CONSULTATION**

**Consultation Period: 10/08/2010 - 31/08/2010**

**Site Notice Displayed: 26/08/2010 - 16/09/2010**

### **Public Consultation**

7 neighbours consulted - two letters of objection received raising the following points:

1. Rear dormer windows will result in overlooking and a loss of privacy for the occupants of the houses to the rear.
2. Rear dormer windows are not supported by the Design Guide and velux windows would be a more sensitive alternative.
3. Difficulties for neighbouring properties accessing their driveway during the construction works.
4. Basements are contrary to the design guide giving the property a three storey appearance rather than two storeys.

**Barn Hill Residents Association** - Objections raised on the following grounds:

1. Removal of chimney to rear of the property would be contrary to the design guide.
2. Rear dormers would overlook properties to the rear.
3. Run off and soakage from the basement and possible impact on neighbouring properties.
4. Overdevelopment of the site.

### **Internal Consultation**

### **Landscape Team**

Recommends that full details are provided of any alterations/additional soft landscaping within the front forecourt together with details of hard standing materials which should be of a permeable construction.



## **Transportation Unit**

No objections raised.

## **REMARKS**

### **Site and Surroundings**

The application site comprises a two storey detached dwellinghouse located on Barn Hill. The property has not been extended. It has a detached garage located along the boundary with No. 71 Barn Hill. The site levels rise from the front to the rear of the site.

The neighbouring property, No. 71 Barn Hill, has a single storey rear extension which is set in away from the boundary with the application property. There is no planning record for this extension but the aerial photographs indicate that it has existed for a period of over four years. The other neighbouring property, No. 67 Barn Hill, also has a single storey rear extension (LPA Ref: E1743 5076 granted on 09/08/1973).

### **Proposal**

This application seeks planning permission for a two storey side extension, single storey rear extension, basement, rear dormer window and two roof lights to the dwellinghouse. The application is discussed in detail below:

#### *Two storey side extension*

The existing garage is to be demolished and replaced with a two storey side extension with an integral garage at ground floor. The side extension is proposed at a width of 3.05m wide. The extension maintains a minimum gap of 1.0m between the extension and flank wall of No. 71 Barn Hill (which is built up to the joint boundary between the two properties), and is set back 1.5m at both ground and first floor levels. This is in compliance with the Barn Hill Conservation Area Design Guide.

The plans indicate that the external materials will match the existing dwellinghouse and include the design features such as the half timbering. Such details are not shown on the elevation plans and to ensure a satisfactory level of appearance, it is recommended that these details are secured by a planning condition together with full details of external materials for the extension, design of the garage door and the window above.

#### *Single storey rear extension and basement*

A single storey rear extension is proposed at a depth of 3.5m across the width of the main dwellinghouse and a reduced depth of 2.0m behind the side extension. It is proposed with a flat roof at a height of 3.0m. The proposed depth behind the main dwellinghouse is in compliance with the guidance as outlined in the Design Guide and is not considered to have an adverse impact upon No. 67 Barn Hill. The reduced depth behind the side extension is required for two reasons. The first reason is to maintain a satisfactory level of amenity for the occupants for No. 71 Barn Hill who have a bay window located next to the boundary. Where a neighbouring bay window is located next to the boundary, the Design Guide states that the depth of an extension is restricted by a line drawn at 90 degrees from the mid point of the angled face of the bay. In this case, it restricts the depth to 2.0m. The second reason is to reduce the bulk and scale of the rear projection when viewed from surrounding properties.

A basement is also proposed which will accommodate a gym and utility room. The basement can only be accessed internally from within the house. No external door or windows are proposed from the house. The lack of windows and doors is considered acceptable in this instance as the plans indicate that the basement space will be used for non-habitable accommodation in connection with

the main dwellinghouse. As the land levels rise to the rear of the property the basement will not be visible from the rear garden with the area directly on top of the basement being used as a patio.

#### *Rear dormer and roof lights*

The plans originally proposed two dormer windows, both at a width of 1.6m. Their combined width was considered to over dominant the roof plane and officers requested that only one rear dormer was proposed which was no wider than half the width of the original roof plane (2.5m wide). The dormer has been reduced to a width of 2.5m. It is set down 0.7m from the ridge of the extension roof and set up 0.9m from the eaves of the roof. The front face is predominantly glazed matching the design and proportions of the windows below. The dormer window is not considered to over dominant the roof plane and meets the guidance as outlined in the Barn Hill Conservation Area Design Guide.

Two roof lights are proposed, one on each flank roof slope. The roof lights are modest in size and meet the guidance as outlined in the Barn Hill Conservation Area Design Guide.

#### *Front garden layout and parking*

The proposal increases the number of bedrooms on the site from three bedrooms to five bedrooms. This has increased the maximum parking requirements from 1.6 spaces to 2.0 spaces. Two off street parking spaces will be provided within the integral garage and in front of the garage. The front garden layout and proportion of soft landscaping will remain as existing and it is recommended that this is also secured by condition.

#### *Trees within the rear garden of the application property*

There are a number of trees within the rear garden of the application property. Two of these trees are located within 6m and 7m of the proposed build. Both of these trees are Eucalyptus. The Tree Protection Officer has requested that an arboricultural method statement and construction method statement is submitted prior to any works commencing on site to ensure that these trees are protected during the construction period. It is recommended that this is secured by condition.

### **Response to objections raised**

*Rear dormer windows will result in overlooking and a loss of privacy for the occupants of the houses to the rear.*

A distance of 30m will be maintained between the rear dormer and rear boundary with the properties on Barn Rise. This is in excess of the minimum distances required in SPG17 "Design Guide for New development" that requires a distance of 10m between windows on a rear elevation and rear boundary and a minimum distance of 20m between directly facing habitable rooms. Whilst it is acknowledged that the dormer window will be at a higher level than the existing first floor windows, given the distance from adjoining properties and existing level of privacy, it is considered that overlooking as a result of the proposal will not be significant.

*Rear dormer windows are not supported by the Design Guide and velux windows would be a more sensitive alternative.*

The Barn Hill Conservation Area Design Guide supports the principle of rear dormer windows subject to being of a suitable design and size. This is discussed in detail above.

*Difficulties for neighbouring properties accessing their driveway during the construction works.*

Officers can advise that vehicles are not allowed to obstruct the access to driveways but this is a civil matter beyond the control of the Planning Service.

*Basements are contrary to the design guide giving the property a three storey appearance rather than two storeys. The basement represents an overdevelopment of the site.*

The Barn Hill Conservation Area Design Guide does not object in principle to basements. The Council does resist a basement which gives the appearance of three storeys but in this case the land levels rise to the rear so the basement will not be visible and the property will maintain a two storey appearance.

*Removal of chimney to rear of the property would be contrary to the Design Guide*

The property currently contains three chimneys, two on the flank roof slope facing No. 67 Barn Hill and one on the rear roof slope. The chimney that is to be removed is located on the rear roof slope and is a secondary chimney. It is not visible from the street and is not considered to contribute towards the character of the property in the same way that the two flank roof slope chimneys contribute to the character. Officers are of the view that its loss would not be detrimental to the character and appearance of the conservation.

*Run off and soakage from the basement and possible impact on neighbouring properties*

This is a matter that is dealt with by building regulations rather than the planning system.

### **Conclusions**

The proposal is considered to preserve or enhance the character and appearance of the Barn Hill Conservation Area and is considered to not adversely impact upon neighbouring properties. As such the proposal complies with policies BE2, BE9, BE25 and BE26 of Brent's UDP 2004, and the guidance as outlined in the Barn Hill Conservation Area Design Guide.

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  
Barn Hill 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):

1404/01

1404/02 Rev A

1404/03 Rev A

1404/04 Rev A

1404/05 Rev A

Heritage Statement and Design & Access Statement Rev A

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

- (3) 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.

- (4) The existing front garden shall be retained in its current form, particularly the front boundary wall and proportion of soft landscaping, and there shall be no increase in the amount of hard surfacing without the prior approval in writing 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 and the Barn Hill Conservation Area.

- (5) The proposed rooflights shall be of the non-projecting Conservation Area type and installed flush with the plane of the roof.

Reason: To ensure that the proposed development does not prejudice the design and architectural importance of the existing building and is in keeping with and enhances the character of properties in the Conservation Area.

- (6) Notwithstanding the submitted plans otherwise approved, further details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site and thereafter fully implemented in accordance with the approved details. Such details shall include:

(a) External materials including samples

(b) Half timbering detailing on the front elevation of the side extension at first floor level

(c) Elevation plan of proposed window on the front elevation of the side extension including details of leaded lights and drip rail

(d) Elevation plan of the design and materials of the proposed garage door

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

- (7) Notwithstanding the plans hereby approved, an arboricultural method statement and contruction method statement for the proposed works, specifying the method of tree protection in accordance with BS 5837:2005 shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing on site. Works shall not commence on site until the Local Planning Authority has been on site and inspected the required tree proetction measures. The approved tree protection

measures shall be in place throughout the construction period.

Reasons: To ensure that the existing trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's UDP 2004

Barn Hill Conservation Area Design Guide

Three 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: 69 Barn Hill, Wembley, HA9 9LL

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 8  
**Case No.** 10/1995

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**RECEIVED:** 26 July, 2010

**WARD:** Welsh Harp

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 41-43, Mallard Way, London, NW9

**PROPOSAL:** Variation of condition 2 (development to be carried out in accordance with all plans and supporting documents) to allow minor material amendments consisting of:

- Enlargement of lower ground floor footprint to match that of ground floor (as amended by revised plans received 15/09/10)

to planning permission reference 08/3405 dated 21/10/09 for demolition of existing rear garage and erection of part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, 2 off-street parking spaces, bin stores and associated landscaping

**APPLICANT:** Mr & Mrs E Dixon

**CONTACT:** David Kann Associates

**PLAN NO'S:**  
See Condition 2

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**RECOMMENDATION**

Approve

**EXISTING**

The subject site is comprised of the rear gardens of No.s 41 and 43 Mallard Way. There is a garage within the rear garden of No. 43 Mallard Way, and a large outbuilding immediately to the south of the subject site at 24 Alington Crescent. The surrounding uses are residential consisting of a mix of semi detached and detached dwellinghouses.

Planning permission (ref 08/3405) was allowed at appeal, for the demolition of the garage and the erection of a part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, two off-street parking spaces, bin stores and associated landscaping. This included a basement under approximately half of the proposed new dwellinghouse.

**PROPOSAL**

Condition 2 reads:

*The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith including the Design and Access Statement, prior to occupation of the building.*

It is proposed to vary this condition to list specific plans and documents to allow minor material amendments involving the enlargement of lower ground floor footprint to match that of ground floor (as amended by revised plans received 15/09/10).

## **HISTORY**

**08/3405** Demolition of existing rear garage and erection of part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, 2 off-street parking spaces, bin stores and associated landscaping **Appeal Allowed** 23/10/2009

**08/0932** Demolition of a single storey detached garage to rear of 43 Mallard Way and erection of new detached bungalow to rear of 41 & 43 Mallard Way, repositioning of existing vehicular access and new pedestrian access onto Alington Crescent, NW9, formation of front car parking space, cycle shed, provision of bin storage and associated landscaping **Refused** 14/08/2008

*The proposed scheme fails to contribute and engage with the existing established suburban character of the area which consists of a regular pattern of uniform and attractive properties within large plots. This is further exacerbated by the inherent constraints of the created site in terms of its width and depth ratio leading to a contrived form of development, and thus detracting from the amenities of the locality, contrary to policies BE2, BE7 and BE9 of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development"*

**08/0099** Demolition of a single-storey detached garage to rear of 43 Mallard Way and erection of a new, three-storey, 4-bedroom, detached dwellinghouse with internal garage to the rear of 41 & 43 Mallard Way, formation of vehicular and pedestrian access onto Alington Crescent, NW9, and associated landscaping **Appeal Dismissed** 06/10/2008

*The proposed scheme would be out of keeping with the open character of the local area, by reason of the inappropriate design and bulk of the building leading to a cramped form of development, and thus detracting from the amenities of the locality, contrary to policies BE2, BE7 and BE9 of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development"*

**07/1163** Erection of a two-storey, 3-bedroom dwellinghouse with an attached garage in the rear garden area of 41 & 43 Mallard Way, facing onto Alington Crescent, with installation of solar panels on the roof, formation of new vehicular and pedestrian accesses, with provision of a refuse store to the front and amenity space to the rear **Refused** 15/06/2007

*The proposed dwellinghouse, by virtue of its unsympathetic design and scale in relation to the existing dwellinghouses along Alington Crescent, would result in a cramped form of infill development that is out of keeping with the open character of the local area, contrary to policies BE2, BE7, BE9 and H16 of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development."*

**06/3584** Erection of a two-storey, 3-bedroom house in the rear garden area of 41 & 43 Mallard Way, facing onto Alington Crescent **Withdrawn** 27/02/2007

**06/1858** Erection of a detached two storey self contained dwelling in the rear garden area of 41 & 43 Mallard Way **Withdrawn** 31/08/2006

**05/3463** Erection of a single-storey detached bungalow in the rear garden area of 41 & 43 Mallard Way, facing onto Alington Crescent **Refused** 27/01/2006

*The proposed bungalow, by virtue of its unsympathetic design and scale in relation to the existing*



*dwellinghouses along Alington Crescent, would result in a cramped form of infill development that is out of keeping with the open character of the local area, contrary to policies BE2, BE7, BE9 and H16 of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development"*

**02/0073** Outline application for erection of a 2-storey dwellinghouse in rear gardens to 41/43 Mallard Way **Appeal Dismissed** 06/02/2003

*The proposed development is considered to result in a cramped form of development, contrary to the local open character of the area and is thus contrary to policies E1, E4, H6 and H15 of the adopted Unitary Development Plan and policies BE2, H12 and H17 of the Unitary Development Plan Replacement 2000-2010.*

## **POLICY CONSIDERATIONS**

### ***Brent UDP 2004***

BE2, BE9

Supplementary Planning Guidance No. 17

In addition:

Greater flexibility for planning permissions Guidance, Department for Communities and Local Government, November 2009.

## **CONSULTATION**

Local residents were consulted on 16/08/10.

A letter was received which listed the following objections:

- Bulk, design and position
- Overdevelopment
- Impact on scale and character of original properties
- The variation is not minor as it is a significant change to the size and internal design
- Concerned it could be turned into flats

This letter was signed by eight local residents.

## **REMARKS**

### ***Key considerations***

Your officers consider the following to be the key planning issue:

(a) whether the proposed alterations would cause harm to the amenity of neighbouring residents

### ***Background***

The site has been the subject of a number of applications for a new dwellinghouse over the past eight years; the Council has objected to most due to the design, scale and character of the dwellinghouses proposed. The most recent refused scheme, 08/3405, was allowed at appeal. The Planning Inspector held the view that "...the proposal would achieve an exciting architectural solution in keeping with the scale and residential character of its surroundings." (Inspector's decision letter, 23 October 2009).

This application is for minor material amendments. Recent changes to Government policy recognises that some things matter more than others; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009).

### ***Proposed changes***

The front lightwell would be the only alteration to the front of the property. This would be 3.7m wide and 0.9m deep. It would have a metal grille over the top and it would be screened with landscaping and boundary treatments. It is not likely to have any effect on neighbouring residential amenity in terms of light spill or noise leakage beyond normally acceptable levels.

The addition of the bedroom would not cause any amenity impact beyond a slight intensification of the use of the building due to it being a three-bed instead of two-bed house. The site can comfortably sustain a three-bedroom property without harm being caused to neighbouring amenity in terms of noise or unusually intensive activities. Similarly the additional en-suite and dressing room would not result in harm to neighbouring amenity.

The utility room would be incidental to the enjoyment of the dwellinghouse and is also considered a minor addition to the scheme.

The bedroom would have a rear-facing window; due to its position low to the ground and distance (10m) from the boundary, it would not result in any overlooking of neighbouring gardens or properties.

A minor change is proposed to the external staircase and retaining wall at the rear of the property; the wall would be angled down to follow the staircase. This would not affect neighbouring amenity.

### ***Response to objectors***

Local residents have objected to the scheme on the basis of its bulk, design and position; that it constitutes overdevelopment; its impact on scale and character of original properties; the variation is not minor as it is a significant change to the size and internal design; concerned it could be turned into flats.

Since this application is for amendments to include a basement extension--and is thus below ground--they do not add to the bulk of the dwellinghouse nor change its impact on the character of the area. In this case it is right to assess this as a minor material amendment and your officers, for the reasons described above, consider it to be acceptable.

In terms of the change to the size and internal design, planning is not particularly concerned with the internal design of the dwellinghouse provided a good standard of accommodation is provided and the layout does not harm neighbouring amenity; your officers believe this is achieved in the proposed layout. The floor area has increased, but as discussed above, this is not expected to result in any material harm to neighbouring residential amenity.

There is no evidence that the building would be converted to flats or multiple occupation; if such a use were intended it would require planning permission and the Council would be able to exercise control as appropriate.

### ***Conditions and s106***

The other conditions attached to the Inspectors decision are repeated, although the standard time condition is amended to reflect the original decision date and where further details have been approved, these are included in the condition.

The unilateral undertaking has been paid and no further amendment is required. Although the application would increase the number of bedrooms from two to three and this would ordinarily require an additional payment of £3,000 as per the standard charge, your officers recognise the Inspector's comments querying the need for the applicant to pay the full standard charge in this instance. When weighed with the fact any legal fees to arrange the additional payment your officers consider it would be unduly onerous to demand any further financial contribution.

### **Conclusion**

The application complies with the relevant UDP policies and supplementary planning guidance; 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 permission 08/3405, dated 23 October 2009.

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/AC/01 ; D/AC/02 Rev A; D/AC/03 Rev A; D/AC/04 Rev A

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

- (3) All new external work shall be carried out in the materials shown on the approved plans and specifically:

Brick Type A - Wienerberger 65mm Florid Red

Brick Type B - Wienerberger 65mm Tawny Buff

Paving - Marshalls Tegula paving in Traditional colour

Windows, fascia, soffits, rainwater goods - Powder coated aluminium in Window Grey (RAL 7040)

Roof - Sarnafil (or similar) in Lead Grey (no RAL provided)

Unless otherwise approved in writing by the Local Planning Authority

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

- (4) Notwithstanding the provisions of Classes A, B and C of Part 1 of Schedule 2 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 extensions or buildings permitted by those Classes shall be constructed within the curtilage of the property subject to this permission without the grant of planning permission by the Local Planning Authority.

Reason: in view of the restricted size of the site, to prevent an over development of the site and loss of amenity to adjoining occupiers.

- (5) The landscape works and planting shown on the approved plans shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Authority.

If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place unless the local planning authority gives its written consent to any variation.

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

- (6) During demolition and construction the best practical means available in accordance with British Standard Code of Practice BS 5228:1984 shall be employed at all times to minimise the emission of noise from the site, and the operation of site equipment generating noise audible at the site boundaries shall be carried out only between 08.00-17.00hrs on Mondays to Fridays, 08.00-13.00hrs on Saturdays and at no time on Sundays and Bank Holidays.

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

- (7) During demolition and construction no waste or other material shall be burnt on the site and an effective means of suppressing dust must be provided and maintained.

Reason: in the interests of the amenity of adjoining occupiers

- (8) Other than those shown in the approved plans, no windows or glazed doors shall be inserted in the top storey elevations of the building.

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

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

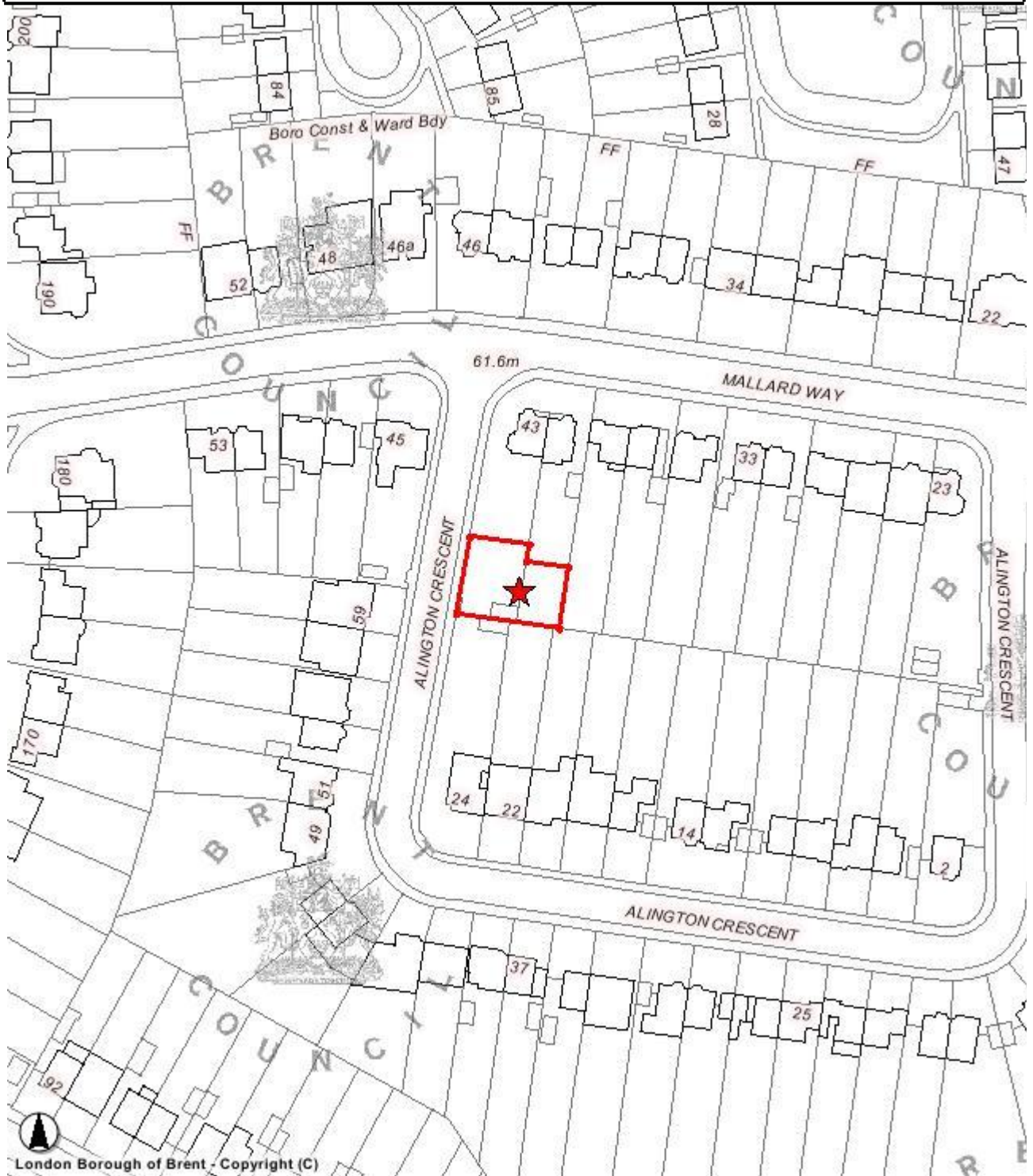
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



## Planning Committee Map

Site address: 41-43, Mallard Way, London, NW9

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This map is indicative only.

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## Committee Report Planning Committee on 13 October, 2010

Item No. 9  
Case No. 10/1841

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**RECEIVED:** 27 July, 2010

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 182 Carlton Vale, 58 & garages rear of 58, Peel Precinct, London, NW6 5RX

**PROPOSAL:** Erection of a part 6- and part 8-storey building, comprising 50 self-contained affordable flats (15 x 1-bedroom, 19 x 2-bedroom, 12 x 3-bedroom, 4 x 4-bedroom) with 25 basement car-parking spaces and bicycle storage and associated landscaping on site of former Texaco petrol station and garages

**APPLICANT:** South Kilburn Neighbourhood Trust

**CONTACT:** Hester Architects Ltd

**PLAN NO'S:**  
See Condition 2

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### 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, or other legal 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 -tenure to be agreed with the council,
- A contribution of £2,400 per 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.
- 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, applicants to adhere to the Demolition Protocol.
- Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- Join and adhere to the "Considerate Contractors" scheme.
- Section 278 to secure the works to the highway in Granville Road.

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**

This is the former Texaco petrol filling station on the north side of Carlton Vale within South Kilburn. It has most recently being used as a hand car wash, benefiting from a temporary planning permission. The site falls within the former South Kilburn New Deals for Communities (NDC) area, now the South Kilburn Neighbourhood Trust.

Immediately to the rear of the site is Peel Precinct and a Citizens Advice Bureau, with small garage court adjoining. The garages and government building will both be demolished as part of this current proposal. To the east of the site is the Carlton Centre and further east, the Granville Centre, both of which are used for a variety of community activities. Travelling north-west up Carlton Vale behind Peel Precinct is Craik Court, a 12 storey residential building. The site is immediately opposite Kilburn Park.

## **PROPOSAL**

This application seeks the erection of a part 6- and part 8-storey building, comprising a total of 50 self-contained affordable flats (consisting of 15 x 1-bedroom, 19 x 2-bedroom, 12 x 3-bedroom, 4 x 4-bedroom units) with 25 basement car-parking spaces and bicycle storage and associated landscaping on site of former Texaco petrol station and garages. The vehicular access to the basement will be via Granville Road to the rear.

The approved 2009 scheme has been adapted to resolve the following issues that were evident on the previous design. Whilst many of the issues are internal and could have been changed as normal design development at the working drawings stage without affecting the validity of the original approval, some issues were more fundamental and cannot be dealt with as minor amendments.

- The basement ramp needed to be lengthened and the building above the ramp needed to be cut back to allow suitable headroom for vehicles accessing the basement. This involved re-planning the basement and ground floor.
- Access was required from the scheme into the gardens.
- Access to one of the wheelchair flats needed to be adjusted so the unit could be accessed from common parts.
- The bin stores needed to be re-designed so that they could be accessed for collection.
- Significant overhangs above the ramp area needed rationalising.
- Elevational changes to the building.
- A change in the footprint of the building, including the ground floor slightly forward of the approved scheme.
- An additional single storey building (bin store) to the east of the site.

In approaching the project the applicants have attempted to change as little as possible whilst resolving these fundamental issues and other more minor aspects of the design to improve the buildability. An assessment of these changes is set down below.

## **HISTORY**

There have been two planning applications submitted since the former petrol station use ceased on the site.

08/2352 sought retrospective permission for the use of the site as a hand car wash and was granted a temporary one year consent on 9 February 2009. This use has now ceased.



09/0175 Demolition of former Texaco Petrol Station buildings and garages and erection of 6- and 8- storey building comprising 50 (15x1, 19x2, 12x3, 4x4 bedrooms) self-contained affordable flats, 25 basement car-parking spaces with access from Granville Road, bicycle and bin storage and associated landscaping and subject to a Deed of Agreement dated 22nd April 2009 under Section 106 of the Town and Country Planning Act 1990, as amended. Granted (subject to the legal agreement) at the Planning Committee on 18 March 2009.

## **POLICY CONSIDERATIONS**

The following policy documents need to be taken into account in the assessment of this application:

- Brent Unitary Development Plan 2004 (UDP)
- Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
- The Masterplan for the Regeneration of South Kilburn (2004)
- Mayor's London Plan

The adopted SPD makes specific reference to this site (private site 27) and states that it is important in the wider redevelopment of South Kilburn given its central location. It also indicates that redevelopment must be designed in order to address the areas around it. The Council will expect proposals to demonstrate a high quality design to address the current low townscape and public realm quality as identified in the UDP. Service provision and access to underground car parking should be considered from Granville Road.

### **Brent Unitary Development Plan 2004**

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

- STR 11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR15 Major development should enhance the public realm, by creating or contributing to attractive and successful outdoor areas.
- STR20 Maximum reasonable proportion of affordable housing should be provided on sites over 10 units.
- BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.

- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions 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.
- BE13 Particular regard will be had to the design and attractiveness of all development proposals in Areas of Low Townscape or Public Realm Quality (such as the majority of South Kilburn).
- H7 In the Major Estate Regeneration Areas, refurbishment and/or redevelopment is sought and supported, and should; demonstrate the full involvement of local residents; be according to the masterplan; involve the minimum loss of existing affordable housing; include a mix of house types and tenures; ensure through an overall landscape design framework; be exemplars in terms of their approach towards design, energy/renewables and water use, re-use of materials and measures to reduce the use of the car.
- H9 Requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.
- H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.
- TRN3 Environmental Impact of Traffic
- TRN10 Walkable Environments
- TRN23 Parking Standards – Residential Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

### **A Masterplan for the Regeneration of South Kilburn – Adopted July 2004**

South Kilburn New Deal for Communities (SKNDC) and the Council originally agreed a Masterplan for South Kilburn. The Masterplan proposals were intended to change South Kilburn from a monolithic housing estate back into four high quality neighbourhoods each with their own character and facilities:

- where people are proud to live, learn and work;
- which are safe, free from crime and the fear of crime; and
- which are sustainable and meet the needs of its diverse communities.

The Masterplan proposed 2,953 new homes for South Kilburn, 1534 of which would be replacement and 1,419 new private homes. All applications, including those for new residential units, should be determined in accordance with this Masterplan which sets out criteria for development which regard to sustainability, building heights, space standards, quality of architecture, amenity space and management.

As indicated above, the SPD essentially revolved around building over 1500 for sale units in order to cross subsidise the provision of over 1400 affordable homes. Members may be aware that the Council's chosen consortium was not able to deliver the comprehensive redevelopment package, given that Government offered only about half the financial support that was required in order to get the scheme underway. In response to this, the Council is now trying to get the first phase of the development going on its own by developing this site as well as two others within South Kilburn. This will allow enough units to decant other parts of the South Kilburn estate and make them ready for demolition and rebuild. The application site is a key part of that process. The Council's Executive approved the development proposal, in principle, in December 2008 and a report to the Council's March 2009 Executive asked for approval of the terms of sale.

The report to Executive last December stated that:-

*"The NDC has some £3million of capital resources available to spend this year. Acquiring the Texaco garage site, and subsequently investing it within the proposed new South Kilburn Neighbourhood Trust, would provide an opportunity for the Council and NDC to take forward the early delivery of this site, in partnership with an RSL, thus providing additional decant capacity and securing an ongoing revenue stream to contribute to the regeneration of South Kilburn."*

The Masterplan is currently being reviewed in the light of the changed circumstances in South Kilburn and the Council is working with the selected Masterplanners to seek to bring it forward.

### **SUSTAINABILITY ASSESSMENT**

Members will be updated at the Meeting.

### **CONSULTATION**

Over 150 consultations letters were sent out to residents, as well as the Kilburn Ward Councillors. In addition, a total of 5 site notices were displayed at locations around the site on 6 August 2010 advertising the development "of public interest". A press notice was published on 12 August 2010 advertising the application as "of public interest".

At the time of drafting the report no letters of objection have been received.

## TRANSPORTATION ENGINEER

A detailed analysis of their views are provided in the main body of the report, but no objections on transportation grounds to this proposal, subject to a legal agreement to provide and Section 278 Agreement to cover a number of points.

## URBAN DESIGN, CONSERVATION & REGENERATION MANAGER

No objections. The scheme has been discussed over a long period of time and is of the design quality anticipated. Detailed comments set down later in report.

## ENVIRONMENTAL HEALTH OFFICER

No objections, subject to a number of conditions. Contamination has been found on site, and the EHO has agreed with the applicants remediation specification. Must ensure that remediation is undertaken in line with this specification and recommended that this is done via condition.

## REMARKS

### Introduction.

As indicated above, this is the second residential scheme to be submitted on this particular site. The first was considered by the Councils Planning Committee in March 2009 at which time permission was granted for the erection of 50 affordable units. Since that time, a number of material changes have been proposed to the approved development which have resulted in the need for a new planning application to be submitted. For the avoidance of doubt, the numbers of units and the mix of those flats has not changed since March 2009.

This former Texaco garage site falls within the South Kilburn Trust Area (formerly New Deal for Communities (NDC) Masterplan Area). Redevelopment of large parts of the South Kilburn area is proposed within the South Kilburn Supplementary Planning Document (SPD) adopted in April 2005. The proposals within the SPD focus on building over 1500 for-sale residential units in order to cross-subsidise the provision of in excess of 1400 affordable homes. The Council's chosen consortium was unfortunately not able to deliver the comprehensive redevelopment package sought, in part due to the fact that the Government of the time did not offer the financial support that was required to get the scheme underway.

In the light of this situation, the Council decided to look at an alternative approach to getting the first phase of the development going by seeking to develop the Texaco site, along with a couple of other sites within South Kilburn at the same time as re-visiting the Masterplan. This was achieved back in 2009 and continues to be the aspiration of the Council through this revised proposal. The approach adopted would allow enough units to decant other parts of the South Kilburn estate and ready them for future demolition and rebuild. Since March 2009, the site is no longer in private hands and has been purchased by the South Kilburn Trust and tendered to a number of housing associations. Catalyst Housing Group have purchased the site and will develop it, with units offered to existing tenants in blocks in South Kilburn that will be cleared and developed. The Council are looking to bring forward a further four sites for development within the South Kilburn area and it is hoped that planning applications will be submitted early next year. Notwithstanding this, the site continues to be key in establishing the all important decant capacity to allow subsequent blocks to be redeveloped and the area regenerated.

Due to the similarities between this proposal and the approved March 2009 scheme, the majority of the issues, and the conclusions reached in considering those issues, remain unchanged. Nevertheless, they are set out below for the sake of clarity and for the information of Members.

## Policy Considerations / Land Use

The Council have acknowledged the site's suitability for residential accommodation, as well as its importance, given its siting in the heart of South Kilburn, as part of the aspirations for the wider regeneration of the area. A petrol station, which was the last use of the site, is not regarded as a Local Employment Site (policy EMP9 of the Brent UDP refers) and, as a result, the principle of developing the site in the form proposed is acceptable.

Given the absence of policy objections to the proposal, the principal issues in assessing this application for a total of 50 flats relate to the level of affordable housing provision, the mix of flats proposed, the design and appearance of the building and the transportation and access issues arising from it. In addition, it is also critical to consider amenity issues and the impact of the development on people living nearby.

Overarching all of these points of detail is the fact that the site is within the South Kilburn Trust area, with the aspiration of securing community-led regeneration, hoping to be achieved through the policies and guidance set down in the adopted South Kilburn SPD. As indicated above, within the SPD part of this site is identified as private site number 27 (see map on pages 68/69) and the acceptable uses (residential above commercial) are set down on page 86.

### Affordable Housing Provision

Of the 50 one, two, three and four bedroom units that are proposed in this scheme, 100% of them will be affordable. The proposal has been submitted by the South Kilburn Neighbourhood Trust. Policy STR20 of the UDP requires that housing developments capable of providing 10 or more units should provide the maximum reasonable proportion of affordable housing on site. The London Plan seeks to achieve a minimum of 50% affordable housing on sites of this nature. UDP policies and the London Plan strategy are elaborated in respective Supplementary Planning Guidance, but it is clear that a 100% affordable housing scheme on this site is acceptable in policy terms.

Another particular benefit of the scheme is the general conformity with larger than SPG17 flat sizes for the affordable accommodation. Members may be aware that the South Kilburn SPD seeks larger flat sizes in order to compensate for the proposed higher overall densities in the area.

Members may be aware that the internal space standards for new residential properties set down in the South Kilburn SPD exceed those in the Council's own SPG17 "Design Guide for New Development". The two sets of standards are shown below, with SPG17 minimum unit sizes for flats indicated first and the SPD in brackets;

- 1 bedroom flat – 45 square metres ---- (53 square metres).
- 2 bedroom (3 person) flat – 55 square metres ---- (80 square metres).
- 2 bedroom (4 person) flat - 65 square metres ---- (80 square metres).
- 3 bedroom flat - 80 square metres ---- (98 square metres).
- 4 bedroom flat - 90 square metres ---- (120 square metres).

Obviously the wider regeneration proposals for South Kilburn have evolved, and continue to evolve, as described above, such that it is considered that a more flexible approach should be adopted in connection with internal unit sizes. In the spirit of the SPD, but considering amongst other things the financial realities of the scheme, flat sizes that in some instances do not meet the SPD are proposed. This is considered acceptable. For the avoidance of doubt, those flats that do not meet SPD guidance, continue to exceed the flat sizes found in SPG17, in some cases by a significant amount. The development also meets 10% wheelchair standards.

The proposed dwelling mix matches the proposed SPD mix closely, providing over 32% 3 and 4

bed homes (as opposed to 30% in the SPD), 38% 2 bed flats (40% in SPD) and exactly 30% 1 bed units which is exactly as required in the SPD. The SPD encourages mixed tenure and the application site is 100% affordable, but this is acceptable in view of the current market conditions and the need to decant Council flats elsewhere within South Kilburn in order to create opportunities for the next sites to be brought forward for demolition and decant.

### Siting, Design and Layout of the Site

The height, size and design of the proposed building all continue to be key issues in the determination of this application. It proposes a part 8, part 6 storey building on this prominent site on the northern side of Carlton Vale and would adopt something of a different approach as far as the choice of materials are concerned, certainly when compared to what is around. To the rear of the site on Granville Road is the Granville New Homes (GNH) development which was granted in 2005 as the first large development site (130 units) within South Kilburn which it was hoped would kick-start the wider estate regeneration. 110 flats have now been built at GNH and it is acknowledged that it presents a fairly unique approach to the issue of the materials used in that building. As far as this site is concerned, it is considered that although the building would be different to the traditional Carlton Centre and the high rise Craik Court either side of it, being different is not in itself objectionable. Indeed, of more importance is whether the resultant building would be acceptable in design terms, but also if it would constitute an acceptable visual introduction to the NDC area, particularly given the prominence of the site. The site is identified (at page 83 of the SPD) as being appropriate for a "focal/landmark building" in order to recognise its location on Carlton Vale, opposite existing open space.

The Team Manager of the Design & Regeneration Section has continued to be involved with the evolution of the proposal and a number of changes were sought, particularly in terms of the elevational treatment of the front of the building, before this proposal was formally submitted to the Council for consideration. Officers have concluded that the scale, form and height are appropriate to the site and the broader streetscape for this part of the Borough. 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.

The design is of a contemporary approach and Officers hope that it will set the standard for future development sites within the South Kilburn Masterplan area, helping to contribute to the long-term regeneration of the area. In townscape terms, the original 2009 proposal had been the result of discussions with various stakeholders and interested parties, and the heights of the buildings on the site, whilst higher than some (although not all) of what is around, broadly accord with those set down in the SPD. It is considered that the architecture has developed into a high quality scheme. 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.

In terms of overall density, the submitted plans, along with the information supplied in accompanying planning statement, do continue to indicate a density that would be in excess of the range set down in the Mayor's London Plan and the SPD. This latter document set a density of between 450 and 750HRH for the site. However, in the context of the sites' importance in the wider redevelopment of South Kilburn, its design quality and the standard of environment proposed for future decanted residents, the higher than SPD density is considered to be acceptable. The fact that the site is immediately opposite the Kilburn Park is a further mitigating factor. Officers are of the view that, for the reasons set out, this decision would not set a precedent for all other schemes to be submitted at a similar density and that each subsequent proposal in South Kilburn would need to be considered on its own individual merits. Masterplanners have indicated that it is likely that on a large number of sites in the area, the density that will come forward in the future will be less than envisaged originally to take account of the changed circumstances described in this report.

## Transportation

This site is located on the northern side of Carlton Vale (a local distributor road), about 40 metres east of its junction with Neville Close. Vehicular access to the rear of the site is available from Granville Road (a local residential access road). The site lies within Controlled Parking Zone KM, although parking in Carlton Vale is generally prohibited between 8am and 6.30pm Mondays to Saturdays, so is not generally used for parking. Zing-zap marking associated with a pelican crossing just west of the site further restrict parking along the site frontage. Residents permit and pay and display bays are located in Granville Road and these have tended to be lightly parked in the past, although the new Granville Homes development does rely on this on-street parking for its residents. Public transport access to the site is very good (PETAL 5), with Queens Park station (London Overground and Bakerloo lines) and eight bus services within 640 metres (8 minutes' walk).

The front of the site is currently vacant, having formerly been used as a petrol filling station. Crossovers of 10m and 9m width provided separate access and egress to the site. A two-storey office building is located in the northwestern corner of the site, accessed via the pedestrianised Peel Precinct. The north-eastern corner of the site is occupied by a court of 8 garages, with vehicular access via a 4-5m wide access from Granville Road.

As stated above, this revised application seeks amendments to the 2009 approved scheme, with the number and mix of units remaining unaltered at 50 flats. Eight (6 x 1-bed and 2 x 2-bed) are shown for shared ownership with the remainder being social rented units. Five two-bedroomed flats are shown as wheelchair units (10% of the total).

The basement car park has now extended, but retains 25 spaces (incl. 3 disabled), whilst the access ramp from Granville Road is now shown at a gradient of 16.6%, with its length increased to 25m to incorporate transition lengths at either end and its width reduced to 5.6m (incl. margins). Minimum headroom of 2.1m is indicated along the access ramp. This is an improvement in technical highway terms on the 2009 proposal.

Two cycle storage rooms are now indicated at ground floor and basement levels, giving a total capacity for 50 bicycles. The position of the refuse storage area has now been amended so that its entrance doors are within 10m Carlton Vale which, again, can be considered to be better than the 2009 approval complying with Brent Council's Waste Planning Policy for the collection of Eurobins for flats.

As before, the application of reduced car parking standards in this area means up to 43 spaces would be allowed for these 50 flats. The continued provision of 25 spaces would, therefore, still accord with standards, but in instances of this kind the potential impact of overspill parking from the site on traffic flow and road safety needs to be taken into account. It is possible that a further 10 residents' vehicles may be likely to want parking space in the area off-site. The removal of the wide site accesses from Carlton Vale (which will need to be undertaken at the developers expense) does create the potential for some new on-street parking space to be created (albeit on a local distributor road) which is material here. In addition, there is an element of spare parking capacity available at night in the locality which would make a contribution towards safely accommodating the overspill parking from this development.

Nevertheless, it would be beneficial to provide a car sharing scheme (eg: "Car Club") for the development to reduce car ownership and funding should be provided through a legal agreement to assist with getting such a scheme established (i.e. marketing, vehicle leasing, subsidised initial membership etc.).

Other schemes that have been approved recently in South Kilburn (eg: Carlton Vale roundabout, Albert Road) were on the basis of a 'car-free' agreement and this continues to be the approach that Officers will look to apply in the future. However, the 2009 approval did not remove the right of

future residents to on-street parking permits in the area and in these circumstances it is considered that it would be difficult to do so now.

Standard PS15 requires each of the five wheelchair units to be provided with an allocated parking space, with 10% of the remaining spaces also needing to be designated for disabled parking. The proposed reduction in provision to just three disabled spaces now, therefore, falls short of standards and should in theory be increased back to seven spaces. However, it should be noted that disabled residents would be exempted from any "car-free" agreement that is secured, so could make use of any parking space that is created along the site frontage.

At least one secure bicycle parking space is again required per unit and the proposed provision of 50 spaces within secure storage rooms will allow this standard to be met. The revised layout of the basement car park meet design guidance in terms of the dimensions of the parking spaces and aisle widths, with the supporting columns set back from the front of the spaces so as not to impede turning movements.

With regard to the access ramp, as set out above the gradient has now been confirmed at 16.7%, which exceeds Institute of Structural Engineers guidelines for access into public basement car parks of this depth, whilst the width has been reduced to 5.6m including margins. Despite this, as long as use of the ramp is limited to just residents and visitors of this development and is not in future extended to serve further redevelopment plots, then the width would be considered acceptable (subject to the inclusion of 300mm margins on either side). Similarly, the inclusion of transition lengths at either end of the ramp means the steep gradient can be accepted for this private car park.

As before, highway works around the site will be required to be carried out at the developer's expenses prior to occupation of the development to: (i) reinstate the existing lengths of crossovers onto Carlton Vale to footway (incl. bringing the intervening length of footway up to a similar standard as necessary); and (ii) resurfacing/repaving of the rear access route from Granville Road in accordance with a design to be approved by the Transportation Unit. These works were previously secured through an agreement under S278 of the Highways Act 1980 incorporated into the S106 Agreement and this will need to be renewed. The financial contribution sought will go towards non-car access/ highway safety improvements and/or parking controls in the vicinity of the site, with the road safety/environmental enhancement scheme for Carlton Vale being a priority according to the Transportation Engineer for use of these funds.

#### Amenity Space and Landscaping Issues.

Given the amount of development proposed for the site, it is necessary to assess whether it is possible to provide for an acceptable level of external amenity space on the site in order to meet the likely demands of the future residents of these 50 flats. The site is currently unused and has no features of landscape value on it. Consequently, the landscape treatment of the site is of less importance in the overall consideration of the proposal than if this was not the case. It is considered that any development of the site, certainly in the form proposed would, for the reasons set out above, be likely to improve the appearance of the site, in general terms.

Amenity space is provided for new residents within the development in different formats, these being external balconies, roof terraces and private terraces at ground floor level. In addition, a garden space is shown at seventh floor level that is indicated as a shared "residents terrace". Each of the 4 ground floor units will have their own private garden (even though one of these is to the front of the building and would consequently provide a limited amenity for residents), whilst other units will have access to balconies in the majority of cases and roof terraces within the development in other cases. Previously, one unit at first floor level had no access to external amenity space, but this is no longer the case. The development shows a proposal that would allow sufficient space to provide a range of useful, useable outside amenity areas to meet the likely differing demands of future residents and, on this basis, it is considered that the development



would, on balance, afford future residents a satisfactory standard of amenity.

As previously, the applicants would need to submit a detailed amenity space/landscaping plan in due course which would illustrate a strategy for the development, as far as how the areas would be used (in particular the roof terraces) and whether they would include items such as seating or planting. The strategy should indicate that a varied, interesting and well-used amenity area for the benefit of future residents would be capable of been provided on the site. The submitted information is considered to be indicative at this stage but, as stated above, it is considered that an acceptable treatment could be achieved here.

Members will be aware that the issue of the quantity and quality of external amenity space is nearly always an issue in the more high density developments such as this one. Officers consider that the proposal here is acceptable and that the capacity for an acceptable treatment of external areas can be achieved. This conclusion is supported by the fact that the site is immediately opposite a public park which would help to off-set any concerns about the level of on-site provision. In connection with this point, attention is drawn to the site on the opposite side of the park at No's 117-119 Malvern Road (06/2144) which some Members may remember was the subject of a Public Inquiry in 2006/2007. The scheme there which is now complete provides a total of 58 units and one of the Council's original concerns was the balance between the amount of internal and external space available for the occupiers of these flats. In allowing the appeal, the Inspector made the following comments about the issue of external amenity space:-

*"I note that there is scope for a reasonable level of communal open space, that many of the units have balconies and that the floorspace of most of the proposed flats is significantly above the minimum specified in SPG17. I also accept that, in providing for a variety of housing needs there will be a proportion of occupiers for whom a balcony or private open space would not be a high priority. Given the proximity and availability of Kilburn Park, I judge that the proposal would not be deficient in amenity space."*

#### Impact upon Residential Amenity

In terms of the impact of this proposal on residential amenity there are two issues that require consideration. Firstly, the impact of the development upon existing neighbours within the locality and secondly, the impact upon the living conditions of future occupants of the proposed flats.

In terms of the impact on the amenities of future occupants of the proposed flats, the main considerations would be the sizes of each unit, and the relationship between units and adjacent development. The issue of the more generous internal space standards for new flats in South Kilburn, and the approach taken here, has been discussed above. In addition, although not relevant to this application as none are proposed here, the SPD states that bedsits or studios will not be allowed within the South Kilburn Trust Area and the mix of units is in line within SPD expectations.

It should be borne in mind that this proposal is, for the reasons set out above, one of the first schemes within South Kilburn to seek to "kick-start" the redevelopment of the area. Consequently, it is anticipated that there will be significant changes to the overall urban form in the locality in the future which need to be taken into account in the determination of this specific proposal. In particular, it is hoped, and anticipated, that other significant proposals will come forward to change the character and improve the built environment, guided by the Masterplanning process. This means that decisions now need to have regard to what these changes might be. In addition, Officers need to ensure that no development serves to prejudice future schemes that might come forward on adjacent sites.

The "T" shaped scheme has been carefully designed so as to maximise the distance between habitable room windows and boundaries, as well as other windows. The applicants have used the shape of the 8 storey element of the scheme to protect the amenity of future residents and have ensured that no flat is single aspect. In the 2009 approval the flats proposed adjacent to the Carlton Centre fronting onto Granville Road had a very tight relationship with the adjacent building. In one case the separation distance at first floor level would have been only 2.5 metres in the case of one bedroom window, but the redesign of the building has allowed this problem to be eliminated and the relationship/quality of environment is much improved.

Although the proposal is inevitably tight, given the constraints of the site, the overall situation is considered to work. Future occupiers will look out across Peel Precinct to the west and rear, above the Carlton Centre (at higher levels) to the east and Kilburn Park to the south. In the future, certain residents may have views across a public square, should Masterplan proposals be forthcoming, but in any event, it is considered that the development proposed would provide for an adequate standard of amenity for occupiers of the proposed building.

In terms on the impact of the development upon people living nearby, as in 2009, this is more of an issue and the strategic importance of the development of this site, as set out above, needs to be taken into account in assessing this proposal. The Carlton Centre is to the east whilst Peel Precinct is to the west and north. Peel Precinct is a terrace of commercial floorspace at ground floor with residential above, and to the north includes residential accommodation. The issue is how the development relates to these adjacent sites. A report entitled "BRE (Building Research Establishment) Daylight, Sunlight & Overshadowing Analysis" was produced in 2009 and forms the basis of this application as well. The fact that the application site is cleared and currently has no buildings on it needs to be taken into account, but even having done so, the report concludes that there will be an impact on a number of specific windows in the buildings adjacent to the proposed building that would be beyond acceptable limits, as defined by the BRE. This is obviously an unfortunate situation that in many cases would be a reason for withholding planning permission. In this instance, although the proposed relationship as described above needs to be taken into account, a more long-term view also needs to be had regard to and it was on this basis that consent was granted in 2009. The properties that will be most affected by the development proposal are in buildings that themselves are likely to come forward for redevelopment as part of the wider estate regeneration and so it is hoped that the problems that may be encountered in terms of light will not be a permanent concern. There are no agreed proposals for Peel Precinct at this stage, but although it is difficult with any certainty to analyse future relationships, it is the view of Officers that the fact that change will come forward at some stage in the not too distant future means that in these circumstances the BRE guidelines can be applied flexibly.

As far as the privacy and amenity of nearby residential properties is concerned, it is considered that the building would not lead to significant problems associated with overlooking. The buildings in Peel Precinct would be approx. 24 metres (23 metres in 2009 scheme) from the flank wall of the rear wing of the new development and a combination of separation distance, the orientation of existing Granville Road properties and the location of windows in the proposed development would mean that privacy and amenity would not be compromised. With regard the impact upon the adjoining Carlton Centre building, the areas closest to the proposed building are given over to toilets for users of the Centre. The proposed relationship is no worse than the 2009 consent and a condition is suggested to be attached to any consent requiring details of how the various balcony and roof terrace areas will be treated in order to prevent any unacceptable loss of privacy to neighbours.

#### Sustainability Issues.

Members will be updated regarding the sustainability issues at the Meeting.

Given its previous use, the site is potentially contaminated and this would be something that would

need to be dealt with, to the satisfaction of the Council, at the appropriate stage. Environmental Health Officers have been consulted about the application proposal and have confirmed that they agree the contents and the conclusions of the submitted reports. They have suggested a number of conditions and have indicated their willingness to provide advice to the applicants if required.

#### Section 106 Agreement.

As with application 09/0175, the development proposal has wider implications for the locality that cannot, or are unlikely to, be addressed within the application site. As a result, a Section 106 agreement (or other agreement) controlling the benefits and financial contributions that might be required in relation to the proposed development would be required. As these are fundamental issues, the scheme would be rendered unacceptable if they were not adequately dealt with, but for the avoidance of doubt, the applicants appreciate the importance of the legal agreement.

#### Proposed Heads of Terms:

- 100% Affordable Housing -tenure to be agreed with the council,
- A contribution of £2,400 per 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.
- 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, applicants to adhere to the Demolition Protocol.
- Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- Join and adhere to the "Considerate Contractors scheme".
- Section 278 to secure the works to the highway in Granville Road.

#### Conclusions.

The issues set out above were previously considered in 2009 when a similar residential scheme was considered by the Planning Committee. A number of changes have been proposed to that approval that are considered to be sufficiently material so as to warrant the submission of a new application and, as a result, the issues need to be revisited. The principle of the loss of this former petrol station and redevelopment for a mixed use continues to be acceptable in policy terms and the proposed development is considered to provide an interesting building in a prominent location. The site is identified in the South Kilburn SPD as an opportunity for a "landmark" building and as the regeneration initiatives have evolved (for the reasons explained above) it has become one of the key opportunities to provide an impetus to the wider proposals for the South Kilburn regeneration area. It can play a key role in instigating the regeneration of the SKT area and for this reason there are a number of specific points where flexibility needs to be applied to the form of this scheme. This leads to an inevitably balanced overall assessment of the scheme, but Officers consider that the wider strategic matters serve to justify the application proposal and that this judgement would not mean that this flexibility would always have to be applied in future development proposals should they come forward. The design, form, materials and height of the development set an appropriate standard of architecture which is expected within the South Kilburn area. The quality of accommodation is also considered to be good, given the internal dimensions of each unit, as is treatment of external space and it is likely to help to set a high standard for future proposals within the area.

The proposals are considered to accord with the policies set out within the Brent UDP 2004, South Kilburn SPD and Masterplan, and on this basis, it is recommended that planning permission is granted, subject to the legal agreement referred to above.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

**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) 10012-02-001F; 002F; 003F; 004F; 005F; 006F; 007F; 008F; 009F; 010F; 011F; 012F; 013F; 014F; 015F; 016F; 017F; 018F; 019F; 020F; 021F; 022F; 023F; 024F; 025F; 026F; 027F; 028F; 029F; 030F; 031F; 032F; 055F; 056F; 057F; 058F; 059F; 060F; 061F; 062F; 063F; 064F; 065F; 066F; 067F; 068F; 069F; 070F; 071F; 072F; 073F; 074F; 075F; 076F; 077F; 078F; 079F; 080F; 081F; 082F; 083F; 084F; 085F; 086F; 087F.

Eye level visualization (22 July 2010).

Code for Sustainable Homes Pre-assessment 19 Jan 2009, Sustainability Report 19 Jan 2009, Design & Access Statement (with preface) Jan 2010, Phase 1 Contamination Assessment April 2007, Daylight, Sunlight and Overshadowing Analysis Feb 2009, Planning Statement Jan 2009, Transport Statement Jan 2009, Air Quality Assessment 19 Jan 2009, Protected Species and Habitats Risk Assessment August 2010, Design Statement (H446 Carlton Vale), Remediations Specification July 2010 and Land Quality Statement August 2010.

- (3) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities of the locality.

- (4) No water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) 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 should be fully implemented.

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

- (5) 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.

- (6) All existing vehicular crossovers rendered redundant by the development, hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants, 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.

- (7) The car-parking spaces shown on the drawings hereby approved must be provided and retained thereafter for the accommodation of motor vehicles of the occupiers of the residential accommodation and shall not be used for any other purpose. Furthermore, the disabled parking spaces shall be marked out and not used for any other purpose.

Reason: To ensure the provision and permanent retention of car-parking spaces so as to ensure the development does not result in additional pressure for on-street parking.

- (8) The bicycle-storage facilities hereby permitted shall be retained as such, and shall not be altered or removed without the written consent of the Local Planning Authority.

Reason: In order to maintain the required level of secure bicycle-storage facilities on the site.

- (9) 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.

- (10) 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 (save for demolition and works relating to site preparation) is commenced. The development shall be carried out in accordance with the approved details. These details shall include:-

- balustrades.
- windows/doors.
- roof details.
- canopies.

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

- (11) 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 the remediation and 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
- (d) other appropriate matters within the context of a landscaping scheme, such as details of seating, usage of areas etc
- (e) details of the treatment of proposed private and communal roof terraces, including methods by which amenity will be protected, between those areas and adjoining sites.
- (f) details of the proposed management responsibilities and arrangements for the maintenance of the landscape works.

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.

- (12) A revised plan showing the provision of 300mm margins to either side of the basement car park access ramp shall be submitted to, and approved in writing by, prior to any work on the basement ramp commencing. Once approved, those details must be fully implemented.

Reason: In the interests of highway safety.

- (13) Soil remediation shall be carried out in full, in line with a specification agreed by the Local Planning Authority. 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 otherwise agreed by 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

- (14) Prior to the commencement of the development 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.

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 is informed that the Council's Environmental Health Service must be notified in advanced of the decommissioning of the underground tanks shown on the submitted drawings, so that an Officer can be present on site. The applicant must call 020 5937 5159 to arrange this.
- (2) The applicant is informed that they should contact Thames Water Developer Services on 0845 850 2777 prior to the development commencing to discuss matters relating to the proposal.

#### **REFERENCE DOCUMENTS:**

- Brent Unitary Development Plan 2004 (UDP)
- Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
- The Masterplan for the Regeneration of South Kilburn (2004)
- Mayor's London Plan

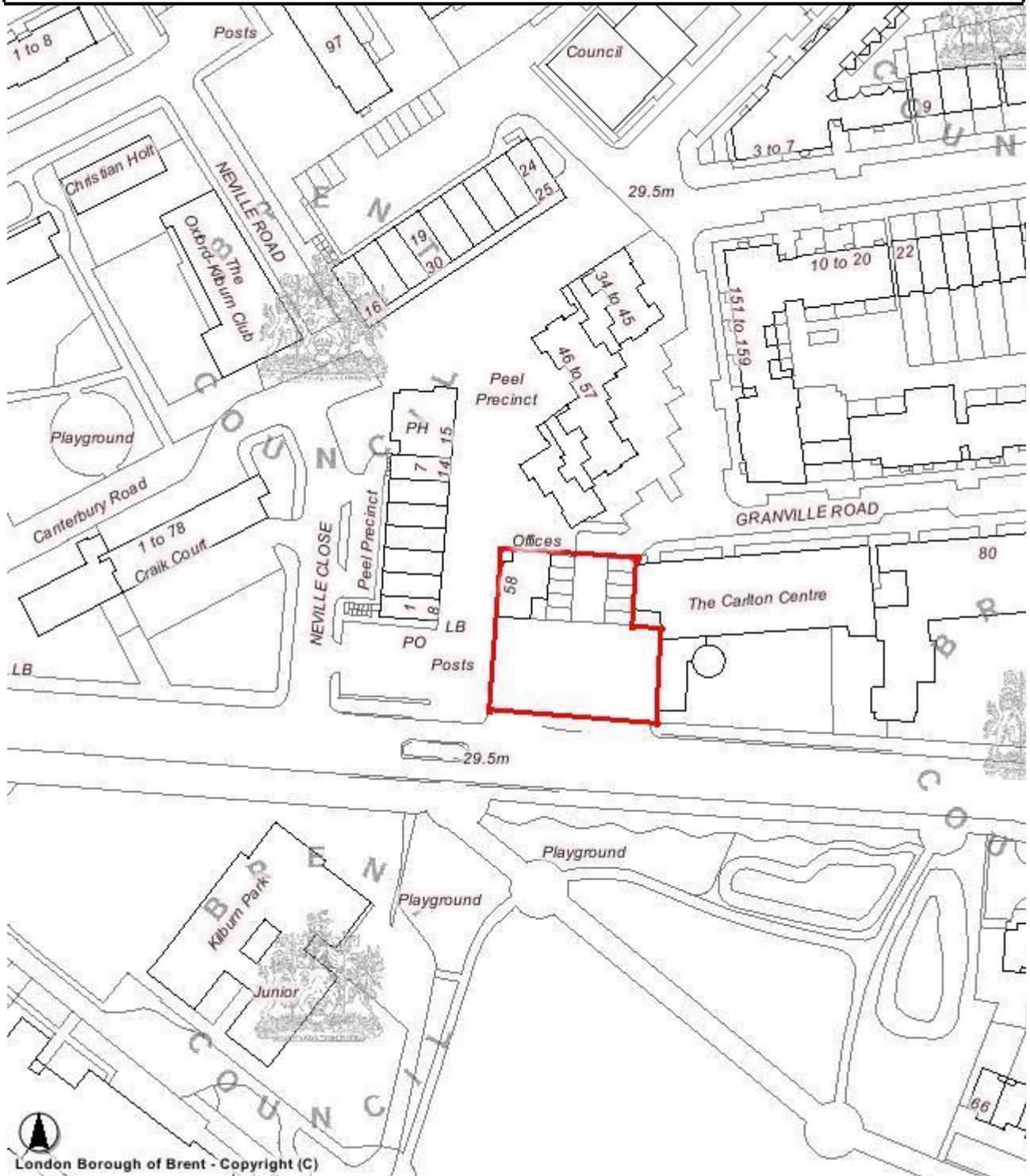
Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228



## Planning Committee Map

Site address: 182 Carlton Vale, 58 & garages rear of 58, Peel Precinct, London, NW6 5RX

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This map is indicative only.



**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 10  
**Case No.** 10/1711

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**RECEIVED:** 13 July, 2010

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 45 & 45A Torbay Road, London, NW6 7DX

**PROPOSAL:** Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension, formation of basement level with rear lightwell and conversion of two self-contained flats into a single family dwellinghouse

**APPLICANT:** Suburban Builders (UK)

**CONTACT:** Andrew Coulter Associates

**PLAN NO'S:**  
See condition 2

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**RECOMMENDATION**  
Approval

**EXISTING**

The subject site, located on the north-eastern side of Torbay Road, close to the junction with Clarence Road, is occupied by a two-storey terraced dwelling that has been converted into two self-contained flats. The subject site is located within the North Kilburn Conservation Area.

**PROPOSAL**

Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension, formation of basement level with rear lightwell and conversion of two self-contained flats into a single family dwellinghouse

**HISTORY**

Many of the works applied for under the current planning application have recently been granted planning permission under a previous planning application (10/0502) which Members approved during the Committee meeting held on the 30th June 2010. The description of this previous permission reads:-

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

As this previous permission has not yet been implemented the approved works cannot be described as being "existing" and this is why they form part of the current proposal. The difference between the previous and current application is that current proposal would also involve the formation of a basement level and rear lightwell.

Another planning application (10/1877) was recently submitted on the site seeking permission for an enlarged version of the single-storey rear extension approved under the previous planning permission (10/0502). This application was refused under delegated powers on the 17th September 2010. This application was refused on the grounds that the enlarged extension would have an overbearing impact on the adjoining property at 43 Torbay Road and that the enlarged extension would have a harmful impact on the character and appearance of the property and surrounding Conservation Area.

In May 2004, planning permission was granted for the erection of a single-storey rear extension to the ground-floor flat. This permission has been implemented and this extension is to be demolished as part of the current proposal.

A Certificate of Lawful Use for the established use of the property as two self-contained flats was issued in 1992.

## **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.

### **North Kilburn Conservation Area Design Guide**

## **SUSTAINABILITY ASSESSMENT**

The application does not exceed the threshold that would require the submission of a sustainability assessment

## **CONSULTATION**

Consultation letters, dated 3rd August 2010, were sent to 18 neighbouring owner/occupiers, a site notice, dated 3rd August 2010, was displayed outside of the site and a notice was published in the local press on 22nd July 2010. Following amendments to the original proposal, a further 49 letters were sent to neighbouring owner/occupiers. In response 35 letters of objection and 3 letters of support have been received. The concerns of the objectors include:-

- The proposed development would compromise the structural integrity of the subject and surrounding buildings.
- The proposed development would harm the character and appearance of the property and the surrounding North Kilburn Conservation Area.
- The proposed development would compromise local hydrology.
- The proposed development would require major building works, harming the quality of life of the surrounding neighbours.
- The applicant may wish to use the basement as a self-contained flat in the future
- The separation between the proposed side and rear extension and the neighbouring property would cause problems of damp.

## REMARKS

### THE PROPOSAL

As discussed in the 'History' section of this report, much of the works being proposed already benefit from planning permission approved under a previous planning application (10/0502). As such, it is considered that the current application should be determined on the merits of those works which do not already benefit from planning permission. The works that do not already benefit from planning permission involve the excavation of a basement level, with the same footprint as the building as extended, and the formation of a light-well to the rear of the property measuring 1.5m in width, 2.5m in length and 2.2m in depth. The proposed light-well will be set in from the joint boundary with 43 Torbay Road by 400mm and will be enclosed by the building, as extended, and a glass balustrade to the rear.

### ASSESSMENT

As Members will be aware, in Brent there is no adopted, or emerging, policy or guidance that discourages the development of basements as a matter of principal. Such developments must, therefore, be assessed on their individual merits, and, in this case, the impact of the proposal on the character and appearance of the North Kilburn Conservation Area needs to be considered as the main issue.

At the time of submission, the application involved the formation of a basement level with light-wells to both the front and rear of the property. However, the subject property has a only a modest front garden, approximately 3m in depth, and concerns were expressed by Officers and residents regarding the visual impact of a front light-well on the character of the property and surrounding Conservation Area. In response to the concerns of Officers, the applicant has amended the proposal to omit the front light-well from the proposal.

As no alterations are proposed to the front of the property the potential for the development to affect the character and appearance of the Conservation Area is very limited. The only visual manifestation of the proposed basement would be the excavation of a lightwell to the rear, which is modest in scale and not visible from the public realm. The rear lightwell which would only be visible from a limited number of private vantage points, is not considered to be particularly prominent in terms of its scale and siting and would be enclosed by a simple glass screen. Officers consider that the proposed alterations, required to facilitate the proposed basement, would preserve the character and appearance of the North Kilburn Conservation Area.

For the information of Members, this is an approach that has been adopted in other Conservation Areas, most notably Queens Park, where a number of proposals for new basements have been submitted in recent times.

### CONSIDERATION OF OBJECTIONS

The concerns raised by objectors in relation to the impact of the proposed development of the character and appearance of the property and surrounding Conservation Area have been addressed in the report above.

A number of objectors have expressed concerns regarding the potential effect of the development on the structural stability of the site and neighbouring properties, the disturbance caused by works during construction and the effects on the development on local hydrology and drainage. As Members will be aware, although these concerns are clearly understandable, these matters are not issues that can be used as material planning considerations that would justify a refusal to grant planning permission. If the development were to go ahead these issues would be subject to further consideration under other statutory controls including Building Regulations that would ensure the structural integrity of the works.

For the avoidance of doubt, Officers confirm that the basement level is proposed as a floorspace extension to use of the property as a single dwellinghouse. The current proposal does not involve formation of a new self-contained basement flat. Amenity in the proposed basement space would be acceptable within the context of being an extension to a house, but this may not be the case if a self-contained unit were to be proposed in the future and having looked at the plans, it is certainly the case that the living space with no light or outlook (as is now the case following the removal of the front lightwell) would not be acceptable to the Planning Service on amenity grounds.

## CONCLUSIONS

As discussed above, all other works proposed under this application, including the single-storey side extension, have already been considered, against objections, and approved under planning application 10/0502. As such, it is considered that it would be difficult to raise objections to these elements of the development at this stage, particularly given that the Committee approved them as recently as June 2010. For the information of Members, the extract from the "Remarks" Section of the report on 10/0502 is repeated below, in full, setting out the reasons why the proposal, without the basement, was considered to be acceptable.

### *"CONVERSION OF FLATS INTO A SINGLE DWELLINGHOUSE*

*The proposed development will result in the two existing two-bedroom flats being converted into a single 3-/4-bedroom dwellinghouse. Policy H8 of the Unitary Development Plan 2004 (UDP) seeks to resist the net loss of dwelling units unless comparable replacement is provided. Policy CP21 of the Council's emerging Core Strategy seeks to redefine the current UDP definition of family sized accommodation to units containing 3-bedrooms or more. Previously the UDP definition considered units with two or more bedrooms 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 two smaller flat units, which is contrary to the general provisions of UDP policy H8, this loss is considered to be adequately compensated for through the creation of a form of accommodation for which there is an established and significant demand both in general and in North Kilburn in particular. As such, the proposed development is considered to comply with the aspirations of policy CP21 which seeks to supply a balanced housing stock to meet the housing demands of the Borough.*

### *SINGLE-STOREY REAR EXTENSION*

*The subject property has an existing single-storey rear extension which will be demolished and replaced by a new single-storey rear extension as part of the proposal. The existing extension to be demolished is 3.5m in width, to match the existing outrigger, 2.5m in depth and has a pitched roof with an average height of approximately 3m. The proposed single-storey rear extension will have the same footprint as the existing extension to be demolished but will instead have a flat roof with a constant height of 3m. The proposed extension would have a simple contemporary appearance with aluminium-framed, sliding glass doors set within the side and rear walls finished externally with brick work to match the existing building. Although openings are proposed to the flank wall of the extension, facing 43 Torbay Road, it should be noted that the existing extension already has similar openings and therefore an increased loss of privacy is unlikely to occur. The appearance of the extension is considered sympathetic to the character of the existing property and surrounding Conservation Area. The dimensions of the proposed single-storey rear extension would be in general accordance with guidance contained in Supplementary Planning Guidance 5:- Altering & Extending Your Home (SPG5) but in any case it would have a similar impact on the neighbouring occupiers to that of the existing extension to be demolished.*

### *SINGLE STOREY SIDE EXTENSION*

*The proposal would involve the erection of a single-storey extension to the side of the existing outrigger. This extension would run the full length (6.3m) of the existing outrigger. In the past, this type of full side "infill" extension has usually been resisted where properties lie within Conservation Areas on the grounds that they can alter the general character of the property and surrounding*

area. However, every application for planning permission should be assessed on its own merits and in this case there are particular circumstances which are relevant to the determination of the application.

*Whilst the subject property itself is a reasonably standard two-storey Victorian terraced property, characteristic of the surrounding North Kilburn Conservation Area, the adjoining property at 43 Torbay Road is not. The properties at 43, 41 and 39 Torbay Road are later, post-war, additions to the street which consist of an original two-storey terraced element to the front with a variety of single-storey extensions which have been added on at a later date. The existing single-storey rear extension to the adjoining property at 43 Torbay Road runs along the joint boundary with the subject site to a depth of approximately 5.2m, 0.9m short of the outrigger to 45 Torbay Road. This existing extension has a flat roof height of approximately 2.9m and there are no windows in the flank elevations facing the subject site. The relatively modest scale of the existing extension to 43 Torbay Road means that the relationship between the two buildings lacks the same sense of enclosure that is generally characteristic of the properties within the wider Conservation Area. On this basis, it is not considered that there would be sufficient grounds to argue that the proposed extension, albeit a full length side extension, would cause significant harm to the character of the surrounding Conservation Area. It should also be noted that the proposed side extension would be distinct from the proposed rear extension which would help to reduce the perceived bulk of the of the development and its impact on the character of the existing property. The proposed single-storey side extension would only project beyond the existing extension to the neighbouring property by 1m and, as stated above, the adjoining property at 43 Torbay Road does not have any flank-wall windows facing the proposed extension. As such, it is considered that any impact on the daylight or outlook of the neighbouring occupiers would be reasonable."*

## **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

## **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:-

- 01 (Existing Floorplans, Roof Plan, Elevations and Sections)
- 01 (Proposed Floorplans, Roof Plan, Elevations and Sections)

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:**

London Borough of Brent Unitary Development Plan 2004

35 letters of objection

3 letters of support

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: 45 & 45A Torbay Road, London, NW6 7DX

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## Committee Report Planning Committee on 13 October, 2010

Item No. 11  
Case No. 10/2022

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**RECEIVED:** 28 July, 2010

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 66 Walm Lane, London, NW2 4RA

**PROPOSAL:** Erection of a new single-storey rear infill extension, installation of a new extraction flue to the rear of the property and retention of air conditioning unit.

**APPLICANT:** Mr Sevvat Bahceci

**CONTACT:** Mr Safa Alattar

**PLAN NO'S:**  
See condition 2

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### RECOMMENDATION

Approval

### EXISTING

The subject site, located on the south-eastern side of Walm Lane, is occupied by a three-storey terraced property comprising of a restaurant/cafe (Use Class A3) unit on the ground floor with residential accommodation above. The property is located within the Willesden Green Conservation Area and the designated Primary Shopping Frontage for Willesden Green town centre.

### PROPOSAL

Erection of a new single-storey rear infill extension, installation of a new extraction flue to the rear of the property and retention of air conditioning unit.

### HISTORY

The premises are subject to an on-going enforcement investigation (E/10/0530) relating to the erection of a single-storey infill extension and the installation of an extract flue and air conditioning unit to the premises without planning permission. The Council's Environmental Health Unit have also received complaints regarding the operation of the premises and in particular the noise, vibration and odours caused by the extract flue. A planning application (09/1455) for the retention of the extension and ducting was refused on the 8th July 2010. The application was refused for the following reasons:-

*1. The existing side infill extension, by virtue of its poor design and poor choice of materials, has a detrimental impact on the visual amenities of the residential occupiers within the upper parts of the building, and on the character of the building itself. It cannot be considered to preserve or enhance the character of the Conservation Area. The proposal is therefore detrimental to the*

*visual amenities of the locality and is contrary to policies BE2, BE9 and BE26 of the Adopted Brent Unitary Development Plan 2004."*

*2. The retention of the kitchen extractor system and duct would, in the absence of the submission of an assessment relating to noise, vibration and nuisance, be likely to result in an unacceptable impact on the amenities of people living nearby. Furthermore, it would, by reason of its size, siting and materials, detract from the character and appearance of the Willesden Conservation Area. The proposal is therefore contrary to policies BE17, BE25, EP2 and EP4 of the Adopted Brent Unitary Development Plan 2004.*

There have also been recent enforcement issues (E/08/0628 & E/08/0661) and subsequent applications for regularisation (09/0734 & 09/0744) relating to the shop front and shop signs to the premises. However, matters relating to the shop front and shop signs are not considered to be of particular relevance to the determination of the current application.

The planning history for the site confirms the historic uses of the premises as a restaurant (D365) and a previous extract system was approved in 1987 (87/1197).

## **POLICY CONSIDERATIONS**

### **London Borough of Brent Unitary Development Plan 2004**

BE2	Townscape: Local Context & Character
BE9	Architectural Quality
BE17	Building Services Equipment
BE25	Development in Conservation Areas
BE26	Alterations & Extensions to Buildings in Conservation Areas

## **SUSTAINABILITY ASSESSMENT**

The application does not exceed the threshold that would require the submission of a sustainability assessment

## **CONSULTATION**

### **EXTERNAL**

Consultation letters, dated 18th August 2010, were sent to Ward Councillors and owner/occupiers of 31 neighbouring properties. As the site is located within a Conservation Area a site notice, dated 18th August 2010, was displayed outside of the site. This notice was replaced by Officers on the 25th August and the 1st September 2010 following complaints that the notice had been removed. Officers consider that the statutory requirement for the display of a site notice has now been satisfied. A press notice advertising the application was published on the 26th August 2010. In response to this consultation two letters of objection were initially received although one of these objections has now been formally withdrawn. Ward Councillor Lesley Jones has written to Officers highlighting the concerns of the objector. For clarification the concerns of the objector include:-

- There is an absence of information to adequately demonstrate that the proposed extract system would not cause unreasonable noise and vibration disturbance to residential occupiers above the premises.
- Noise from the existing extension, which is used as part of the kitchen, already causes noise problems for neighbouring occupiers.
- The proposed extension would not be sympathetic to the Conservation Area in terms of materials and its placement.
- The subject premises have used the shared garden at the rear of the property as their own back yard.

## INTERNAL

### Environmental Health

The Council's Environmental Health Officers have confirmed that in the past they have received complaints regarding noise and vibration caused by the existing extract system installed to the premises. Officers have visited the site and have inspected the existing duct which has recently been modified to address these concerns. However, in terms of the proposed ducting Environmental Health Officers have stated that subject to the imposition of conditions ensuring a satisfactory specification and installation for the new system, including post installation noise testing, that the siting of the proposed ducting would be appropriate. No concerns have been raised with regards to the existing air conditioning unit

## REMARKS

### BACKGROUND

As discussed in the 'History' section of this report, there has been a history of complaints regarding the operation of the premises and in particular relating to the transmission of noise, vibration and odours. The current application seeks permission to demolish and remove the existing extension and ducting to the building, which have formed a central part of the complaints received, and erect a new extension and install a new extract duct to the building. The application also seeks permission for the retention of an existing air conditioning unit that has been installed to the rear of the premises.

### SINGLE-STOREY REAR EXTENSION

A single-storey extension has been erected, without planning permission, to the rear of the premises which infills the space between the side wall of the property and the joint boundary with 64 Walm Lane. As stated in the 'History' section of this report, a planning application for the retention of this application was refused permission on the grounds that the poor design and external materials used on the extension have a harmful impact on the visual amenity of residents on the upper floor and the character of the subject property. The current proposal would involve the demolition of the existing extension and the erection of a new extension on the same footprint but with a reduced height of 3m (from 3.4m) and which would be finished externally with brickwork to match that of the original property. As a result of the reduced height the proposed extension would have a lesser impact on the visual amenity of occupiers on the upper floors than the existing extension. The use of materials to match the existing building would also result in an extension that would better complement the character of the existing building and help preserve the character of the surrounding Conservation Area. Overall, it is considered that the proposed extension would generally overcome the concerns relating to the extension in situ. It should be noted that the ground floor of the adjoining property at 64 Walm Lane is a shop unit and therefore there are no residential habitable room windows on the ground floor that would be adversely affected by the proposal.

The applicant has indicated that the proposed extension would be sound-proofed in order to reduce problems of noise transmission that have been associated with the current structure which is poorly constructed. It is also recommended that the door to be inserted into the rear of the extension should be conditioned to be self closing.

### BUILDING SERVICES EQUIPMENT

The current application seeks permission for the erection of new extract flue to the rear of the premises. As discussed in the 'History' section of this report, a planning application for the retention of the existing extract flue, which has been erected without planning permission, was refused on

the grounds that the applicant had failed to demonstrate that the flue would not cause unreasonable disturbance to neighbouring occupiers and that the extract flue would detract from the character of the Willesden Conservation Area.

In terms of its appearance the proposed extract duct would be sited in a similar location to the existing extract duct. However, the applicant has indicated that they intend to enclose the extract flue using insulated cladding that would be finished externally to give the appearance of matching brickwork. This would help to minimise the visual impact of the proposed flue on the character and appearance of both the subject property and the surrounding Conservation Area. Officers have seen this type of cladding being used successfully elsewhere.

As discussed in the 'Consultation' section of this report, the proposals for the installation of a new extract duct have been inspected by Officers from the Council's Environmental Health Unit. The applicant has submitted technical drawings and a noise assessment report in support of the proposed extract flue. In principle, the positioning of the proposed extract duct is considered appropriate to provide adequate mitigation against noise and odours although Environmental Health have recommended that further technical details of the system to be installed should be secured by way of condition. This would enable Officers to ensure that the proposed extract duct would have an acceptable impact in terms of noise, vibration and odours. It is also recommended that following the installation of a new extract duct that a noise assessment should be carried out to ensure that the system has been installed to comply with the requirements of Environmental Health.

The current application would also involve the retention of an air-conditioning unit to the rear of the property at ground floor level. Following a recent site visit the Council's Environmental Health Officers have not raised any objection to the retention of this unit.

#### **CONSIDERATION OF OBJECTIONS**

The concerns of objectors regarding the impact of the proposed development on the living conditions of neighbouring occupiers and the character and appearance of the property and surrounding Conservation Area have been considered in the above report. In response to objections that the applicant has used the shared garden at the rear of the property as their own yard, the applicant has provided a Land Registry map confirming the areas covered under their lease. This indicates that the proposed extension would be constructed on land which belongs solely to the subject premises.

#### **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

#### **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:

- 01 Rev A
- 02 Rev A
- 03 Rev A
- 04 Rev A
- 05 Rev A
- 06 Rev A
- 07 Rev A

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

- (3) The external door to the extension, hereby approved, shall be constructed to be self-closing and shall be maintained as such unless agreed in writing with the Local Planning Authority

Reason: To protect the amenity of neighbouring residences

- (4) Notwithstanding the approved plans, further details of fume extraction and odour control equipment, including any external ducting, flues and servicing hatches, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be carried out in accordance with the approved details and the approved fume extraction and odour control equipment shall be maintained in accordance with the manufacturers instructions and shall be operated at all times when cooking is being carried out.

Reason: To protect the amenity of neighbouring residences

- (5) Further to condition 4, an acoustic assessment shall be submitted to and approved in writing within 3 months from the date of installation of approved extraction and odour control equipment. The acoustic assessment should be carried out in accordance with BS4142:1997 'Rating Industrial Noise Affecting Mixed Residential and Industrial Areas' and should verify that noise levels from the installed extract and odour equipment are 10dB(A), or greater, below the measured background noise level at the nearest residential properties.

Reason: To ensure that the extraction and odour control equipment does not cause unreasonable disturbance to neighbouring occupiers.

- (6) Details of materials for all external work (including the proposed cladding to the extract ducting), including samples, shall be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the date of this decision. Once approved, those details must be fully implemented and permanently maintained. 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:**

- (1) The applicant is informed that they must fully implement this permission as soon as possible as the extension currently on site and the extract ducting are both the subject of Planning Enforcement investigations.

**REFERENCE DOCUMENTS:**

London Borough of Brent Unitary Development Plan 2004  
Two letters 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: 66 Walm Lane, London, NW2 4RA

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## Committee Report Planning Committee on 13 October, 2010

Item No. 12  
Case No. 10/0491

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**RECEIVED:** 14 April, 2010

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Offices 1st 2nd 3rd Floors, 101A Kilburn High Road and 2A Brondesbury Road London, NW6

**PROPOSAL:** Conversion of first, second and third floors into 2 (one studio and one two-bed) self contained flats, with rear terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance.

**APPLICANT:** Navera Trading Ltd

**CONTACT:** Michael George Design Ltd

**PLAN NO'S:**  
See condition 2

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### 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
- 'Car-free' agreement
- £9000 contribution

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 a 4-storey building on the corner of Kilburn High Road and Brondesbury Road, NW6. The site consists of retail at ground floor and offices above. It is not within a conservation area nor is it a listed building.

### PROPOSAL

Conversion of first, second and third floors into 2 self contained flats, with rear terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance. The proposal envisages one studio flat at first floor and a two bedroom flat arranged over the two upper floors

## **HISTORY**

02/0019      Granted

Construction of A1/A2 unit and servicing bay at rear ground-floor level and extension at first-floor level for ancillary use.

09/3391      Granted

Erection of first-floor rear extension to create a one-bedroom flat (revised scheme from application 09/1624) Deed of Agreement (Car Free development) dated 24th of December 2009 under Section 106 of the Town and Country Planning Act 1990, as amended

## **POLICY CONSIDERATIONS**

Brent Unitary Development Plan 2004

**BE2** Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

**BE9** New buildings should embody a creative and appropriate design solution, specific to their site's shape, size, location and development opportunities.

**H13** An appropriate residential density will be determined by achieving an appropriate urban design

**H20** Flats over and adjoining buildings in shopping centres

**TRN3** Planning permission will be refused where it would cause or worsen an unacceptable environmental impact from traffic.

**TRN11** Developments should comply with the Plan's minimum cycle parking standards with cycle parking

situated in a convenient, secure and, where appropriate, sheltered location.

**Supplementary Planning Guidance 17: Design Guide for New Development.**  
**Supplementary Planning Document: S106 Planning Obligations**

## **CONSULTATION**

Neighbouring occupiers were consulted on 28th April 2010, 3 objections have been received raising the following issues:

- The proposal will impact on neighbouring light and outlook at the rear.
- The opening to the rear of 101 Kilburn High Road is onto private land and should not be used for refuse storage. Refuse storage and collection must be from Brondesbury Road without having to cross a 3rd party's private land.

These issues are discussed within the body of the report. The application originally involved an extension and terrace to the roof which has since been omitted, leaving a screened terrace at first floor rear and associated door as the only external alterations.

## **REMARKS**

The application is for the conversion of first, second and third floors into 2 self contained flats, with rear terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance.

## **Change of Use**

The current lawful use of the first, second and third floors of the building is as offices. The Design & Access statement provides the background to these units and their vacancy stating that since a refurbishment in 2002 only the second floor has been let and this was for the period of 1 year.

Paragraph 5.15.1 of Brent's UDP states that the provision of residential accommodation above

shops and commercial buildings is encouraged and the section goes on to state that this is an area of potential housing which can particularly meet the needs of smaller households and contribute to town centre regeneration as well as reducing the need to travel. This is supported by Policy H20.

Given the vacancy of the offices and identification of such High Road sites as suitable for residential use there is no objection to the proposed change of use.

### **Quality of Accommodation**

2 flats are proposed within the building over the first, second and third floors, extensions were originally considered but following officer advice were omitted. One flat is proposed at first floor and the second is over the second and third floors without extension meaning the units are limited to the existing floor space.

In residential developments a mixture of unit sizes is sought, and studio flats are not an ideal form of accommodation as they offer a limited level of amenity. However given the restriction in terms of existing floor space and the consideration above that such locations are likely to meet the needs of smaller households the proposed mix of 1 studio unit and 1x2-bed is on balance acceptable.

At first floor a studio unit is proposed. SPG17 requires 33sqm of floor space and the units provide 35sqm with the sleeping area to the rear and living kitchen dining space to the front of the building with windows onto Kilburn High Road. The bathroom is proposed in the form of a wet room with a door which can open and cover the opening to the sleeping area. Given that its primary role is as the door to the bathroom this is not considered to conflict with the requirement of a studio unit to constitute one open living space.

The entrance to the second floor flat is also at first floor and the stair case is therefore private. A generously sized 2-bed flat is created, measuring 74sqm, SPG17 requires a minimum of 70sqm for a 2-bed (4 person) maisonette. The living room and kitchen is proposed at second floor with bedrooms at third floor. The stacking of these units is not ideal and would not usually be supported by officers because of the potential noise transmission between units. In this instance officers have been advised that very good levels of noise insulation will be applied to the floors to prevent harmful noise transmission and all soil pipes will travel downwards from outside the building preventing additional noise from the kitchen above the studio flat. A condition is proposed to require the submission of noise insulation details and on this basis, no objection is raised on the basis of stacking.

### **Amenity space**

Amenity space is sought at 20sqm per unit for flats as described in SPG17 guidance. In dense locations such as town centres including High Road locations such as this, and particularly in conversion schemes this is usually very difficult to achieve. In this instance one of the 2 units has a small amount of private amenity space.

A small roof terrace is proposed at first floor to the rear above the existing single storey structure, providing an amenity area of 7.5sqm for this unit. A 1.8m high trellis is proposed along the boundary with the neighbouring building 97&99 Kilburn High Road, projecting to a depth of 3m. At this depth and height the boundary treatment will not interfere with neighbouring light or outlook.

The maisonette does not have amenity space, a roof terrace was originally proposed but the external implications of the proposal were not acceptable. The more generous internal size of the 2-bed unit goes some way to compensating for the lack of amenity space and on balance this is considered to be acceptable.

### **Servicing**

Refuse and recycling storage was originally proposed from the rear of the building, however this would involve the use of the entrance to Addison Court to which the owner of the subject site has

not been granted a right of access. Therefore this servicing must take place directly from the entrance to the property on Brondesbury Road, a suitable area has been identified and it is capable of accommodating the required bins (both for these proposed units and the development at '2a Brondesbury Road' indicated in the history section).

Due to the restricted size of the entrance area it has not been possible to include cycle storage for the 2 proposed flats, while the Council usually seeks 1 space per unit it is acknowledged and accepted that in some instances this is not possible.

#### **Section 106**

The site is in an area with limited scope for parking, it is identified as being "heavily parked" but has good access to public transport. The conversion scheme would increase the parking standard of the site. A s106 agreement must be completed to include a car-free agreement, meaning future occupiers would not be able to obtain parking permits.

A financial contribution of £9000 is required to comply with Brent's adopted s106 Supplementary Planning Document. £3000 is required per bedroom in order to mitigate the additional impact of the future occupiers on the infrastructure and facilities in the local area including education, transportation, open space and sports. The applicant has agreed to enter into such an agreement.

Subject to conditions and a s106 agreement the proposal complies with policies contained in Brent's UDP 2004 and approval is recommended.

**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):

Site plan  
KHR/10/01  
KHR/10/02  
KHR/10/03A

KHR/10/04B  
KHR/10/05A  
KHR/10/06E  
KHR/10/07B  
KHR/10/08B  
KHR/10/09A  
KHR/10/12  
KHR/10/13  
KHR/10/14  
KHR/10/15  
KHR/10/16  
KHR/10/17

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

- (3) 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. 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. Such details shall include:-

(a) Details of height of boundary treatments to first floor rear terrace

(b) Details of planters and plants, including species, size and numbers, to rear terrace

NOTE - Other conditions may provide further information concerning details required.

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

- (4) No development shall take place before a scheme for adequate sound insulation to floors between units in separate occupation hereby approved has been submitted in addition to Building Regulations 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.

#### **INFORMATIVES:**

- (1) This permission does not extend to the replacement of the windows.

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: Offices 1st 2nd 3rd Floors, 101A Kilburn High Road and 2A Brondesbury Road London, NW6

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 13  
**Case No.** 10/1647

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**RECEIVED:** 25 June, 2010

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 27 Carlisle Road, Kilburn, London, NW6 6TL

**PROPOSAL:** Erection of single-storey rear and side extension to ground-floor flat

**APPLICANT:** Mr Richard Mire

**CONTACT:** Mr Damon Peddar

**PLAN NO'S:**  
See condition 2

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**RECOMMENDATION**

Approval

**EXISTING**

The subject site, located on the eastern side of Carlisle Road, is occupied by a two-storey mid-terrace property comprising of two self-contained flats. The current application relates to the ground floor garden flat. The property is located within the Queen's Park Conservation Area.

**PROPOSAL**

Erection of single-storey rear and side extension to ground-floor flat

**HISTORY**

Planning permission (89/1989) to convert the property into two self-contained flats was obtained in 1990. There is no other site history of particular relevance 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 and Extensions to Buildings in Conservation Areas

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

## **SUSTAINABILITY ASSESSMENT**

The application does not exceed the threshold that would require the submission of a sustainability assessment

## **CONSULTATION**

Consultation letters, dated 12th July 2010, were sent to 6 neighbouring owner/occupiers and the Queen's Park Residents Association. As the property is located within a Conservation Area the application was also advertised by a site notice, dated 13th July 2010, displayed outside of the site and a press notice, published on the 15th July 2010. No representations have been received in response.

## **REMARKS**

### **THE PROPOSAL**

The proposed development involves the erection of a single-storey side infill extension along most of the side return of the original rear projection. A 1.8m long open light well area would be retained between the rear of the main body of the property and the proposed extension. The extension would then project 5.6m up to the end of the rear wall of the original outrigger and would have a glazed mono-pitched roof sloping upwards from a height of 2.27m on the joint boundary with 29 Carlisle Road to an maximum height of 3m against the flank wall of the outrigger.

The site is set approximately 300mm below the neighbouring property at 29 Carlisle Road meaning that the eaves of the proposed extension would appear to be just under 2m high when measured from the ground level of this property. In particular, the window sill level of the adjoining property appears some 500mm above that of the application site and the proposed eave level along the boundary would not therefore appear to be above this reference point.

The existing boundary treatment between the properties consists of a wall with a close boarded fence above. This steps down in height from 2.17m, to 2m to 1.78m (measured from the ground level of the subject site) as it moves away from the main rear of the property to the back of the original projection. The main issues relevant to the determination of the current application are the impact of the proposed development on the outlook of neighbouring occupiers and the impact of the proposed extension on the character and appearance of the property and surrounding Queen's Park Conservation Area.

The applicant was asked to amend the scheme to include a 4m light well but has declined. The discussion below outlines the issues that have led to the officers recommendation.

### **IMPACT ON ADJOINING OCCUPIERS**

In trying to balance demand for rear extensions with neighbours amenity and local character, the Planning Committee has endorsed the approach of providing a 4m open light well, and requiring the height, design and materials of the extension to limit its apparent bulk and scale. This approach has been followed for a number of years and was recently re-endorsed at Committee when a full rear infill extension to No 30 Hopefield Road within Queens Park Conservation Area (QPCA) was refused in June 2010 (10/0290).

However, the provision of a light-well alone does not guarantee that a satisfactory balance has been struck in terms of limiting the impact on adjoining properties. This is demonstrated with a recent decision in February 2010 at 24 Carlisle Road in the QPCA (09/3288) where an Inspector dismissed an appeal on the basis of the 2.5m height of the proposed extension along the boundary despite the provision of 4m light-well. The importance of keeping the height of the extension low along the joint boundary was also highlighted by an Inspector in dismissing an appeal in March 2008 at 32 Linden Avenue (07/1748) for an infill extension with a height of 2.4m along the joint boundary and in September 2010 at 20 Berens Road (09/1506) where the height was 2.75m. A recent example within the QPCA of an Inspector balancing the benefit of replacing a higher rear extension with a lower full infill is at 29 Hopefield Avenue (09/1247) in Dec 2009



However, an appeal decision in February 2010 for 11 Donaldson Road (09/1992), which is not within a Conservation Area, indicated a particular Inspectors view that full infill extensions may have an acceptable impact on the outlook and daylight of neighbouring occupiers where the height of the extension along the boundary would be no more than approximately 2m above the neighbours ground level, the extension would be finished externally with such visually lighter materials as timber and glass and that the orientation doesn't significantly add to the harm. The Committee decision on 30 Hopefield Avenue reflected this decision by focusing the reason for refusal on the perceived harm to the character of the building and Queens Park Conservation Area.

However, the outcome of appeal decisions can only form part of any review and it is important that the Council have an influence over their own standards, whilst being mindful of appeal decisions, in order to adopt a consistent approach to infill extensions that will safeguard the amenity, in terms of outlook and daylight, expected by Brent residents both now and in the future.

All appeal decisions support the sensitivity of infilling the light well in terms of the amenities of adjoining properties. One, at 11 Donaldson Road, indicates that a 2m limit on the boundary and lightweight design would overcome this for complete infills. However, it also refers to orientation although it is not clear what weight can be attached to this in view of the general characteristics of the height, width and depth of light wells. Notwithstanding this issue, if its main conclusions are applied in future, it would not be reasonable to give different weight to the amenities of similar properties dependant on whether or not they are within a Conservation Area.

The current proposal would involve the provision of a light well that is only 1.8m in length. As discussed above, the site benefits from being set at a lower level to the adjoining property at 29 Carlisle Road. The subject and adjoining site also benefit from the ground floor rear facing windows overlooking the side return being set at a somewhat higher level than usual. As such, the window sill of the rear facing window to the neighbouring property is set at approximately the same level as the eaves of the proposed extension. It is also noted that the neighbouring property has an existing canopy, some 3.2m away from the main rear wall, which partially covers their side return and already interferes with the outlook from the rear facing windows.

On balance, while a 1.8m light well would clearly not provide the same actual or perceived sense of separation as one of 4m, given the level differences across the subject and adjoining site, it is considered that in this case a reduced light well of 1.8m would provide sufficient visual relief for neighbouring occupiers to justify an exception to the Council's normal approach to such extensions.

## CHARACTER AND APPEARANCE

In terms of character and appearance, it is considered that the spaces between the two-storey rear projections are defining characteristics of the properties within the Queen's Park Conservation Area and other similar Conservation Areas in Brent. As such, Officers consider that rear infill extensions can have an impact on the character and appearance of such properties and that this should be taken into consideration when assessing proposals for such extensions.

However, during recent appeal decisions at 24 Carlisle Road (dismissed) and 39 Hopefield Avenue (allowed), Inspectors have been inclined not to dismiss appeals on the grounds of the impact on the character and appearance of the Conservation Area. This is based largely on their limited visibility. Officers accept that public visibility can be a significant factor but find it difficult not to conclude that the wide scale infilling of all light wells may detract from the character of the area. The proposed extension would be visible from the first floor flat above the subject property and, for example, it is unclear why no significant weight has been given to the change in the character of this view for a potentially large number of people throughout the Conservation Area.

An appeal is awaited for a refusal of a full infill at 30 Hopefield Avenue where character was highlighted in the reason for refusal. This appeal decision, and other relevant cases, should inform how the design approach is developed in the future. However, currently, the appeal decisions at 39 Hopefield Avenue and 24 Carlisle Road within the QPCA do not indicate much support for this view.

#### **CONCLUSION**

The issues of amenity impact and Conservation Area character need to be pursued further. Subject to the outcome of appeals and discussion with local residents associations, it may be appropriate to include this matter in future Design Guides which may give them greater weight in future decision making, including appeals. However, it would be appropriate to maintain a reasonably consistent approach within similar Conservation Areas.

However, on the basis of the discussion above it is concluded that the application can be recommended for approval.

#### **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  
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 drawings:

- 100605/01
- 100605/02
- 100605/03
- 100605/04
- 100605/05
- 100605/06

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:**

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

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



## Planning Committee Map

Site address: 27 Carlisle Road, Kilburn, London, NW6 6TL

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This map is indicative only.

## Committee Report Planning Committee on 13 October, 2010

Item No. 14  
Case No. 10/1756

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**RECEIVED:** 16 July, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Desi Dons Public House and Function Room, 86 East Lane, Wembley, HA0 3NJ

**PROPOSAL:** Demolition of detached store, erection of a 4-storey rear extension comprising stairwell and access lift, side extension at second-floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first-, second- and third-floor level, provision of 12 off-street parking spaces, a refuse-storage area, cycle-storage area and associated landscaping to site (as amended by plans dated 29/09/2010)

**APPLICANT:** Macneil Bootsy Brogan Ltd

**CONTACT:** Studio : 08 Architecture + Planning Ltd

**PLAN NO'S:**  
(see condition 2 for details)

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### RECOMMENDATION

Approve, subject to 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
- A contribution of £42, 000 (£3000 per additional private 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.
- A contribution of £10, 000 towards local open and play space due on material start, and index-linked from the date of Committee.
- Join and adhere to the Considerate Contractors Scheme
- 

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

### EXISTING

The subject site is a former public house which in the past was known as "Bootsy Brogans" but more recently named "Desi Dons". This is an attractive 3-storey building built in the Arts and Craft style, situated on the northern side of East Lane at the junction with Peel Road, and within 100 metres of North Wembley Station.

The building is currently vacant, however the last use of the ground floor was as a public house (Use Class A4). Historically the upper parts have been used as an office (Use Class B1) with some residential accommodation provided which appears to have been used as staff quarters for the pub. A detached building to the rear, currently used for storage is to be removed as part of this application.

The building sits within a prominent corner plot, and to the west of the building the site provides visitor car parking. Vehicular access is provided via a crossover on East Lane and another on Peel Road. There is a third access at the corner of East Lane and Peel Road which is not used due to its proximity to the yellow box junction and traffic lights.

This is not in a Conservation Area, nor is the building listed.

## **PROPOSAL**

Demolition of detached store to the rear, erection of a 4 storey rear extension comprising stairwell and access lift, side infill extension at second and third floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, 1 dormer window, creation of 8 self-contained flats at first, second and third floor level, provision of 12 off-street parking spaces, a refuse storage area, cycle storage area and associated landscaping to the site (as amended by plans dated 29/09/10).

## **HISTORY**

**10/2050** - Installation of ATM machine. **Current application undetermined - recommended for approval.**

**10/2083** - Advertisement consent is sought for the installation of 2 externally illuminated fascia signage to ground floor of building facing East Lane, 1 externally internally illuminated fascia signage to ground floor facing Peel Road and 1 non-illuminated sign to first floor of building (facing Peel Road). **Current application undetermined - recommended for approval.**

**10/2085** - Installation of plant equipment and associated brick enclosure to side of existing building.. **Current application undetermined - recommended for approval**

**10/2087** – Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building. **Current application undetermined - recommended for approval**

**10/2100** - Installation and display of 8 external signs to car park, consisting of 4 directional signs, 1 gantry sign facing East Lane (externally illuminated), and 3 'Euro parking' signs in car park. **Current application undetermined - recommended for approval**

**84/1623** - Change of Use of first floor to office use. **Granted**

**84/1553** - Single storey rear extension. **Granted**

The first floor of the premises, now vacant have previously been used as an office (Use Class B1). This was granted in 1984.

Although this application relates only to the conversion of the upper floors into residential accommodation Members will be aware there are a number of other applications on this agenda which relate to the same site. These applications relate to works required in order to support the conversion of the ground floor of the premises to a TESCO Express. Although the building is currently vacant, as the last use was a public house, with ancillary function room (Use Class A4) and TESCO, the prospective occupiers, would be an A1 retail use, the applicants do not actually need planning permission to occupy the premises this is a permitted change. For the information of Members, under planning legislation it is possible to move "back up" the Use Classes Order (eg:

A4 to A1) without consent, but not "down" it (eg: A1 to A4) without getting permission from the Council.

## **POLICY CONSIDERATIONS**

### Nation Planning Policy

PPS1 Delivering Sustainable Development

PPS 3 Housing

### London Plan (Consolidated with alterations) 2008

### Brent Unitary Development Plan (2004)

STR11 Protecting the quality & character of the Borough's built & natural environment

BE1 Urban Design Statements

BE2 Townscape; Local Context & Character

BE3 Urban Structure: Space & Movement

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm; Streetscape

BE9 Architectural Quality

H10 Containment of Dwellings

H11 Housing on Brownfield Sites

H12 Residential Quality-Layout Considerations

H13 Residential Density

TRN3 Environmental Impact of Traffic

TRN4 Measures to Make Transport Impact Acceptable

TRN10 Walkable Environments

TRN11 The London Cycle Network

TRN22 Parking Standards Non-Residential Developments

TRN23 Parking Standards Residential Developments

TRN34 Servicing in New Development

TRN35 Transport Access for Disabled People

PS14 Parking Standards

PS15 Disabled Parking Standard

PS16 Cycle Parking

EMP17 Reuse of Redundant Offices

CF6 School Places

### Brent Core Strategy - July 2010

CP 2 Population & Housing Growth

CP 15 Infrastructure to Support Development

CP 17 Protecting & Enhancing the Suburban Character of Brent

CP 21 A Balanced Housing Stock

### Brent Supplementary Planning Guidance

SPG17 Design Guide for New Development

SPD S106 Planning Obligations

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

Consultation letters were sent to 75 properties on 28th July 2010

Statutory Consultees also notified were Ward Councillor's, Brent Design & Regeneration, Brent Landscape Team, Transportation Unit, Environmental Health & Thames Water

## OBJECTIONS

3 individual objections have been received, raising some or all of the following grounds for objection;

- The proposed side extension will result in a loss of privacy to properties on Byron Road
- The proposed side extension will reduce daylight and sunlight to properties on Byron Road
- The development of TESCO will affect the value of properties (not a material planning consideration)
- The new TESCO with 8 flats above will create traffic problems in the area
- The proposed rooflights (facing west) will overlook properties on Byron Road leading to a loss of privacy
- Concerned that building work and demolition has taken place even though planning permission has not yet been granted.

Sudbury Court Residents Association have formally objected to the proposal, without stating the reasons for this objection.

Members should note that the Council has received a signed petition objecting to the planned opening of a TESCO store, however the Council is not giving consideration to the principle of a TESCO store through its assessment of this application, as this relates only to the proposed extension and conversion of the upper floors into residential use. Concerns about the planned use of the ground floor fall beyond the remit of this application, or the other related applications for the site which also appear on this agenda.

Specifically, the petition expresses concern that the premises are to be occupied by a TESCO store and the harmful impact this will have on local businesses. The Council has no control over the use of the ground floor of this building for A1 retail as a change of use from A4 to A1 is permitted development and planning permission is not required. Under planning legislation it is possible to move "back up" the Use Classes order (eg A4 to A1, A2 or A3) without getting permission.

## INTERNAL RESPONSES

### Transportation;

East Lane is Local Distributor Road, and there are parking and waiting restrictions on East Lane and Peel Road (heavily parked street). The site has moderate access to public transport with PTAL Level 3. North Wembley Station is close by (approx 100m) and this serves the Bakerloo Line and London Overground. There is also close access to bus route 245 on East Lane.

There is currently parking on site for 25-35 cars to park around the building. The proposed conversion of the office space to provide 9 units (3 x 1-bed, 5 x 2-bed and 1 x 3-bed) will result in total allowance of 10.6 spaces. As 12 parking spaces are proposed this is an over provision, and the number of spaces should be reduced from 12 to 10.

Cycle parking is provided at the rear of the building for up to 10 cycles. This is welcomed and will provide adequate security. The spaces will need to be enclosed in a shelter to provide adequate weather protection.

Refuse storage is proposed in the northeastern corner of the site, with standing space indicated for a refuse vehicle clear of the highway, accessed via the existing crossover on Peel Road.

The existing accesses on East Lane and Peel Road are acceptable, but the access in the south eastern corner of the site emerges onto the junction of two roads, which conflicts with the signalised junction. Transportation will seek the reinstatement of this crossover to footway, prior to the occupation of any new development and at the applicants expense.



Subject to the reduction in parking spaces from 12 to 10 there would be no objection on transportation grounds.

#### Environmental Health

There is no objection raised but in their response Officer's have highlighted the stacking arrangement as being a potential problem and request further details of the sound insulation measures proposed to reduce noise transmission between dwellings. In addition clarification of the intended ground floor use has been sought in order to establish the potential for noise and disturbance to the residential units above.

Having confirmed the intended A1 retail use of the ground floor, and the Noise Assessment submitted in support of application (10/2085) also on this agenda Officer's have confirmed the use is unlikely to result in noise disturbance to nearby residential premises.

A condition relating to noise insulation has been recommended to be attached to any permission.

#### Landscape

Some concerns have been raised, these concern the following;

- Amenity space provision is less than SPG17 standards and this should be amended to provide at least 20m<sup>2</sup> per flat.
- A full and complete landscape plan shall be submitted to include species, location, quantity, size and planting density.
- New trees should be planted.
- Details of all hard landscaping shall be provided.
- Cycle storage should be covered and secure.

*(amendments have been made and these are discussed below in the 'Remarks's section)*

#### Thames Water

No objection raised (please see informative)

#### Secure by Design

The views of Secure by Design Officer's have been sought to ensure the development promotes a safe and secure environment. Their observations highlighted the following;

- That the refuse and cycle store would provide a potential hiding place for criminals lacking natural surveillance, and it was suggested this be re-orientated.
- Access to the amenity space should be controlled to ensure its for residents use only.
- The rear amenity space and circulation routes need to have low level bollard lighting in order to ensure a safe well lit environment.

### **REMARKS**

#### Principle of Redevelopment

Bootsy Brogans as it was formerly known is a prominent building in the locality and is a good example of Arts and Craft style architecture, however it is not on the Statutory List, nor is it Locally Listed. Redevelopment of sites of this nature for a greater intensity of residential development is reliant on certain pre-conditions. Uppermost of these is the requirement for proposals to satisfy policies BE2 and BE9 of the Brent Unitary Development Plan, which stipulate that proposals must respect or improve the existing townscape, be appropriate to its setting and embody a creative and appropriate design solution.

For the reasons discussed below the proposal is considered to be of sufficient quality of design to comply with the above policies.

## Loss of Public House & function room

The existing Public House is the subject of this application for the conversion of the upper floors into residential accommodation. The ground floor of the premises does not form part of this application as this is to be converted into A1 retail use, TESCO are the intended occupier. Members have been advised earlier in this report that the change of use of the ground floor from A4 to A1 is a permitted change under planning legislation. This change is not something in the Councils control, and it does not form part of the Councils assessment of any of the applications which appear on this agenda related to this site.

Whilst the loss of this public house may be considered unfortunate by some, its loss cannot be resisted on planning grounds. The loss of this public house follows a recent trend across the Borough which has resulted in the loss of a number of large suburban 'road house' public houses. Such sites are often large enough, well positioned and offer development potential, conditions such as this coupled with the fact the loss of public houses (Use Class A4) cannot be resisted on planning grounds has resulted in their gradual decline in numbers. Many of these suburban pubs have as a consequence been demolished to pave the way for new residential developments. Whilst the loss of the A4 use on this site is unfortunate it is welcoming that the proposed development seeks to maintain the existing building, as this is an attractive, prominent building.

Accompanying this decline in suburban public houses, Brent's town centres have seen an increase in A4 uses. A number of permissions have been granted in recent years across the Borough, in more sustainable town centre locations for smaller A4 uses, to be used as bars/wine bars.

The single storey side annex has been used in the past as a function room, but always as an ancillary use to the main public house. In the past this function room has been used by the pub as a late night venue with a DJ, as it has a licence until 3am. Other than this it has been hired out infrequently for private parties and various functions by current and previous owners. In any event the change of the ground floor to A1 (or A2 and A3) is a permitted change over which the Council has no control.

## Design

The existing 3-storey building is an attractive brick built Arts and Crafts style building. A number of minor external alterations have been carried out in the past along with the addition of an ancillary single storey side extension and detached storage building. However the building still retains much of its original architectural integrity. The building still has its original dormer windows, a decorative facade (brickwork and stucco) bay windows and tall decorative brick chimneys. The original timber sash windows have also been kept.

The proposals for a residential conversion of the 1st, 2nd and 3rd floors to create 9 flats (1 existing at 2nd floor) are to be facilitated through an infill extension at 2nd and 3rd floor to the north western corner of the building. The infill extension will be constructed in matching materials and will respect the original character of the building by maintaining the original eaves lines and ridge lines. A new dormer window facing west to match the scale design and proportions of the original dormers is proposed, along with velux rooflights at 3rd floor.

To the rear of the building it is proposed to demolish an unsympathetic 2-storey rear stairwell addition, built in 1984. The existing staircase fixed to the outside of the building is to be replaced with a fully enclosed 4-storey addition which is to be built in red multistock brick to match existing with red concrete tiles also to match. The rear facade of this is to be predominantly glazed, providing natural light to the stairwell. Officer's consider this extension will have minimal visual impact as it is sited to the rear of the building and is only going to be visible from certain viewpoints on Peel Road.

The external alterations will result in 10 velux rooflights being installed on the north, south and east facing elevations. The rooflights will provide natural daylight and sunlight to the residential accommodation on the upper floors, and are necessary in terms of providing an acceptable standard of residential accommodation.

A detached single storey building, to the rear of the building is to be demolished. The removal of this building will allow a secure communal amenity area to be provided for the future residential occupiers.

Officers consider the proposed extensions and external alterations to be in keeping with the original character and appearance of the building, and the design, scale, massing and palette of materials will maintain the architectural integrity of the building.

### Residential Amenity

#### **Quality of Residential Accommodation**

Historically the upper floors have provided an element of residential accommodation, there is 1 existing 1-bed unit on the 2nd floor.

It is proposed to provide the following accommodation resulting in a net increase in 8 units;

<b>Unit No</b>	<b>No of Bedrooms</b>	<b>Floor Area (m2)</b>	<b>SPG17 standard (m2)</b>
1.1	2-bed/4-person	70	65
1.2	2-bed/4-person	67	65
1.3	2-bed/4-person	66	65
1.4	2-bed/4-person	65	65
2.1	1-bed/2-person	52	55
2.2	1-bed/2-person	58	55
2.3	2-bed/4-person	77	65
2.4	1-bed/2-person	57	55
3.1	3-bed/6-person	120	80

All these units comply with minimum floor area standards in SPG17, and in some cases units exceed the minimum.

The internal layout fails to achieve the correct stacking of like-for-like rooms above and below each other. officer's have raised this, as there is a concern that noise transmission between units will cause problems of disturbance to future occupiers. The applicants response to this is that the constraints of the existing building (in particular differing floor plan perimeter positions, window sizes and their positions) have largely dictated the internal floor layouts. Taking these circumstances into consideration it does not appear to be realistic to expect that the internal layout be re-configured to achieve correct stacking, so Officer's are recommending approval with a condition attached to ensure adequate noise insulation has been achieved. This is in order to ensure an adequate standard of residential accommodation for future occupiers.

All units will benefit from outlook, natural daylight and sunlight and where necessary new dormers or rooflights will be installed to aid this.

The access to the residential flats will remain from the rear, and by keeping this access the residential accommodation maintains an entrance completely sperate from the A4-A1 uses on the ground floor.

All units are to meet Lifetime Homes Standards and have been designed to meet Wheelchair Accessibility Standards in response to London Plan Policy 3A.4.

## **Impact on Adjoining Residential Occupiers**

The 4-storey rear extension will not impact on the amenities of 5 Peel Road as this flank wall is void of any facing windows. In any event the footprint and scale of this extension does not significantly increase the existing building footprint, nor does it project beyond the rear of the adjoining building. The windows proposed to this rear elevation are to the stairwell and circulation corridors only, so will not result in over looking from habitable rooms. Where a habitable room can be found at 1st floor level, within the rear wall of the proposed infill extension the distance from this to the northern boundary is 9.8m. This is considered to be an acceptable relationship, as the minimum distance that should be provided to maintain privacy standards is 10m from a habitable room to a boundary.

The infill extension that is proposed at 2nd and 3rd floor is set away from the boundaries with neighbouring residential properties. The size and scale of this extension combined with its distance from boundaries comfortably meets the 45 degree test. This test seeks to ensure a satisfactory scale in order to prevent any significant overbearing impact. As the proposed development does not breach this line, the proposal is not considered to have an unduly detrimental impact on neighbouring residential amenity in terms of loss of light, overbearing and overshadowing impact.

Where new windows are proposed facing west these are set of the boundary with 100 East Lane by 33m. The same windows in this elevation are 21.6m from the back edge of gardens to the closest property on Byron Road. In all cases the distance from windows to boundaries comply with the 10m minimum set out in SPG17, and the separation distances of facing windows significantly exceeds the 20m standard. Accordingly Officer's do not foresee that the proposal will result in unacceptable loss of residential amenity through overlooking or a loss of privacy.

### Mix of Units

Nine units are proposed in total, eight of these are additional as the property currently has 1 existing residential unit on the upper floor. The nine units comprise 3 x 1-bed, 5 x 2-bed and 1 x 3-bed, this mix is acceptable as the provision of a family sized unit (3+ bedrooms) will meet the intentions of Core Strategy policy CP 2 to provide 25% of all new homes as family sized, and helps meet the identified Borough need for more family housing.

### Transportation

The transportation merits of this application concern the proposed residential use only, as the permitted change of the ground floor to A1 retail is outside of the Council's control.

The site is located in an area with moderate access to public transport, with PTAL: Level 3. The local roads are not subject to controlled parking, other than restrictions that are in place on Wembley Event Days. Full parking standards are therefore applicable which would permit 1 space for each of the 1-bed units, 1.2 spaces for each of the 2-bed units and 1.6 spaces for the 3-bed unit. The maximum parking allowance for the residential units would therefore be 10.6 spaces. As originally submitted the scheme proposed 12 parking spaces, based on the advice of Transportation Officer's this over provision has since been reduced from 12 to 10 spaces (including 1 disabled space). These spaces are solely for the residents, and to avoid any use of these spaces by visitors to the ground floor use the 10 spaces will have access to them controlled via an automated sliding gate.

For the proposed residential units at least 1 cycle space is required per flat. The bicycle storage area proposed to the rear will provide up to 10 spaces which meets the policy standard.

Refuse storage is proposed in the north eastern corner of the site, with standing space indicated for a refuse vehicle to wait clear of the highway, and this is to be accessed via the existing vehicular access from Peel Road. This arrangement will allow easy collection of bins clear of the

adjoining highway.

Fire appliances will be able to easily access all entrances to the building from the adjoining highway or site frontage.

In terms of access the site has two main accesses at present, one from East Lane and the other from Peel Road. There is a further access in the south eastern corner of the site which emerges onto the signalised 'yellow boxed' junction. This access does not appear to be used, in any event it could be in the future, as this is highly unsafe Transportation advises that a condition of any approval should require its reinstatement to crossover, at the applicant's expense.

#### Landscape & amenity

A revised landscaping scheme has been submitted following the comments of Brent's Landscape Design Officer which increases the amount of amenity space on-site.

In order to meet SPG17 amenity space standards, and provide a reasonable quality of accommodation the 9 units should benefit from 190m<sup>2</sup> of amenity space (50m<sup>2</sup> for the family unit and 20m<sup>2</sup> each for the 1 and 2-bed flats). The revised landscaping scheme will make provision for approximately 160m<sup>2</sup> of communal amenity space to the rear of the site, this results in a shortfall of 30m<sup>2</sup>. It is difficult to provide any more amenity space than this because of the need to provide adequate parking, maintain vehicle circulation routes and because of the footprint of the existing building. Furthermore it would not be practical, due to the layout of the building or desirable to provide this by way of balconies as Officer's consider these would detract from the original character and appearance of the building. The shortfall is not ideal, however Sudbury Court Open Space is within 400 metres, so the site does not fall within an area of local open space deficiency.

No formal childrens play space is provided on-site, and in accordance with London Plan Policy 3D.13 it is expected that developments for housing should make provision for play space and informal recreation on-site. However a pragmatic view must be taken in applying this policy as it would not be achievable on all sites, and the constraints of this site would make it impractical for play space to be provided.

As there is a shortfall in amenity space on-site it is considered this should be off-set through an additional contribution towards play and open space improvements off-site. This additional contribution would allow for off-site improvements to childrens play, and the applicants agree to a contribution of £10, 000.

The communal areas proposed are to be landscaped with hard and soft landscaping. The layout proposes lawn areas, bordered by native hedge mix around the perimeter and to enhance the quality of this space, 2 new trees are proposed (1 x Pendunculate Oak and 1 x Birch). To make this a useable environment for prospective occupiers benches are proposed and low level bollard lighting.

Whilst the quantum of amenity space results in a shortfall the layout suggests a certain quality of environment can be achieved which would make these spaces attractive for the intended users.

#### Response to Objectors

***The proposed side extension will result in a loss of privacy to properties on Byron Road. The proposed rooflights (facing west) will overlook properties on Byron Road leading to a loss of privacy.***

The new windows proposed to the upper floors which would be facing west towards Byron Road would be at an oblique angle to the windows on the rear elevation of neighbouring properties. These new windows are set off the closest garden boundary to " Byron Road by 20.6m, and are separated from windows on the rear elevation by a distance greater than 40m.

Given these generous separation distances then SPG17 is complied with and Officer's do not consider the proposal will result in a loss of privacy.

***The proposed side extension will reduce daylight and sunlight to properties on Byron Road.***

As discussed above the properties on Byron Road are some distance away, the proposed extension comfortably meets the 30 degree and 45 degree tests, laid down in SPG17. Due to this compliance Officer's do not consider the extension will an unduly detrimental impact on neighbouring residential amenity in terms of loss of light, overbearing and overshadowing impact.

***The development of TESCO will affect the value of properties (not a material planning consideration) & the new TESCO with 8 flats above will create traffic problems in the area.***

Members are reminded that the principle of a TESCO store is not being considered by the Council, this is a permitted change over which the Council has no control. Whilst this application is only for the proposed conversion of the upper floor, and extensions Members will be aware that other applications appear on this agenda, and that these relate to the proposed physical works that TESCO intend to carry out.

Whether or not a development impacts on property values is not a material planning consideration.

This proposal has been assessed on Transportation grounds and the number of parking spaces complies with residential parking standards. The traffic impacts of TESCO cannot be considered, as this is a permitted change the Council cannot control this.

***Concerned that building work and demolition has taken place even though planning permission has not yet been granted.***

The site has hoardings around it and it appears that internal works are being carried out. However planning permission is not required for internal alterations or for demolition as the building is not Listed, within a conservation area or attached to residential premises.

**Conclusion**

Your officers consider that the proposal will maintain the amenities of surrounding residents and provide a satisfactory standard of residential accommodation. The proposed extensions are considered to be appropriate in terms of scale and design maintaining the architectural integrity of this building and respecting the general character of the area. The success of the proposed alterations will be largely dependent on the quality of materials to ensure the works carried out are in keeping with and sympathetic to the building and therefore the use of the agreed materials can be secured by condition to ensure a good quality finish is achieved. As such it is recommended that the scheme be approved, subject to conditions.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance

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  
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 drawing(s) and/or document(s):

1729.EX.00 (1:400)	1729.P.00, revB (1:400)
1729.EX.01 (1:200)	1729.P.01, revB (1:200)
1729.EX.02 (1:200)	1729.P.02 (1:200)
1729.EX.03 (1:200)	1729.P.03 (1:200)
1729.EX.04 (1:200)	1729.P.04 (1:200)
1729.EX.05 (1:200)	1729.P.05 (1:200)
1729.EX.06 (1:200)	1729.P.06, revA (1:200)
1729.S.01 (1:100)	1729.P.07, revA (1:200)

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

- (3) Prior to first occupation of the residential units all areas indicated for hard and soft landscape works on the approved plan (Drg 1729.P.01,revB) including the communal amenity area shall be suitably landscaped with trees/shrubs/plants and hard surfacing in accordance with these details hereby approved, and such landscaping work shall thereafter be maintained in accordance with the approved scheme.

Any trees, shrubs and plants 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 and plants of similar species and size to those originally planted.

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

- (4) All residential parking spaces (including cycle bays), shall be permanently marked out prior to first occupation of any of the residential units hereby approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose except with the prior permission of the local planning authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which provides adequate cycle and car parking in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (5) No additional windows, doors or other openings (other than any shown in the approved drawings) shall be constructed in the building, without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers, in the interests of good neighbourliness and to preserve the architectural integrity of the building.

- (6) The existing vehicular crossover in the south eastern corner of the site shall be

reinstated to footway/verge at the applicant's expense prior to first occupation of the new dwellings.

Reason: In the interests of highway and pedestrian safety

- (7) 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.

- (8) Following completion of the building works and prior to first occupation of any of the residential units a post-completion report demonstrating that "the approved" internal noise levels (in accordance with BS8233:1999 Sound insulation and noise reduction for buildings) have been achieved in habitable rooms, shall be submitted to and approved in writing by the Local Planning Authority.

Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: To ensure that the future occupiers are not subjected to noise the harm that may be caused by noise transmission between units and to ensure an adequate standard of amenity.

- (9) 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:**

In relation to Condition 3 Environmental Health advises the applicant to consider the following to ensure compliance with this condition;

The main provisions for the purposes of this condition are as follows:

Dwelling-houses and flats – performance standards for separating walls, separating floors, and stairs that have a separating function

	Airborne Sound Insulation $D_{nT'w} + C_{tr}$ ( <b>Minimum</b> Values)	Impact Sound Insulation $L_{nT'w}$ ( <b>Maximum</b> Values)
Purpose built dwelling – houses and flats		
Walls	45	-
Floors	45	62
Dwelling-houses and flats formed by material change of use		
Walls	43	-



Floors	43	64
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Rooms for residential purposes – performance standards for separating walls, separating floors, and stairs that have a separating function

	Airborne Sound Insulation $D_{nT'w} + C_{tr}$ (Minimum Values)	Impact Sound Insulation $L_{nT'w}$ (Maximum Values)
Purpose built rooms for residential purposes		
Walls	43	-
Floors	45	62
Rooms for residential purposes formed by material change of use		
Walls	43	-
Floors	43	64

**Reason:** To protect the amenity of the residents and secure a satisfactory living standard in the development.

- (1)
- (2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### REFERENCE DOCUMENTS:

London Plan (consolidated with alterations) 2008  
London Borough of Brent, UDP 2004  
Brent Core Strategy - July 2010

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: Desi Dons Public House and Function Room, 86 East Lane, Wembley, HA0 3NJ

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This map is indicative only.

## Committee Report Planning Committee on 13 October, 2010

Item No. 15  
Case No. 10/2050

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**RECEIVED:** 2 August, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 86 East Lane, Wembley, HA0 3NJ

**PROPOSAL:** Installation of ATM machine to front elevation of former public house

**APPLICANT:** Tesco Stores Ltd

**CONTACT:** CgMs Consulting

**PLAN NO'S:**  
(see condition 2 for details)

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### RECOMMENDATION

Approval

### EXISTING

The subject site is a former public house known as "Bootsy Brogans" this 3-storey building is situated on the northern side of East Lane at the junction with Peel Road. The present building is vacant, however the last use of the ground floor was as a public house (Use Class A4).

This is not in a Conservation Area, nor is the building listed.

TESCO plan to open one its *TESCO Express* stores on the ground floor. Planning permission is not required to change from Use Class A4 to A1 retail.

### PROPOSAL

This is one of a series of applications for minor works submitted in association with the proposed permitted change from A4 to A1 retail use.

Full planning permission is sought for the installation of ATM to front elevation of former public house.

### HISTORY

**10/1756** - Demolition of detached store, erection of a 4 storey rear extension comprising stairwell and access lift, side extension at second floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first, second and third floor level, provision of 12 off-street parking spaces, a refuse storage area, cycle storage area and associated landscaping to site. **Current application undetermined - recommended for approval**

**10/2083** - Advertisement consent is sought for the installation of 2 externally illuminated fascia signage to ground floor of building facing East Lane, 1 externally internally illuminated fascia signage to ground floor facing Peel Road and 1 non-illuminated sign to first floor of building (facing

Peel Road). **Current application undetermined - recommended for approval.**

**10/2085** -. Installation of plant equipment and associated brick enclosure to side of existing building.. **Current application undetermined - recommended for approval**

**10/2087** – Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building. **Current application undetermined - recommended for approval**

**10/2100** - Installation and display of 8 external signs to car park, consisting of 4 directional signs, 1 gantry sign facing East Lane (externally illuminated), and 3 'Euro parking' signs in car park. **Current application undetermined - recommended for approval**

**84/1623** - Change of Use of first floor to office use. **Granted**

**84/1553** - Single storey rear extension. **Granted**

Although the building is currently vacant, as the last use was a public house, with ancillary function room (Use Class A4) and TESCO, the prospective occupiers, would be an A1 retail use, the applicants do not actually need planning permission to occupy the premises. For the information of Members, under planning legislation it is possible to move "back up" the Use Classes Order (eg: A4 to A1) without consent, but not "down" it (eg: A1 to A4) without getting permission from the Council.

The first floor of the premises, now vacant have previously been used as an office (Use Class B1). This was granted in 1984.

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

**BE5** – Urban Clarity and Safety

**BE9** – Architectural Quality

**SH21** – Shopfront Design

### **SPG**

**SPG 7** – Shopfront and Shop Signs

**SPG12** – Access for Disabled People

### *Considerations;*

Impact on highway safety

Impact on character of area

Access for Disabled People

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

-Ward Councillors;- no comments

-Landscape;-no comments

-Transportation;-Generally supportive of the proposed ATM installation.

-Environmental Health;-No objection (see remarks section)

-Thames Water; no comments

A petition has been received objecting to the planned opening of a TESCO store, however the Council is not giving consideration to the principle of a TESCO store through its assessment of

these series of applications. Concerns about the planned use fall beyond the remit of this application, or the other related applications for the site which also appear on this agenda.

Specifically, the representations express concern that the premises are to be occupied by a TESCO store and the harmful impact this will have on local businesses. The Council has no control over the use of the ground floor of this building for A1 retail as a change of use from A4 to A1 is permitted development and planning permission is not required. Under planning legislation it is possible to move "back up" the Use Classes order (eg A4 to A1, A2 or A3) without getting permission.

## **REMARKS**

### **USE & POLICY CONTEXT**

The most recent use of the ground floor was as a public house use class A4 (drinking establishment).

This application proposes the installation of an ATM in support of the conversion of the ground floor, to a retail use (A1). The change constitutes permitted development, with A4 uses being able to change "up" the Use Classes Order (eg: to A1, A2 and A3) without the need for consent. The planning history of the site is set down earlier in this report and as such the application is for the proposed ATM only. For the avoidance of doubt, issues raised in relation to the anticipated A1 use fall outside the remit of this application.

The site is on the very edge of an existing Local Centre which is on the southern side of East Lane. Given the buildings history for commercial uses, and the permitted changes that can be exercised to A1, A2 or A3 in the event that planning permission was required it is unlikely the Council would object on policy grounds to a retail use of this size, and in this location.

When considering applications for new retail development the Council is required to follow the Government's 'sequential' approach. This requires new retail floor space to be located within the Council's existing network of defined town, district and local centres. If an appropriate site is not available within a nearby centre then an edge of centre site may be acceptable. As there are no available units of the size required by Tesco within the existing Local Centre and the next nearest Centre is Wembley where they already have an established store it is probable that if planning permission were required for the change of use the recommendation from officers would be to approve.

Members should note that there are separate applications on this agenda for proposed plant, physical alterations, for new and replacement car park signage, and car park adverts for the same site.

### **ATM**

The ATM is proposed to be sited in the front elevation facing East Lane, and to the side of the new entrance within a new purpose built brick 'pod' enclosure. The enclosure will be constructed in brick to match the existing building in order to minimise its visual impact.

The ATM will be 1082mm high x 552mm wide. The mid-point of the cash machine will be at a height of 1m above ground level. This is in accordance with SPG12 '*Access for Disabled people*' as this seeks to ensure that card slots are no higher than 1300mm from the ground. As a result the cash machine will be accessible to wheelchair users.

In order to provide a safe and secure environment for shoppers and to take full account of the need for community safety and crime prevention measures in accordance with UDP policy BE5 (Urban Clarity and Safety) the proposed bollards in front of the entrance door and in front of the ATM unit will act as deterrents to 'ram raiding'. The proposal for the installation of the bollards is the subject of another application on this agenda (ref; 10/2087).

There are no highway or traffic safety issues related to this location. As it is set back from the public highway by approximately 10m it is not envisaged this will cause any obstruction to pedestrian flow or present a danger to vehicle traffic. Brent Transportation support the proposal.

In relation to policies BE5, BE9 and TRN10 (UDP 2004), the proposed ATM is considered acceptable in respect to highway safety and the architectural design of the building.

Environmental Health raises no objection having assessed the applicants acoustic report.

#### OTHER ISSUES

As far as the future Servicing of the site is concerned, the Transportation Engineer has not considered if this in compliance with adopted standards as the principle of the use is not sought. In any event the Transportation Engineer has confirmed that the existing East Lane access will allow entry for servicing and delivery vehicles, who would then reverse within the site and exit from the same access.

#### SUMMARY

The proposal is considered to be in accordance with policies BE5, BE9 and SH21 of Brent's Unitary Development Plan 2004 and SPG 12 *Access for Disabled People*. The proposal is appropriate in this location. As such, this application does not present any material harm to the existing building or the surrounding occupiers. It is recommended that full planning permission be *granted*.

There is obviously a level of concern about the proposed occupation of the premises by a retail store of this kind. Whilst Officers can appreciate some of the points raised by third parties and understand the concerns that have been made, the fact is that the use of the building is not for consideration at this time, for the reasons set out above. Consequently, discussions must only focus on what it is that is being applied for.

#### 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

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

#### 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):

Location plan (1:1250)  
9914-01, revA (1:100)  
9914-05, revB (1:100)  
9914-30, revC (1:100)

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

London Borough of Brent, UDP 2004  
SPG12 'Access for Disabled People'

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: 86 East Lane, Wembley, HA0 3NJ

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 16  
**Case No.** 10/2083

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**RECEIVED:** 3 August, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 86 East Lane, Wembley, HA0 3NJ

**PROPOSAL:** Advertisement consent is sought for the installation of 2 externally illuminated fascia signage to ground floor of building facing East Lane, 1 externally internally illuminated fascia signage to ground floor facing Peel Road and 1 non-illuminated sign to first floor of building (facing Peel Road)

**APPLICANT:** Tesco Stores Ltd

**CONTACT:** CgMs Consulting

**PLAN NO'S:**

Site Location Plan: Car Park Signage (1:1250)

9914-05 Rev. B (1:100)

9914-51 Rev. A (1:100, 1:20 & 1:10)

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**RECOMMENDATION**

Approve

**EXISTING**

The subject site is a former public house known as "Bootsy Brogans", this 3-storey building is situated on the northern side of East Lane at the junction with Peel Road. The present building is vacant, however, the last use of the ground floor was as a public house (Use Class A4).

This is not in a Conservation Area, nor is the building listed.

Tesco plan to open one of its *Tesco Express* stores on the ground floor. Planning permission is not required to change from Use Class A4 (existing) to A1 retail.

**PROPOSAL**

This is one of a series of applications for minor works submitted in association with the proposed permitted change from A4 to A1 retail use.

Advertisement consent is sought for the installation of 2 externally illuminated fascia signs to the ground floor of the building facing East Lane, 1 externally internally illuminated fascia sign to the ground floor facing Peel Road and 1 non-illuminated sign to the first floor of the building (facing Peel Road).

**HISTORY**

**10/1756** - Demolition of detached store, erection of a 4-storey rear extension comprising stairwell and access lift, side extension at second floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first-, second- and third-floor level,

provision of 12 off-street parking spaces, a refuse-storage area, cycle-storage area and associated landscaping to site. **Current application undetermined - recommended for approval.**

**10/2087** - Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building. **Current application undetermined - recommended for approval**

**10/2050** – Installation of ATM. **Current application undetermined - recommended for approval**

**10/2100** - Installation and display of 8 external signs to car park, consisting of 4 directional signs, 1 gantry sign facing East Lane (externally illuminated), and 3 "Euro parking" signs in car park. **Current application undetermined - recommended for approval**

**84/1623** - Change of use of first floor to office use. **Granted**

**84/1553** - Single-storey rear extension. **Granted**

#### LAWFUL USE

Although the building is currently vacant, as the last use was a public house, with ancillary function room (Use Class A4) and Tesco, the prospective occupiers, would be an A1 retail use, the applicants do not actually need planning permission to occupy the premises. For the information of Members, under planning legislation it is possible to move "back up" the Use Classes Order (e.g. A4 to A1) without consent, but not "down" it (e.g. A1 to A4) without getting permission from the Council.

The first floor of the premises, now vacant, have previously been used as an office (Use Class B1). This was granted in 1984.

#### **POLICY CONSIDERATIONS**

##### **Brent UDP 2004**

**BE2** – Local Context & Character

**BE9** – Architectural Quality

**BE20** – Advertisements on Buildings

**SH21** – Shopfront Design

#### **SPG**

**SPG 7** – Shopfronts and Shop Signs

##### *Considerations;*

Impact on highway safety

Impact on character of area

Impact on surrounding amenities

#### **SUSTAINABILITY ASSESSMENT**

N/A

#### **CONSULTATION**

75 individual properties were notified by letter (dated 06/09/2010).

Ward Councillors made no representations.

Transportation raise no objection to the plans, as amended.

A petition has been received objecting to the planned opening of a Tesco store, however, the Council is not giving consideration to the principle of a Tesco store through its assessment of these series of applications. Concerns about the planned use fall beyond the remit of this application, or the other related applications for the site which also appear on this agenda.

Specifically, the representations express concern that the premises are to be occupied by a Tesco store and the harmful impact this will have on local businesses. Members are advised that the Council has no control over the use of the ground floor of this building for A1 retail, as a change of use from A4 to A1 is permitted development and planning permission is not required. Under planning legislation it is possible to move "back up" the Use Classes order (e.g. A4 to A1, A2 or A3) without getting permission.

## REMARKS

### USE & POLICY CONTEXT

The most recent use of the ground floor was as a public house Use Class A4 (drinking establishment).

This application proposes the installation of adverts to support the conversion of the ground floor, to a retail use (A1). The change constitutes permitted development, with A4 uses being able to change "up" the Use Classes Order (eg: to A1, A2 and A3) without the need for consent. The planning history of the site is set down earlier in this report and as such the application is for the proposed display of signage only. For the avoidance of doubt, issues raised in relation to the anticipated A1 use fall outside the remit of this application.

The site is on the very edge of an existing Local Centre which is on the southern side of East Lane. Given the buildings history for commercial uses, and the permitted changes that can be exercised to A1, A2 or A3 in the event that planning permission was required it is unlikely the Council would object on policy grounds to a retail use of this size, and in this location.

When considering applications for new retail development the Council is required to follow the Government's 'sequential' approach. This requires new retail floor space to be located within the Council's existing network of defined town, district and local centres. If an appropriate site is not available within a nearby centre then an edge of centre site may be acceptable. As there are no available units of the size required by Tesco within the existing Local Centre and the next nearest Centre is Wembley where they already have an established store it is probable that if planning permission were required for the change of use the recommendation from officers would be to approve.

There are separate applications on this agenda for proposed external alterations, the installation of an ATM, for new and replacement car park signage and for installation of air conditioning units (see relevant history) for the same site.

### DESIGN

This forms one of the advertisement applications and seeks consent for shop front signage to be displayed. This should be read in conjunction with the application for physical alterations to the building which also appears on this agenda

- The existing timber fascia sign board facing East Lane is to be repaired and made good and individual lettering is to be fixed to display "*Tesco Express*". The fascia is to be externally illuminated by swan-neck lamps with luminance levels of 300 candelas m<sup>2</sup>.
- Smaller "*Tesco Express*" lettering is to be sited above the main entrance door facing East Lane. This lettering is to be individually pinned onto rails and externally illuminated by swan-neck lamps with luminance levels of 300 candelas m<sup>2</sup>.
- On the Peel Road elevation, an existing high-level sign is to be kept and re-branded to display "*Tesco Express*" and "opening hours". This sign is to be non-illuminated.

- On the Peel Road elevation, externally illuminated "*Tesco Express*" lettering, fixed on rails is proposed. This will be illuminated by swan-neck lamps, at a luminance level of 300 candelas m<sup>2</sup>.

As all the signage will consist of static luminance with 300 candela m<sup>2</sup>, the signage is in accordance with SPG 7: "Shopfronts and Shop Signs".

The Council's Transportation Unit has assessed the proposal and finds the luminance levels to be acceptable. No objection is raised on transportation grounds.

The proposed signage does not harm the character or appearance of the premises, in particular, or the locality in general.

#### OTHER ISSUES

As far as the future Servicing of the site is concerned, the Transportation Engineer has not considered if this is in compliance with adopted standards as the principle of the use is not sought. In any event the Transportation Engineer has confirmed that the existing East Lane access will allow entry for servicing and delivery vehicles, who would then reverse within the site and exit from the same access.

#### SUMMARY

The advert proposal needs to be read in conjunction with proposed external alterations to the building. As the proposed external alterations and signage are minor in nature and have therefore been kept to a minimum it is considered the works are sympathetic to, and will respect the character and appearance of the original building. The proposed adverts are therefore considered to be in accordance with policies BE2, BE9, BE20 and SH21 of Brent's Unitary Development Plan 2004 and SPG 7: "Shopfronts and Shop Signs". As this application does not present any material harm to the existing building or the surrounding occupiers, it is recommended that advertisement consent be granted.

There is obviously a level of concern about the proposed occupation of the premises by a retail store of this kind. Whilst Officers can appreciate some of the points raised by third parties and understand the concerns that have been made, the fact is that the use of the building is not for consideration at this time, for the reasons set out above. Consequently, discussions must only focus on what it is that is being applied for.

**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 7: "Shopfronts and Shop Signs"

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

## **CONDITIONS/REASONS:**

- (1) This permission is granted subject to the requirements of Regulation 14(7)(b) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which states that every grant of express consent shall operate for a period of five years from the date of consent and is subject to the following standard conditions stipulated in Schedule 2 to the said Regulations:-
- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - (ii) No advertisement shall be sited or displayed so as to endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
  - (iii) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.
  - (iv) No advertisement shall be sited or displayed so as to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
  - (v) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - (vi) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  - (vii) Where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Following the expiration of the period of five years, to which this permission relates, the advertisement(s) and all fixtures and fittings associated with it (them) shall be removed.

Reason: To conform with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

## **INFORMATIVES:**

None Specified

## **REFERENCE DOCUMENTS:**

London Borough of Brent, UDP 2004  
SPG 7 'Shop fronts and shop signs'

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: 86 East Lane, Wembley, HA0 3NJ

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## Committee Report Planning Committee on 13 October, 2010

Item No. 17  
Case No. 10/2085

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**RECEIVED:** 2 August, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 86 East Lane, Wembley, HA0 3NJ

**PROPOSAL:** Installation of plant equipment and associated brick enclosure to side of existing building.

**APPLICANT:** Tesco Stores Ltd

**CONTACT:** CgMs Consulting

**PLAN NO'S:**  
(see condition 2 for details)

---

### RECOMMENDATION

Approve

### EXISTING

The subject site is a former public house known as "Bootsy Brogans" this 3-storey building is situated on the northern side of East Lane at the junction with Peel Road. The present building is vacant, however the last use of the ground floor was as a public house (Use Class A4).

This is not in a Conservation Area, nor is the building listed.

TESCO plan to open one its *TESCO Express* stores on the ground floor. Planning permission is not required to change from Use Class A4 to A1 retail.

### PROPOSAL

This is one of a series of applications for minor works submitted in association with the proposed permitted change from A4 to A1 retail use

Full planning permission is sought for the installation of plant equipment and associated brick enclosure to side of existing building.

### HISTORY

**10/1756** - Demolition of detached store, erection of a 4 storey rear extension comprising stairwell and access lift, side extension at second floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first, second and third floor level, provision of 12 off-street parking spaces, a refuse storage area, cycle storage area and associated landscaping to site. **Current application undetermined - recommended for approval**

**10/2083** - Advertisement consent is sought for the installation of 2 externally illuminated fascia signage to ground floor of building facing East Lane, 1 externally internally illuminated fascia

signage to ground floor facing Peel Road and 1 non-illuminated sign to first floor of building (facing Peel Road). **Current application undetermined - recommended for approval.**

**10/2087** - Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building. **Current application undetermined - recommended for approval**

**10/2050** – Installation of ATM. **Current application undetermined - recommended for approval**

**10/2100** - Installation and display of 8 external signs to car park, consisting of 4 directional signs, 1 gantry sign facing East Lane (externally illuminated), and 3 'Euro parking' signs in car park. **Current application undetermined - recommended for approval**

**84/1623** - Change of Use of first floor to office use. **Granted**

**84/1553** - Single storey rear extension. **Granted**

Although the building is currently vacant, as the last use was a public house, with ancillary function room (Use Class A4) and TESCO, the prospective occupiers, would be an A1 retail use, the applicants do not actually need planning permission to occupy the premises. For the information of Members, under planning legislation it is possible to move "back up" the Use Classes Order (eg: A4 to A1) without consent, but not "down" it (eg: A1 to A4) without getting permission from the Council.

The first floor of the premises, now vacant have previously been used as an office (Use Class B1). This was granted in 1984.

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

**BE2** – Local Context & Character

**BE5** – Urban Clarity and Safety

**BE9** – Architectural Quality

**BE17** - Building Service Equipment

**SH21** – Shopfront Design

**EP2** – Noise & Vibration

### *Considerations;*

Impact on highway safety

Impact on character of area

Impact on surrounding amenities

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

75 individual properties were notified by letter (dated 01/09/10).

Environmental Health raise no objection.

A petition has been received objecting to the planned opening of a TESCO store, however the Council is not giving consideration to the principle of a TESCO store through its assessment of these series of applications. Concerns about the planned use fall beyond the remit of this application, or the other related applications for the site which also appear on this agenda.



Specifically, the representations express concern that the premises are to be occupied by a TESCO store and the harmful impact this will have on local businesses. The Council has no control over the use of the ground floor of this building for A1 retail as a change of use from A4 to A1 is permitted development and planning permission is not required. Under planning legislation it is possible to move "back up" the Use Classes order (eg A4 to A1, A2 or A3) without getting permission.

## **REMARKS**

### **USE**

The most recent use of the ground floor was as a public house use class A4 (drinking establishment).

This application proposes the installation of plant equipment and brick enclosure in support of the conversion of the ground floor, to a retail use (A1). The change constitutes permitted development, with A4 uses being able to change "up" the Use Classes Order (eg: to A1, A2 and A3) without the need for consent. The planning history of the site is set down earlier in this report and as such the application is for the proposed display of adverts only. For the avoidance of doubt, issues raised in relation to the anticipated A1 use fall outside the remit of this application.

The site is on the very edge of an existing Local Centre which is on the southern side of East Lane. Given the buildings history for commercial uses, and the permitted changes that can be exercised to A1, A2 or A3 in the event that planning permission was required it is unlikely the Council would object on policy grounds to a retail use of this size, and in this location.

When considering applications for new retail development the Council is required to follow the Government's 'sequential' approach. This requires new retail floor space to be located within the Council's existing network of defined town, district and local centres. If an appropriate site is not available within a nearby centre then an edge of centre site may be acceptable. As there are no available units of the size required by Tesco within the existing Local Centre and the next nearest Centre is Wembley where they already have an established store it is probable that if planning permission were required for the change of use the recommendation from officers would be to approve.

There are separate applications on this agenda for proposed external alterations, the installation of an ATM, for new and replacement car park signage for the same site.

### **PLANT**

Refrigeration and air conditioning equipment is proposed to be installed to the side of the existing building, at a low level. The plant will comprise 3 air conditioning units and a twin flat bed condenser unit at the west elevation of the building at ground floor level. The equipment will be screened behind a new 3.2m high brick wall enclosure with timber door. This enclosure will ensure the plant is completely screened from views from public areas, therefore minimising any visual harm to the building or the surrounding area.

In support of the proposed plant installations a Noise Impact Assessment has been prepared by KR Associates and submitted (revised version dated 2nd September 2010). This report assesses the potential impact of the plant equipment on the amenity of the surrounding residents, and this takes into account nearest existing noise sensitive premises (100 East Lane) which is approximately 30m away, and also the potential residential flats on the upper floors of the building. The proposed conversion of the upper floors into 8 flats is currently being considered under planning application (10/1788) which also appears on this agenda.

The *KR* noise report concludes that the noise emissions from the refrigeration and air conditioning equipment will not have an adverse effect on the nearby residential properties.

The Council's Environmental Health Officer has assessed the report and concludes that the installation of plant is unlikely to adversely affect surrounding amenity by virtue of noise nuisance.

#### OTHER ISSUES

As far as the future Servicing of the site is concerned, the Transportation Engineer has not considered if this is in compliance with adopted standards as the principle of the use is not sought. In any event the Transportation Engineer has confirmed that the existing East Lane access will allow entry for servicing and delivery vehicles, who would then reverse within the site and exit from the same access.

#### SUMMARY

As the proposed external alterations are minor in nature and have therefore been kept to a minimum it is considered the works will respect the character and appearance of the original building. The proposal is therefore considered to be in accordance with policies BE2, BE9 and EP2 of Brent's Unitary Development Plan 2004. Furthermore it is considered the plant is unlikely to harm local amenity either visually due to the proposed brick enclosure or through noise disturbance and is found to be in compliance with policy EP2. As such, this application does not present any material harm to the existing building, the amenities of the area or the surrounding occupiers. It is recommended that full planning permission be *granted*.

There is obviously a level of concern about the proposed occupation of the premises by a retail store of this kind. Whilst Officers can appreciate some of the points raised by third parties and understand the concerns that have been made, the fact is that the use of the building is not for consideration at this time, for the reasons set out above. Consequently, discussions must only focus on what it is that is being applied for.

#### 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

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

#### 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 location (1:1250)

9914-01,revA (1:100)

9914-05,revB (1:100)

9914-40 (1:50 & 1:100)

9914-40,revC (1:50 & 1:100)

KR Associates Noise Impact Assessment dated 2nd September 2010

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

London Borough of Brent UDP 2004

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: 86 East Lane, Wembley, HA0 3NJ

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## Committee Report Planning Committee on 13 October, 2010

Item No. 18  
Case No. 10/2087

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**RECEIVED:** 2 August, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 86 East Lane, Wembley, HA0 3NJ

**PROPOSAL:** Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building

**APPLICANT:** Tesco Stores Ltd

**CONTACT:** CgMs Consulting

**PLAN NO'S:**  
(see condition 2 for details)

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### RECOMMENDATION

Approve

### EXISTING

The subject site is a former public house known as "Bootsy Brogans" this 3-storey building is situated on the northern side of East Lane at the junction with Peel Road. The present building is vacant, however the last use of the ground floor was as a public house (Use Class A4).

This is not in a Conservation Area, nor is the building listed.

TESCO plan to open one its *TESCO Express* stores on the ground floor. Planning permission is not required to change from Use Class A4 to A1 retail.

### PROPOSAL

This is one of a series of applications for minor works submitted in association with the proposed permitted change from A4 to A1 retail use

Full planning permission is sought for the replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building.

### HISTORY

**10/1756** - Demolition of detached store, erection of a 4 storey rear extension comprising stairwell and access lift, side extension at second floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first, second and third floor level, provision of 12 off-street parking spaces, a refuse storage area, cycle storage area and associated landscaping to site. **Current application undetermined - recommended for approval**

**10/2083** - Advertisement consent is sought for the installation of 2 externally illuminated fascia signage to ground floor of building facing East Lane, 1 externally internally illuminated fascia

signage to ground floor facing Peel Road and 1 non-illuminated sign to first floor of building (facing Peel Road). **Current application undetermined - recommended for approval.**

**10/2085** - Installation of plant equipment and associated brick enclosure to side of existing building.. **Current application undetermined - recommended for approval**

**10/2050** – Installation of ATM. **Current application undetermined - recommended for approval**

**10/2100** - Installation and display of 8 external signs to car park, consisting of 4 directional signs, 1 gantry sign facing East Lane (externally illuminated), and 3 'Euro parking' signs in car park. **Current application undetermined - recommended for approval**

**84/1623** - Change of Use of first floor to office use. **Granted**

**84/1553** - Single storey rear extension. **Granted**

Although the building is currently vacant, as the last use was a public house, with ancillary function room (Use Class A4) and TESCO, the prospective occupiers, would be an A1 retail use, the applicants do not actually need planning permission to occupy the premises. For the information of Members, under planning legislation it is possible to move "back up" the Use Classes Order (eg: A4 to A1) without consent, but not "down" it (eg: A1 to A4) without getting permission from the Council.

The first floor of the premises, now vacant have previously been used as an office (Use Class B1). This was granted in 1984.

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

**BE2** – Local Context & Character

**BE5** – Urban Clarity and Safety

**BE9** – Architectural Quality

**SH21** – Shopfront Design

### **SPG**

**SPG 7** – Shopfront and Shop Signs

**SPG12** – Access for Disabled People

### *Considerations;*

Impact on highway safety

Impact on character of area

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

75 individual properties were notified by letter (dated 07/09/10).

Ward Councillor's were consulted and Transportation Unit. No objections received from either.

A petition has been received objecting to the planned opening of a TESCO store, however the Council is not giving consideration to the principle of a TESCO store through its assessment of these series of applications. Concerns about the planned use fall beyond the remit of this application, or the other related applications for the site which also appear on this agenda.

Specifically, the representations express concern that the premises are to be occupied by a TESCO store and the harmful impact this will have on local businesses. The Council has no control over the use of the ground floor of this building for A1 retail as a change of use from A4 to A1 is permitted development and planning permission is not required. Under planning legislation it is possible to move "back up" the Use Classes order (eg A4 to A1, A2 or A3) without getting permission.

## **REMARKS**

### **USE & POLICY CONTEXT**

The most recent use of the ground floor was as a public house use class A4 (drinking establishment).

This application proposes physical alterations to the building to improve access in support of the conversion of the ground floor, to a retail use (A1). The change constitutes permitted development, with A4 uses being able to change "up" the Use Classes Order (eg: to A1, A2 and A3) without the need for consent. The planning history of the site is set down earlier in this report. For the avoidance of doubt, issues raised in relation to the anticipated A1 use fall outside the remit of this application.

The site is on the very edge of an existing Local Centre which is on the southern side of East Lane. Given the buildings history for commercial uses, and the permitted changes that can be exercised to A1, A2 or A3 in the event that planning permission was required it is unlikely the Council would object on policy grounds to a retail use of this size, and in this location.

When considering applications for new retail development the Council is required to follow the Government's 'sequential' approach. This requires new retail floor space to be located within the Council's existing network of defined town, district and local centres. If an appropriate site is not available within a nearby centre then an edge of centre site may be acceptable. As there are no available units of the size required by Tesco within the existing Local Centre and the next nearest Centre is Wembley where they already have an established store it is probable that if planning permission were required for the change of use the recommendation from officers would be to approve.

The existing parade does have three convenience stores that are likely to be in competition with the new Tesco store. However even if the Council did have control over the change of use it cannot use competition between rival businesses as a reason for refusing an application.

There are separate applications on this agenda for proposed plant, the installation of an ATM, for new and replacement car park signage, and adverts for the same site.

### **PROPOSED ALTERATIONS**

The entrance door on the front elevation is to be replaced with new automatic bi-folding doors, and the opening is to be widened to allow for this new 1850mm wide door. This will have a level threshold to allow access for wheelchair users. An existing door in the northern elevation is also to be widened by 150mm. The platform directly outside of the entrance will also be extended in area and hand rails installed to improve access. The minor nature of these proposed works will not harm the character and appearance of the original building, and will satisfy policies BE2 and BE9.

Directly in front of the main entrance door it is proposed to erect 2 x security bollards to act as deterrents to 'ram raiding'. This satisfies policy BE5 which seeks to ensure that development should be designed to be reduce the opportunities for crime, incorporating the aims and objectives of 'Secure by Design' and 'Designing out crime'.

In response to the public consultation an internal representation has been received, this is from Transportation. As the proposed works are minor in nature there is no significant transportation impact.

Landscaping improvements are to be made to 'soften' the frontage environment. 3 x new trees will be planted along the back edge of pavement to the East Lane frontage, and 2 x new trees along the Peel Road frontage. In addition small ornamental trees will be provided in planters around the edges of the building. This will go some way to meeting the intention of policies BE6 and BE7.

#### OTHER ISSUES

As far as the future Servicing of the site is concerned, the Transportation Engineer has not considered if this in compliance with adopted standards as the principle of the use is not sought. In any event the Transportation Engineer has confirmed that the existing East Lane access will allow entry for servicing and delivery vehicles, who would then reverse within the site and exit from the same access. This servicing arrangement has been confirmed with TESCO.

#### SUMMARY

As the proposed external alterations are minor in nature and have therefore been kept to a minimum it is considered the works will respect the character and appearance of the original building. The proposal is therefore considered to be in accordance with policies BE2, BE5, BE9 and SH21 of Brent's Unitary Development Plan 2004 and SPG 12 *Access for Disabled People*. As such, this application does not present any material harm to the existing building or the surrounding occupiers. It is recommended that full planning permission be *granted*.

There is obviously a level of concern about the proposed occupation of the premises by a retail store of this kind. Whilst Officers can appreciate some of the points raised by third parties and understand the concerns that have been made, the fact is that the use of the building is not for consideration at this time, for the reasons set out above. Consequently, discussions must only focus on what it is that is being applied for.

#### 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

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

#### 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 location plan (1:1250)  
9914-01,revA (1:100)  
9914-05,revB (1:100)  
9914-20,revF (1:100)  
9914-21,revD (1:100)

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

- (3) No additional windows, replacement of existing windows, doors or other openings (other than any shown in the approved drawings) shall be constructed in the building, without the prior written consent of the Local Planning Authority.

Reason: To preserve the architectural integrity of the existing building.

- (4) The landscape works and planting shown on the approved plans shall be carried out:-

(a) prior to the occupation of any part of the development;

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

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

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

London Borough of Brent, UDP 2004  
SPG12 'Access for Disabled People'

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: 86 East Lane, Wembley, HA0 3NJ

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## Committee Report Planning Committee on 13 October, 2010

Item No. 19  
Case No. 10/2100

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**RECEIVED:** 3 August, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 86 East Lane, Wembley, HA0 3NJ

**PROPOSAL:** Installation and display of 4 external signs to car park, consisting of 1 gantry sign facing East Lane (externally illuminated), and 3 x non-illuminated "Euro parking" signs in car park (as amended by plans received on 24/09/2010)

**APPLICANT:** Tesco Stores Ltd

**CONTACT:** CgMs Consulting

**PLAN NO'S:**  
Site Location Plan: Car Park Signage (1:1250)  
9914-52 Rev. C (1:200)

---

### RECOMMENDATION

Approve

### EXISTING

The subject site is a former public house known as "Bootsy Brogans", this 3-storey building is situated on the northern side of East Lane at the junction with Peel Road. The present building is vacant, however, the last use of the ground floor was as a public house (Use Class A4).

This is not in a Conservation Area, nor is the building listed.

Tesco plan to open one of its *Tesco Express* stores on the ground floor. Planning permission is not required to change from Use Class A4 (existing) to A1 retail.

### PROPOSAL

This is one of a series of applications for minor works submitted in association with the proposed permitted change from A4 to A1 retail use.

Advertisement consent is sought for the installation and display of 4 external signs to car park, consisting of 1 gantry sign facing East Lane (externally illuminated), and 3 x non-illuminated "Euro parking" signs in car park (as amended by plans received on 24/09/2010)

### HISTORY

**10/1756** - Demolition of detached store, erection of a 4-storey rear extension comprising stairwell and access lift, side extension at second floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first-, second- and third-floor level, provision of 12 off-street parking spaces, a refuse-storage area, cycle-storage area and associated landscaping to site. **Current application undetermined - recommended for approval.**

**10/2083** - Advertisement consent is sought for the installation of 2 externally illuminated fascia signage to ground floor of building facing East Lane, 1 externally internally illuminated fascia signage to ground floor facing Peel Road and 1 non-illuminated sign to first floor of building (facing Peel Road). **Current application undetermined - recommended for approval.**

**10/2085** - Installation of plant equipment and associated brick enclosure to side of existing building.. **Current application undetermined - recommended for approval.**

**10/2087** – Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building. **Current application undetermined - recommended for approval.**

**10/2050** - Installation of ATM. **Current application undetermined - recommended for approval.**

**84/1623** - Change of use of first floor to office use. **Granted**

**84/1553** - Single-storey rear extension. **Granted**

#### LAWFUL USE

Although the building is currently vacant, as the last use was a public house, with ancillary function room (Use Class A4) and Tesco, the prospective occupiers, would be an A1 retail use, the applicants do not actually need planning permission to occupy the premises. For the information of Members, under planning legislation it is possible to move "back up" the Use Classes Order (e.g. A4 to A1) without consent, but not "down" it (e.g. A1 to A4) without getting permission from the Council.

The first floor of the premises, now vacant, have previously been used as an office (Use Class B1). This was granted in 1984.

#### **POLICY CONSIDERATIONS** **Brent UDP 2004**

**BE2** – Local Context & Character

**BE9** – Architectural Quality

**BE20** – Advertisements on Buildings

**SH21** – Shopfront Design

#### **SPG**

**SPG 7** – Shopfronts and Shop Signs

*Considerations;*

Impact on highway safety

Impact on character of area

Impact on surrounding amenities

#### **SUSTAINABILITY ASSESSMENT** N/A

#### **CONSULTATION**

75 individual properties were notified by letter (dated 06/09/2010).

Ward Councillors made no representations.

Transportation raise no objection to the plans, as amended.

A petition has been received objecting to the planned opening of a Tesco store, however, the Council is not giving consideration to the principle of a Tesco store through its assessment of these series of applications. Concerns about the planned use fall beyond the remit of this application, or the other related applications for the site which also appear on this agenda.

Specifically, the representations express concern that the premises are to be occupied by a Tesco store and the harmful impact this will have on local businesses. Members are advised that the Council has no control over the use of the ground floor of this building for A1 retail, as a change of use from A4 to A1 is permitted development and planning permission is not required. Under planning legislation it is possible to move "back up" the Use Classes order (e.g. A4 to A1, A2 or A3) without getting permission.

## **REMARKS**

### **USE & POLICY CONTEXT**

The most recent use of the ground floor was as a public house, Use Class A4 (drinking establishment).

This application proposes the installation of car park signage in support of the conversion of the ground floor, to a retail use (A1). The change constitutes permitted development, with A4 uses being able to change "up" the Use Classes Order (eg: to A1, A2 and A3) without the need for consent. The planning history of the site is set down earlier in this report and as such the application is for the proposed car-park signage only. For the avoidance of doubt, issues raised in relation to the anticipated A1 use fall outside the remit of this application.

The site is on the very edge of an existing Local Centre which is on the southern side of East Lane. Given the building's history for commercial uses, and the permitted changes that can be exercised to A1, A2 or A3, in the event that planning permission was required, it is unlikely the Council would object on policy grounds to a retail use of this size, and in this location.

When considering applications for new retail development the Council is required to follow the Government's "sequential" approach. This requires new retail floor space to be located within the Council's existing network of defined town, district and local centres. If an appropriate site is not available within a nearby centre then an edge of centre site may be acceptable. As there are no available units of the size required by Tesco within the existing Local Centre and the next nearest Centre is Wembley where they already have an established store it is probable that if planning permission were required for the change of use the recommendation from officers would be to approve.

Members will be aware that there are separate applications on this agenda for proposed plant, physical alterations, for the display of store signage, and an ATM for the same site.

### **PROPOSED CAR PARK SIGNAGE**

This forms one of the advertisement applications and seeks consent for car park signage to be displayed, as follows;

- 3 x non-illuminated car-park signs are to be displayed in locations around the car-park area. Each sign is to be 400mm x 400mm and at a low level so will have minimal visual impact in the locality, nor present any highway safety or traffic issues.
- An externally lit, free-standing gantry sign is proposed facing East Lane, this would be situated on the back edge of the pavement, towards the western end of the site. This sign measures 3.2m high and 1250mm wide and will sit within a galvanised steel frame. It is proposed to be externally illuminated by downlighters, and this should ensure that the sign

does not have any adverse effect on pedestrian or present any vehicle-safety issues. The luminance levels are indicated to be 225 candela m<sup>2</sup>, which is in accordance with SPG7 guidance. The location of this gantry sign should mean that its visual impact is minimised by existing trees in this part of the site, along the site frontage.

The signage, as amended, is acceptable on transportation grounds. Initially it was proposed to erect "welcome" and "good bye" signage either side of the existing access in the south eastern corner of the site. However, it was considered this signage would encourage increased use of a substandard access directly onto a traffic-signal-controlled junction, to the detriment of the free and safe flow of traffic and pedestrians. Furthermore, signage in this location would be likely to result in distraction to passing motorists, further resulting in danger to highway safety. Officers requested that the applicants address this highway objection by removing the said signage, and revised plans received on 24/09/2010 confirm the 4 x "welcome" and "good bye" signage have been omitted from the proposal. By making these alterations, the highways objection has now been removed.

With regards to the gantry sign, there is no objection on transportation grounds to its location, nor to the level of luminance, at 225 candela m<sup>2</sup> this will be less than 250 candela m<sup>2</sup> which is the maximum that would normally be considered acceptable in this location outside of a town centre.

The non-illuminated signage is considered to be acceptable, these are positioned away from any vehicle access points and should not present any highways safety issues.

#### OTHER ISSUES

As far as the future Servicing of the site is concerned, the Transportation Engineer has not considered if this is in compliance with adopted standards as the principle of the use is not sought. In any event, the Transportation Engineer has confirmed that the existing East Lane access will allow entry for servicing and delivery vehicles, who would then reverse within the site and exit from the same access.

#### SUMMARY

As the proposed signage has been kept to a minimum, it is considered the works will respect the character and appearance of the original building, nor will they result in harm to the visual amenities of the surrounding area. The proposal is therefore considered to be in accordance with policies BE2, BE9, BE20 and SH21 of Brent's Unitary Development Plan 2004 and SPG 7: *Shopfronts and Shop Signs*. As such, this application does not present any material harm to the existing building or the surrounding occupiers. It is recommended that advertisement consent be granted for the plans as amended.

There is obviously a level of concern about the proposed occupation of the premises by a retail store of this kind. Whilst Officers can appreciate some of the points raised by third parties and understand the concerns that have been made, the fact is that the use of the building is not for consideration at this time, for the reasons set out above. Consequently, discussions must only focus on what it is that is being applied for.

**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 7 - Shopfronts and Shop Signs

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

#### **CONDITIONS/REASONS:**

- (1) This permission is granted subject to the requirements of Regulation 14(7)(b) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which states that every grant of express consent shall operate for a period of five years from the date of consent and is subject to the following standard conditions stipulated in Schedule 2 to the said Regulations:-
- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - (ii) No advertisement shall be sited or displayed so as to endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
  - (iii) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.
  - (iv) No advertisement shall be sited or displayed so as to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
  - (v) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - (vi) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  - (vii) Where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Following the expiration of the period of five years, to which this permission relates, the advertisement(s) and all fixtures and fittings associated with it (them) shall be removed.

Reason: To conform with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

London Borough of Brent, UDP 2004  
SPG7 '*Shopfronts and Shop Signs*'

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: 86 East Lane, Wembley, HA0 3NJ

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 20  
**Case No.** 10/2238

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**RECEIVED:** 19 August, 2010

**WARD:** Wembley Central

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 284 Ealing Road, Wembley, HA0 4LL

**PROPOSAL:** Change of use from shop (Use Class A1) to betting office (Use Class A2)

**APPLICANT:** William Hill Organisation Ltd

**CONTACT:**

**PLAN NO'S:**  
(see condition 2 for details)

---

**RECOMMENDATION**

Approve subject to conditions.

**EXISTING**

This proposal relates to a travel agents "Travel Connection", situated on Ealing Road opposite the junction with Mount Pleasant. The flat above is currently accessed from the rear. This site is not within a Conservation Area, nor is it a Listed Building. The unit is not within a designated shopping frontage within Brent's Unitary Development Plan. The unit is serviced by an access lane to the rear.

**PROPOSAL**

Change of use from shop (Use Class A1) to betting office (Use Class A2).

**HISTORY**

10/2386 - pending

Installation of a new shopfront and 2 new air-conditioning units to ground-floor rear elevation, replacement rear door and blocking-up of existing rear window

10/2305 - pending

Installation of replacement externally illuminated shop fascia sign and a projecting sign

09/2169 - 27/10/2009

Installation of new shopfront to premises to provide entrance to ground-floor shop and first-floor flat

02/0224 - 08/10/2002 - Dismissed

Installation and display of 1 x double-sided free-standing advertisement display unit

31/12/1996 - 96/1948 Granted

Erection of single-storey rear extension to existing retail shop

## **POLICY CONSIDERATIONS**

### **Brent's Unitary Development Plan 2004**

- *BE2 Local Context & Character*
- *BE9 Architectural Quality*
- *TRN3 Environmental Impact of Traffic*
- *TRN22 Parking standards – non-residential developments*
- *TRN34 Servicing in new Development*
- *SH19 Rear servicing*
- *SH7 Change of use from retail to non-retail*
- *SH18 Other shopping parades*

### **Brent's Core Strategy 2010**

- CP1 Spatial Development
- CP16 Town Centres and the sequential approach to development
- CP20 Strategic and Borough Employment Areas

## **CONSULTATION**

### **Internal**

**Highways:** The site has good access to public transport, PTAL level 4. No objections subject to conditions regarding the retention of the shown servicing bays, retained clear from obstructions.

### **External**

20 letters sent to neighbouring occupiers of the shops and residential units above the shops. The Alperton Community School were notified of the application on 16/09/2010. One objection letter has been received to date, but Members should note that the consultation period does not lapse until 07/10/2010. Any additional comments received will be reported in the supplementary.

The objection letter raises the following matters:

- A betting shop will have an adverse impact on the character of the area, leading to people loitering by the parade, leading to rising crime levels.
- It is not appropriate to give a gambling license to a premises within 10m of Alperton Community school.
- An 18-signature petition to the licensing application has been submitted, copies of this and the objection raised by the school headmaster have been submitted to the planning department.
- A similar application was refused at numbers 173-179 Ealing Road (officer note - no planning record of this application can be found).

## **REMARKS**

The application proposes Change of use from shop (Use Class A1) to betting office (Use Class A2.)

### **Principle of change of Use**

The proposed use as a betting office is considered appropriate for a shopping parade as designated within policy SH6 of Brent's Unitary Development Plan. Policy SH7 guides that in general, when considering a change of use from retail to non-retail, the following factors should be considered: servicing, location in relation to other non-retail uses, and proportions of retail: non-retail frontage, whether the use enhances the range of services provided and whether the proposal is an extension to an existing business or not.

The parade of shops that the site is within, is not designated as a protected parade. The parade has been surveyed as:

No.	Use	Use Class
290	Mini market	A1
288	Phone shop	A1
286	Halal butchers	A1
284	Vacant	Vacant
282	Pharmacy	A1
280	Sweets shop	A1
278	Pizza and grill take-away	A5
276	Cash and carry shop	A1
274	Chicken cottage	A5

The parade therefore has a range of Use Classes currently, and the change of use of the site will not adversely affect this. Policy SH18 permits the change of use from retail in “other” shopping parades such as the site to appropriate uses. The use of this unit as A2 is not contrary to Core Strategy policies CP1, CP16 and CP20.

In relation to the flat above the unit, the proposed change of use from A1 to A2 will not introduce any worse noise and disturbance levels than that already experienced by the present retail use. Hours of use are stated within the application form to be 07:00-22:30 Monday to Saturday and 08:00-22:00 on Sundays. These hours are not considered excessive. Accordingly a condition is recommended which agrees these hours to prevent later opening which could adversely impact neighbouring residential properties.

#### **Parking/ servicing**

The applicants have been asked to demonstrate how their rear servicing layout provides for waste/refuse-storage areas, secure cycle storage and space for servicing a transit-sized vehicle in compliance with policies TRN11, SH19 and TRN34. Publicly available cycle-parking is available close to the site which is considered acceptable. No car-parking is provided on the site. However, the capacity of the building would not require more than one off-street parking space to satisfy standards. Given that these standards are maximum levels, the lack of any parking provision is not considered to raise concerns.

#### **Response to objectors**

Objectors have raised concerns regarding the proposed use resulting in an increase in crime and anti-social behaviour. An A2 Use Class, such as the proposed betting shop, is considered to be appropriate within a shopping parade. The occurrence of anti-social behaviour within such areas cannot be controlled by planning legislation but is rather a matter for the police. The unit is also subject to a licensing application, and Members should note that under licensing controls the Council may consider whether a betting shop raises public safety issues. In addition, licensing assessments can consider the site’s proximity to the Alpertown Community College and implications for the potential use of the premises by school children. These matters should not be considered as part of this planning application as it is the case that they are considered by other statutory controls.

#### **Summary**

Brent’s Unitary Development Plan 2004 and Core Strategy 2010 policies and supplementary guidance seek to ensure that development does not cause harm to interests of acknowledged importance. The application complies with local planning policies and is considered acceptable.

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

**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:

Site Location Plan (1:500)  
FINAL/L/NL/607/02 B

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

- (3) The proposed A2 use shall not operate outside the times of 07:00 to 22:30 hours from Monday to Saturday and 08:00 to 22:00 hours on Sundays, unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard neighbouring residential amenity

- (4) The use hereby approved shall not commence until the transit-sized servicing bays and waste/recycling area indicated on the approved plan have been provided and this servicing area shall be maintained free from obstruction and available for servicing vehicles, and not used for storage purposes (whether temporary or permanent), unless prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure that vehicles being loaded or unloaded are parked in the designated loading areas, so as not to interfere with the free passage of vehicles or pedestrians along the public highways.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan 2004  
Brent's Core Strategy 2010

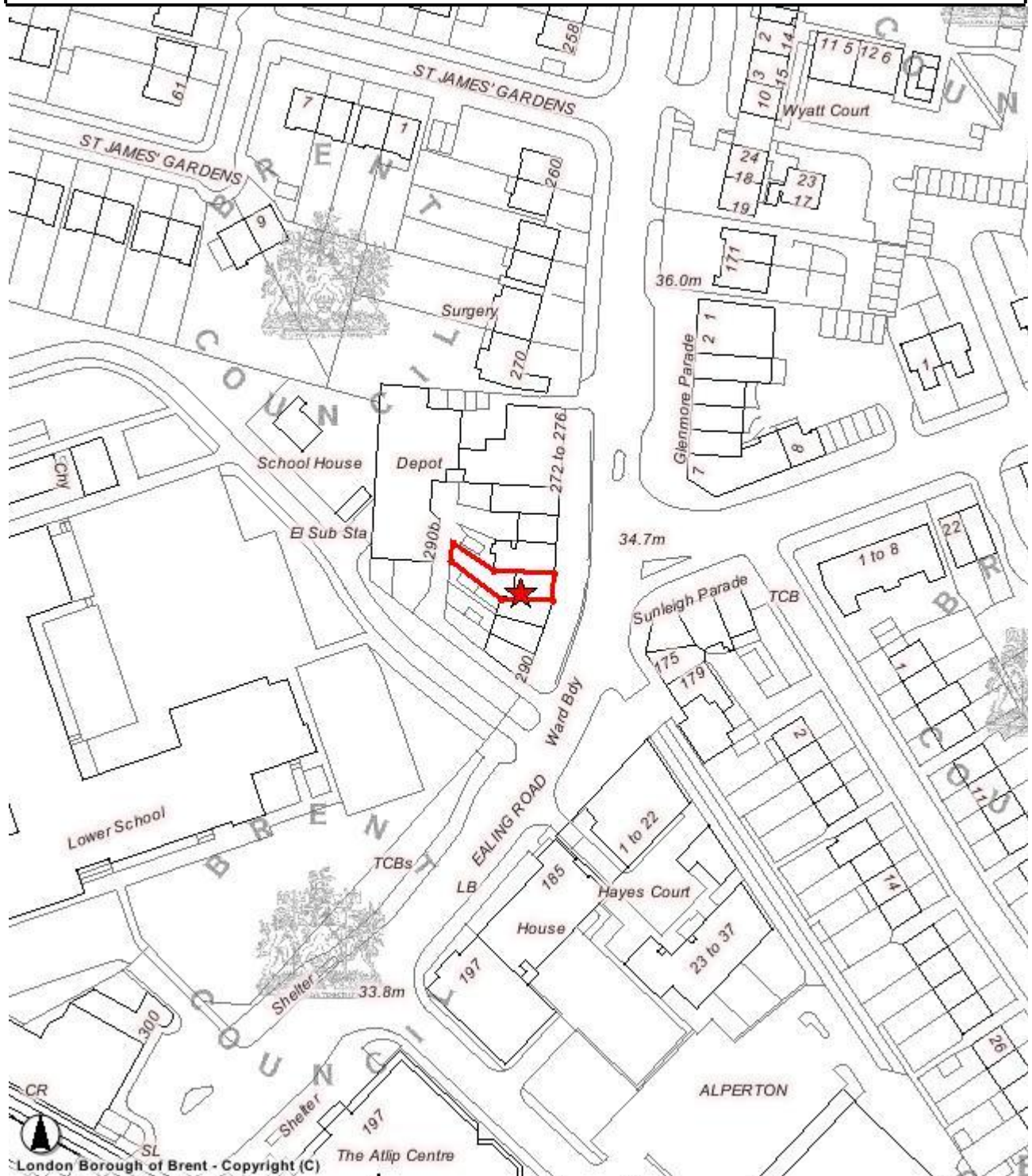
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



## Planning Committee Map

Site address: 284 Ealing Road, Wembley, HA0 4LL

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 21  
**Case No.** 10/1631

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**RECEIVED:** 24 June, 2010

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Alperton House, Bridgewater Road, Wembley, HA0 1EH

**PROPOSAL:** Change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres)

**APPLICANT:** Proudreed Real Estate Ltd

**CONTACT:** Turley Associates

**PLAN NO'S:**  
(see condition 2 for details)

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## **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
- Submit a Travel Plan to the Council for approval and to implement this plan, the purpose of the plan being to manage the transport needs of staff/ visitors to the Development so as to minimise car usage and promote alternative modes of transport.

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**

Alperton House is a six-storey commercial building fronting the Bridgewater Road. Apart from the third floor, which already has permission for educational (D1) use, and the ground floor, which is occupied by a tile shop (A1), the authorised use of the rest of the building is for office (B1) use, although much of this space is now vacant. The site is identified as being a locally significant industrial site in the Council's adopted Core Strategy (previously known as a Borough Employment Area and Business Zone Area within the 2004 Unitary Development Plan). The site is also has a draft Site-Specific Allocation and lies within the wider Alperton Growth Area. The site is not within a Conservation Area, nor is the building listed.

## PROPOSAL

This application seeks permission to extend the educational use (Use Class D1) currently permitted on the third floor to the rest of the upper floors of this building while also allowing the flexibility to continue B1 office use if there is demand. Apart from the ground floor, which would remain in retail use, the building would have a mixed D1 (restricted to education)/B1 office use.

## HISTORY

10/1220 - withdrawn

Partial retrospective application for change of use of third floor to educational college (Use Class D1) and proposed change of use of part of the first-floor offices (Use Class B1) to educational college (Use Class D1)

07/1530 - 03/08/2007 - granted

Continued mixed use as office (Use Class B1) and non-residential institution (Use Class D1)

## POLICY CONSIDERATIONS

### ***Brent's Unitary Development Plan 2004***

- TRN3 *Environmental Impact of Traffic*
- TRN11 *The London cycle network*
- TRN22 *Parking Standards – Non-Residential Developments*
- TRN34 *Servicing*
- PS12 *Parking Standards (Use Class D1)*
- PS16 *Cycle parking standards*
- CF1 *Location of Large Scale Community Facilities*
- EMP10 *The Environmental Impact of Employment Development*
- EMP15 *Location of B1 Business Development*
- EMP17 *Reuse of Redundant Offices*

### ***Brent's Core Strategy 2010***

CP8 – Alperton Growth Area

CP20- Strategic Industrial Locations and Locally Significant Industrial Sites

Draft Site Specific Appraisals Document

## SUSTAINABILITY ASSESSMENT

n/a

## CONSULTATION

Consultation period: 2 July 2010 - 69 properties consulted

Site notice erected: 02/08/2010

### **Public**

69 letters sent.

15 letters of support received raising the following issues:

- a higher educational institute in this area is extremely beneficial
- new facilities will help LSST provide better services
- it will benefit the local community
- it will attract people from outside the borough
- it will employ a large number of people
- students bring resources and generate revenue
- without students, Alperton House will become desolate and empty
- there is limited supply of D1 premises in Brent, but there is lots of empty office space for users who are dissatisfied



Letter of objection raising the following issues:

- Poor site notice.
- Concern over increased numbers of people using the building and implications for health and safety and fire evacuation, leading to trauma.
- The situation may be of interest to the border agency.
- Students regularly block corridors and lifts, sometimes even praying in corridors.
- The students' English is often poor.
- Students using the building generate problems with shared facilities such as toilets, raising ablutions use issues, and kitchen facilities being used inappropriately, in addition to praying in corridors.
- Students expect supportive infrastructure, such as a campus, would be provided.

GLA – No strategic issues are raised by the application.

## **REMARKS**

### **Introduction**

The application proposes the use of floors 1 to 5 as B1 office or D1 non-residential institution. The site is identified as a Locally Significant Employment Site where uses outside “B” classes are not normally permitted. However the site is within Alperton Growth Area, and is the area is likely to be subject to large-scale regeneration, particularly as the site has an identified Site Specific Allocation. The building also has high vacancy levels and due to all of these circumstances, the proposal may be considered as an exception to normal policy requirements.

This application is one of a number received by Brent recently in response to the Borders Agency becoming stricter on existing colleges, so that the establishments may only issue educational visas with the correct paperwork in place. This includes having D1 planning permission for the college use to operate from their registered premises.

### **Principle of use:**

A college already operates from the third floor of the building. The site is within a Locally Significant Industrial Site, (previously known as a Borough Employment Area.) The proposal seeks the use of parts of the building as either Use Class B1 (business) or Use Class D1 (non-residential institution - education and training centres.)

The Core Strategy 2010 states that the Local Planning Authority is required to safeguard Locally Significant Industrial Sites for the protection of land for industrial employment, typically falling within B use classes, or those that are closely linked including offices and light industry. The policy document clarifies that the occupancy of Locally Significant Industrial Sites can be more varied than Strategic Industrial Land, and may include quasi office or trade uses. These uses are not defined within the policy document.

Core Strategy Policy CP20 does allow for skills training, and employment for local people within areas designated for employment use classes. Nevertheless officers do not consider that this has sufficient scope to extend to an education use. Any proposed change of use should not undermine the employment land hierarchy and in accordance with the London Plan a Locally Significant Industrial Site is protected for concentrations of employment generating uses. The site is currently in use as B1. The proposed flexible use of the building as mixed B1 or D1 use does not therefore comply with the overarching policy framework..

The proposal is considered as a departure from the development plan. Circular 07/99 defines a departure as an application for planning permission for development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated.

The latest employment survey data suggests that a large supply of vacant industrial and office space, and regional forecasts point to an over-supply of this type of space. Alpertons House does have high vacancy levels. The applicants have provided marketing evidence from two local firms, setting out that office demand is limited and instead there is growing demand for college use.

Outside of a protected employment area such as the Locally Significant Industrial Site, Policy EMP17 allows the re-use or redevelopment of redundant purpose built offices for appropriate alternative uses which include educational use where there is good public transport accessibility. Policy CF1 primarily directs non-residential institutions towards town centres and outside of these, accessible sites. The site has PTAL4 and is therefore considered accessible. Nevertheless this in itself would not be sufficient justification for allowing a D1 use as an exception to usual employment generating uses within a protected site. The scale of the proposed change of use at over 8000m<sup>2</sup> is considered significant and could reasonably be expected to impact on the wider strategic aims of the development plan if permanently allowed within a protected employment area. The site is referable to the Mayor under the Town and Country Planning (Mayor of London) Order 2008. The Mayor responds that there is no strategic issues arising from the consent provided the forthcoming SSA document is considered and only a temporary consent is issued.

Circular 07/99 states that where there is both an adopted plan and an emerging plan, the decision on whether an application is a departure must be considered against the adopted plan. In this context, this is the Core Strategy and Unitary Development Plan. The Core Strategy does identify the site within Alpertons Growth Area and there is therefore likely to be large-scale redevelopment of the area in the future.

The draft submission version of the Site-Specific Allocation document identifies site A1 relating to Alpertons House and this indicates that the Council would consider a mixed-use redevelopment of this site, including residential, food and drink and workspace, in the future. This policy is not yet adopted and may only be given limited weight but this does indicate that the loss of some employment land within a Locally Significant Industrial Site on site would be acceptable in the future.

Under this context, officers consider that a temporary 3-year planning permission is appropriate. This will allow the use of an employment site for education, taking into account the high vacancy levels within the building currently but also allowing review of the site as the proposals within the draft Alpertons Growth Area Supplementary Planning Document and Site-Specific Allocations document are adopted. This will also enable the impacts of the use to be assessed against the functioning of the "B" Use Classes within the building, ensuring that the favoured employment-generating uses are not jeopardised. It is considered that a three-year temporary planning permission under these circumstances would not prejudice the implementation of the development plan's policies and proposals. It should be noted that planning permission 07/1530 granted permission for the third floor to operate as either use Classes B1 or D1.

It would not be appropriate to use the site for all different types of D1 use class, and therefore officers recommend a condition limiting the use of the building to only B1 or within Use Class D1, non-residential institutions - education and training centres.

### **Transport**

The site has good access to public transport and attracts a PTAL of 4. There is a significant number of parking spaces currently on site, providing an over-provision of spaces on site and exceeding the maximum standard for both the B1 and D1 uses. In order to prevent the over-use of this provision, the Highway Engineers have advised that a Travel Plan should be implemented. This will be sought through a s106 legal agreement.

There is also scope to include cycle parking within the parking area. Your officers recommend that this be addressed through a condition, complying with policy TRN11. The applicants have also been asked to demonstrate servicing of a full-sized vehicle in compliance with policy TRN34.

They have requested that servicing and cycle provision is considered by submission conditions.

### **Response to objections**

The objections raised are largely building-management matters. The building management have monitored occupancy levels in the building to ensure that each floor remains within safe capacity. Regular fire-drills take place and risk assessments are regularly updated. Loitering within public areas is monitored by the colleges, CCTV and security patrols and actively discouraged, which is reinforced by signage. The colleges discourage use of the lifts on lower floors. Toilets are provided on every floor, with disabled facilities and showers on some floors. Sanitary facilities are regularly cleaned throughout the week.

**Summary:** Your officers recommend that planning permission be granted subject to conditions and s106.

**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  
Brent's Core Strategy 2010  
Draft Site-Specific Appraisals Document

### **CONDITIONS/REASONS:**

- (1) This permission shall be for a limited period of 3 years only, expiring on 13/10/2013, when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) any D1 non-residential educational and training-centre use hereby approved shall be discontinued and the relevant floors of the building shall only be used for B1 purposes.

Reason: To allow review of the site as the proposals within the draft Alperton Growth Area Supplementary Planning Document and Site-Specific Allocations document are adopted, and enable the impacts of the use to be assessed against the functioning of the "B" Use Classes within the building, ensuring that the favoured employment-generating uses are not jeopardised.

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

L1070/02(A)01/GA:01N1 – first floor  
AlpertonHse-03 – second floor  
AlpertonHse-04(3) – third floor  
AlpertonHse-05 – fourth floor  
Proposed layout plan – fifth floor  
Location plan  
Michael Rogers letter dated 10/06/2010  
Thomas Clive & Co letter dated 10/06/2010  
Turley Associates letter dated 21/06/2010

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

- (3) The elements of the building detailed as "D1 Use" or "B1 Use" within the drawings hereby approved shall be used only for purposes within Use Classes B1, as defined in the Town and Country Planning (Use Class) Order 2005, as amended, or as non-residential education and training centres and shall not be used for any other purposes within Use Class D1, as defined in the Town and Country Planning (Use

Class) Order 2005, as amended, nor for any purposes without the further written consent of the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning Authority, in order to ensure that the use of the premises remains appropriate for this Locally Significant Industrial Site.

- (4) Within 3 months of the date of this decision, revised drawings detailing the siting of a cycle-storage area capable of providing parking at a rate of 1 space per 8 students, together with details of the total number of staff and students associated with the educational use, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in full within 6 months of the date of this decision and thereafter maintained.

Reason: To ensure the adequate provision of cycle-parking to promote the use of non-car modes of access to the site.

- (5) Within 3 months of the date of this decision, revised drawings detailing the siting of a refuse/recycling area shall be submitted to and approved by the Local Planning Authority. The approved works shall be completed in full within 6 months of this decision and thereafter maintained.

Reason: To ensure the adequate provision of waste and recycling storage and prevent harm to local amenity

- (6) Within 3 months of the date of this decision, details of a 16.5m by 3.5m servicing area shall be submitted to and approved by the Local Planning Authority and thereafter shall be marked out and provided in accordance with the approved details within 6 months of the decision and thereafter maintained.

Reason: To ensure the adequate servicing on site and prevent harm to the local highway network.

- (7) No amplified-sound systems shall be used, unless details of any proposed system and associated sound-insulation measures are first submitted to and agreed in writing by the Local Planning Authority prior to installation, and thereafter such a system shall be installed and maintained in accordance with the approved details.

Reason: To prevent noise nuisance to adjacent occupiers.

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan 2004  
Brent's Core Strategy 2010  
Draft Site Specific Appraisals Document

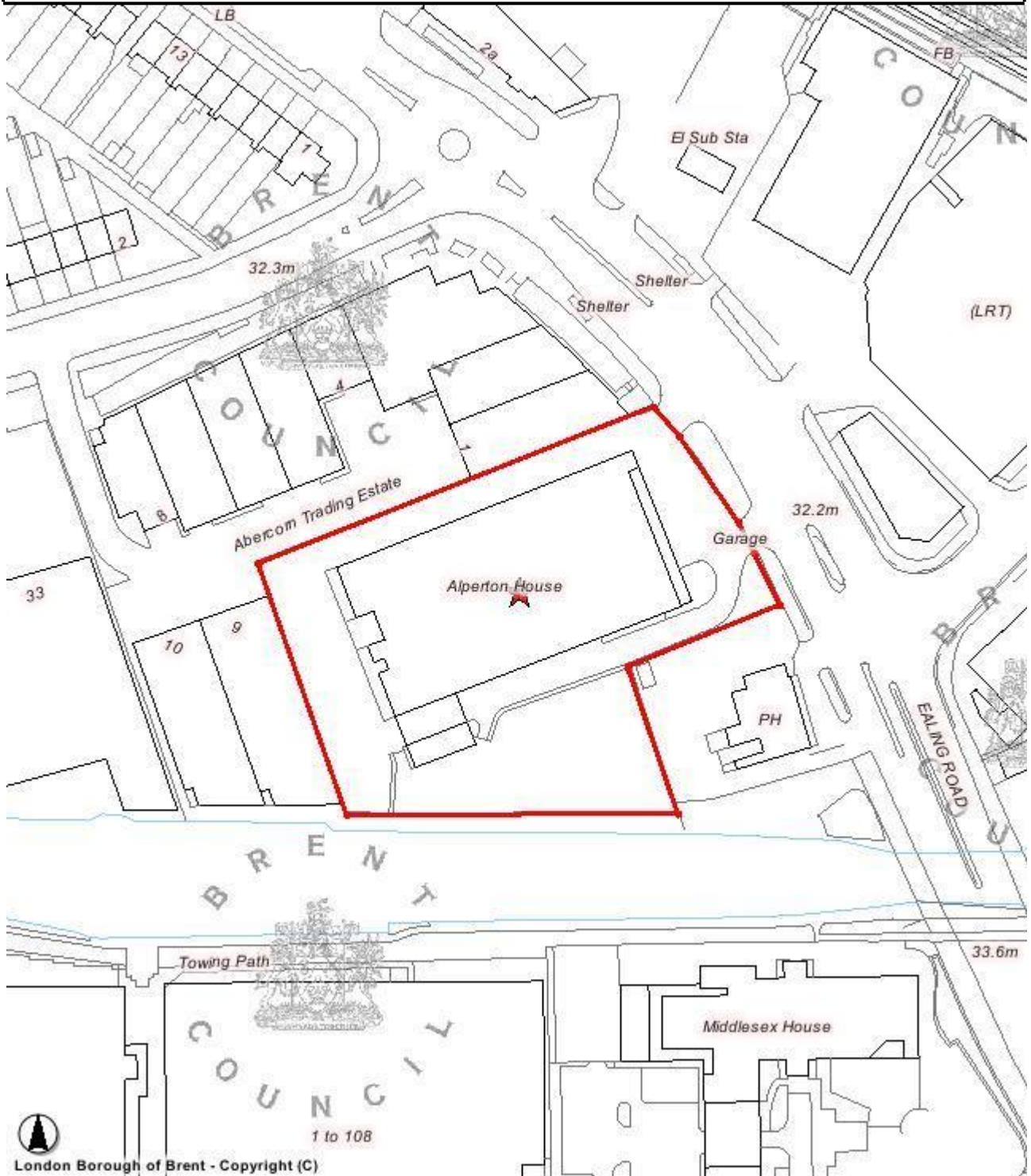
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



## Planning Committee Map

Site address: Alperton House, Bridgewater Road, Wembley, HA0 1EH

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 22  
**Case No.** 10/2366

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**RECEIVED:** 7 September, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 91 Sudbury Court Drive, Harrow, HA1 3SS

**PROPOSAL:** Erection of side dormer and rear dormer roof extensions in addition to extensions already permitted under 10/0854: to convert garage into habitable room, erect single-storey rear, single-storey side and 2-storey side and rear extensions to dwellinghouse and alterations to frontage

**APPLICANT:** Mr Hemant Patel

**CONTACT:** R S Designs

**PLAN NO'S:**  
(see condition 2 for details)

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**RECOMMENDATION**

Approve subject to conditions.

**EXISTING**

The site contains a detached dwellinghouse linked by its garage to number 93 Sudbury Court Drive. The property is located on the northwestern side of Sudbury Court, Wembley. The property is not within a Conservation Area. It is in an area typically characterised by inter-war suburban housing.

**PROPOSAL**

Erection of side dormer and rear dormer roof extensions in addition to extensions already permitted under 10/0854: to convert the garage into a habitable room, erect a single-storey rear, single-storey side and 2-storey side and rear extensions to dwellinghouse and alterations to frontage

**HISTORY**

**10/0854 – Approved subject to conditions**

Conversion of the garage into a habitable room and the erection of part single-, part two-storey extensions to the side and rear of the house.

**10/0268 – Withdrawn**

Erection of one- and two-storey side extensions, erection of a one- and two-storey rear extensions with associated roof alterations, conversion of garage to a habitable room and landscaping to front garden.

**POLICY CONSIDERATIONS**

**Unitary Development Plan [UDP] 2004**

**BE2 – Townscape- Local Context and Character**

**BE7 – Public Realm: Streetscape**

**BE9-** Architectural quality  
**TRN23** – Parking standards- residential properties  
**TRN34** – Servicing of new development

**Supplementary Planning Guidance**  
**SPG5** *"Altering and Extending Your Home"*

**Brent's Core Strategy 2010**  
**CP17** – Protecting and Enhancing the Suburban Character of Brent

**Considerations**

- Size and scale of proposed extensions
- Impact on amenity, outlook and privacy of neighbours
- Impact on streetscape and character of locality including the local highway network

**CONSULTATION**

Consultation letters were sent out on 21/09/2010 in which 2 neighbouring properties were consulted. Members should note that this application is still within the consultation period, which does not lapse until 12/10/2010. Any comments received will be reported in the supplementary.

**REMARKS**

**Summary**

This application proposes the erection of side and rear dormer roof extensions in addition to extensions already permitted under 10/0854: to convert the garage into a habitable room, erect a single-storey rear, single-storey side and 2-storey side and rear extensions to the dwellinghouse and alterations to frontage. Members should note that the previous application was approved with conditions at committee following the receipt of 2 objections, one from the neighbour on either side. The objections raised previously:

- The possible terracing effect of the first-floor side extension.
- The loss in value to the neighbouring property as a result of these works .
- Concern that the eaves and gutter will extend beyond the applicant's ownership.
- Concern that the proposed extensions will lead to overshadowing.
- The proposal will impact on light, particularly to side conservatory.
- Parking outside the property is restricted currently and the increase in vehicles as a result of the proposal will impact this, which is difficult particularly as the neighbour is a wheelchair user.
- Concern over the front garden layout as proposed.
- Concern over proposed materials.
- Concern about impact of new build on existing foundations.
- Concern regarding bin storage.

This application proposes the same extensions, but with the addition of the loft conversion. Therefore the main consideration within this application is difference between the previously approved scheme and that now proposed. Officers have requested the following alterations to the submitted proposal:

- Remove the roof pitch to the side dormer, in order to introduce a level of subservience to the side dormer.
- Alter the design of the rear dormer, by introducing a hipped-roof design and a central transom so that the window better reflects the proportions of other windows within the original dwelling.
- Front garden layout demonstrating soft and hard landscaping.



It is considered that the loft conversion, entailing the insertion of a rear and side dormer and front, side and rear rooflights, as revised, will not materially harm the amenities of neighbouring occupiers or the character of the streetscene, and the application should therefore be approved. Combined first-floor side extensions and side dormers are not always considered acceptable as they can appear as overly large and bulky additions detrimental to local character. However, your officers have checked other proposals within the vicinity on Sudbury Court Drive and side dormers that provide headroom/stairs access to the loft are commonly permitted when they are subservient to the original roof and set at a lower level than the roof line of any first-floor side extensions. The proposal as revised complies with this. This approach is considered appropriate along Sudbury Court Drive, where sizeable properties are located in spacious plots.

Since the last report to Committee, Brent's Core Strategy has been adopted. The proposal does not contravene policy CP17, which seeks to safeguard the suburban character of Brent.

The development previously approved and considerations arising (and previously considered at Committee) are as follows.

### **Side extension**

*The application entails a 2.8m wide 2-storey side extension on the eastern side of the property, where there is currently a garage and study at ground-floor. The study appears to be a past addition to the original property. The proposed ground-floor extension follows the existing garage footprint at the front of the property (also in alignment with number 93), but the proposal also incorporates extensions to the rear of the property too. The fenestration matches the original property. The proposed front build-line is articulated as the replacement garage extension is set back from the foremost wall containing the bay window. At first floor, the extension is set back 2.9m from this wall and 2.5m from the wall containing the front door, (the main build-line.)*

*The single-storey element has a flat roof and parapet walls with a total height of 2.825m. The existing side chimney is to be retained and the first-floor side extension is set down 0.8m from the original pitch of the property. The design accords with guidelines within SPG5, and the proposed set-backs combined with the roof set-down mean that the extension appears subservient to the original dwellinghouse in accordance with principles of policies BE2 and BE9 of Brent's Unitary Development Plan. The box gutter detail proposed ensures that the proposal does not overhang land outside the applicant's ownership.*

*On the western side of the dwelling, a single-storey side extension is proposed. This is 2.325m wide, and 2.825m high with a flat roof and parapet wall. These dimensions are in keeping with the scale of the original property. The side extension will entail the removal of an existing detached store on the boundary with number 89 and the attached utility room. Overall, the extension is proposed 0.8m from the shared boundary. The proposal extends to the rear of the existing building and wraps around the dwelling forming an L shape that links to the extension on the eastern side of the property.*

*Number 89 Sudbury Court Road unusually has a small side/rear conservatory immediately on the boundary with the application site. The side elevation of this is obscure-glazed except for high-level, transparent glazing panels. The positioning of the conservatory is unusual as it is largely to the side of the neighbouring dwelling, which increases its reliance on the application site for outlook and daylight received. The single-storey western extension is set 0.8m from the shared boundary and will impact on the adjoining conservatory. Nevertheless under permitted development, the application site could extend right up to the length of the conservatory, outside of planning control. The set-in of the proposal therefore represents an improvement. However, the structure does extend to the rear.*

### **Rear extension - ground floor**

*The application entails a wide single-storey rear extension. Amended drawings have been received. On the western side this projects 1.5m beyond the neighbouring side conservatory and*

2.5m from the original rear wall of number 91. This is greater than could be permitted development, as it is to the side of the original dwelling. However, the extension is not considered so deep as to relate significantly poorly to the neighbouring conservatory. It would be unreasonable for the neighbouring conservatory to solely rely on outlook across the application site. The conservatory's obscure glazing prevents direct outlook, and the utility room and main house on the application site already affect the daylight received by the conservatory. On balance, the 1.5m projection beyond the conservatory set 0.8m away from it, is not considered sufficiently harmful to warrant refusal of the application on these grounds.

On the eastern side of the site, the existing study is an existing single-storey extension to the side and rear of the property. The proposal projects to the rear of this, creating (as amended,) a total rear extension depth of 3m from the original rear wall of the application dwelling and number 93's rear wall. Since the proposed extension is both to the rear and side of the original dwellinghouse on site, this would not constitute permitted development. Nevertheless a 3m ground-floor rear projection is within the tolerances permitted in SPG5 guidelines. The neighbouring dwelling number 93 is set approximately 30cm lower in its site than the application dwelling, which will exacerbate the impact of any structure on site. Nevertheless if this is considered then the proposed the ground-floor rear extension would only appear 3.125m in height, which would not be sufficiently harmful to warrant refusal on these grounds. The proposed rear extension steps out to allow a total extension depth of four meters 3m from the boundary with number 93. This is considered sufficient distance for the depth to relate satisfactorily to the neighbouring dwelling.

#### **Rear extension - first floor**

The property currently has a staggered rear build-line. The proposed first-floor rear extensions are also proposed with a varied depth. The first-floor rear extension on the eastern side adjoining number 93 projects 0.749m from the line of the original back wall of the neighbouring property. This extension steps out 2.8m from the boundary. The proposal does not extend at first-floor towards the western side of the dwelling, but extends to the rear of the rearmost staggered build line 1.601m.

SPG5 guides that first-floor rear extensions should meet 1:2 guidelines, so that the depth of any proposed extension relates satisfactorily to the nearest habitable-room windows of neighbouring properties. Number 93 has a garage with a single-storey store room to the rear, which does not appear to be a habitable room. The applicant has demonstrated that the proposal complies with the 1:2 guideline in relation to the nearest habitable-room window within the main neighbouring dwelling. The 0.3m lower setting of number 93 will enhance any impact of the proposed massing on the neighbouring occupiers. However, the amended 0.749m first-floor projection is not considered sufficiently harmful to the outlook of daylight of the neighbouring dwelling to warrant refusal. The nearest habitable-room window within the neighbouring dwelling is 5m from the shared boundary.

The proposed first-floor rear extension also complies with the 1:2 guideline in relation to Number 89. It does not project at the first floor further than the neighbouring conservatory and meets the guidelines in relation to the next nearest habitable-room windows, thus creating a satisfactory relationship to the amenities of adjoining occupiers in compliance with policy BE9 of Brent's UDP.

The proposed first-floor extension is not greater than the width of the original dwellinghouse and, given the number of large extensions in the area and sizeable plots, this width is not considered out of keeping with the character of the locality.

A condition could restrict the right to insert any windows at the first floor to the side elevations in order to safeguard the privacy of neighbouring occupiers, particularly when using their rear gardens.

**Other matters**

*The side extension results in the loss of an existing garage. The applicant has within revised drawings indicated the provision of at least 50% soft landscaping within the front garden area including the retention of a front hedge and wall. This will be conditioned in order for the development to contribute to local amenity in accordance with guidelines within SPG5 and Policy BE7. In accordance with revisions to the Town and Country Planning (General Permitted Development) Order 1995, the Council now needs to consider surface-water treatment for new hardstanding areas within front gardens to limit water-flow into the public highway. A condition will require the submission of further details of the proposed block paving. The 2 parking spaces will be retained and protected by condition, which complies with Policy TRN23 and therefore is not anticipated to cause highway harm. Pedestrian access is maintained down the side of the property allowing bin storage in the rear garden if required.*

*There is a change in levels rising up towards the north-east. The applicant has demonstrated that a raised patio is not proposed to the rear of the property, which also safeguards neighbouring amenities in accordance with Policy BE9 of Brent's Unitary Development Plan 2004.*

*Neighbouring occupiers objected to the proposed 2-storey side extension immediately adjacent to their property. They mention that their house may be devalued. This cannot be considered. However, they also mention concern that a terracing effect may be created if they choose to extend in the future. It is considered that the set back of the first-floor extension and the reduced ridge height will assist the extension appearing subservient to the dwelling and prevent a terracing effect. This complies with SPG5 guidelines. The box gutter design shows that rainwater goods are entirely sited within the application site and eaves will not overhang adjoining properties. Party wall matters are not a planning consideration and for planning purposes the applicant has demonstrated that the proposal does not rely on land outside of the application site.*

*The amended scheme has reduced the depth of the single-storey and first-floor extensions on the boundary with number 93 and no first-floor side extension is proposed adjoining number 89. The ground-floor extension on the eastern side is also set off the boundary with the neighbouring property safeguarding neighbouring amenities. Materials will be conditioned to match the existing and safeguard the character of the area.*

**Summary**

*With reference to Council policies BE2, BE7 and BE9 of the Brent Unitary Development Plan 2004 and SPG5, and Brent's Core Strategy, the proposed development is considered to be in keeping with the original dwelling, and relates satisfactorily to the adjoining properties and the character of the streetscene, as amended. It is accordingly recommended for planning approval.*

**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  
Brent's Core Strategy 2010

**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:

001 Revision A  
002 Revision B  
003 Revision B  
200  
201  
202

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 additional windows or glazed doors shall be constructed in the northeast or southwest first-floor walls and roof of the building (other than those shown on the approved drawings), 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 flat roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting-out area.

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

- (6) The parking spaces measuring 2.4m by 4.8m within the front garden of the property, as shown on the approved plans, shall be constructed prior to the occupation of the extensions and shall be permanently retained and used solely in connection with the extended dwelling hereby approved.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (7) No development shall commence on site unless details of all hard and soft landscaping to be provided within the front garden, including:

(i) a planting plan and schedule demonstrating the provision of a significant proportion of soft landscaping within the front garden

(ii) a schedule of paving materials with consideration of disposal of surface-water

have been submitted to and approved in writing by the Local Planning Authority, prior to commencement of the development. The landscape work shall be completed during the first available planting season following completion of the development hereby approved and the hard landscape works shall be permanently retained, unless otherwise agreed in writing by the Local Planning Authority. 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 and size to those originally planted.

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Unitary Development Plan [UDP] 2004  
SPG5 '*Altering and Extending your home*'  
Brent's Core Strategy 2010

Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



## Planning Committee Map

Site address: 91 Sudbury Court Drive, Harrow, HA1 3SS

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.** 23  
**Case No.** 10/1980

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**RECEIVED:** 6 August, 2010

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Play Area at the junction of Pitfield Way & Henderson Close,  
Henderson Close, London, NW10

**PROPOSAL:** Relocation of existing playground and erection of a part 3- and part 4-storey block comprising 4 self-contained maisonnettes and 2 dwellinghouses, with provision of private amenity space to rear and associated landscaping to site, parking on southern side of Pitfield Way and alterations to existing parking area adjacent to Nos. 56-64 Lilburn Walk and 46 Henderson Close, and works to re-open Henderson Close to Pitfield Way involving the removal of existing bollards and installation of a "speed table"

**APPLICANT:** London Borough of Brent

**CONTACT:** Rick Mather Architects

**PLAN NO'S:**  
Please see condition 2

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**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**

This proposal is submitted by the London Borough of Brent and the application site is also owned by the Council. As such, this proposal cannot be accompanied by a Section 106 agreement and the measures and contributions normally secured through the S106 agreement have been incorporated into conditions. However, if the site is sold to a third party, such as a Registered Social Landlord, then the Council will enter into a Section 106 or other legal agreement to secure the measures and constructions, as set out within the following Heads of Terms:

- 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) That 100% of the dwellings are provided as Social Rented Affordable;
- c) A contribution £48,000 (£2,400 per additional AH bedroom)
  - i. 50% due on material start an, index-linked from the date of committee for Education, Sustainable Transportation, Open Space in the local area
  - ii. 50% towards the provision, prior to Occupation, landscaping (including new trees) and other environmental improvements in the locality.
- d) Prior to material start, the submission and approval of the detailed design of the and re-provided children's play area and the implementation of the approved details;
- e) That 100 % of the homes should be constructed to Lifetime Homes standards;

- f) The submission, approval and implementation of a strategy for the provision of Wheelchair Accessible or Easily Adaptable units within the St Raphaels Estate housing proposals which demonstrates the provision of such housing at a rate of 10 %.

## **EXISTING**

The subject site is situated at the corner of Pitfield Way and Henderson Close. A children's play area which is maintained by Brent Housing Partnership currently occupies the site. This end of Henderson Close is currently closed to through traffic, with a paved area containing bollards separating the northern element of Henderson Close and the small southern element that is currently used for car parking.

The site is not within a Conservation Area and there are no listed buildings in the vicinity.

## **PROPOSAL**

This application proposes the relocation of the existing play area to the land directly in front of the Lilburn Walk shops approximately 40 m from its current location.

The site would then be redeveloped to provide 4 maisonettes (3 bedroom 5 person) and 2 houses (4 bedroom 7-8 person).

Off-site works that would be undertaken as a part of this proposal includes opening Henderson Close to through traffic including the construction of a speed table at the junction with Pitfield Way, the provision of 13 parking spaces opposite the site on the south side of Pitfield Way and various other landscaping improvements.

## **HISTORY**

There is no relevant planning history.

## **POLICY CONSIDERATIONS NATIONAL**

<b>Planning Policy Statement 1</b>	Creating Sustainable Communities (2005)
<b>Planning Policy Statement 3</b>	Housing (2010)
<b>Planning Policy Statement 12</b>	Local Spatial Planning
<b>Planning Policy Guidance 13</b>	Transport (2001)
<b>Planning Policy Guidance 17</b>	Planning for Open Space, Sport and Recreation (2002)
<b>Planning Policy Guidance 24</b>	Planning and Noise (1994)

## **REGIONAL**

### ***The London Plan***

Policy 3A.1	Increasing London's supply of housing
Policy 3A.2	Borough housing targets
Policy 3A.3	Maximising the potential of sites
Policy 3A.5	Housing choice
Policy 3A.6	Quality of new housing provision
Policy 4A.11	Living Roofs and Walls
Policy 4A.14	Sustainable Drainage
Policy 4A.16	Water Supplies and Resources
Policy 4A.19	Improving Air Quality
Policy 4A.20	Reducing Noise and Enhancing Soundscapes



## **Supplementary Planning Guidance**

Housing (2005)

Providing for Children and Young People's Play and Informal Recreation (2008)

### **LOCAL**

#### **Brent Local Development Framework Core Strategy 2010**

<b>CP1</b>	Spatial Development
<b>CP2</b>	Population and Housing Growth
<b>CP5</b>	Placemaking
<b>CP6</b>	Design & Density in Place Shaping
<b>CP14</b>	Public Transport Improvements
<b>CP15</b>	Infrastructure to Support Development
<b>CP17</b>	Protecting and Enhancing the Suburban Character of Brent
<b>CP18</b>	Protection and Enhancement of Open Space, Sports and Biodiversity
<b>CP21</b>	A Balanced Housing Stock

#### **Brent Unitary Development Plan 2004**

##### **Strategy**

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

##### **Policies**

<b>BE2</b>	Local Context
<b>BE3</b>	Urban Structure: Space & Movement
<b>BE4</b>	Access for disabled people
<b>BE5</b>	Urban clarity and safety
<b>BE6</b>	Landscape design
<b>BE7</b>	Streetscene
<b>BE8</b>	Lighting and light pollution
<b>BE9</b>	Architectural Quality
<b>BE13</b>	Areas of Low Townscape Quality
<b>EP2</b>	Noise and Vibration
<b>EP3</b>	Local air quality management
<b>EP6</b>	Contaminated land
<b>H12</b>	Residential Quality – Layout Considerations
<b>H13</b>	Residential Density
<b>H14</b>	Minimum Residential Density
<b>TRN3</b>	Environmental Impact of Traffic
<b>TRN4</b>	Measures to make transport impact acceptable
<b>TRN9</b>	Bus Priority
<b>TRN10</b>	Walkable environments
<b>TRN11</b>	The London Cycle Network
<b>TRN23</b>	Parking Standards – Residential Developments
<b>TRN34</b>	Servicing in new developments
<b>TRN35</b>	Transport access for disabled people & others with mobility difficulties

<b>PS1</b>	Parking standards – Operation of these parking Standards
<b>PS14</b>	Parking Standards – Residential Developments
<b>PS15</b>	Parking for disabled people
<b>PS16</b>	Cycle parking standards
<b>OS18</b>	Children's play areas
<b>CF6</b>	School places

#### **Brent Council Supplementary Planning Guidance and Documents**

<b>SPG4</b>	Design Statements
<b>SPG12</b>	Access for disabled people
<b>SPG13</b>	Layout standards for access roads
<b>SPG17</b>	Design Guide for New Development
<b>SPG21</b>	Affordable Housing
<b>SPD</b>	Section 106 Planning Obligations

#### **SUSTAINABILITY ASSESSMENT**

Not applicable.

#### **CONSULTATION**

**Statutory Consultation Period:** 17 August – 7 September 2010

#### **Neighbours and nearby occupiers**

Two letters of objection were received raising the following issues:

- Reduction in green space;
- Reduction in play area;
- Increase in traffic (especially from A406) and pollution;
- Infrastructure in area will suffer;
- Effect on the area;
- Loss of light, privacy and outlook;
- 4-storey building is out of keeping with local area;
- Effect on facilities for pedestrians, the elderly and people with disabilities;
- Insufficient capacity of schools in area, which are already deficient;
- There is no existing parking area adjacent to 56-64 Pitfield Way which is some distance from the site [Note: the parking area is adjacent to 56-64 Lilburn Walk rather than Pitfield Way as initially specified in the description. This has been amended and letters have been sent to notify all neighbours and nearby occupiers that were originally consulted]
- Removing the bollards will increase noise and dust and increase opportunities for crime.

#### **Internal Consultees**

##### **Transportation**

Initial comments: The eastern set of parking spaces on Pitfield Way conflicts with an existing bus stop and amendments are required to relocate these spaces. If these spaces are not provided, the proposal would not provide sufficient additional parking for the units. It is also recommended that the spaces to the north of the site are rearranged into a "parking court". Amendments are also recommended to the relocated Henderson Close footway and the width of the adjoining element of Henderson Close.

Revised drawings have been received. **Further comments from Transportation will be detailed in the Supplementary Report.**

##### **Landscape Design**

Initial comments: Some concerns have been expressed regarding the landscaping proposals, including the level of soft landscaping in frontages and in rear gardens, the amenity spaces, details of bin and bike stores, width of some planters between car parking spaces, the layout and landscaping of the land around the new play area and details of tree pits.

Revised drawings were subsequently submitted to address these concerns, and the revisions are discussed within the remarks section of this report.

#### Environmental Health

Site Investigation: conditions are recommended regarding a site investigation, remediation strategy and validation report and certificates.

#### External Consultee

Thames Water

Informatives have been recommended.

### REMARKS

This application proposes the construction of 6 dwellings at the junction of Henderson Close and Pitfield Way. The key issues associated with this proposal relate to:

- The principle of development, in terms of the relocation of the children's play area and the associated improvements to the landscaping and public realm;
- The design, appearance and layout of the proposal;
- The landscaping proposals;
- The quality of accommodation;
- Any potential impacts on adjoining residents;
- Transportation issues, including car parking, cycle parking and road/parking layout;

This proposal is one of four applications for new homes within the St Raphaels Estate submitted by the Brent Council Housing Service. The other proposals relate to Lovett Way (reference 10/1764 considered at the previous planning committee meeting), Besant Way (reference 10/2076, currently being considered) and Tillett Close (reference 10/2075, currently being considered).

#### General Principles of development

##### *Relocation of Public Open Space*

The existing fenced play space situated adjacent to Pitfield Way has been recently upgraded and contains six pieces of equipment. The applicants have confirmed that the size of the play space will increase from 249 sqm to 350 sqm and have detailed the potential layout of the play area to demonstrate that the new layout can accommodate all of the equipment within the existing play space. The relocation of the play space will increase its separation from Pitfield Way and your officers consider that it will help to activate the space in front of the row of shops.

Your officers consider the proposed relocation of the children's play area to be acceptable providing the works are undertaken prior to the commencement of works on the new development to ensure that the time that the play area is unavailable for use is limited.

An objector has noted that the proposal will result in a reduction in play space and in green space. The proposal will not result in a reduction in play space. The applicants propose to mitigate the reduction in green space by planting a number of trees in the immediate vicinity.

##### *Principle of Residential Development*

Subject to the re-provision of the play area as discussed above, your officers consider that the construction of residential dwellings within what is primarily a residential area is acceptable in principle. The proposal results in a reduction in the green space on this corner. However, the green space has no formal protection, the proposed buildings provide a visual "book end" on the eastern side of Henderson Close and the proposal includes the planting of a number of trees in the street and public realm.

### *Density*

The density of the proposed development is 100 units per hectare or 533 habitable rooms per hectare. This is marginally above the London Plan range with regard to the number of units (50 – 95 units/Ha), but well above the London Plan range in relation to Habitable Rooms (150-250 HRH). It should be noted that these London Plan ranges assumes a much smaller proportion of family units, and is predicated on an average of 2.7 to 3 habitable rooms per unit whereas the proposal provides an average of 5.3. The significant numerical calculation of density by Habitable Room is therefore due to the provision of large units which are required to meet housing need and are intended to provide decant housing for the North Circular Road project. Furthermore, your officers consider that the design and massing of the proposed units is in keeping with the locality (please see subsequent discussion on design). Your officers accordingly consider that the density of the proposed development is acceptable.

### *Summary*

Your officers consider that the relocation of the play area and the proposed residential development of the site is acceptable providing the new play area is provided prior to the commencement of works.

### **Layout, design and landscaping**

#### *General layout of development*

The proposed dwellings front Pitfield Way with entrances and front gardens providing activity within this frontage. The proposal will significantly increase the level of natural surveillance of the Pitfield Way footpaths and street. The properties have private gardens to the rear (north), and maintain the walkway along the northern boundary of the site.

As mentioned previously, the proposal includes the re-opening of Henderson Close to through traffic and includes revisions to the footway. This route currently only allows pedestrian access and your officers do not object to the re-opening of Henderson Close as a speed table is proposed at the Junction with Pitfield Way.

The proposed site for the playground offers more enclosure and natural surveillance than the existing site and is considered to be a suitable alternative location by your officers.

The proposed buildings project closer to the back-edge of the footway than the existing flatted buildings. However, there is a large separation between the proposed and the adjoining buildings within the Pitfield Way frontage and they are situated on a bend in the road where the adjoining building lines are not directly transferable into this site.

#### *Design and appearance*

The applicants look to construct a 4-storey building containing 4 flats on the corner of Pitfield Way and Henderson Close which is to adjoin two proposed 3-storey houses to the east. The scale of buildings is in keeping with the existing buildings locality, including the 4-storey buildings directly to the west and 3-storey buildings to the north-east.

The proposed buildings are modern and simple in design, and rely on a high quality of materials and detailing to ensure their success. The buildings compliment rather than replicating the existing 1960s buildings, an approach that your officers consider is appropriate for the site.

#### *Landscaping*

The landscaping proposals have been amended since first submission, with the amendments increasing the level of tree and shrub planting. Areas of soft landscaping are proposed in the frontages of all the units. The proposal results in the loss of three trees adjacent to Henderson Close. However, the number of replacement trees that are proposed significantly exceeds the number to be lost.

Planting and seats helps to define the area adjacent to the new play ground and increase its functionality. A number of new trees are to be planted along Henderson Close, and new trees are used to break up the proposed parking spaces. Planting has also been proposed adjacent to the community centre to improve the visual appearance of this building frontage and provide a setting for the building.

A large amount of landscaping is off-site. This is typically secured through Section 106. However, as this is a Local Authority proposal, the submission and approval of details together with the implementation of those details is to be secured through condition.

#### *Summary*

Your officers consider that the proposed layout and design of buildings pays the appropriate regard to its context. The revised siting of the play ground is considered acceptable whilst the proposal makes a number of improvements to the local environment, including the provision of a number of additional trees, an improved parking layout and improved natural surveillance of Pitfield Way.

#### **Quality of accommodation**

The proposed houses exceed the Council's guidance levels for minimum internal floorspace. The majority of units exceed the Council's guidance levels regarding external amenity space through the use of ground floor space, balconies and large roof terraces. The two units fall below guidance level. However, the shortfall is not significant (less than 10 %).

Adequate levels of cycle and refuse storage are proposed within the front and rear gardens.

The applicants have confirmed that all homes will be built to Lifetime Homes standards. With regard to Wheelchair or Easily Adaptable Housing, the applicants have confirmed that 10 % of the homes that are constructed as part of the St Raphaels Housing project will be Wheelchair Accessible. The two 3-bedroom 5-person lower floor maisonettes are wheelchair accessible and include lift access between the ground and first floor.

#### *Play and recreational space*

The child yield of the proposed development has been calculated to be 8 due to the tenure and size of units. Given the size of the areas of private amenity space and the proximity to play facilities and open space, your officers consider that the play and recreation provision for the proposed development is acceptable.

#### *Summary*

Your officers consider that the quality of proposed housing is acceptable and in accordance with the Council's policies and guidance.

#### **Impact on adjoining residents/occupiers**

##### *Daylight and Sunlight*

The adjoining building to the west (Nos. 56-64 Lilburne Walk) presents a blank wall toward this site and there are no windows within this building that will be affected by the proposal. The adjoining building to the north is a community building and the proposal accordingly will not have an unduly detrimental impact on the light and outlook to this building. A block of flats is situated to the east of the community building. The proposed development is at an oblique angle to the windows of this building which face south and west and, given the angle and distance to the development, it is considered that the proposed houses will not have an unduly detrimental impact on the daylight or sunlight to these units.

##### *Privacy and overlooking*

The proposal does not directly face windows of any nearby dwellings. The nearest windows are set at an oblique angle to the proposed development and the potential impact on the privacy of residents is accordingly minimal. The site is surrounded by communal space and accordingly will not overlook any private gardens. Your officers accordingly consider that the proposal will not

have an unduly detrimental impact on the privacy of surrounding residents.

#### *Objections received*

One objector has commented that they will suffer a loss of light, privacy and outlook as a result of this proposal. This matter has been discussed above and your officers consider that the proposal will not result in an unduly detrimental level of harm.

Objectors are also concerned that opening up Henderson Close will result in an increase in noise and dust. Whilst the number of vehicles using this element of Henderson Close is likely to increase, your officers consider that this will not result in significant harm to the amenities of nearby occupiers.

### **Transportation**

#### *Car parking*

Car parking is proposed through revisions to the layout of parking areas within Henderson Close and Pitfield Way.

The Pitfield Way parking area would remove the existing on-street parking which is set half onto the pavement. This area has the capacity for 6 cars (at the standard 6 m per car) whilst the revised perpendicular parking layout provides 13 spaces, including 2 sized for disabled use. The parking area adjacent to Nos. 56-64 Lilburne Walk currently has capacity for 5 cars. Some additional informal parking also occurs in this location. However, this results in a narrow isle width for cars that would fall below the minimum normally considered acceptable. The proposed revisions result in a total of 7 spaces. The parking area adjacent to the community centre has also be redesigned and now formalises the parking which currently occurs informally at the end of Henderson Close.

The reduced parking standards for the site that are applicable to Affordable Housing would allow a maximum of 5.2 spaces for the 6 units. The proposal would exceed this if considering the increase from the current the number of formal parking spaces in the locality. However, it is noted that informal parking occurs in a number of places in the locality and your officers consider that the proposed increase in parking provision is appropriate.

Transportation previously commented on the conflict between some of the Pitfield Way parking spaces to an existing bus stop. The plans were revised to address this by moving some of the parking spaces, thus ensuring that the parking spaces do not overlap with the bus stop. Further comments from Transport relating to the revised layout will be provided in the Supplementary Report.

#### *Cycle Parking*

Cycle parking is proposed at a rate of 2 cycles per residential unit. This exceeds the levels set out within the UDP parking standards and is considered to be acceptable.

#### *Servicing*

Refuse storage is situated within bin stores in the Pitfield Way frontages. This allows suitable access for residents and ensures that the bins are an appropriate distance from the street.

#### *Other issues raised an objector*

Objectors have expressed concern that the proposal will result in an increase in the number of vehicles, especially from the A406. Your officers consider that the 6 new units that are proposed are unlikely to result in a significant increase in traffic.

#### *Summary*

The car parking, cycle storage and refuse storage proposals are considered to be acceptable.

### **Site Survey/contamination**

A Desk Study has not been submitted in relation to this site. However, given the site history and the work that has been commissioned by Environmental Health, there is the potential presence of contamination in the proposed development area due to the historical land use. Environmental Health have accordingly recommended that conditions are attached requiring a Site Investigation, Remediation Strategy and Verification Report.

### **Other comments from Objectors**

Local residents have objected to the ability of Infrastructure in the area to cope with the increased pressure of development. With regard to utilities, Thames water do not object to the proposal and your officers are not aware of any reasons why the local Infrastructure would have insufficient capacity for the proposed increase of 6 homes.

With regard to school places, your officers are aware of the shortfall in places across the borough. This development, if delivered, will be accompanied by Section 106 contributions towards Education in order to mitigate against this impact of the development in accordance with the adopted Council's adopted Supplementary Planning Document.

### **Conclusions**

The proposal, which is intended to enable the delivery of the North Circular Road project, includes the adequate re-provision of the children's play area and other improvements to the public realm in the vicinity of the site. The revised parking area layouts provide sufficient additional parking to accommodate the demand that is likely to be generated by the proposal. Your officers consider that the proposed layout, design and appearance pays the appropriate regard to its context and should result in improvements to local safety and security. The quality of accommodation proposed is considered to be acceptable whilst the development has been designed to ensure that it mitigates any unduly detrimental impacts on nearby residents or occupiers.

Your officers accordingly recommend that planning permission is granted.

## **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  
Central Government Guidance  
Council's Supplementary Planning Guidance  
Brent Local Development Framework Core Strategy 2010

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs

## 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):

542_1000 Rev P2	542_1206 Rev P
542_1002 Rev P	542_1212 Rev P
542_1010 Rev P2	542_1221 Rev P
542_1012 Rev P4	542_1222 Rev P
542_1101 Rev P	TFL/SG33 Rev 4
542_1202 Rev P	TFL/SG34 Rev 4
542_1205 Rev P	TFL/SG37 Rev 1

Design and Access Statement dated August 2010  
Infill Housing at Henderson Close St Raphael's Estate Planning Obligations S106,  
dated August 2010

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

- (3) All parking spaces, footways and other alterations to the highway, both within and outside of the subject site (but detailed in the approved plans) shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

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

- (4) Notwithstanding the provisions of Schedule 2 Part 1 Classes A to G 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 enlargement, improvement or other alteration of the premises shall be carried out to the dwellinghouses hereby approved, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason:

In view of the restricted size of the site for the proposed development no further enlargement or alteration beyond the limits set by this permission 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) All areas shown on the approved plans shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved and the details approved under item (e) below shall be implemented prior to demolition/construction commencing and retained during demolition/construction.

The submitted scheme shall include details of:

- (a) the planting scheme for the site, which shall include species, size and density of plants;
- (b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- (c) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
- (d) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (e) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- (7) The development hereby approved shall not commence unless details of the new children's play area, including the size and layout of the area and full details of the play and any ancillary equipment have been submitted to and approved in writing by the Local Planning Authority and those details have been implemented in full.

Reason: To ensure the adequate provision of play facilities in the locality.

- (8) The development hereby approved shall not be occupied unless details of the off-site works and landscaping, including the parking areas, play area and off-site planting

have been submitted to and approved in writing by the Local Planning Authority and the approved works implemented in full. The details shall include:

- (a) the planting scheme, which shall include species, size and density of plants;
- (b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- (c) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
- (d) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;
- (e) The detailed design and layout of the parking spaces, footways and other highway alterations, including the speed table;
- (f) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.

The approved details shall maintained thereafter. Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality and the adequate provision of car parking and play facilities.

- (9) No development shall commence unless details of any external lighting, including the lux level and a lighting contour map, are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area.

- (10) The development hereby approved shall not be occupied unless details have been submitted to the Local Planning Authority which confirm that all units have been constructed to Lifetime Homes standards.

Reason: To ensure a satisfactory development.

- (11) The development hereby approved shall not be occupied unless details have been submitted to the Local Planning Authority which confirms that 2 of the units hereby approved have been constructed to Wheelchair Accessible or Easily Adaptable, or a strategy for the provision of a minimum of 10 % of dwellings as Wheelchair Accessible or Easily Adaptable units within the St Raphaels housing proposals has been submitted to and approved in writing by the Local Authority and the approved strategy shall be implemented in full.

Reason: To ensure a satisfactory development.

- (12) Prior to the commencement of building works, a site investigation shall be carried out by suitably qualified 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.

- (13) 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

- (14) The development hereby approved shall not commence unless details are submitted to the Council which demonstrate that the development has joined the Considerate Constructors Scheme. The developer shall thereafter adhere to the scheme for the period of construction.

Reason: To safeguard the amenities of adjoining and nearby residents and occupiers.

- (15) 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:**

- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- (2) There are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building / development work, please contact Thames Water on 0845 850 2777.

**REFERENCE DOCUMENTS:**

The London Plan Consolidated with Amendments Since 2004  
Brent Unitary Development Plan 2004  
Brent Local Development Framework Core Strategy

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: Play Area at the junction of Pitfield Way & Henderson Close, Henderson Close, London, NW10

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## Committee Report Planning Committee on 13 October, 2010

Item No. 24  
Case No. 10/2076

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**RECEIVED:** 6 August, 2010

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Boiler Room next to 65, Besant Way, London

**PROPOSAL:** Demolition of a single-storey building and erection of a part 3- and part 4-storey building comprising 6 self-contained flats (4 one-bedroom & 2 two-bedroom), with new pedestrian access, provision of off-street car-parking, bin store and associated landscaping

**APPLICANT:** Brent Housing Services

**CONTACT:** Rick Mather Architects

**PLAN NO'S:**  
(see condition 2 for details)

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### 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 proposal is submitted by the London Borough of Brent and the application site is also owned by the Council. As such, this proposal cannot be accompanied by a Section 106 agreement and the measures and contributions normally secured through the S106 agreement have been incorporated into conditions. However, if the site is sold to a third party, such as a Registered Social Landlord, then the Council will enter into a Section 106 or other legal agreement to secure the measures and constructions, as set out within the following Heads of Terms:

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance;
- That 100% of the dwellings are provided as Social Rented Affordable;
- A contribution of £19,200 (£2,400 per additional AH bedroom)
  - i. 50% due on material start and, index-linked from the date of Committee for Education, Sustainable Transportation, Open Space in the Local Area
  - ii. 50% towards the provision, prior to Occupation, landscaping (including new trees) and other environmental improvements in the locality;
- That 100% of the homes should be constructed to Lifetime Homes Standards;
- The submission, approval and implementation of a strategy for the provision of Wheelchair Accessible or Easily Adaptable units within the St Raphaels Estate housing proposals which demonstrates the provision of such housing at a rate of 10%.

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 a reasonable timeframe.

## **EXISTING**

The subject site is situated on the western side of Besant Way within the St Raphaels estate. Currently the site contains a single-storey building originally built as a boiler house. More recently, this building has been in use as an office for the estate. This activity has now ceased, however, a youth-mentoring project is still based within the building.

The site is not situated within a Conservation Area and there are no listed buildings in the vicinity. Surrounding buildings are in residential use and reach 4 storeys in height.

## **PROPOSAL**

This application proposes the demolition of a single-storey building and erection of a part 3- and part 4-storey building comprising 6 self-contained flats (4 one-bedroom & 2 two-bedroom), with new pedestrian access, provision of off-street car-parking, bin store and associated landscaping.

## **HISTORY**

03/0225 - External alterations to building and use of boiler house as offices (Use Class B1)  
Granted - 08/04/2003

## **POLICY CONSIDERATIONS NATIONAL**

<b>Planning Policy Statement 1</b>	Creating Sustainable Communities (2005)
<b>Planning Policy Statement 3</b>	Housing (2010)
<b>Planning Policy Statement 12</b>	Local Spatial Planning
<b>Planning Policy Guidance 13</b>	Transport (2001)
<b>Planning Policy Guidance 17</b>	Planning for Open Space, Sport and Recreation (2002)
<b>Planning Policy Guidance 24</b>	Planning and Noise (1994)

## **REGIONAL**

### ***The London Plan***

Policy 3A.1	Increasing London's supply of housing
Policy 3A.2	Borough housing targets
Policy 3A.3	Maximising the potential of sites
Policy 3A.5	Housing choice
Policy 3A.6	Quality of new housing provision
Policy 4A.11	Living Roofs and Walls
Policy 4A.14	Sustainable Drainage
Policy 4A.16	Water Supplies and Resources
Policy 4A.19	Improving Air Quality
Policy 4A.20	Reducing Noise and Enhancing Soundscapes

### **Supplementary Planning Guidance**

Housing (2005)  
Providing for Children and Young People's Play and Informal Recreation (2008)

## **LOCAL**

**Brent Local Development Framework Core Strategy 2010**



<b>CP1</b>	Spatial Development
<b>CP2</b>	Population and Housing Growth
<b>CP5</b>	Placemaking
<b>CP6</b>	Design & Density in Place Shaping
<b>CP14</b>	Public Transport Improvements
<b>CP15</b>	Infrastructure to Support Development
<b>CP17</b>	Protecting and Enhancing the Suburban Character of Brent
<b>CP18</b>	Protection and Enhancement of Open Space, Sports and Biodiversity
<b>CP21</b>	A Balanced Housing Stock

## **Brent Unitary Development Plan 2004**

### **Strategy**

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

### **Policies**

<b>BE2</b>	Local Context
<b>BE3</b>	Urban Structure: Space & Movement
<b>BE4</b>	Access for disabled people
<b>BE5</b>	Urban clarity and safety
<b>BE6</b>	Landscape design
<b>BE7</b>	Streetscene
<b>BE8</b>	Lighting and light pollution
<b>BE9</b>	Architectural Quality
<b>BE13</b>	Areas of Low Townscape Quality
<b>EP2</b>	Noise and Vibration
<b>EP3</b>	Local air quality management
<b>EP6</b>	Contaminated land
<b>H12</b>	Residential Quality – Layout Considerations
<b>H13</b>	Residential Density
<b>H14</b>	Minimum Residential Density
<b>TRN3</b>	Environmental Impact of Traffic
<b>TRN4</b>	Measures to make transport impact acceptable
<b>TRN9</b>	Bus Priority
<b>TRN10</b>	Walkable environments
<b>TRN11</b>	The London Cycle Network
<b>TRN23</b>	Parking Standards – Residential Developments
<b>TRN34</b>	Servicing in new developments
<b>TRN35</b>	Transport access for disabled people & others with mobility difficulties
<b>PS1</b>	Parking standards – Operation of these parking Standards
<b>PS14</b>	Parking Standards – Residential Developments
<b>PS15</b>	Parking for disabled people
<b>PS16</b>	Cycle parking standards
<b>OS18</b>	Children's play areas
<b>CF6</b>	School places

## **Brent Council Supplementary Planning Guidance and Documents**

<b>SPG4</b>	Design Statements
<b>SPG12</b>	Access for disabled people
<b>SPG13</b>	Layout standards for access roads
<b>SPG17</b>	Design Guide for New Development
<b>SPG21</b>	Affordable Housing
<b>SPD</b>	Section 106 Planning Obligations

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

Standard three-week consultation period carried out between 08 September 2010 and 29 September 2010 in which 61 properties were notified.

No comments have been received regarding the application.

### **Internal Consultees**

#### **Landscape Design:**

No objections in principle, however, some concerns have been raised regarding the access to and layout of communal areas together with improvements to walls/fencing along the frontage and tree planting.

Revised drawings have been submitted to address these concerns.

#### **Thames Water:**

No objections

#### **Transportation:**

No objections, subject to contributions towards improving non-car access, highway safety improvements and new parking controls.

#### **Environmental Health:**

Site Investigation: conditions are recommended regarding a site investigation, remediation strategy and validation report and certificates.

#### **Urban Design:**

No objections.

## **REMARKS**

This application proposes the construction of 6 new residential units on Besant Way. The key issues associated with this proposal relate to:

- The principle of development, in terms of the loss of a small amount of community facilities space.
- The design, appearance and layout of the proposal.
- The landscaping proposals.
- The quality of accommodation.
- Any potential impacts on adjoining residents.
- Transportation issues, including car-parking, cycle parking and access.

The proposal is one of four applications for new homes within the St Raphaels Estate submitted by the Brent Council Housing Service. The other proposals relate to Lovett Way (reference 10/1764 considered at the previous Planning Committee meeting), Play Area at the junction of Pitfield Way & Henderson Close (reference 10/1980 - also being considered at this Planning Committee meeting) and Tillett Close (reference 10/2075 - also being considered at this Planning Committee meeting).

## **General Principles of development**

### *Principle of Residential Development*

The proposals relates to the redevelopment of a brownfield site which is now largely redundant. Whilst it is noted that a youth-mentoring project currently utilises the existing building, the applicants have provided details of other suitable facilities where this project can be accommodated within the area. On this basis, the construction of new residential units within what is primarily a residential area is acceptable in principle.

### *Density*

The density of the proposed development is 140 units per hectare or 326 habitable rooms per hectare. This exceeds the London Plan range with regard to the number of units (50-95 units/Ha) and habitable rooms per hectare (150-250 HRH). The lower density range is due to the poor public-transport accessibility level (PTAL) of the area, however, the density of the original estate would also exceed the suggested density range.

Furthermore, it should be noted that any density-calculation tool is only one method used to assess a scheme and should be subject to acceptable design, bulk and massing, layout, access and parking. Your officers consider that the design and massing of the proposed units is in keeping with the locality (please see subsequent discussion on design). Your officers accordingly consider that the density of the proposed development is acceptable.

## **Layout, design and landscaping**

### *General layout of development*

The proposed dwellings front Besant Way with the main entrance and pathways to communal amenity space providing activity within this frontage. Amenity space is provided to the rear divided in to private space for the ground floor unit and communal space for first- and second-floor units supplementing private balconies.

The building is positioned further back in the site in comparison with the block to the north but forward of the block to the south maintaining the staggered building line established along this side of Besant Way.

### *Design and appearance*

The applicants proposed a part 3-storey, part 4-storey building on the site. The scale of building proposes is in keeping with the existing buildings adjacent to the site.

The proposed buildings are modern and simple in design, and rely on a high quality of materials and details to ensure their success. The buildings complement rather than replicate the existing 1960s buildings, which is considered an acceptable approach for the site.

### *Landscaping*

The landscaping proposals have been amended since the first submission, with the amendments increasing the level of tree and shrub planting and introducing a soft landscaping buffer in front of the proposed building. Planting and seats help to define the communal amenity space into a variety of spaces.

It is noted that the frontage of the site will be dominated by hardsurfacing to provide parking and refuse storage, however, amendments are currently being sought to alter the parking arrangement to on-street provision, in a similar manner to existing arrangements along Besant Way, with only

one space then required off-street for the disabled unit. This would allow the frontage to achieve a better balance between soft landscaping, paving and refuse storage, and positively contribute to the character of the area. Confirmation that satisfactory amendments have been secured will be reported within the supplementary report.

It is also noted that the scheme will involve the removal of a small amount of estate greenery on Lansbury Close, including the removal of two trees. Trees will be reprovided within the amenity areas of the new flats and would have public amenity value. Furthermore, there is an opportunity to enhance the existing greenery area which will remain. Details of satisfactory planting within the area shall be secured by condition. On balance, the loss of a modest amount of green space in an area is therefore not considered to raise significant concerns with officers.

### **Quality of Accommodation**

The proposed units exceed the Council's guidance levels for minimum internal floorspace. The units exceed the Council's guidance levels regarding external amenity space through the use of ground-floor space, balconies and a large roof terrace for the second-floor unit. Distances between habitable-room windows and boundaries are adequate to provide satisfactory outlook.

An adequate level of cycle storage is proposed within the building, whilst satisfactory refuse and recycling storage facilities can be accommodated within the site frontage.

The applicants have confirmed that all homes will be built to Lifetime Homes standards. With regard to Wheelchair or Easily Adaptable Housing, the applicants have confirmed that 10% of the homes that are constructed as part of the St Raphaels Housing project will be Wheelchair Accessible. The ground-floor, 2-bedroom, 4-person unit is wheelchair-accessible which is considered adequate provision.

### *Play and recreational space*

The child yield of the proposed development has been calculated to be 2.8. Given the size of the areas of private amenity space given to the two-bedroom units and the proximity to play facilities and open space, your officers do not consider it necessary for play and recreation provision to be provided on-site in this instance.

### *Summary*

The quality of housing proposed within the development is acceptable and in accordance with the Council's policies and guidance.

### **Impact on adjoining residents/occupiers**

#### *Daylight and Sunlight*

The existing residential buildings to the north and south of the site present blank walls towards the application site and there are no windows within these buildings which will be affected by the proposal. The building has been positioned forward of the building to the south and extends beyond the rear wall of the building to the north. The closest habitable-room windows in the front and rear walls of these buildings would not be unduly affected, however, due to the oblique angle from which the proposed building would be visible. As such, the proposal is not considered to have an unduly detrimental impact on the daylight or sunlight currently enjoyed by these units or existing outlook.

#### *Privacy and overlooking*

The proposal does not directly face windows of any nearby dwellings. The nearest windows are set at an oblique angle to the proposed development and the potential impact on the privacy of residents is accordingly minimal. No habitable-room windows are proposed within walls which face private gardens. As such, your officers do not consider the proposal to have an unduly detrimental impact on the privacy of neighbouring residents.

## **Transportation**

### *Car parking*

The original submission proposed 5 off-street parking spaces which dominated the site frontage. This exceeded maximum parking standards of 3.2 space and failed to provide sufficient soft landscaping to satisfy BE7. In order to address these concerns amendments have been agreed in principle to provide 3 parallel on-street bays in the manner already established along Besant Way. A further disabled space will be provided off-street for the ground-floor unit. In order to ensure an adequate footway would be retained, a portion of the site frontage will be converted to footway. This arrangement is considered satisfactory by the Council's Transportation engineers.

### *Cycle Parking*

Adequate cycle parking is proposed for future occupants in line with UDP standards.

### *Servicing*

Refuse storage is situated within bin stores on the site frontage. This allows suitable access for residents and ensures that the bins are an appropriate distance from the street.

### *Summary*

The car-parking, cycle-storage and refuse-storage proposals are considered to be acceptable.

## **Site Survey/Contamination**

A Desk Study has not been submitted in relation to this site. However, given the site history and the work that has been commissioned by Environmental Health, there is the potential presence of contamination in the proposed development area due to the historical land use. Environmental Health have accordingly recommended that conditions are attached requiring a Site Investigation, Remediation Strategy and Verification Report.

## **Conclusions**

The proposal, which is intended to enable the delivery of the North Circular Road project, provides a satisfactory standard of accommodation and includes adequate parking arrangements to meet the demand generated by the proposal. Your officers consider that the proposed layout, design and appearance pays the appropriate regard to its context and should result in improvements to the public realm whilst also being designed to ensure that it mitigates any unduly detrimental impacts on nearby residents or occupiers. Accordingly it is recommended that planning permission be granted, subject to conditions.

## **REASONS FOR CONDITIONS**

n/a

**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  
Council's Supplementary Planning Guidance  
Brent Local Development Framework Core Strategy 2010

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

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs

**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):

542\_1200 P  
542\_1201 P  
542\_1013 P3  
542\_1220 P  
542\_1003 P  
542\_1010 P2  
542\_1102 P  
542\_1000 P2  
542\_1211 P

Design and Access Statement (dated August 2010)

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

- (3) All parking spaces, footways and other alterations to the highway, both within and outside of the subject site (but detailed in the approved plans) shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

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

- (4) 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.

- (5) All areas shown on the approved plans shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season

following completion of the development hereby approved and the details approved under item (e) below shall be implemented prior to demolition/construction commencing and retained during demolition/construction.

The submitted scheme shall include details of:

- (a) the planting scheme for the site, which shall include species, size and density of plants;
- (b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- (c) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
- (d) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (e) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- (6) The development hereby approved shall not be occupied unless details of the off-site works and landscaping to the estate greenery to the rear of the site have been submitted to and approved in writing by the Local Planning Authority and the approved works implemented in full. The details shall include:

- (a) the planting scheme, which shall include species, size and density of plants;
- (b) existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.

The approved details shall maintained thereafter. Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality and the adequate provision of car parking and play facilities.

- (7) No development shall commence unless details of any external lighting, including the lux level and a lighting contour map, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full

prior to occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area.

- (8) The development hereby approved shall not be occupied unless details have been submitted to and approved in writing by the Local Planning Authority which confirm that all units have been constructed to Lifetime Homes standards.

Reason: To ensure a satisfactory development.

- (9) The development hereby approved shall not be occupied unless details have been submitted to and approved in writing by the Local Planning Authority which confirm that 1 of the units hereby approved have been constructed to Wheelchair Accessible or Easily Adaptable standards, or a strategy for the provision of a minimum of 10 % of dwellings as Wheelchair Accessible or Easily Adaptable units within the St Raphaels housing proposals has been submitted to and approved in writing by the Local Authority and the approved strategy shall be implemented in full.

Reason: To ensure a satisfactory development.

- (10) Prior to the commencement of building works, a site investigation shall be carried out by suitably qualified 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.

- (11) 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.

- (12) The development hereby approved shall not commence unless details are submitted to the Council which demonstrate that the development has joined the Considerate Constructors Scheme. The developer shall thereafter adhere to the scheme for the period of construction.

Reason: To safeguard the amenities of adjoining and nearby residents and occupiers.



- (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.

- (14) No development shall commence unless details of the timber refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the agreed store has been constructed in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for refuse/recycling facilities.

#### **INFORMATIVES:**

- (1) With regard to surface-water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface-water sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system.. They can be contacted on 08454 850 2777.
- (2) There are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a "building over sewer" application form or other information relating to your building/development work, please contact Thames Water on 0845 850 2777.

#### **REFERENCE DOCUMENTS:**

The London Plan Consolidated with Amendments Since 2004  
Brent Unitary Development Plan 2004  
Brent Local Development Framework Core Strategy

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: Boiler Room next to 65, Besant Way, London

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**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No.**                **25**  
**Case No.**                10/2075

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**RECEIVED:**            6 August, 2010

**WARD:**                Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:**            Land next to 10, Tillett Close, London, NW10

**PROPOSAL:**           Construction of 5 x 3-bedroom dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage

**APPLICANT:**           London Borough of Brent

**CONTACT:**           Assael Architecture Ltd

**PLAN NO'S:**  
See condition 2

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## **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 proposal is submitted by the London Borough of Brent and the application site is also owned by the Council. As such, this proposal cannot be accompanied by a Section 106 agreement and the measures and contributions normally secured through the S106 agreement have been incorporated into conditions. However, if the site is sold to a third party, such as a Registered Social Landlord, then the Council will enter into a Section 106 or other legal agreement to secure the measures and constructions, as set out within the following Heads of Terms:

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance;
- That 100% of the dwellings are provided as Social Rented Affordable;
- A contribution of £36,000 (£2,400 per additional AH bedroom)
  - i. 50% due on material start and, index-linked from the date of committee for Education, Sustainable Transportation, Open Space in the Local Area
  - ii. 50% towards the provision, prior to Occupation, landscaping (including new trees) and other environmental improvements in the locality;
- That 100% of the homes should be constructed to Lifetime Homes Standards;
- The submission, approval and implementation of a strategy for the provision of Wheelchair Accessible or Easily Adaptable units within the St Raphaels Estate housing proposals which demonstrates the provision of such housing at a rate of 10%.

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 a reasonable timeframe.

## **EXISTING**

Situated within the St Raphael's Estate the subject site comprises a section of public open space located between two lines of terraces which front Tillett Close.

The site is not situated within a Conservation Area and there are no listed buildings in the vicinity. Surrounding buildings are in residential use and reach 3 storeys in height.

## **PROPOSAL**

The application proposes 5x 3-bedroom dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage

## **HISTORY**

No relevant planning history

## **POLICY CONSIDERATIONS NATIONAL**

<b>Planning Policy Statement 1</b>	Creating Sustainable Communities (2005)
<b>Planning Policy Statement 3</b>	Housing (2010)
<b>Planning Policy Statement 12</b>	Local Spatial Planning
<b>Planning Policy Guidance 13</b>	Transport (2001)
<b>Planning Policy Guidance 17</b>	Planning for Open Space, Sport and Recreation (2002)
<b>Planning Policy Guidance 24</b>	Planning and Noise (1994)

## **REGIONAL**

### ***The London Plan***

Policy 3A.1	Increasing London's supply of housing
Policy 3A.2	Borough housing targets
Policy 3A.3	Maximising the potential of sites
Policy 3A.5	Housing choice
Policy 3A.6	Quality of new housing provision
Policy 4A.11	Living Roofs and Walls
Policy 4A.14	Sustainable Drainage
Policy 4A.16	Water Supplies and Resources
Policy 4A.19	Improving Air Quality
Policy 4A.20	Reducing Noise and Enhancing Soundscapes

### **Supplementary Planning Guidance**

Housing (2005)  
Providing for Children and Young People's Play and Informal Recreation (2008)

## **LOCAL**

### **Brent Local Development Framework Core Strategy 2010**

<b>CP1</b>	Spatial Development
<b>CP2</b>	Population and Housing Growth
<b>CP5</b>	Placemaking
<b>CP6</b>	Design & Density in Place Shaping
<b>CP14</b>	Public Transport Improvements

<b>CP15</b>	Infrastructure to Support Development
<b>CP17</b>	Protecting and Enhancing the Suburban Character of Brent
<b>CP18</b>	Protection and Enhancement of Open Space, Sports and Biodiversity
<b>CP21</b>	A Balanced Housing Stock

## **Brent Unitary Development Plan 2004**

### **Strategy**

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

### **Policies**

<b>BE2</b>	Local Context
<b>BE3</b>	Urban Structure: Space & Movement
<b>BE4</b>	Access for disabled people
<b>BE5</b>	Urban clarity and safety
<b>BE6</b>	Landscape design
<b>BE7</b>	Streetscene
<b>BE8</b>	Lighting and light pollution
<b>BE9</b>	Architectural Quality
<b>BE13</b>	Areas of Low Townscape Quality
<b>EP2</b>	Noise and Vibration
<b>EP3</b>	Local air quality management
<b>EP6</b>	Contaminated land
<b>H12</b>	Residential Quality – Layout Considerations
<b>H13</b>	Residential Density
<b>H14</b>	Minimum Residential Density
<b>TRN3</b>	Environmental Impact of Traffic
<b>TRN4</b>	Measures to make transport impact acceptable
<b>TRN9</b>	Bus Priority
<b>TRN10</b>	Walkable environments
<b>TRN11</b>	The London Cycle Network
<b>TRN23</b>	Parking Standards – Residential Developments
<b>TRN34</b>	Servicing in new developments
<b>TRN35</b>	Transport access for disabled people & others with mobility difficulties
<b>PS1</b>	Parking standards – Operation of these parking Standards
<b>PS14</b>	Parking Standards – Residential Developments
<b>PS15</b>	Parking for disabled people
<b>PS16</b>	Cycle parking standards
<b>OS18</b>	Children's play areas
<b>CF6</b>	School places

## **Brent Council Supplementary Planning Guidance and Documents**

<b>SPG4</b>	Design Statements
<b>SPG12</b>	Access for disabled people
<b>SPG13</b>	Layout standards for access roads
<b>SPG17</b>	Design Guide for New Development

## **SUSTAINABILITY ASSESSMENT**

n/a

### **CONSULTATION**

Standard three week consultation period carried out between 26 August 2010 and 16 September 2010 in which 70 residents and ward councillors were notified by letter.

The application was advertised in the local press on 16 September and Site Notices were erected on 22 September. The associated consultation periods will expire on 13 October and any further comments that raise additional planning issues will be discussed in the Supplementary Report.

Two letters of objection has been received which raise the following concerns:

- Loss of light to bedrooms at 21 Tillett Close
- Increased parking demand in an area with high parking demand currently
- Loss of open space for children to play
- The passage across the northern side of the site (linking Tillett Close to the green space) should be at least 3 metres wide to allow for safe pedestrian/cycle use

One letter of support has also been received

### **Consultees**

#### **Thames Water:**

No objections

#### **Landscape Design:**

No objections in principle however in commenting on the original scheme it was recommended to move the buildings as far back into the site as possible in order to maximise amenity spaces in front of the buildings away from the North Circular Road.

*Officer's Note: This amendment has not been sought as this would create a problematic relationship with 10 Tillett Close (see remarks section for fuller discussion)*

A scheme is also required for rear boundary treatment. More details are required for the green wall attached to the gable wall end of the neighbouring houses. Additional tree planting is recommended in the park next to the houses and shrub planting is recommended along side and rear boundaries of the properties. More soft landscaping should be incorporated into the area between the houses and car parking.

#### **Transportation:**

Raise objection to the proposal in its current form however this can be addressed providing the parking arrangement is amended to retain the turning head.

#### **Environmental Health:**

Site Investigation: conditions are recommended regarding a site investigation, remediation strategy and validation report and certificates.

#### **Urban Design:**

No objections

### **REMARKS**

This application proposes the construction of 5 new residential units on Tillett Close. The key issues associated with this proposal relate to:

- The principle of development, in terms of the loss of public open space
- The design, appearance and layout of the proposal;
- The landscaping proposals;
- The quality of accommodation;
- Any potential impacts on adjoining residents;
- Transportation issues, including car parking, cycle parking and access;

The proposal is one of four applications for new homes within the St Raphaels Estate submitted by the Brent Council Housing Service. The other proposals relate to Lovett Way (reference 10/1764 considered at the previous planning committee meeting), Play Area at the junction of Pitfield Way & Henderson Close (reference 10/1980 - also being considered at this planning committee meeting) and Besant Way (reference 10/2076 - also being considered at this planning committee meeting).

#### *Construction on Public Open Space*

The subject site is currently designated as Public Open Space as it is forms a part of the 6.79 Hectare St Raphael's Way / Tokyngton Recreation Ground Open Space. Whilst the site has an open space designation, your officers consider it likely that the site historically was used as a parking court for the surrounding houses due to the dimensions and layout of the site, the siting and size of the drains which are situated along what would have been the central isle of a parking court and the levels within the site which include a large ramped entrance from the road. When viewing an aerial photograph, the site is clearly broken down into 5 m (parking), 6 m (isle), 5 m (parking) spaces from north to south. This layout is typical of a parking court, but the area is closed off with bollards and is not used for these purposes any more. Your officers accordingly consider that the "use" value of the open space is lower than the remainder of the park. Nevertheless, the site has a Public Open Space designation and as such, any loss of the space must be justified. The application would result in the loss of approximately 1060 sqm of designated Public Open Space.

Policy CP 18 of the LDF Core Strategy 2010 specifies that Open Space of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and wellbeing of Brent's residents, visitors and wildlife. This policy also specifies that support will be given to the enhancement and management of open space.

PPG 17 specifies that *"Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses"*. It also allows the loss of Public Open Space if there the space if re-provided elsewhere.

Unlike the Lovett Way housing proposal that was presented to the previous planning committee meeting, the loss of public open space is justified through improvements to the open space rather than the re-provision of open space elsewhere.

The Brent Open Space Report (2009) did not highlight this element of the Public Open Space as surplus to requirements. However, the associated surveys highlighted the following information regarding the use of parks in Brent:

*Respondents were also asked whether they preferred to use the park nearest to their house or a different park. 70% of respondents did use their local park whilst 18% did not. Those who did not were asked why this was. The most popular response, accounting for one fifth of responses, was because of a lack of facilities at the nearest park. Other top reasons for people not visiting their nearest park was because of a poor quality environment (20%); a preference for visiting other parks (15%); safety concerns at the local park (13%) and lack of play facilities at the local park (7%). Presence of dogs, too many young people and lack of a cafe were other reasons given for*

*not visiting the local park.*

Whilst the majority of the Tokyngton/St Raphael's Open Space provides a high quality environment, this element of the space is faced by two blank flank elevations and thus is poorly overlooked. The proposal introduces windows facing to the north, south and west, increasing the level of natural surveillance of the park and the access way that runs along the northern element of the site. Furthermore, the easternmost element of the hardsurfacing will revert to green space and will incorporate other landscaping in the surrounding area of the park.

The proposal is also intended to provide decant housing for the NCR project, thus allowing the relocation of existing NCR tenants within the local area and the construction of new dwellings. The relocation of existing tenants is often problematic within regeneration schemes, particularly where there is no open land in the locality upon which new housing can be built prior to the demolition of the existing homes. The proposed housing accordingly would serve a vital role in enabling the North Circular Road Regeneration to take place.

A local resident has objected on the basis that part of the proposal is on green space, specifying that the remaining surfaced area should be converted to green space to compensate for the loss if the proposal is to go ahead. Your officers can confirm that this space is the case, as mentioned above. They also specify that the access along the north side of the site should be at least 3 m wide. This access way is 3.7 m wide as proposed.

Another local resident specify that local children use this piece of land to play football and other games and that these children would need to play in the street if this space was no longer available, potentially resulting in risk to their safety and damage to vehicles. It appears that a goal has been marked out in the flank wall of one of the houses (No. 10 Tillett Close) which does suggest that the space is used for ball games. However, the use of a flank wall of a house as a football goal often results in significant levels of noise and disturbance for residents of that dwelling. Your officers note that the residents of this house have written in support of the proposal, specifying that the use of land by children make a mess of this area while playing football, and that it results in excessive noise. While your officers support the provision of play opportunities for children, whether formal or informal, the current use for play appears to be causing nuisance for some adjoining residents and a MUGA is available adjacent to the Children's Centre within Rainborough Close (approximately 330 m from the site). The remainder of the park is also available for such activities. However, it is recognised that the grassed nature of the nearby areas of the park reduce its use value in wet weather.

While the proposal results in a loss of designated Public Open Space, your officers consider that the use value of the open space is considerably lower than the remainder of the park and the proposal makes improves the landscaping around the site and to public safety through improved natural surveillance.

### *Density*

The density of the proposed development is 74 units per hectare or 310 habitable rooms per hectare. This sits comfortably within London Plan range with regard to the number of units (50-95 units/Ha), but well above the London Plan range in relation to Habitable Rooms (150-250 HRH). It should be noted that these London Plan ranges assumes a much smaller proportion of family units, and is predicated on an average of 2.7 to 3 habitable rooms per unit whereas the proposal provides an average of 4.2. The significant numerical calculation of density by Habitable Room is therefore due to the provision of large units which are required to meet housing need and are intended to provide decant housing for the North Circular Road project. Furthermore, your officers consider that the design and massing of the proposed units is in keeping with the locality (please see subsequent discussion on design). Your officers accordingly consider that the density of the proposed development is acceptable.

### **Layout, design and landscaping**



### *General layout of development*

The proposed dwellings front Tillett Close with the ground floor amenity space being provided mainly to the front of the dwellings in the form of courtyard gardens which are enclosed by a mixture of boundary wall and timber bin store/cycle store structures. The rationale for this layout is justified by the location of the site within close proximity to the North Circular Road. As such, it is proposed that the buildings will form an acoustic barrier to raise the value of private amenity space. Additional amenity space is provided in the form of a private roof terrace at second floor level for each unit.

### *Design and appearance*

The applicants propose a 3 storey terrace which will adjoin an existing 1960s three storey terrace. The scale of building proposed is in-keeping with the existing buildings adjacent to the site.

The proposed buildings are modern and simple in design, and rely on a high quality of materials and details to ensure their success. The buildings complement rather than replicate the existing 1960s buildings which is considered an acceptable approach for the site.

### *Landscaping*

The proposal will result in the loss of an existing cherry tree close to number 10 Tillett Close however a line of 6 new trees is proposed along the front boundary of the new development. Furthermore an additional area of soft landscaping is proposed on the western end of the site adjacent to the new dwellings in place of the existing concrete which will contain new trees and shrub planting (details of this planting can be secured by condition). Landscape Design Officers have made a number of requests for further information however this can be secured by condition. This includes the landscaping measures which are to be provided off-site. General practice is to secure this through Section 106. However, as this is a Local Authority proposal, the submission and approval of details together with the implementation of those details is to be secured through condition.

### **Quality of Accommodation**

**Unit Sizes:** The proposed units exceed the Council's guidance levels for minimum internal floorspace. The units exceed the Council's guidance levels regarding external amenity space through the use of ground floor space and second floor roof terraces.

**Outlook:** Due to the positioning of the buildings to the rear of the site, the houses have been designed to maximise outlook on to the front amenity areas and public realm beyond with a substantial rooflight in the ground floor section at the rear providing additional daylight to a long open-plan room. The distance between habitable room windows and boundaries for three of the five dwellings is 9m. The remaining two dwellings would have a distance of 7.5m and 4m from front boundaries. Whilst the 4m distance provided is less than ideal in terms of outlook, your officers do not consider this severe enough to warrant a refusal of the scheme as this unit is afforded a better outlook to the rear looking on to a garden which has a depth of 7m. It should be noted that this unit adjoins a three storey townhouse and will have a largely enclosed garden however this can be softened through innovative planting which can be secured by condition and will provide a mews style feel for the occupants of this dwelling.

An adequate level of cycle storage is proposed together with satisfactory refuse and recycling storage facilities in individual timber storage facilities positioned on the site frontage. Details of the appearance of these stores will be secured by condition.

The applicants have confirmed that all homes will be built to Lifetime Homes standards. With regard to Wheelchair or Easily Adaptable Housing, the applicants have confirmed that 10% of the homes that are constructed as part of the St Raphaels Housing project will be Wheelchair Accessible.

Noise and Vibration: The site is situated within close proximity with the North Circular Road. A noise assessment has been undertaken which confirms the site to be within Noise Exposure Category B. As such a condition is recommended to require tests prior to occupation and potentially further remediation depending on the results of these tests.

#### *Play and recreational space*

The child yield of the proposed development has been calculated to be 10. Given the size of the areas of private amenity space given to the units and the proximity to open space, your officers consider there to be adequate provision to support estimated child yield.

#### *Summary*

The quality of housing proposed within the development is acceptable and in accordance with the Council's policies and guidance.

### **Impact on adjoining residents/occupiers**

#### *Daylight and Sunlight*

The property situated most closely to the proposed development is number 10 Tillett Close which is situated to the east of the site and will adjoin the new dwellings. The original submission raised concerns with officers due to the siting of the terrace significantly to the rear of 10 Tillett Close which would have an unduly detrimental impact on the amenities currently enjoyed by this property. As a result amendments have been agreed in principle re-siting two of the five dwellings in order to ensure that the ground floor projection does not exceed a depth of 3m beyond the rear wall of 10 Tillett Close in line with a typical relationship resulting from works undertaken as permitted development. At the first and second floor level a depth of 1m is now proposed which complies with the 1:2 guideline set out within SPG5.

The other terrace to the north of the site would not be unduly affected by the proposal due to significant separation from the proposal and its orientation with habitable windows only providing occupants with an oblique view of the new development.

#### *Objections received*

One objector has commented that they will suffer a loss of light, privacy and outlook as a result of this proposal. This matter has been discussed above and your officers consider that the proposal will not result in an unduly detrimental level of harm to any neighbouring properties.

#### *Privacy and overlooking*

Habitable room windows mainly overlook car parking areas to the front of the site. The siting of the proposed building is such that where the properties are closest to number 11 Tillett Close the habitable accommodation belonging to this property could only be viewed from an oblique angle. As such any potential overlooking would be minimal. Where the angle improves to potentially provide an easier view, a separation distance of 20m is achieved as advocated by SPG17. Accordingly the proposal is not considered to have an unduly detrimental impact on the amenities of existing residents in terms of privacy and overlooking.

### **Transportation**

#### *Car parking*

Car parking is provided on street with 4 new parking spaces proposed. Transportation are satisfied that this provision is adequate and welcome the retention of an existing turning head for refuse and emergency vehicles. A condition is recommended which requires this to remain clear. As the increased parking demand resulting from the development has been accommodated within the area fronting the site, the objections raised regarding increased parking demand are not considered to raise concerns with officers.

#### *Cycle Parking*

Adequate cycle parking is proposed for future occupants in line with UDP standards.

### *Servicing*

Refuse storage is situated within bin stores on the property frontages. This allows suitable access for residents and ensures that the bins are an appropriate distance from the street.

### *Summary*

The car parking, cycle storage and refuse storage proposals are considered to be acceptable.

### **Site Survey/Contamination**

A Desk Study has not been submitted in relation to this site. However, given the site history and the work that has been commissioned by Environmental Health, there is the potential presence of contamination in the proposed development area due to the historical land use. Environmental Health have accordingly recommended that conditions are attached requiring a Site Investigation, Remediation Strategy and Verification Report.

### **Flooding**

The site is situated within Flood Zone 2 and as such a Flood Risk Assessment is required. This has been submitted and is currently being reviewed by officers. Conclusions from this assessment will be reported within the supplementary ensuring that PPS25 and Environment Agency guidelines are complied with fully.

### **Other matters**

Concerns regarding the access to public open space and the width of the footpath are noted. The footpath is considered to have adequate width (of 4m) in order to accommodate pedestrians/cycle users.

### **Conclusions**

The proposal, which is intended to enable the delivery of the North Circular Road project, provides a satisfactory standard of accommodation and includes adequate parking arrangements to meet the demand generated by the proposal. Your officers consider that the proposed layout, design and appearance pays the appropriate regard to its context and should result in improvements to the public realm whilst also being designed to ensure that it mitigates any unduly detrimental impacts on nearby residents or occupiers. Accordingly it is recommended that planning permission be ***granted, subject to conditions.***

### **REASONS FOR CONDITIONS**

n/a

**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  
Council's Supplementary Planning Guidance  
Brent Local Development Framework Core Strategy 2010

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

#### **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):

A2204 200 P7

A2204 202 P7

A2204 203 P5

A2204 201 P7

A2204 001 P1

A2204 002 P1

A2204 400 P3

A2204 220 P2

Design And Access Statement dated August 2010

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

- (3) All parking spaces, footways and other alterations to the highway which include the provision of an adequately sized turning head, both within and outside of the subject site (but detailed in the approved plans) shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application. The turning head (detailed within the approved plans) shall be kept clear at all times for use by refuse and emergency vehicles only.

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

- (4) Notwithstanding the provisions of Schedule 2 Part 1 Classes A to G 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 enlargement, improvement or other alteration of the premises shall be carried out to the dwellinghouses hereby approved, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason:

In view of the restricted size of the site for the proposed development no further enlargement or alteration beyond the limits set by this permission 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) All areas shown on the approved plans shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved and the details approved under item (e) below shall be implemented prior to demolition/construction commencing and retained during demolition/construction.

The submitted scheme shall include details of:

- (a) the planting scheme for the site, which shall include species, size and density of plants;
- (b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- (c) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
- (d) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (e) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- (7) The development hereby approved shall not be occupied unless details of the off-site works and landscaping, including the parking areas, green wall and off-site planting all around the site have been submitted to and approved in writing by the Local Planning Authority and the approved works implemented in full. The details shall include:
- (a) the planting scheme, which shall include species, size and density of plants;
  - (b) walls, fencing and any other means of enclosure, including materials, designs and heights;
  - (c) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
  - (d) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;
  - (e) The detailed design and layout of the parking spaces, footways and other

highway alterations, including the turning head;

(f) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.

(g) the details of what the 'green wall' will consist of and how it will be attached to the gable wall end of 11 Tillett Close together with details of the size of the rooting volume available to proposed plants

The approved details shall maintained thereafter. Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- (8) No development shall commence unless details of any external lighting, including the lux level and a lighting contour map, are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area.

- (9) The development hereby approved shall not be occupied unless details have been submitted to the Local Planning Authority which confirm that all units have been constructed to Lifetime Homes standards.

Reason: To ensure a satisfactory development.

- (10) The development hereby approved shall not be occupied unless details have been submitted to the Local Planning Authority which confirms that 1 of the units hereby approved have been constructed to Wheelchair Accessible or Easily Adaptable, or a strategy for the provision of a minimum of 10 % of dwellings as Wheelchair Accessible or Easily Adaptable units within the St Raphaels housing proposals has been submitted to and approved in writing by the Local Authority and the approved strategy shall be implemented in full.

Reason: To ensure a satisfactory development.

- (11) Prior to the commencement of building works, a site investigation shall be carried out by suitably qualified 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) The development hereby approved shall not commence unless details are submitted to the Council which demonstrate that the development has joined the Considerate Constructors Scheme. The developer shall thereafter adhere to the scheme for the period of construction.

Reason: To safeguard the amenities of adjoining and nearby residents and occupiers.

- (14) No development shall commence unless details of the timber refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the agreed store has been constructed in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for refuse/recycling facilities

- (15) The units hereby approved shall not be occupied unless an acoustic report has been submitted to and approved in writing by the Local Planning Authority. The acoustic report shall demonstrate that "reasonable" resting levels of noise and vibration attenuation have been achieved within each of the units' habitable rooms and associated amenity space (post-completion of the building works) in line with the levels set out within PPG24.

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:**

- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In

respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- (2) There are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building / development work, please contact Thames Water on 0845 850 2777.

#### **REFERENCE DOCUMENTS:**

The London Plan Consolidated with Amendments Since 2004  
Brent Unitary Development Plan 2004  
Brent Local Development Framework Core Strategy

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

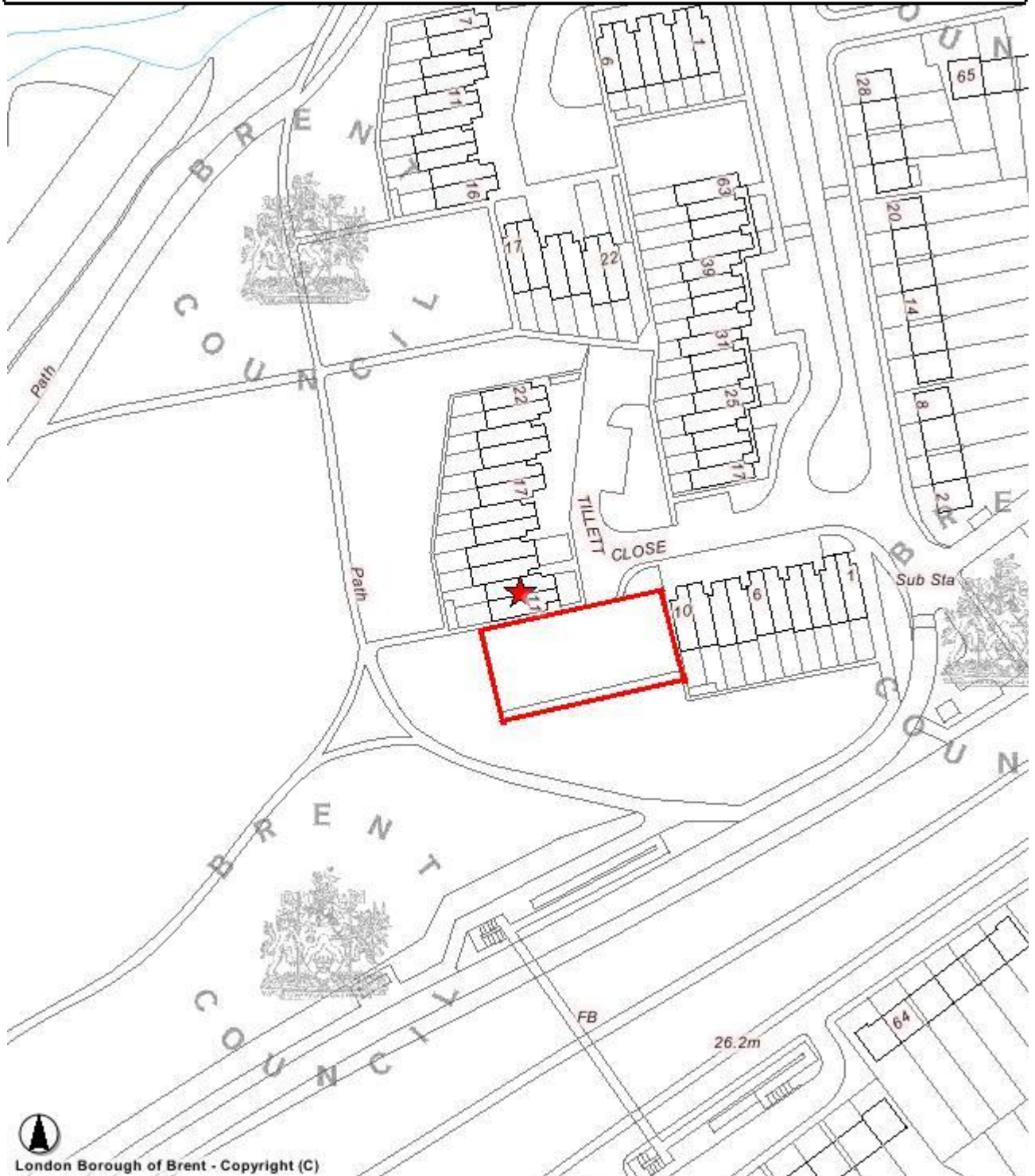




## Planning Committee Map

Site address: Land next to 10, Tillett Close, London, NW10

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## Supplementary Information Planning Committee on 13 October, 2010

Item No.	03
Case No.	09/1616

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Location	14 Heber Road, London, NW2 6AA
Description	Erection of single-storey detached outbuilding in garden of ground-floor flat (14b Heber Road) (as amended by plans received 16/11/2009 and 20/08/2010)

### Agenda Page Number: 15-22

Members visited the site on Saturday 9th October 2010.

At the site visit, Members observed an existing shed located in the garden of 14b Heber Road. The existing shed is shown on the submitted plans and has a footprint of approximately 5 sqm. Whilst it is noted that proposed outbuilding and existing shed would cumulatively provide some 20sqm of storage space for a 2 bedroom flat, it is considered that both the buildings are of a size commonly seen in residential gardens. The plans indicate that the proposed outbuilding is to be used for storage however it could be used for other purposes such as a summer house which would also be considered incidental to the enjoyment of the residents of a ground floor flat.

Members noted a number of trees along the rear boundary, which appear to be located outside of the application site. Given the size and location of proposed outbuilding 2m from the rear boundary, it is not envisaged that the building will damage the tree root structure or require significant works to the canopy which overhangs the site.

With regard to a roof structure stored in the garden of 14b Heber Road, it is unlikely that this was from the previous demolition of an outbuilding carried out on behalf of the Council's Enforcement department as it is usual that the roof structure is dismantled and removed from the site.

**Recommendation:** Remains approval

DocSuppF

## Supplementary Information Planning Committee on 13 October, 2010

Item No.	04
Case No.	10/1781

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Location	88, 90 & 92 Draycott Avenue, Harrow, HA3 0BY
Description	Demolition of 3 detached dwellings, erection of 6 x 5-bedroom, semi-detached dwellinghouses and 2 blocks of flats, totalling 14 units, to rear, comprising 2 x studio, 7 x 1-bedroom and 5 x 2-bedroom flats, with formation of new access road from Draycott Avenue, parking, cycle and refuse store and associated landscaping, as accompanied by Design & Access Statement, Landscape Strategy Report, Affordable Housing Report & Toolkit, Arboricultural Report, Sustainability Checklist, Energy Strategy (revised) and Sustainability Statement (revised)

## **Agenda Page Number: 23**

### *Further consultation responses*

Robert Dunwell, Chair of the QARA Group of Associations, has objected on a number of grounds. These can be summarised as relating to:

- Principle and recent policy changes
- Density
- Out of character with the surrounding area
- Lack of subsidiarity
- Parking and access
- Impact on neighbouring amenity
- Standard of accommodation
- Lack of affordable housing

A petition has been submitted by Robert Dunwell with 100 signatories (including multiple for signatories for some properties) raising objection to the proposal and supporting representations made by QARA.

Most comments have been addressed within the committee report. In terms of density, previous appeal decisions for schemes with substantially greater densities have been considered acceptable in principle due to the accessibility to public transport and town centre amenities. The Director of Transportation does not consider a transport assessment a necessity on a site of this size. Previous appeal decisions for substantially more homes have been considered acceptable in transport terms and internal access arrangements have been considered by the Director of Transportation and are deemed acceptable in terms of vehicular, pedestrian and service access subject to conditions controlling some minor amendments. The main committee report comments on the standard of accommodation and internal privacy and outlook matters.

One further letter was received from a local resident, objecting on similar grounds to those set out in the main report.

### *Sustainability*

The submitted information does not demonstrate that the proposed development would meet the relevant policy objectives for sustainable construction and energy provision, however previous applications have similarly failed to do so and your officers have considered this to be matters which could be addressed via a s106 in those cases.

### *Affordable housing*

The applicant has submitted a Toolkit which shows the proposed scheme cannot make any provision towards affordable housing provision and also proposed a clause in any S106 Agreement to undertake a post completion financial appraisal to ensure an appropriate affordable housing contribution in the event of housing prices rising higher than currently envisaged by the applicant.

Your officers would welcome this if officers accepted all the figures within the submitted Toolkit and considered the only reason no affordable housing can be provided is due to prevailing market conditions. Your officers have scrutinised the applicant's Toolkit submission and consider that it provides insufficient evidence to substantiate the applicant's claim that

their proposal cannot make any viable contribution towards the Borough's affordable housing needs; in the absence of further evidence to support the figures in the Toolkit, your officers cannot support the application in terms of affordable housing provision. As there are other aspects of the Toolkit which require further evidence to support its conclusion, the offer of a post completion financial appraisal cannot be accepted at this stage; this is because to accept such an offer now would presume the Council accepts all the figures within the submitted Toolkit.

In the event of members refusing planning permission and the applicant submitting an appeal to the Planning Inspectorate, your officers will seek that further evidence prior to any appeal hearing in order to resolve this dispute.

**Recommendation:** Remains refusal

DocSuppF

**Supplementary Information  
Planning Committee on 13 October,  
2010**

**Item No.** 06  
**Case No.** 10/1979

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Location	Alleyway rear of 12-30, Princes Avenue, London, NW9 9JB
Description	Installation of alleygate running behind land r/o 12-30 Princes Avenue NW9 and r/o 1 Tennyson Avenue & 2 Milton Avenue

**Agenda Page Number: 55**

Further correspondence has been received from the two objectors at Nos. 12 and 14 Princes Avenue, requesting the application be deferred and re-iterating their previous objections.

As this application is made by the Council's Environmental Health department, your officers suggest that this application is deferred to the next committee agenda so officers of the Planning and Environmental Health departments can attend the site with the contractors who would undertake the work and mark exactly where the gates could be positioned. This will allow for a period of re-consultation during which the objectors will be able to see where the posts would be, as marked on the ground. A site survey will be undertaken and a more accurate plan produced to ensure members have sufficient accurate information on which to base their decision.

The recommendation to defer the application is not based on the objectors' inability to attend the committee meeting.

**Recommendation: Defer**

DocSuppF

**Supplementary Information  
Planning Committee on 13 October,  
2010**

**Item No.** 9  
**Case No.** 10/1841

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Location	182 Carlton Vale, 58 & garages rear of 58, Peel Precinct, London, NW6 5RX
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Description    Erection of a part 6- and part 8-storey building, comprising 50 self-contained affordable flats (15 x 1-bedroom, 19 x 2-bedroom, 12 x 3-bedroom, 4 x 4-bedroom) with 25 basement car-parking spaces and bicycle storage and associated landscaping on site of former Texaco petrol station and garages

**Agenda Page Number: 75**

The "red line" plan at the end of the report on page 92 of the Agenda is very slightly wrong as it does not include the two small rectangles of land that were added following the first planning approval to provide defensible space beside the north and west boundaries of the site. For information, the enlarged extent of the site area is shown on all the documentation submitted with this application.

**Car Club**

The standard contribution clause under S106 details is to be amended to add 'including potential car club' after 'Sustainable Transport'.

**Recommendation:** Remains approval, subject to legal agreement.

DocSuppF

**Supplementary Information  
Planning Committee on 13 October,  
2010**

**Item No.                      10**  
**Case No.                    10/1711**

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Location        45 &45A Torbay Road, London, NW6 7DX  
Description    Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension, formation of basement level with rear lightwell and conversion of two self-contained flats into a single family dwellinghouse

**Agenda Page Number: 95**

**CONSULTATION UPDATE**

The number of representations stated in the main report should be amended to read as 36 letters of objection and 2 letters of support.

**Recommendation: Remains approval**

DocSuppF

**Supplementary Information  
Planning Committee on 13 October,  
2010**

**Item No.                      14**  
**Case No.                    10/1756**

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Location        Desi Dons Public House and Function Room, 86 East Lane, Wembley, HA0 3NJ  
Description    Demolition of detached store, erection of a 4-storey rear extension comprising

stairwell and access lift, side extension at second-floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first-, second- and third-floor level, provision of 12 off-street parking spaces, a refuse-storage area, cycle-storage area and associated landscaping to site (as amended by plans dated 29/09/2010)

### **Agenda Page Number: 123-136**

Members visited the site on Saturday 11 October 2010.

There are a number of applications on this agenda relating to this site. This agenda item relates only to the proposed extension to the upper floors and its conversion into self-contained flats.

Members asked for clarification on the number of parking spaces. Full residential parking standards apply to this site resulting in a requirement for 10 parking spaces one of which should be a disabled parking space. The proposal meets this requirement and therefore complies with the Council's parking standards.

The remainder of the parking area is to be retained for use by Tesco. This equates to somewhere between 16 and 18 spaces.

Members queried if there would be any loss of privacy to properties on Byron Road. This is discussed within the 'Remarks' section of the main report. To re-iterate the infill extension brings the upper floors of the building approximately 5 metres closer towards properties on Byrond Road. The new windows proposed to the upper floor flats which would be facing west towards Byron Road properties are 20.6m away from the back edge of the closest garden boundary, and are separated from windows on the rear elevation of properties by a distance greater than 40m.

Given these generous separation distances then SPG17 privacy standards are complied with and Officer's do not consider the proposal will result in a loss of privacy.

Members asked for clarification as to whether the canopy feature proposed at the rear would impede vehicle access to parking spaces. It will not do this as the access to the residents parking spaces is via East Lane, and there is to be no vehicle route via the rear of the building. The space to the rear of the building is used to house the cycle parking, refuse storage compound and communal amenity area. The designated residents parking bays are to be access controlled by way of a sliding gate and remote control entry system which is to ensure they remain solely for residents use.

### **Additional representations received;**

Comments have been received from an objector who may think that a redevelopment rather than conversion is proposed. It appears from the comments received that the objector is under the impression that a new build development is proposed with TESCO on the ground floor and residential flats above. Other concerns raised are that the proposal is going to result in 'garden grabbing', a loss of amenity and privacy, that the proposal represents an over development and that this is an unsuitable location for a TESCO supermarket opposite independent shops.

### **Response;**

The proposal would see the reuse of an existing vacant building. The upper floors will be converted into flats, supplemented by a relatively modest sized extension which is to be built directly on top of an existing single storey part of the vacant public house. There is no

increase in building footprint.

The proposal does not involve any 'garden grabbing'. Proposals relate to the conversion of an existing building, and the removal of a detached storage building to the rear of the site. This demolition in fact means that a modest sized communal amenity space is to be provided for future residents.

The impacts of the development on the adjoining residents in terms of amenity and privacy have been fully discussed in the 'Remarks' section, and are re-confirmed above.

All residential units comply with minimum floor area standards, residential parking standards are met on-site, and there is to be no increase in building footprint. In fact the demolition of the storage building means there will be a slight reduction in footprint. As a result Officers do not consider this to be an overdevelopment.

Members have been advised elsewhere in the report that the occupation of the ground floor by TESCO, or indeed any other retailer is a permitted change of use, and planning permission is not required. In the event that planning permission was required for the A1 use Members should note the Council would be unlikely to object to the use on the grounds this would harm the vitality and viability of existing centres. The reasons for this would be;

- Given the buildings history for commercial uses, and the permitted changes that can be exercised to A1, A2 or A3 in the event that planning permission was required it is unlikely the Council would object on policy grounds to a retail use of this size, and in this location. The site is on the very edge (directly opposite) of an existing Local Centre which is on the southern side of East Lane.
- When considering applications for new retail development the Council is required to follow the Government's 'sequential' approach.
- This requires new retail floor space to be located within the Council's existing network of defined town, district and local centres. If an appropriate site is not available within a nearby centre then an edge of centre site may be acceptable.
- As there are no available units of the size required by Tesco within the existing Local Centre and the next nearest Centres are Wembley and Preston Road where they already have established stores it is probable that if planning permission were required for the change of use the recommendation from Officers would be to approve.

Officers welcome the reuse of this large prominent building, which is currently vacant and welcome the retention of most of its attractive exterior. The reuse of existing buildings in this way is in Officers view the most sustainable form of development.

**Additional conditions recommended;**

Your Officers recommend a condition to control any exterior lighting.

*Prior to first occupation of the premises details of exterior lighting, 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 safety, amenity and convenience.*

**Recommendation: Remains approval with additional condition.**



**Supplementary Information  
Planning Committee on 13 October,  
2010**

Item No. 17  
Case No. 10/2085

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Location 86 East Lane, Wembley, HA0 3NJ  
Description Installation of plant equipment and associated brick enclosure to side of existing building.

**Agenda Page Number: 149-154**

Members visited the site on Saturday 11 October 2010.

There are a number of applications on this agenda relating to this site. This agenda item relates solely to the permitted change of the ground floor into a TESCO store (A1 retail Use Class) and the proposed installation of plant equipment.

**Other;**

There is an existing flower stall sited along the East Lane frontage directly in front of the building. This stall is outside of the application site and is located on the pavement. Health Safety & Licensing have confirmed the seller has the correct license to continue to trade from the pavement, and that this license was renewed in April 2010.

**Additional conditions recommended;**

Your Officer's recommend a condition to submit details of any exterior lighting in order to control the appearance and potential impact.

*Prior to first occupation of the ground floor of the premises details of any exterior lighting, 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 safety, amenity and convenience.*

**Recommendation: Remains approval with additional condition.**

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**Supplementary Information  
Planning Committee on 13 October,  
2010**

Item No. 18  
Case No. 10/2087

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Location 86 East Lane, Wembley, HA0 3NJ  
Description Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building

**Agenda Page Number: 155-160**

Members visited the site on Saturday 11 October 2010.

There are a number of applications on this agenda relating to this site. This agenda item relates solely to the permitted change of the ground floor into a TESCO store (A1 retail Use

Class).

Drawing 9914-21, revD has been superseded by drawing 9914-21, revG. This revision simply confirms the siting and positioning of new trees along the site frontages.

**Recommendation: Remains approval.**

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**Supplementary Information  
Planning Committee on 13 October,  
2010**

Item No.	21
Case No.	10/1631

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Location	Alperton House, Bridgewater Road, Wembley, HA0 1EH
Description	Change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres)

**Agenda Page Number: 173**

Further objection letter received raising the following comments:

- there is not sufficient infrastructure to support any additional educational establishments;
- there are at least 9 colleges currently operating from the building which between them have over 1000; students. The current proposal could result in as many as 2000 students attending the building;
- the staff do not appear to be well qualified;
- the building does not have enough lift space, and supporting infrastructure such as a campus, toilets, dining, sport and social events;
- there may be health and safety implications arising from the proposed number of users.

The objections raised are largely building-management and health & safety matters.

The Regulatory Reform (Fire Safety) Order 2005 (FSO) came into effect in October 2006 and replaced over 70 pieces of fire safety law. Under the FSO, the responsible person must carry out a fire safety risk assessment and implement and maintain a fire management plan. In cases where a serious risk exists and is not being managed, Fire and Rescue Authorities have a statutory duty to enforce compliance with the FSO. The Planning Authority has referred the application to the London and Emergency Planning Authority.

All workplaces are also covered by the Workplace (Health, Safety and Welfare) Regulations 1992. These regulations cover various aspects relating to work places - room sizes, overcrowding, temperature, hygiene, sanitation, access etc. In the case of colleges and other educational establishments the Health and Safety Executive are the enforcing authority. An informative is proposed advising the applicant.

The applicants have advised that the building management have historically monitored occupancy levels in the building to ensure that each floor does not exceed safety limits. Regular fire-drills take place and risk assessments are regularly updated. Your officers have checked with the Council's Building Control department. The proposed change of use of the building to educational establishment requires Building Regulation approval and would include means of escape. An informative is proposed advising the applicant consult the Council's Building Control Service in respect of this issue.

### Consultation period

The applicant has informed the LPA that they have not served notice on all of the building occupiers. They have therefore now served notice, but this will not have lapsed by the date of committee. Members are therefore requested to delegate authority to the Director of Environment and Culture or other duly authorised person to consider any comments raised within the 21 day period, and approve the proposal subject to no new material considerations being raised that have not already been considered by members.

### Travel Plan

The applicants have requested that rather than prior to occupation, they only enter into a Travel Plan if the annual survey findings reveal that more than 10% of the building's occupiers/ users travel to/ from the site by car. This proposal has been reviewed by the Council's Highway Engineer, who is in agreement. Officers request that members approve the proposal subject to a s106, so that the type/ level of Travel Plan and associated responsibilities for the building owner/ occupants may be resolved through appropriately worded legal agreement, s106. It should be noted that only temporary planning permission is proposed to be issued.

### Recommendation: remains **Approve subject to conditions and s106 legal agreement**

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, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement within a reasonable time period and 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 in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

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### Supplementary Information Planning Committee on 13 October, 2010

Item No.	22
Case No.	10/2366

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Location	91 Sudbury Court Drive, Harrow, HA1 3SS
Description	Erection of side dormer and rear dormer roof extensions, in addition to extensions already permitted under planning consent 10/0854: to convert garage into habitable room, erect single-storey rear, single-storey side and 2-storey side and rear extensions to dwellinghouse and alterations to frontage

### Agenda Page Number: 181

Revised drawings have been received, which detail the changes requested by officers and set out in the committee report. No comments have been received from third parties.

### Revised drawings received: (change to condition 2)

201A	202A	203
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**Recommendation:** approve subject to conditions

**Supplementary Information  
Planning Committee on 13 October,  
2010**

Item No. **23**  
Case No. 10/1980

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Location	Play Area at the junction of Pitfield Way & Henderson Close, Henderson Close, London, NW10
Description	Relocation of existing playground and erection of a part 3- and part 4-storey block comprising 4 self-contained maisonnettes and 2 dwellinghouses, with provision of private amenity space to rear and associated landscaping to site, parking on southern side of Pitfield Way and alterations to existing parking area adjacent to Nos. 56-64 Lilburn Walk and 46 Henderson Close, and works to re-open Henderson Close to Pitfield Way involving the removal of existing bollards and installation of a "speed table"

**Agenda Page Number: 189**

**Committee Site Visit**

Concern was raised by ward Councillors Maloney and Van Kalwala regarding the appropriateness of relocating the play space, with regard to:

- The potential impact on adjacent flats;
- Congestion and conflict between play area and shop users;
- The public safety of users of the relocated space due to existing anti-social behaviour issues associated with gangs and youths.

The applicants have requested that this application is deferred to allow further discussions with ward Councillors and local residents regarding this issue.

**Further Representations**

A petition with 47 signatories relating to both the Henderson Close and the Besant Way applications has been received. It raises concerns regarding the loss of space associated with the construction of the new flats and specifies that the new play area is not in a suitable location as the area is used to access the shops and is a key access route.

**Further comments from Transportation:**

They suggest that the number of parking spaces on Pitfield Way should be reduced by 1 (from 13 to 12) to allow an additional 1 m separation from the existing bus stop to the east and the junction with Henderson Close. A further revised drawing has been received which addresses this concern.

**Recommendation:** That this application is deferred to allow further discussions between the applicants and ward Councillors and local residents.

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**Supplementary Information  
Planning Committee on 13 October,  
2010**

Item No. **24**  
Case No. 10/2076

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Location	Boiler Room next to 65, Besant Way, London
Description	Demolition of a single-storey building and erection of a part 3- and part 4-storey building comprising 6 self-contained flats (4 one-bedroom & 2 two-

bedroom), with new pedestrian access, provision of off-street car-parking, bin store and associated landscaping

#### **Agenda Page Number: 205**

##### **Committee Site Visit**

Concern was raised by ward Councillors Maloney and Van Kalwala regarding the loss of community use that was highlighted by local residents.

##### **Further Representations**

A petition with 47 signatories relating to both the Henderson Close and the Besant Way applications has been received. It raises concerns regarding the loss of a community facility that is needed by local residents.

##### **Community use**

Planning permission for the change of use from a boiler house to an Office (Use Class B1) was granted in 2003. It was restricted to use by the Council's Housing department for the administration and maintenance of the local estate and as a meeting room for the local community. The Design and Access Statement for the application set out that the "*only use of the building now is for the youth mentoring project which could be easily relocated to one or the estate's other community facilities*" and lists other community facilities that are available in the local area. However, the usage described by local residents is considerably more intensive than the level of use that the applicants believed took place.

The applicants have accordingly requested that this application is deferred to allow further discussions with local residents and ward Councillors regarding this issue.

**Recommendation:** That this application is deferred to allow further discussions between the applicants and ward Councillors and local residents.

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#### **Supplementary Information Planning Committee on 13 October, 2010**

<b>Item No.</b>	<b>25</b>
<b>Case No.</b>	10/2075

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<b>Location</b>	Land next to 10, Tillett Close, London, NW10
<b>Description</b>	Construction of 5 x 3-bedroom dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage

#### **Agenda Page Number: 217**

##### **Committee Site Visit**

During the committee site visit, members sought clarification regarding the following issues:

- Pollution levels from the North Circular Road and mitigation measures;
- The treatment of the rear boundary and whether this will be an acoustic fence;
- Relationship to raised grassed bank along the North Circular Road;
- Clarification regarding the density of the scheme.

Revised drawings

Revised drawings were received which reflect the amendments discussed within the

Committee Report, including the siting of new dwellings in relation to the existing house.

Further discussions have taken place between your officers and the applicants regarding the proposed houses and their relationship with the banked area to the south of the site. During these discussions, your officers have recommended that further revisions to the scheme are undertaken to improve this relationship and to amend the provision of external amenity space. **Your officers accordingly recommend that this application is deferred to allow further revisions to the design and layout of the scheme.**

**Recommendation:**

**That this application is deferred to allow various layout issues to be reviewed.**

Revised Drawing Nos:

A2204 002 Rev P2

A2204 200 Rev P8

A2204 201 Rev P8

A2204 202 Rev P8

A2204 203 Rev P8

Un-numbered 3D visual images

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