



## Planning Committee

**Wednesday, 2 February 2011 at 7.00 pm**  
Committee Room 1, 2 & 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

### Membership:

#### Members

Councillors:

RS Patel (Chair)  
Sheth (Vice-Chair)  
Adeyeye  
Baker  
Cummins  
Daly  
Hashmi  
Kataria  
Long  
McLennan  
CJ Patel

#### First alternates

Councillors:

Kabir  
Mistry  
Hossain  
HM Patel  
Cheese  
Naheerathan  
Castle  
Oladapo  
Thomas  
J Moher  
Lorber

#### Second alternates

Councillors:

Kataria  
Mitchell Murray  
Mashari  
  
Allie  
Ogunro  
Beck  
Powney  
Van Kalwala  
Moloney  
Castle

**For further information contact:** Joe Kwateng, Democratic Services Officer  
(020) 937 1354, [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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[www.brent.gov.uk/committees](http://www.brent.gov.uk/committees)

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting - 12 January 2011		1 - 10
<b>Extract of Planning Code of Practice</b>		
<b>APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING</b>		
3. Former Blarney Stone, Blackbird Hill, London, NW9 8RR (10/2767)	Welsh Harp;	15 - 40
4. University Of Westminster, Watford Road, Harrow, HA1 3TP (10/2053)	Northwick Park;	41 - 54
<b>NORTHERN AREA</b>		
5. Hay Lane Special School & Grove Park School, Grove Park, London, NW9 (10/2996)	Queensbury;	55 - 84
6. Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT (10/2994)	Fryent;	85 - 114
<b>SOUTHERN AREA</b>		
7. 63 Christchurch Avenue, London, NW6 7BL (10/2452)	Brondesbury Park;	115 - 126
8. 307-311 Kilburn High Road, London, NW6 7JR (10/2979)	Kilburn;	127 - 136
9. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (10/3252)	Willesden Green;	137 - 140
<b>WESTERN AREA</b>		
10. Barham Park Estate, Roundtree Road/Saunderton Road, Wembley, HA0 (10/2898)	Sudbury;	141 - 158
11. School Main Building, Brentfield Primary School, Meadow Garth, London, NW10 8HD (10/3207)	Stonebridge;	159 - 178
<b>PLANNING APPEALS</b>		
12. Planning Appeals January 2011		179 - 216
13. Any Other Urgent Business Notice of items to be raised under this heading must be		

given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

**SITE VISITS – SATURDAY 29 JANUARY 2011**

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/2898	Barham Park Estate, Roundtree Road/Saunderton Road, Wembley, HA0	10	Sudbury	9:40	141 - 158
10/2996	Hay Lane Special School & Grove Park School, Grove Park, London, NW9	5	Queensbury	10:15	55 - 84
10/2994	Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT	6	Fryent	10:45	85 - 114
10/2452	63 Christchurch Avenue, London, NW6 7BL	7	Brondesbury Park	11:30	115 - 126
10/3207	School Main Building, Brentfield Primary School, Meadow Garth, London, NW10 8HD	11	Stonebridge	12:00	159 - 178
10/2053	University Of Westminster, Watford Road, Harrow, HA1 3TP	4	Northwick Park	12:30	41 - 54

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Wednesday, 12 January 2011 at 7.00 pm

PRESENT: Councillors Sheth (Vice in the Chair) and Councillors Cummins, Daly, Hossain (alternate for Adeyeye), Hashmi, Kabir (alternate for RS Patel), Kataria, Long, J Moher (alternate for McLennan) and CJ Patel.

ALSO PRESENT: Councillor Claudia Hector, Councillor James Powney and Councillor Bobby Thomas

Apologies for absence were received from Councillors RS Patel, Adeyeye, Baker and McLennan.

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

7. 32 Creighton Road NW6 6ED

Councillor Cummins declared a personal interest in that he knew the applicant.

11. University of Westminster, Watford Road, Harrow HA1 3TP

Councillor Daly declared a personal interest as a local resident.

#### 2. **Minutes of the previous meeting - 15 December 2010**

RESOLVED:-

that the minutes of the previous meeting held on 15 December 2010 be approved as an accurate record of the meeting subject to the following inclusion under Declarations of personal and prejudicial interests;

At the meeting on 24 November 2010 Councillor Hashmi sought legal advice about his ability to participate in the discussion for Thames Water Utilities, St Michael's Road NW2 as he had received correspondence and telephone calls from the applicant but had taken care not to express an opinion. The legal representative advised that Councillor Hashmi could participate in the discussion and voting on that application although whether to do so must be for the Councillor to decide.

#### 3. **139 Coles Green Road, London NW2 7HH (Ref. 10/2046)**

PROPOSAL: Erection of a single- and two-storey side extension, single-storey rear extension, erection of a rear dormer window and formation of vehicular access to rear garden of dwellinghouse to provide an additional off-street parking space (revised plans received 27/10/2010 & 24/12/2010).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

This application was deferred at the last Planning Committee to enable members to visit the site and to gain a better understanding of the change in ground levels. In responding to issues raised at the site visit, Rachel McConnell the Area Planning Manager confirmed that the rear car parking space would slope down from the level of the road and that the one car parking space could be provided at the front due to the dimensions of the area available. She drew members' attention to condition 4 as amended in the tabled supplementary report which required a more detailed landscape layout to be provided in order to ensure compliance with the objectives of policies BE7 and TRN23. In clarifying the relationship of the single storey rear extension and the property at No. 141 Coles Green Road, Rachel McConnell added that the extension would be set in by 0.5m from the boundary to compensate for the additional height. In conclusion she stated that as the extension would be 2.5m deep which was below the depth normally allowed by SPG5, she was satisfied that the impact of the proposed single storey rear extension would be in accordance with the standards applied borough-wide to such development.

In the discussion that followed, Councillor Cummins expressed a preference for a 1m set in rather than 0.5 metre. He queried if the applicant was to create a new patio whether it would increase the overall height and thereby obstruct the views from the rear gardens of No. 141. Councillor Daly in echoing this view pointed out that such an arrangement was often the cause of loss of amenities for properties with smaller rear gardens.

In responding to the above, Rachel McConnell stated that the height, depth and set in of 0.5m of the proposal were acceptable and confirmed that the patio was not shown as extending beyond the agreed limit. She reiterated the recommendation for approval subject to conditions and an additional condition requiring soft landscaping to the rear garden.

DECISION: Planning permission granted subject to conditions as amended in condition 4 and an additional condition requiring soft landscaping to the rear garden.

**4. 15 Basing Hill, Wembley, HA9 9QS (Ref. 10/1275)**

PROPOSAL: Erection of a rear dormer window and raising roof height of existing two-storey side extension to dwellinghouse (revised plans dated 8 July 2010).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell the Area Planning Manager informed the Committee about an additional correspondence from Barn Hill Residents' Association regarding reports that the property was being used as a 'foster home'. She clarified that a single household under Use Class C3 could allow for that use. She also informed members that in accordance with the legal advice received it was not valid to require the satellite dishes already existing to be removed by condition. This was to be achieved by an informative and accordingly replaced condition 3 as an informative as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions, replacement of condition 3 with an informative advising the applicant to remove the satellite dishes within 3 months.

**5. 2 Scrubs Lane, London NW10 6RB (Ref. 10/2704)**

PROPOSAL: Continued display of free-standing, internally illuminated sign, incorporating non-illuminated signage for the City Mission Church to the rear, on site of church on south side of Harrow Road, adjacent to existing petrol station

OFFICER RECOMMENDATION: Refuse planning consent.

Mr Martin Stephens the applicant's agent stated the site had been in use for advertising hoarding for over 20 years and that this application merely sought to continue that use. He added that as the advertising hoarding and signage had caused no harm to the residents there had been no complaints or objections raised. Mr Stephens continued that since its re-development the church rather the signage had become the dominant feature in the immediate area and therefore the view that its appearance would be excessive, overbearing and detract significantly from the streetscape and the existing buildings was not valid. He urged members to grant planning consent for the advertising hoarding. In response to members' questions, Mr Stephens clarified that the signage would be non-illuminated to the rear of the church and that he understood that Reverend Hall, the applicant was in discussion with the Council about the reinstatement of the art sculptures.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor Powney, ward member stated that he had been approached by the applicant. Councillor Powney submitted that as the Head of Transportation had not raised objections to the application and that there had been no harm caused or complaints received, there were no valid reasons to recommend refusal on grounds of highway safety and loss of amenities. He added that the scale of the signage would be in keeping with its surrounding following the redevelopment of the church, income for which was dependent on the size of the signage.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor Thomas, ward member stated that he had been approached by the applicant. Councillor Thomas stated that the church had become the focal point for the whole community following its redevelopment and its planned use as "food bank" distributing free meals to those in need. He reiterated that there had been

no concerns raised or complaints received because no harm or loss of amenities had been caused by the signage. He added that the survival of church was dependent on income from the signage and its size and that to refuse the application could have serious financial implications for the church and the community. Councillor Thomas referred to a similar application by a local church in the Borough of Hammersmith & Fulham which granted planning consent to support his view that a relevant precedent had been set which could allow members to grant planning consent for this application.

In the ensuing discussion, Councillor Kataria expressed a view that the size of the advertising hoarding was excessive and its appearance overbearing which would detract significantly from the streetscape and the existing buildings. He added that the financial arrangement between the church and the advertisers was not a planning consideration. Councillor Hashmi echoed similar sentiments adding that the application would contradict planning policies BE2, BE7 and BE21 of the Unitary Development Plan (UDP). Councillor Cummins added that the redevelopment of the church had made it a pleasant building which could be obscured by the advertisement hoarding. He also made reference to the disappearance and the need for the reinstatement of the art sculptures. Councillor Long in expressing a differing view stated that the existing landscape was not attractive, the art sculptures not required due to their poor quality and that the size of the proposed advertisement hoarding would be equal to other hoardings in the area.

In responding to the issues raised, Andy Bates the Area Planning Manager stated that despite the grant of advertisement consent in 2004 for the hoarding, the size and scale of the hoarding was now deemed excessive and particularly obtrusive contrary to policy BE21 of the UDP 2004 and Supplementary Planning Guidance 8 (SPG8). He added that the size, scale and prominent location of the proposed hoarding would significantly detract from the local streetscape, would appear visually obtrusive when viewed from various points along Harrow Road and would add to the existing clutter of this prominent location. Andy Bates continued that the proposed hoarding would not serve to enhance the appearance of the area as it would be completely disproportionate to the size and scale of the existing built environment. In reiterating the recommendation for refusal Andy Bates stated that whilst he appreciated that the continued display of the advertisement hoarding provided added revenue for the church it would be unacceptable by reason of its excessive size and overbearing appearance which would detract significantly from the streetscape and the existing buildings.

DECISION: Advertisement Consent refused.

**6. 34 Mount Pleasant Road, London NW10 3EL (Ref. 10/2753)**

PROPOSAL: Demolition of attached garage and erection of a two storey side extension to dwellinghouse



OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In his introduction, Andy Bates addressed an objector's claim that the proposed extension would impact on the established streetscene and on the amenities of No.36 Mount Pleasant Road. He continued that although it was inevitable that the proposed extension would impact on the objector's window, he did not consider it reasonable to refuse planning permission on this basis alone.

Mrs Monica Roberts in objecting to the proposed development stated that it would block sunlight and daylight to her habitable rooms, stairwell and interiors of her property (no.36 Mount Pleasant Road) and thereby reduce outlook. She considered that the additional 24cm set in would have a negligible impact in addressing the loss of light and outlook that would result and would be contrary to the Council's Supplementary Planning Guidance Note 5 (SPG5). Mrs Roberts also circulated a reference from her doctor confirming that she suffered from acute claustrophobia which would be made worse by the proposed development and would thus prevent her from using her side passageway along the flank wall, if the application was granted planning permission.

In response to the issues raised Andy Bates stated that the proposed development was acceptable both in terms of character and impact. Whilst acknowledging the contents of the reference from the objector's doctor members did not consider it so materially significant as to warrant refusal.

DECISION: Planning permission granted subject to conditions.

**7. 32 Creighton Road, London NW6 6ED (Ref. 10/2854)**

PROPOSAL: Excavation to create basement to dwellinghouse with front and rear lightwell.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary report, Andy Bates reported that the applicant's agent had confirmed that a new boiler was proposed which would make it possible for the flue to be located at a higher level. He clarified that the revised plan received which showed the proposed elevations with the omission of shadowing did not change the extent of the development proposal. Andy Bates also referred to additional letters of support including one from the ward member, Councillor Green.

Mr O'Keefe objecting on behalf of the elderly residents at No. 30 Creighton Road stated that the proposal would constitute an over-development of the site and would involve an aggressive form of construction with acute detrimental impact on

the health of the 2 elderly residents of No. 30 Creighton Road. He urged members to refuse the application bearing in mind the ages and health of the residents at No. 30 Creighton Road.

Mr David Hodge objecting on behalf of Queens Park Area Residents' Association stated that the basement development would not enhance the Conservation Area status of Queens Park. In urging members to refuse the application, Mr Hodge added that the development would set an undesirable precedent for future development in the conservation area.

Mr Chris Childs the applicant stated that the application was basically to cater for the needs of his large family including young and growing up children and a disabled daughter. He continued that the proposed development complement with and enhance the character of the conservation area. Mr Childs added that he would be mindful of the impact of the health of the elderly occupants of No. 30 Creighton Road to ensure that this was minimised.

Steve Weeks Head of Area Planning outlined the difficulties in routinely restricting the hours of construction adding that the application complied with policies and standards. In considering the proposed development members were unanimous that the application needed to be decided on planning merits only.

DECISION: Planning permission granted subject to conditions.

***Note: Councillor Cummins having declared a personal interest did not take part in the discussion and voting on this application.***

#### **8. 14D Wrotesley Road, London NW10 5YL (Ref. 10/2641)**

PROPOSAL: Erection of rear dormer window, gable end roof extension and installation of two front rooflights to first floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In setting the background to the application, Andy Bates informed members that the submission of this application was the result of planning breaches in erecting the rear dormer and the threat of enforcement action. He continued that the final plans on which this determination were based would be in keeping with the existing dwelling and street character, consistent with UDP policies BE7, BE9 and H21 and the guidelines of SPG5. Andy Bates added that in view of the existing breach, there was an urgent need for the works to be completed urgently. He therefore recommended that an informative be attached to this permission requiring demolition of unlawful works and completion of approved plans within 3 months of this permission in order to avoid further enforcement action due to prolonged breach.

DECISION: Planning permission granted subject to conditions.

**9. 27 Aylestone Avenue, London NW6 7AE (Ref. 10/2862)**

PROPOSAL: Extension of time limit for application 08/0376 (Demolition of existing house and erection of 2-storey building comprising 8 self-contained flats, with provision of outbuilding for cycle storage, refuse storage, 8 parking spaces, new vehicular and pedestrian access to side and rear, hard and soft landscaping, and boundary fencing to site and subject to a Deed of Agreement dated 9th April 2008 under Section 106 of the Town and Country Planning Act 1990, as amended).

OFFICER RECOMMENDATION: Grant consent subject to additional condition on refuse and recycling storage and change to the description of the development in order to include the correct S106 date with changes delegated to the Head of Area Planning.

Andy Bates updated members that since the report was published the applicant had submitted a Unilateral Undertaking dealing with the points set down in the Heads of Terms: payment of £3,000 for each net additional bedroom (Total £36,000), the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance. He added that this simpler method of legal agreement was considered to be acceptable and as a result, it would be appropriate to issue the permission if members were minded to grant consent. He however added an additional condition on refuse and recycling storage and change to the description.

DECISION: Planning permission granted consent subject to additional condition on refuse and recycling storage and change to the description of the development in order to include the correct S106 date with changes delegated to the Head of Area Planning.

**10. Unit 4, Second Way, Wembley, HA9 0YJ (Ref. 10/2367)**

PROPOSAL: Change of use from warehouse (Use Class B8) to waste transfer station (Use Class Sui Generis).

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

With reference to the tabled supplementary, Steve Weeks informed members that Environmental Health Officers (EHO) had confirmed that the site had sufficient controls to minimise road dust emissions. In respect of flies, rats and mice the EHO reported that although a complaint had been received, they were unable to conclude whether the rats originated from this site or from a neighbouring waste transfer station and added that since the investigations were conducted, both sites had improved their pest control. Members noted that it was also a requirement of the permit issued to the site from the Environment Agency to minimise nuisance

caused by pests. For the above reasons, the use was not considered to raise any significant concerns regarding the environmental impact on the local area.

In respect of the objection on grounds of obstruction to an existing accessway, Steve Weeks corrected the report to confirm that the access in question was not a public right of way but rather a private land which made the issue a civil matter. He added that this application did not require the blocking up of the access and as such, the granting of a further permission would not prejudice neighbouring land uses in any way.

DECISION: Planning permission granted subject to conditions and informatives.

**11. University of Westminster, Watford Road, Harrow HA1 3TP (Ref. 10/2862)**

PROPOSAL: Hybrid planning application for the demolition of part of the University of Westminster's Harrow Campus and the erection of new buildings and refurbishment of existing buildings, comprising:

Full planning permission for the demolition of 6,980m<sup>2</sup> of existing floor space and the erection of 3,435m<sup>2</sup> of new educational floor space (Use Class D1) in new buildings ranging in height from one to two storeys, the refurbishment of existing buildings, including new external cladding, new hard and soft landscaping, improvements to the entrance adjacent to Northwick Park Underground Station and construction of a Multi-Use Games Area;

and

Outline planning permission for a further 3,545m<sup>2</sup> of new educational floor space (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions including additional conditions regarding an assessment of existing lighting and further details of the proposed biomass plant, additional clauses to the S106 agreement to achieve the additional sustainability measures and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Steve Weeks Head of Area Planning advised members that, following the Member's site visit and issues raised, it would be appropriate for members to receive a presentation by the applicants before the application was considered, preferably prior to the date of next meeting. He therefore amended the recommendation to a deferral and Members agreed to the timing of the presentation as the next site visit.

Members were unanimous in agreeing the amended recommendation for deferral.

DECISION: Deferred to enable members to receive a presentation by the applicant before the date of the next meeting.

***Note: Councillor Daly having declared a personal interest did not take part in the discussion on this application.***

## **12. Any Other Urgent Business**

Councillor Kataria requested a report on public houses to a future meeting. Councillor Daly also requested an update on anti-social behaviour and betting offices in the Borough

Steve Weeks undertook to discuss the requests with the Assistant Director of Planning and Development in terms of the timing of future reports to the Planning Committee.

The meeting ended at 8:40pm

K. SHETH  
Vice Chair in the Chair

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## **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 2 February, 2011**

**Item No. 3**  
**Case No. 10/2053**

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**RECEIVED:** 31 August, 2010

**WARD:** Welsh Harp

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Former Blarney Stone, Blackbird Hill, London, NW9 8RR

**PROPOSAL:** Proposed mixed-use redevelopment of the Blarney Stone Public House, Kingsbury, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470m<sup>2</sup> and parking partly at basement level, with associated landscaping

**APPLICANT:** Mr Ayoub Rofail

**CONTACT:** Chassay+Last Architects

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

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**Introduction:**

The application is reported to Committee under the provisions of Clause 24 of the Planning Code of Practice following the meeting of the Planning Committee on 2nd November 2010 where Members resolved that they were 'minded to refuse' consent for the proposed mixed-use redevelopment of the Blarney Stone Public House, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470sqm and parking partly at basement level, with associated landscaping, contrary to the officer recommendation to grant consent subject to the completion of a satisfactory section 106 agreement

The application was due to be reported back to the Planning Committee on 15 December 2010 but was deferred due to a problem with the traffic counting mechanism. This led to discrepancies in the results of the traffic count of existing vehicles travelling along Old Church Lane. An updated Supplementary Transport Assessment has been received which includes an updated traffic count.

This report sets out the reasons why Members are 'minded to refuse' consent and discusses the implications of the Committee's resolution, having regard to the updated Supplementary Transport Assessment. The report maintains the original recommendation to grant consent subject to the completion of a satisfactory section 106 agreement.

**Discussion:**

Members of the Planning Committee were minded to refuse planning consent for the following reasons:

- Unacceptable increase in traffic using Old Church Lane due to the high density of development on site and servicing for the retail unit, resulting in further congestion;
- Overspill residential and retail parking onto Old Church Lane
- Inadequate pedestrian/vehicular separation and control for the servicing area

The applicants have prepared a supplementary transportation assessment in response to the issues raised at the Planning Committee meeting.

These reasons are discussed in further detail below:

1. *Unacceptable increase in traffic using Old Church Lane due to the high density of development on site and servicing for the retail unit, resulting in further congestion*

The removal of the existing access off Blackbird Hill reflects Transportation advice. This is standard practice on busy local distributor roads where turning movements could cause serious congestion and safety problems. The Council's records indicate that there have been five injury accidents reported at the Blackbird Hill junction with Old Church Lane. All of these can be attributed to driver error and/or failure to obey the traffic lights. The supplementary Transport Assessment considers that the number of accidents is lower than one might expect for a junction of this nature, taken into account traffic/pedestrian flows through the junction. The junction is not considered unsafe.

The Supplementary Transport Report provides information on the likely trip generation for the former use as a public house and proposed mixed retail and residential uses. The trip generation is derived from the average person trip rate from comparative sites, comprising public houses, retail and residential uses in London.

The results confirm the previous Supplementary Transport Report. The development is estimated to generate daily traffic flows along Old Church Lane totalling 176 arrivals and 175 departures (travelling in both directions) to and from the site, with peak hour traffic flows of 8 arrivals/14 departures in the morning peak (8-9am) and 12 arrivals/12 departures in the evening peak (5-6pm). The results indicate that overall there will be an additional 145 traffic movements a day on Old Church Lane when compared to the former use as a public house. Your officers in Transportation advise that these figures are considered to be suitably robust for this type of development proposal.

Additional traffic counts along Old Church Lane were carried out over the following periods:- Tuesday 23<sup>rd</sup> – Monday 29<sup>th</sup> November 2010 and Wednesday 8<sup>th</sup> – Sunday 12<sup>th</sup> December 2010. The results of the additional traffic counts indicated that 24 hour weekday flows on Old Church Lane are typically in the order of 3000, with AM and PM peak flows of around 350 - 400 and 200 respectively.

All traffic arriving at the site would use Old Church Lane but it is likely that traffic leaving the site would travel in equal proportions northwards and southwards along Old Church Lane and Blackbird Hill respectively. The updated Supplementary Transport Report suggests that traffic flows on the Old Church Lane arm of its junction with Blackbird Hill would increase by 2 – 3% throughout the day and during each of the peak hours. Transportation have advised that it is standard industry practice to assume that any increase below 5%, even in a generally congested road network, is within the daily variation in traffic movement. As such the level of increase is very low and is not considered to have a material impact on the operation of and/or environmental condition of the local highway network, including at the junction of Old Church Lane and Blackbird Hill.

The predicted increase in traffic flows along Old Church Lane to the north of the site as a result of this development would amount to 8.3% across the whole day, with peak hour flows increasing by 5% and 8.7% in the AM and PM peaks respectively. Your officers in transportation have advised that for increases of 5-10%, it is generally only considered necessary to examine the traffic impact on junction operation in congested situations. In this case, site observations on Old Church Lane and at its mini roundabout junction with Church Lane/Tudor Gardens do not indicate that the area suffers significant traffic congestion, and

an examination of junction operation in the evening peak hour by officers indicates that the junction operates within capacity, particularly in respect of the lightly trafficked Old Church Lane approach.

However, the above calculations take no account of traffic to and from the authorised use as a public house, which although currently vacant could reopen without requiring any planning consent. It is therefore considered reasonable to consider only the net difference between the existing public house and the proposed residential/retail development. When typical traffic flows for the public house are discounted, then the net increase in daily and evening peak hour traffic flows on Old Church Lane falls to around 2.4% (3.4% to the north of the site and 1.6% towards Blackbird Hill). This is within the daily variation in traffic movements. As such your officers are of the view that the increased traffic levels do not warrant a reason for refusal.

The first suggested reason for refusal also referred to the servicing requirements for the retail unit resulting in further congestion along Old Church Lane. Based on similar developments, the Supplementary Transport Report details that convenience stores of a similar scale and nature proposed as part of this development generate an average of 6 deliveries per day by a variety of vehicles ranging in size from Transit vans to larger rigid bodied vehicles. The updated traffic counts recorded an average of 97 heavy goods vehicles using the road each day. This equates to around 3.2% of existing traffic using Old Church Lane. When the proposed retail use is introduced, it is predicted that the maximum increase in heavy goods vehicle movements along Old Church Lane is 6%. However, in actual fact the increase is likely to be significantly lower, as a significant proportion of the deliveries would be made in smaller vans. In addition, this excludes any similar vehicles that may be associated with a pub use. It is not considered that the level of medium/large heavy goods traffic along Old Church Lane would have a material impact on the operation of and/or environmental condition of the local highway network. As such your officers are of the view that the increase traffic levels do not warrant a reason for refusal.

## *2. Overspill residential and retail parking onto Old Church Lane*

37 on-site car parking spaces have been provided for the 36 residential units. The Supplementary Transport Report has reviewed local area car ownership area from the 2001 Census which has revealed that for privately owned flats, car ownership is 0.62 per household. It should be noted that car ownership is generally higher for private units rather than affordable, and the Council's parking standards reflects this with maximum standards applying to private residential units with a 50% reduction applied to affordable units. Transportation have previously advised that the level of parking for the residential units is acceptable. The results of the Census data, albeit from 2001, support this view. Whilst levels of car ownership are likely to have increased since 2001, the increase is not considered to be significant.

A parking survey has been undertaken by the applicant which indicates that there was ample spare capacity for on street parking on Old Church Lane. The parking survey was undertaken on Tuesday 9th November 2010 between the hours of 0800 to 1800. The maximum parking demand identified was for 22 spaces at 3.30pm (there is capacity for 29 spaces). This peak may be related to the proximity to the nearby school. The average demand throughout the day was for 13 spaces (45% capacity). Based on the TRAVL database, the maximum accumulation of vehicles at any one time associated with the retail unit is predicted at 2 to 3. It is reasonable to suggest that this level of parking can be accommodated in the immediate vicinity of the site, for those that have accessed the site by Old Church Lane. It should be noted that there is a high availability of off street parking for existing residents on Old Church Lane.

It is important to note that the retail unit is intended as a convenience store that will provide a limited offer and will essentially serve a local "top up" convenience market. The majority of people using the store will live locally, with many able to reach it without the need to drive. Whilst it is recognised that "local" stores can attract passing trade, given the nature of the local highway network where vehicles cannot turn into Old Church Lane from Blackbird Hill, it is considered unlikely that the proposal would attract passing traffic as vehicles would need to undertake quite a circuitous detour which would not be readily evident to people who do not know the local area.

In light of the above, your officers recommend that the retail use of the ground floor is restricted in its use as a convenience store. Other specialist uses within the retail use class that do not serve a local need could generate a higher traffic trip generation, and would need to be assessed on their own merits. The suggested wording for the condition is set out below:

*The ground floor premises shall be used only for the sale of grocery and provisions and for no other purpose, including any other purpose in Use Class A1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior written permission of the Local Planning Authority.*

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

### *3. Inadequate pedestrian/vehicular separation and control for the servicing area*

The area in front of the building is intended to be used as a shared surface for pedestrians and service vehicles. The retail will be served by 4 to 6 vehicles a day. This is considered to be a relatively low number. Transportation have advised that the use of such shared surface arrangement is increasingly common and is promoted through Government guidance. Your officers are aware that the treatment of the hardstanding is important to ensuring the effective use of the shared area. A condition has been already been recommended for details of the hardstanding materials and treatments, and soft landscaped areas.

### **Additional letters of objection/comments:**

Members are advised that since the last committee (2<sup>nd</sup> November 2010) a number of additional comments and objections have been received. An additional consultation was carried out (29<sup>th</sup> December 2010 – 19<sup>th</sup> January 2011) on the updated Supplementary Transport Assessment. Details of the additional comments and objections are set out below:

Four letters of objection have been received. The letters reiterate previous objections which have been addressed within the main committee report and transport assessment discussed above. Eight letters of support from local residents have also been received. These residents are of the view that the proposal will improve the area and that traffic levels will not be worse than the existing situation.

A number of specific queries have been raised by local residents in relation to highway considerations and the consultation period. These are discussed below:

- *Clarification on why the access from Blackbird Hill is to be made redundant as part of this application*

This issue has been discussed under the header "*Unacceptable increase in traffic using Old Church Lane due to the high density of development on site and servicing for the retail unit, resulting in further congestion*" above.

- *Clarification on why there is no parking provided for the retail unit*

Local residents are concerned that the lack of parking will lead to overspill parking on Old Church Lane. These issues have been discussed within the main committee report and in 2 above.

- *Consultation process*

Local residents have expressed their concerns with the consultation period process and the failure of the Council to consult local residents. Your officers can reconfirm that 276 neighbouring properties were original consulted on the application, in accordance with the guidance as set out in SPG2. These included the following properties:

- Barnes Wallis Court, Barnhill Road
- 180 - 190 (even) Barnhill Road
- 1 - 23 (odd) Birchen Grove
- 1 - 17 Accadia, Blackbird Hill
- 5 - 51 Blackbird Hill
- 1 - 7 (odd) Chalkhill Road
- 1 - 27 Gervase Close
- 1 Ken Way
- 1 - 29 Old Church Lane
- 6 - 9 Old St Andrews Mansions
- 51 - 67 Poplar Grove
- 1 - 31 (odd Tudor Gardens)

Site notices were also displayed adjacent to the site and the planning application advertised in the local press. All of the above properties were subsequently consulted on the updated Supplementary Transport Assessment. Your officers can advise that the consultation process was carried out in accordance with statutory guidelines.

#### Comments received from the Wembley History Society and Brent Museum

The Wembley History Society and Brent Museum have queried whether the wording of the archaeological condition can be amended so that the archaeological investigations are carried out in liaison with the Wembley History Society, Brent Museum and Museum of London. It is recommended that this condition is amended to read as follows:

#### Condition 12

No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with the written scheme of investigation. *The written scheme of investigation shall be carried out in liaison with the Wembley History Society, Brent Museum and Museum of London.*

Reason: In the interests of archaeological remains within the site.

#### **Conclusions:**

For the reasons discussed above, your officers remain of the view that there is an absence of evidence to support the suggested highway and parking related reasons for refusal in light of the information above.

However, if the Committee are still minded to refuse the application, they are advised to review the statement agreed at the previous meeting to ensure that it adequately expresses

the reason/s for refusal should this decision be taken.

**Recommendation : Remains approval subject to conditions (including the insertion and revision of conditions detailed above) and the signing of a satisfactory Section 106 Agreement, for the reasons set out in the Committee Report and this additional report.**

The main committee report is attached below.

## **RECOMMENDATION**

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

## **SECTION 106 DETAILS**

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

*(a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance*

*(b) 28% by Units (31% by Hab room) Affordable Housing, provided on site with 10 Social Rented units, broken down as 2 x 1-bed, 5 x 2-bed and 1 x 3-bed flats, and 2 x 4-bed houses. In addition, a contribution of £50,000 towards the provision of Affordable Housing in the Borough, due on Matreial Start and index-linked from the date of committee.*

*(c) A contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area, including a new footway on the Old Church Lane / Blackbird Hill corner.*

*(d) Sustainability – Code for Sustainable Homes Level 3 Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of 107sqm of evacuated solar thermal panels and 147sqm of PV panels to be submitted, approved and maintained throughout the lifetime of the development.*

*(e) Prior to Practical Completion enter into a s278/s35 requiring the provision of a 10m radius kerb on the northern side of the car park access and reinstatement of the redundant crossover onto Blackbird Hill to footway.*

*(f) Join and adhere to the Considerate Constructors 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 Core Strategy, Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.*

## **EXISTING**

*The application site comprises the Blarney Stone Public House located on Blackbird Hill. The site is currently vacant. The site fronts both the Blackbird Hill and Old Church Lane, with the Blackbird Hill frontage being the primary one.*



The site abuts the St Andrews Conservation Area which is located to the north of the application site. On the opposite side of Old Church Lane, fronting Blackbird Hill are two storey terraced properties with retail and similar uses at ground floor and residential above. This parade is defined as a Neighbourhood Centre within the Core Strategy. On the opposite side of Blackbird Hill is Lidl superstore and BP Petrol Station.

Blackbird Hill is a London Distributor Road and on the London Bus Priority Network

## **PROPOSAL**

Demolition of existing public house and erection of mixed-use redevelopment of the site incorporating both residential and retail use in a part three-, four-, five- and six-storey building. The residential element comprises a mixture of affordable and private residential units in the form of two houses and 34 flats. The retail element comprises a retail unit at basement/ground-floor level of 470sqm. Residential parking is provided at basement level. Alterations to the vehicular accesses and landscaping of the site is also proposed.

## **HISTORY**

### **Recent Planning History**

**E/07/0456:** Enforcement investigation into building rubble within the site under Section 215 (untidy land) - Case closed on 15/08/2007 as the site was cleared.

**05/1485:** Full Planning Permission sought for erection of single storey front, rear and side extension and access ramp to front of building - Granted, 15/07/2005.

## **POLICY CONSIDERATIONS**

### **National Planning Policy**

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 3 – Housing

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 23 - Planning and Pollution Control

Planning Policy Guidance 24 - Planning and Noise

### **Regional Planning Policy**

The London Plan - Consolidated with Alterations since 2004

3A.3: Maximising the potential of sites

3A.5: Housing Choice

3A.9: Affordable housing targets

3A.10: Negotiating affordable housing in individual private residential and mixed-use schemes

3A.11: Affordable housing thresholds

3D.13: Children and young people's play and informal recreation strategies

4A.1: Tackling climate change

4A.3: Sustainable design and construction

4A.4: Energy Assessment

4A.6: Decentralised Energy - Heating, Cooling and Power

4A.7: Renewable Energy

4A.9: Adaption to Climate Change

4A.11: Living Roofs and Walls

4A.14: Sustainable Drainage

4A.19: Improving Air Quality

4A.20: Reducing noise and enhancing soundscapes

4B.1: Design principles for a compact city

4B.5: Creating an inclusive environment

## **Local Planning Policy**

### *Brent's Core Strategy 2010*

*The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The following policies are considered to be relevant for this application:*

*CP2: Population and Housing Growth  
CP6: Design & Density in Place Making  
CP16: Town Centres and the Sequential Approach to Development  
CP17: Protecting and Enhancing the Suburban Character of Brent  
CP18: Protection and Enhancement of Open Space, Sports & Biodiversity  
CP19: Brent Strategic Climate Mitigation and Adaption Measures  
CP21: A Balanced Housing Stock*

### *Brent UDP 2004*

*In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:*

*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  
BE11: Intensive and Mixed-Use Developments  
BE12: Sustainable Design Principles  
BE25: Development in Conservation Areas  
BE31: Sites of Archaeological Interest  
EP2: Noise & Vibration  
EP3: Local Air Quality Management  
H12: Residential Quality - Layout Considerations  
H13: Residential Density  
TRN3: Environmental Impact of Traffic  
TRN11: The London Cycle Network  
TRN15: Forming an access onto a road  
TRN22: Parking Standards - Non Residential Developments  
TRN23: Parking Standards - Residential Developments  
TRN34: Servicing in New Development  
TRN35: Transport Access for Disabled People & Others with Mobility Difficulties*

### *Supplementary Planning Guidance*

*Supplementary Planning Document: "S106: Planning Obligations"  
Supplementary Planning Guidance 2 - "Commenting on a Planning Application"  
Supplementary Planning Guidance 17 – "Design guide for new development"*

## **SUSTAINABILITY ASSESSMENT**

*The applicants have submitted an "Energy Demand and Renewables Option Assessment" and*

## *"Sustainability Statement".*

*The scheme proposes a number of measures to contribute towards achieving sustainable development. These include measures to reduce carbon emissions; onsite renewables; water efficiency measures; sustainable materials; brown roofs; landscape measures and a permeable paving system.*

### *Reduction in carbon emissions and onsite renewables*

*Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaptation. Details of the measures proposed to reduce carbon emissions and consideration of onsite renewables are set out in the "Energy Demand and Renewables Option Assessment". The reduction in CO2 emissions is achieved by the combination of improved insulation, air tightness, low energy lighting and communal Gas Absorption Heat Pump. The average carbon reduction across the development is 31% which exceeds the requirements required for Code for Sustainable Home Level 3.*

*A number of options for onsite renewable energy measures have been considered, and the use of solar PV and solar thermal have been identified as suitable options and are proposed to be incorporated within the scheme. This includes 88sqm of the 'pergola' area over the roof terraces together with 19sqm of the flat roof area for evacuated tube solar thermal collectors and the remaining 147sqm of unshaded flat roof area for solar PV. This will provide a further 16.25% of carbon reduction. It is recommended that further details of the evacuated solar thermal panels and PV panels are secured as part of the Section 106 Heads of Terms.*

### *Code for Sustainable Homes*

*Policy CP19 requires the development to achieve a minimum Level 3 in relation to the Code for Sustainable Homes (CSH). A pre-assessment report has been prepared which indicates that the scheme will achieve a score of 59.75 which meets Level 3. It is recommended that a CSH Level 3 Post Construction Assessment and Certificate is submitted prior to occupation. This should be secured as part of the Section 106 Heads of Terms.*

### *Brent's Sustainable Development Checklist*

*This application is required to achieve a minimum score of 50% on the Brent Sustainable Development Checklist. The applicants have submitted the checklist achieving a score of 52.5%. Officers have reviewed the checklist and have a score of 50%. This is still considered to be an acceptable level and it is recommended that the Section 106 Heads of Terms secures a score of 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction.*

### *Other Matters*

*In addition to the above, officers recommend that the Heads of Terms of the Section 106 Agreement secure compliance with the ICE Demolition protocol and for the development to join and adhere to the Considerate Constructors scheme.*

## **CONSULTATION**

**Consultation Period: 15/09/2010 - 06/10/2010**

**Press Notice: 16/09/2010 - 07/10/2010**

**Site Notices Displayed: 23/09/2010 - 14/10/2010**

## **Public Consultation**

276 neighbours consulted - 12 letters and one petition with 22 signatures received, objecting to the development on the following grounds:

- Overdevelopment of the site
- Design, layout and appearance do not fit in with the character and appearance of the surrounding area.
- Proposal will significantly increase traffic in an already heavily congested area (which is particularly bad during the rush hours and child drop-off and pickup times) making it difficult for emergency services to access the area due to cars parking on Old Church Lane.
- No parking provided for retail element.
- Increased traffic levels will lead to further pollution and noise.
- Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.
- Development will overshadow the back gardens and rear living areas of adjacent properties, particularly Nos. 1 and 3 Old Church Lane.
- Development will result in a loss of privacy for adjacent properties, including Nos. 1 and 3 Old Church Lane.
- Location of vehicular access next to No. 1 Old Church Lane will lead to additional disturbance to this property.
- Development would create a precedent if approved, resulting in the loss of family housing and changing the overall character of the area.
- Planning rules within the conservation area are very restricted, i.e. permission required for a garden shed, but this building is much larger and should also not be allowed.
- A new retail unit would have a detrimental impact on other smaller businesses in the area.
- The size of the retail unit proposed is inappropriate for a neighbourhood centre and would undermine the vitality and viability of Neasden District Centre.
- Loss of public house.
- No play facilities for children.
- The public house is a Listed Building and should be preserved.
- Proposal will adversely affect house prices in the area.
- Impact of noise and air pollution on adjoining property, No. 1 Old Church Lane.
- Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.
- Insufficient consultation period.

The two letters of support raised the following point:

- The proposal will enhance the area which is currently run-down

The above matters are discussed in the "Remarks" section of the report.

## **Internal Consultation**

### **Transportation Unit**

Proposal can be supported on transportation grounds subject to a financial contribution of £45,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site and conditions requiring the provision of a 10m radius kerb on the northern side of the car park access and reinstatement of the redundant crossover onto Blackbird Hill to footway at the developer's expense.

### **Policy & Research Team**

With regards to the retail element, the proposal passes the sequential test as there are no alternative available sites within the catchment area. The proposed store is not considered to have any significant adverse impacts on the existing Neighbourhood Centre, and can be supported.

*It is recommended that the proposed store provides an ATM cash machine so as to strengthen the offer of the Neighbourhood Centre.*

*Officer comment: A condition will be imposed to secure the provision of an ATM cash machine.*

***Environmental Health***

*No objections raised, subject to conditions securing post-completion testing for noise levels and control of hours for construction and demolition.*

***Urban Design & Conservation***

*Recognises that the development adheres to many general urban design principles. However, suggests that further work could be done on the greening of the building and the overall quality of the elevations. There is also the opportunity to enhance the public realm.*

***Landscape Team***

*The landscape elements of the proposal are acceptable in principle. However, it is recommended that full details of hard and soft landscape features are secured by condition and submitted to and approved by the Local Planning Authority prior to commencement of any demolition/construction work on site.*

***Policy & Research Team - Sustainability***

*Proposal can be supported on sustainability grounds subject to details being secured as part of the Section 106 agreement. Further details are set out in the "Sustainability" section of this report.*

***External Consultation***

***Thames Water***

*Comments provided on surface-water drainage. These details are recommended to be included as an informative to the decision.*

***Environment Agency***

*No comments to make as it is considered to pose a low environmental risk.*

***English Heritage (Greater London Archaeology Advisor Service)***

*As the site lies in an area where heritage assets of archaeological interest can be anticipated, it is recommended that a condition is secured for the implementation of a programme of archaeological work.*

## **REMARKS**

### **Introduction**

*This application proposes to demolish the former Blarney Stone Public House and erection a mixed use development on the site comprises retail (Use Class A1) and residential use (Use Class C3). This report will consider the principle of the development; archaeological importance of the site; the design, scale and massing; density and unit mix; affordable housing provision; standard of proposed accommodation; impact upon surrounding properties; parking and transportation; landscape features; and environmental health considerations.*

### **Principle of Development**

#### *Loss of a public house*

*The scheme proposes to demolish the existing building which although is now vacant was previously used as a public house (Use Class A4). There is no policy in place within Brent's Core Strategy or Unitary Development Plan that protects the use of a building to be retained as a public house. The building itself is not listed or situated within a conservation area, and thus can be demolished without the benefit of planning permission.*

*The loss of the public house is therefore considered acceptable in principle, subject to an appropriate mixed-use scheme in accordance with policies contained within the Core Strategy and UDP.*

#### *Introduction of a retail unit on the site*

*The application site is not located within a defined centre but directly adjacent to the site, on the opposite side of Old Church Lane, is the Blackbird Hill Neighbourhood Centre. The existing building falls within Use Class A4, and can be converted to retail (Use Class A1) without the benefit of planning permission. The existing gross internal floor area of the public house is 480sqm. The gross internal floor area of the new retail unit is comparable to the existing floor area.*

*Notwithstanding the above, the applicants have submitted a retail assessment. The site has been considered as an 'Out of Centre Retail Development' and in line with PPS4 and policy CP16 of Brent's Core Strategy has considered the appropriateness of the location in terms of the sequential approach and the ability to locate the floorspace in policy defined Centres. The retail assessment has also considered the impact of the proposed retail unit on the vitality and viability of nearby centres and the other defined 'impacts'.*

*Your officers have reviewed the retail assessment and consider that the proposal passes the sequential test as there are no alternative suitable sites within the catchment area. It is also considered that the proposal will not have any significantly adverse impacts on the existing Neighbourhood Centre. However, your officers recommend that the proposed store provides an ATM cash machine so as to help strengthen the offer of the Neighbourhood Centre. It is recommended that details of the ATM cash machine are secured by condition. In conclusion, it is considered that the retail store meets the objectives of PPS4 and policy CP16 of Brent's UDP and can be supported in this location.*

*It is also recommended that a condition is secured to control the hours of use of the new retail unit given its relationship with the residential units. The recommended hours of use are 7am to 11pm.*

#### *Introduction of residential use on the site*

*There are no policies within Brent's Core Strategy or UDP that restricts the principle of residential use on the site. The London Plan also encourages mixed use development. Whilst the principle of a residential use is acceptable, it is subject to consideration of the density of the proposal, impact*

of the proposal upon the character of the area, quality of proposed accommodation, impact on neighbouring properties, highway considerations and other matters. These have been discussed in detail below.

### **Affordable Housing**

The application proposes to provide 10 of the 36 residential units for affordable housing, accounting for 28% of the total units or 31% of total habitable rooms. Brent's Core Strategy and the London Plan seeks to deliver 50% affordable housing on new housing sites of ten units or greater. This scheme falls short of this target, and in response to this shortfall the applicant has submitted a GLA Three Dragons Toolkit to show that the scheme can not provide any further affordable housing..

Officers have reviewed the toolkit and at this stage can advise that evidence has not been provided to substantiate the values provided within the toolkit. As such, officers would be requesting a review of the toolkit at the post-construction stage of the development. This is to be agreed with the applicant and will be addressed in further detail within a supplementary report to members.

### **Density and Mix**

The scheme proposes 36 units with a total of 147 habitable rooms as counted according to the method set out in the borough adopted UDP; habitable rooms larger than 18sqm are counted as 2 habitable rooms. The proposed scheme has a site area of 2,400m<sup>2</sup> (0.24ha), as stated in the application form. The area for calculating density, however, includes an area up to half the width of the longest adjacent road, to a maximum width of 6m (p104, Appendix 3, UDP 2004); this increases the site area to 2,820m<sup>2</sup> (0.282ha).

The overall density is 521 habitable rooms per hectare (hrh), or 148 dwellings per hectare (dph). This high hrh figure compared to the dph figure is a result of the high percentage of family housing on the site, which gives an average habitable room per unit figure of 3.11.

Density guidance within SPG17 suggests a range of 150 - 350hrh for sites located in areas of moderate and above moderate transport accessibility. Given the sites location along a main arterial route and the mix of different uses in the vicinity of the site, it is considered reasonable to refer to this site as 'urban' rather than 'suburban' for the purposes of the London Plan density matrix, suggesting a range of 200 - 450 hrh.

Whilst the proposed scheme exceeds the suggested density range as set out in the London Plan and SPG17, increased densities are promoted in PPS3, the London Plan and the borough UDP where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can confer. This is a specific objective of the borough's UDP as stated in policy STR3, which states that development of previously developed urban land will be maximised. As defined by PPS3, this site is previously developed urban land.

Policy H13 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. Your Officers are of the view that the proposed scheme meets Policy H13 (UDP 2004) as the proposal is considered to respect the context of the surrounding buildings, provides a satisfactory standard of accommodation (see below) and as such meets the design led approach.

*Of the 36 units proposed, 10 are affordable housing (social rented) and 26 are market housing. The affordable element comprises 2 x 4-bed houses, 2 x 1-bed flats, 5 x 2-bed flats and 1 x 3-bed flats. The market housing element comprises 8 x 1-bed flats, 11 x 2-bed flats and 7 x 3-bed flats. According to this mix 28% of units are three or more bed units, which is considered acceptable given the location and is in accordance with policy CP21.*

### **Design, Appearance and Character of the Area**

*The application site is located on a prominent corner location. The proposal takes advantage of the level differences across the site by proposing a part three part four, part five and part six storey building with basement space. The topography-cutting into the slope has assisted in concealing much of the mass of the building, and allowed for a piazza which will be a shared surface to encourage pedestrians to cross the public part of the site. The building is set back from both the Blackbird Hill and Old Church Lane frontages respecting the established building lines and allowing for the introduction of soft landscaping along the Blackbird Hill frontage.*

*The building has respected the height of adjacent buildings, with the height proposed at three storeys next to Gower House School and three storeys with the fourth floor set in next to No.1 Old Church Lane. Whilst it is higher than the houses along Old Church Lane, there is a sufficient gap between the properties to allow for the increased height. Towards the junction of Blackbird Hill and Old Church Lane, the building increases in height to five storeys, with the sixth storey set back. It has been designed to provide a transition between the larger-scale blocks on Blackbird Hill and the domestic properties on Old Church Lane.*

*The building has been well articulated, with the massing broken up by the angles between the blocks; use of external materials, set back of the upper floor and angled pergolas; and the use of window and balcony design. The proposed materials have taken on board the character of the surrounding area, including brick work and white render, but of a more contemporary design solution. The use of a green wall along the Blackbird Hill frontage has also assisted in provide visual interest. Subject to samples of external materials and further details of the green wall, the choice of materials is considered acceptable.*

*Access to the houses and affordable units are provided off the Blackbird Hill frontage. Access to retail unit and the other flats is provided via the piazza from both the Blackbird Hill frontage and Old Church Lane frontage. The entrances to the flats have designed to be legible and attractive. The signage for the retail unit has been designed to be integrated into the base of the building wrapping around both frontages. The signage is considered acceptable in principle, but officers recommend that further details of the design and illumination levels are secured by condition.*

### **Quality of Residential Accommodation**

*All units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17.*

*The standard of amenity provided is in general compliance with the requirements of SPG17. With regards to outlook, whilst some of the units do not provide dual aspect, in all the case of all of these units, none of the habitable rooms have outlook in a north-facing direction. It is also noted that outlook for the ground-floor units is restricted to the rear by the proximity of the boundary between the unit's private external amenity space and the communal external amenity space. It is considered that, given that the outlook is restricted to the bedrooms rather than living area, and that this boundary will form an attractive barrier between the private and communal space, a good level of amenity will still be provided for these units.*

*Privacy levels for the proposed units are generally considered acceptable. Although it is observed that the units within the corner of the 'L' shape of the building will be in close proximity to one another. Given the angle between these units, views between the units will be restricted.*



The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. The Design and Access Statement confirms that four of the units are adaptable for wheelchair users and all of the units will be built to 'Lifetime Home' standards.

### **External amenity Space**

General guidance suggests amenity space should usually be provided at a rate of 50sqm per family unit, and 20sqm for others. The ground-floor units all have access to private gardens, balconies and the communal amenity space. Security and privacy will be provided for the private gardens through the use of timber fencing and hedges. All of these units meet the minimum guidance for private external amenity space, except for one of the three-bedroom units (Unit A16) which has access to 36sqm of private external amenity space and 5sqm of balcony space. However, given that the size of the unit exceeds SPG17 and that they will also have access to the communal amenity space, it is not considered that this shortfall warrants a reason for refusal.

The upper-floor units all have access to private balconies or roof terraces together with the communal garden. The total amount of usable communal external amenity space proposed is 352sqm. Combined with the balconies and roof terraces, the equates to 22sqm of external amenity for the upper floor flats, which meets SPG17.

Play features are proposed within the communal amenity space including swings and stepping stone logs. Policy 3D.13 of the London Plan seeks developments to make provision for play and informal recreation. Based on the calculations provided in the London Plan SPG on Children and young people's play and informal recreation strategies, the child yield for this development is 10.86. This equates to 108sqm of play space required for the development with a reduction in the allowance for children under the age of five in houses with gardens. The proposed play features meet the objectives of the London Plan policy. It is also noted that the site is not within a defined area of local level or district level open space deficiency.

Your officers recommend that a condition is attached to secure details of the landscape proposals for the amenity space areas together with details of the boundary treatments.

### **Impact upon neighbouring properties**

SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable-room window of adjoining existing properties, measured from height of 2m above floor level. Due to the orientation of the proposed development and the siting of rear habitable rooms of adjoining properties, the 30-degree guidance is not considered applicable in this case.

SPG17 goes on to say that where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The proposed development generally sits below this line. However, it is marginally broken in the gap between the garage of No. 1 Old Church Lane and the electricity substation. However, given that this area is of limited value in amenity terms, this shortfall is not considered to have a detrimental impact upon the amenities of No. 1 Old Church Lane, and would not warrant a reason for refusal.

SPG17 sets out the standards of privacy levels between existing properties for new developments. It requires a minimum distance of 20 metres between directly facing habitable rooms and a minimum distance of 10 metres between habitable-room windows on the rear elevation and rear boundary or flank wall of adjoining development. The proposal does not direct face habitable-room windows of adjoining properties. A distance of 15m is achieved between the

proposed development and the boundary with No. 1 Old Church Lane which exceeds the guidance as outlined in SPG17. In addition to meeting the minimum privacy distances, landscaping is proposed along the boundary with No. 1 Old Church Lane and a boundary wall of 1.8m high.

Local residents have raised concerns with increased noise and disturbance as a result of increased traffic movement within the site and the proposed vehicular access located next to No. 1 Old Church Lane. Your officers viewed the existing parking provision and vehicular access arrangements for the site when in use as a public house. A site plan from planning application ref: 05/1785 indicated that there were 36 car-parking spaces at ground level along the boundary with Gower House School, Blackbird Hill and Old Church Lane frontage. No dedicated service area was provided. Two vehicular access points were provided, one off Old Church Lane and one off Blackbird Hill. The one off Old Church Lane is proposed to be retained as part of this proposal. There is an electricity sub station between the access and No. 1 Old Church Lane. Given that there is an existing vehicular access on the Old Church Lane frontage, and the level of car-parking is comparable with the existing use, it is not considered that the proposal will materially harm the amenities of surrounding residential properties. It should also be noted that the car park will be at basement level which with soft landscaping at ground floor, will assist in reducing noise levels from vehicles and improve the visual appearance of the site.

In summary, it is considered that the amenities of adjoining residential properties will not be detrimentally impacted upon. Adequate levels of privacy will be maintained and the building will not appear overbearing when viewed from the neighbouring garden. The proposal meets the requirements of policy BE9 of the UDP and SPG17.

### **Parking and Transportation**

The site is located on the northwestern corner of the signalised junction of Blackbird Hill and Old Church Lane. No entry is available into Old Church Lane from Blackbird Hill at these signals, whilst pedestrian crossing phases are provided on the Old Church Lane and Blackbird Hill arms of the junction. The existing site has an extensive car park and servicing area, accessed via crossovers of 9m and 5m width onto Blackbird Hill and Old Church Lane respectively. Public transport access to the site is moderate (PTAL 3), with five bus services within 640 metres.

On-street parking along Blackbird Hill frontage and Old Church Lane junction is prohibited at all times, with loading also prohibited at peak times. These restrictions relax to 8am - 6.30pm Mondays to Saturdays only along Old Church Lane, with unrestricted parking on the western side of the road to the north of the site. At the time of your officer site visit, it was observed that the unrestricted length of Old Church Lane was fully parked.

#### **Car parking**

Car-parking allowances for the proposed uses are set out in standards PS7 and PS14 of the adopted UDP. As the site does not have good access to public transport services, the full residential allowances apply, permitting a maximum of 46 off-street parking spaces. The application proposes 37 car-parking spaces located in a basement car-park that is accessed from Old Church Lane. The proposed provision will allow one space per unit to alleviate any concern that the development may lead to extensive overspill parking in the surrounding streets. As such it would comply with standard PS14 of the UDP.

No vehicular parking is proposed for the retail unit. Your officers in the Transportation Unit have not raised objections to the absence of parking provision for the retail use. The absence of parking provision for the retail unit is considered acceptable given the proximity of the site to the existing Neighbourhood Centre and existing transport links within the area.

Six of the 37 parking spaces are proposed to be designated as disabled bays. This provision is sufficient to allow one such space to be allocated to each designated wheelchair accessible unit, whilst still providing two surplus spaces to meet more general requirements. This complies with

standard PS15 of the adopted UDP.

#### *Cycle parking*

*Standard PS16 requires the provision of at least one secure bicycle-parking space per unit. A total of 28 cycle spaces are proposed within the car park, and a further 16 spaces are provided in the entrance hall to Block B. The use of a "Josta" double-parking system is proposed. The proposed provision is considered to satisfy Standard PS16. In addition, three bicycle stands are proposed in front of the retail store entrance for public use. Given that the cycle stands will form part of the street furniture within the piazza area, it is recommended that further details of the design of the cycle stands are conditioned.*

#### *Pedestrian access*

*Pedestrian access to both the houses and affordable flats is provided directly off Blackbird Hill, and the access to the private flats is accessed off Old Church Lane. A shared surface piazza is proposed which will allow pedestrian access across the public parts of the site and the public highway in front of the application site will be improved as part of the proposal. Such works are recommended to be secured as part of the Section 106 Agreement.*

#### *Servicing arrangements*

*The retail unit requires access by at least transit sized vehicles. The servicing for the retail unit is proposed to be provided within the shared surface area accessed off Old Church Lane. The applicants have submitted the swept path of a rigid 10m lorry indicating that the proposed servicing area can accommodate a vehicle of this size tracking for 10m. Whilst your officers in Transportation have advised that this arrangement is acceptable in principle, it is considered that the proposed crossover for the car-park entrance appears unnecessarily wide and provision of a 10m kerb radius on the northern side of this access would assist in reducing the width of the crossing over the Old Church Lane frontage to around 6m. The agreed works are recommended to be secured as part of the Section 106 Heads of Terms.*

*It is recommended that a condition is secured to control the hours for servicing/delivery vehicles for the retail unit. The recommended hours for when such vehicles can service the site are between 7am and 9pm on Mondays to Saturdays, and 8am to 6pm on Sundays and Bank Holidays. This is to safeguard the amenities of the residential units above.*

#### *Other works to the highway*

*The existing crossover on the Blackbird Hill frontage will be made redundant as part of this proposal. The crossover will need to be reinstated to footway and it is recommended that such works are secured as part of the Section 106 Agreement.*

#### *Financial contribution*

*Your transportation officers have requested a financial contribution of £45,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site. This contribution will be secured as part of the Section 106 agreement.*

#### **Refuse storage**

*Separate refuse-storage areas are provided for the affordable flats and for the private flats. The two houses will also have their own refuse-storage area within the front forecourt of the houses. A separate refuse-storage area is provided for the retail unit. Your officers in Transportation have advised that the location of the refuse-storage areas will allow refuse carrying distances to be complied with without the need for refuse vehicles to enter the site.*

*The Council's Waste and Recycling Storage and Collection Guidance revised in January 2010, sets out the required amount of refuse-storage facilities that should be provided for residential developments. This includes both general refuse and recyclable refuse. The two houses require provision for 1 x 240l or 1 x 140l wheeled bin for refuse; 1 x 240l wheeled bin for organic waste; and*

*1 x 44l box for dry recycling. Two bin stores have been indicated within the front forecourt of the two houses. It is, however, recommended that further details of the design of the bin store, demonstrating that they can accommodate both general and recyclable refuse, is conditioned.*

*The affordable flats require a refuse-storage area to accommodate a capacity of 900l of refuse and 660l of dry recyclable material. The proposed storage area is sufficient to accommodate the required provision. The private flats require a refuse-storage area to accommodate a capacity of 3060l of refuse and 2244l of dry recyclable material. The proposed storage area is sufficient to accommodate the required provision.*

*In addition to the above, timber "bee hive" composters are proposed to be provided within the planting strip, away from the buildings. The applicants have also confirmed that the Contractor will commit to providing a Site Waste Management Plan.*

### **Landscaping**

*A number of landscape improvements are proposed as part of the development. These include a landscape buffer and new trees planted along the Blackbird Hill frontage which will assist in defining this boundary and improve the visual appearance of the streetscene. New trees and soft landscaping are also proposed along the Old Church Lane frontage, and along the boundary with No. 1 Old Church Lane. The existing Sycamore tree and laurel hedge located next to the electricity substation are proposed to be retained as part of the proposal. A tree survey has been submitted with the application confirming the retention of the Sycamore tree.*

*A brown roof is also proposed onto of the building which will incorporate a number of biodiversity features including a Redstart Box, Bat Brick, Wet Area and Loggery for Stag Beetles.*

*It is recommended a condition is attached to secure the submission of full landscape details prior to the commencement of works on site together with details of the proposed protection method statement and construction method statement in relation to the Sycamore tree.*

### **Environmental Health**

#### **Noise**

*Given the site's location next to Blackbird Hill, the applicants have submitted a noise survey, in accordance with the guidance as outlined in PPG24. The survey reveals that the worse case facades fall into Noise Exposure Category C. The remainder of the facades fall within Noise Exposure Category B. Noise should be taken into account when determining planning applications and, where appropriate conditions imposed to ensure an adequate level of protection against noise.*

*By incorporating noise-mitigation measures, the internal noise criteria required as part of BS 8233 should be achieved. Such mitigation measures include suitably specified glazing and ventilation. Your officers in Environmental Health have advised that post-completion testing is carried out to verify this prior to the occupation of the units, and for further mitigation measures to be carried out, should the noise criteria not be achieved.*

*It is also recommended that a condition is secured to control the hours of use for construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary.*

#### **Air Quality**

*An Air Quality Assessment Report has been submitted which indicates that National Air Quality Objectives will be exceeded for NO<sub>2</sub>. Mitigation measures are therefore required to minimise the future occupiers' exposure to air pollution. It is recommended that a mechanical closed air ventilation system is used. The system is required to be installed in accordance with Building*

Regulation ADF Table 5.2d System 4).

*A number of objections have been raised by neighbouring properties concerning increased air pollution as a result of additional traffic in the area. The Air Quality Assessment Report concludes that the development related traffic generation onto the local traffic network will have an insignificant impact on air quality for occupiers of existing local residential property.*

### **Archaeology**

*The site is designated as a Site of Archaeological Importance. The applicants have submitted an archaeological desk-based assessment. English Heritage have reviewed the submitted desk-based assessment. They have advised that given that the proposal may affect remains of archaeological importance, it is recommended that a condition is secured as part of the planning permission for the implementation of a programme of archaeological work in accordance with a written investigation.*

### **Response to Objectors**

*A large number of objections have been received during the consultation period, raising a number of concerns. A number of the points raised by local residents and business have been addressed above, which include the following points:*

- *Overdevelopment of the site*
- *Design, layout and appearance do not fit in with the character and appearance of the surrounding area*
- *Loss of public house*
- *The public house is a listed building and should be preserved*
- *No parking provided for retail element*
- *A new retail unit would have a detrimental impact on other smaller businesses in the area.*
- *The size of the retail unit proposed is inappropriate for a neighbourhood centre and would undermine the vitality and viability of Neasden District Centre*
- *No play facilities for children*
- *Development will overshadow the back gardens and rear living areas of adjacent properties, particularly Nos. 1 and 3 Old Church Lane*
- *Development will result in a loss of privacy for adjacent properties, including Nos. 1 and 3 Old Church Lane*
- *Location of vehicular access next to No. 1 Old Church Lane will lead to additional disturbance to this property*
- *Increased traffic levels will lead to further pollution and noise*

*The following points have not been addressed within the Remarks section of the committee report and are discussed below:*

- *Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.*

*The Transport Statement has advised that the traffic generation for the proposed scheme will be low and will not have a material impact on the operation of the public highway. It is also considered that pedestrian safety along the Blackbird Hill frontage will be improved as part of the proposal as the footway will be reinstated next to Gower House School.*

- *Development would create a precedent if approved, resulting in the loss of family housing and changing the overall character of the area.*

*The proposal is not considered to create a precedent within the area. Each application is assessed on its individual merits, being considered in line with the policies contained within the*

*Core Strategy and UDP. This application does not result in the loss of family housing, and if in the future an application came in which involved the loss of family housing, it will need to be considered in line with policy CP21 of the Core Strategy.*

- *Planning rules within the conservation area are very restricted, i.e. permission required for a garden shed, but this building is much larger and should also not be allowed.*

*The application site lies outside of the conservation area. This report has discussed the reasons why the building of the size and scale proposed is appropriate for this location.*

- *Proposal will adversely affect house prices in the area.*

*This is not a material planning consideration and therefore can not be considered as part of the application.*

- *Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.*

*The building construction works and impact of the building upon the structural soundness of neighbouring buildings is not a planning consideration. Construction works are considered as part of Building Regulations.*

- *Insufficient consultation period and no opportunity for the public to meet Council representatives to discuss the case.*

*Prior to the application being submitted to the Council, the agents undertook a public exhibition on 12 June 2010 at St Andrews Church.*

*Since the application has been submitted to the Council, the Local Planning Authority has consulted on the application in accordance with The Town and Country Planning (Development Management Procedure) Order 2010 and the guidance as outlined in the Council's SPG2 "Commenting on a Planning Application". The time period available for the consultation is considered to be sufficient.*

*The case officer for the application responded to local residents' request for a meeting to discuss the application. This offer was not taken up by the residents.*

### **Conclusions**

*The proposal redevelops an under-utilised site, adding to the Borough's housing stock and provides significant benefits in the form of affordable housing. Furthermore the proposal will add to the vitality and viability of Blackbird Hill Neighbourhood Centre. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with Unitary Development Plan policies and central government guidance, and therefore is recommended for approval, subject to a Section 106 Agreement.*

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

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

Brent's Core Strategy 2010  
Brent Unitary Development Plan 2004  
Central Government Guidance  
Supplementary Planning Document: "S106: Planning Obligations"  
Supplementary Planning Guidance 2 - "Commenting on a Planning Application"  
Supplementary Planning Guidance 17 – "Design guide for new development"

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs  
Design and Regeneration: in terms of guiding new development and Extensions

#### **CONDITIONS/REASONS:**

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

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

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

Environmental Noise Survey and PPG24 Assessment Report prepared by HannTucker Associates  
Transport Statement prepared by Savell Bird & Axon  
Design and Access Statement prepared by Chassat + Last Architects  
Air Quality Assessment prepared by Accon UK  
Retail Assessment prepared by Barton Willmore  
Sustainability Statement prepared by Energy Solutions  
Energy Demand and renewables Option Assessment prepared by Energy Solutions  
Archaeological Desk Based Assessment prepared by CgMs Consulting  
Supplementary Transport Assessment prepared by Savell Bird & Axon

Application Drawings as listed below:

OCL-01; OCL-02; OCL-03 Rev A; OCL-04; OCL-05; OCL-06 Rev A; OCL-07 Rev A; OCL-08 Rev A; OCL-09; OCL-10; OCL-11; OCL-12; OCL-13 Rev A; OCL-14; OCL-15 Rev A; OCL-16 Rev A; OCL-17; OCL-18 Rev A; OCL-19; OCL-20; OCL-21; OCL-22; OCL-23; OCL-24; OCL-25; OCL-26; OCL-29; OCL-31; OCL-32; OCL-40; OCL-42 Rev B; OCL-46; OCL-49 Rev B; OCL-50; OCL-53; OCL-54; OCL-55; OCL-57; OCL-64; OCL-66; OCL-67; OCL-68; and OCL-69

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

- (3) The brown roof layout shall be full implemented in accordance with the details as

proposed in Plan Nos: OCL-53 and OCL-54 prior to first occupation of any of the units hereby approved, and thereafter permanently retained in accordance with the approved details.

Reason: In the interests of biodiversity.

- (4) All of the parking spaces proposed in the basement car 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 throughout the site and to provide and retain 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.

- (5) The proposed cycle parking facilities and refuse storage facilities for the units of both the affordable and private units shall be provided in accordance with the details as shown in approved Plan Nos: OCL-03, OCL-04; and OCL-57, and thereafter retained in accordance with such approved details unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to provide adequate facilities for cyclists..

- (6) Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays

Reason: to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance from noise, dust, odour.

- (7) The premises shall not be open for retail trade except between the hours of 7am and 11pm, Mondays to Saturdays, and 10am and 6pm, Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential occupiers.

- (8) The premises shall not be open for servicing/ delivery vehicles except between the hours of 7am and 9pm, Mondays to Saturdays, and 8am and 6pm, Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential occupiers.

- (9) The ground floor premises shall be used only for the sale of grocery and provisions and for no other purpose, including any other purpose in Use Class A1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without



modification, without the prior written permission of the Local Planning Authority.

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

- (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 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.

- (11) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition or construction works on the site. Any approved planting, turfing or seeding 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:-

- (i) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction;
- (ii) the location of, details of materials and finishes of, all street furniture, storage facilities and lighting (including the cycle parking facilities within the piazza);
- (iii) proposed boundary treatments including walls and fencing, indicating materials and height;
- (iv) all planting including location, species, size, density and number;
- (v) any sustainable construction methods which are to be used;
- (vi) details of proposed children's play equipment;
- (vii) details of the green walls;
- (viii) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

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 positions, unless the Local Planning Authority first gives written consent to any variation.

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

- (12) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material for the two houses shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. Such details shall include a location of each storage area and details of its means of construction, including materials.

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

- (13) No development shall take place until the applicant has secured the

implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with the written scheme of investigation. The written scheme of investigation shall be carried out in liaison with the Wembley History Society, Brent Museum and Museum of London.

Reason: In the interests of archaeological remains within the site.

- (14) The results of the post-completion testing undertaken in the noise-affected units as identified in the Environmental Noise Survey and PPG24 Assessment Report, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the units hereby approved. If the results of the post-completion testing do not meet the criteria set out in BS8233, further mitigation measures shall be submitted to and approved in writing by the Local Planning Authority to achieve the defined criteria.

Reason: To verify that the internal noise levels specified can be met and safeguard the amenity of future occupants of the development.

- (15) Further details of the proposed shopfront, including details of materials, design and illumination and the location and design of the proposed ATM cash machine, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The signage and ATM cash machine shall thereafter be fully implemented in accordance with the approved details unless the prior written approval of the Local Planning Authority has been obtained.

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

- (16) No works shall commence on site (including demolition) before tree-protection details in accordance with BS5837:2005, including the protection of the existing sycamore tree and laurel hedge along the boundary with the electricity substation fronting Old Church Lane, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the demolition and construction phases and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

#### **INFORMATIVES:**

- (1) The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
- (2) With regards to surface-water drainage it is the responsibility of a developer to make proper provision for drainage to groundwater courses or a suitable 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 0845 850 2777. This is to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system.

**REFERENCE DOCUMENTS:**

*Letters and petition of objection*

*Letters of support*

*Planning Policy Statement 1 – Creating Sustainable Communities*

*Planning Policy Statement 3 – Housing*

*Planning Policy Statement 4 - Planning for Sustainable Economic Growth*

*Planning Policy Statement 23 - Planning and Pollution Control*

*Planning Policy Guidance 24 - Planning and Noise*

*The London Plan - Consolidated with Alterations since 2004*

*Brent's Core Strategy 2010*

*Brent UDP 2004*

*Supplementary Planning Document: "S106: Planning Obligations"*

*Supplementary Planning Guidance 2 - "Commenting on a Planning Application"*

*Supplementary Planning Guidance 17 – "Design guide for new development"*

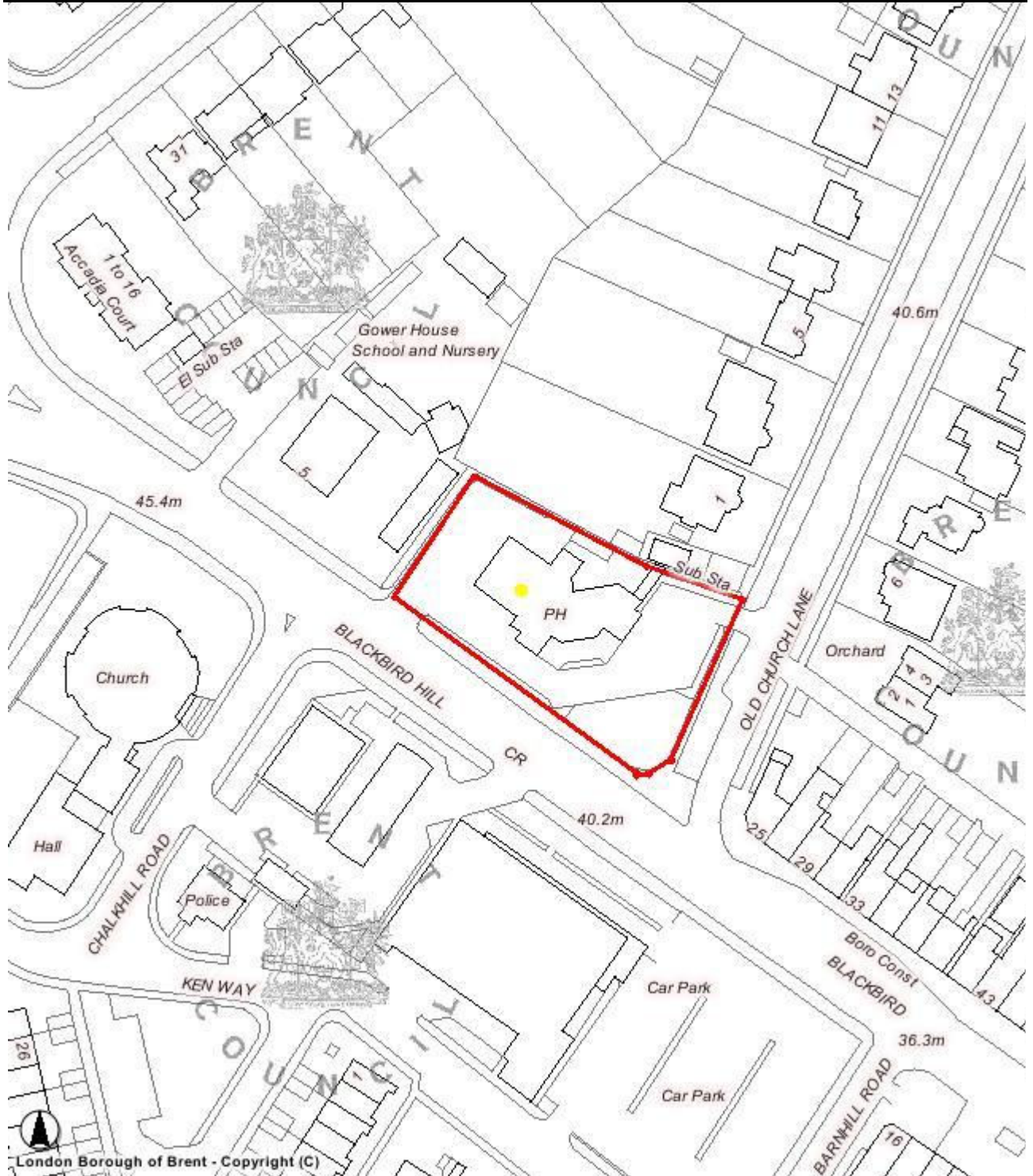
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



# Planning Committee Map

Site address: Former Blarney Stone, Blackbird Hill, London, NW9 8RR

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**Committee Report**  
**Planning Committee on 2 February, 2011**

**Item No.** 4  
**Case No.** 10/2767

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**RECEIVED:** 29 October, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** University Of Westminster, Watford Road, Harrow, HA1 3TP

**PROPOSAL:** Hybrid planning application for the demolition of part of the University of Westminster's Harrow Campus and the erection of new buildings and refurbishment of existing buildings, comprising:

Full planning permission for the demolition of 6,980m<sup>2</sup> of existing floor space and the erection of 3,435m<sup>2</sup> of new educational floor space (Use Class D1) in new buildings ranging in height from one to two storeys, the refurbishment of existing buildings, including new external cladding, new hard and soft landscaping, improvements to the entrance adjacent to Northwick Park Underground Station and construction of a Multi-Use Games Area;

and

Outline planning permission for a further 3,545m<sup>2</sup> of new educational floor space (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved)

**APPLICANT:** University of Westminster

**CONTACT:** Hawkins\Brown LLP

**PLAN NO'S:**

Please see condition 2 for the list of approved drawings and other documents

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**DEFERRED FOR PRESENTATION TO MEMBERS**

The application was deferred at the Planning Committee on 12 January 2011 in order for members to receive a presentation on the proposals. This is scheduled to take place on the weekend of the next committee site visits.

The previous committee report has been amended to incorporate the information set out in the supplementary report and the conditions and draft heads of terms for the s106 have been amended accordingly.

**RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Borough Solicitor.

## SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- The implementation of the following sustainability measures:
  - i. The new build areas should try to achieve BREEAM Excellent and Very Good for the refurbished areas.
  - ii. To achieve better BREEAM scoring the applicant is encouraged to liaise with Northwick Park Hospital, which is planning to replace its 41 year old boiler with a Combined Heat and Power System in 2012.
  - iii. The applicant indicates a Site Waste Management Plan will be prepared to demonstrate how waste will be handled during construction process. This plan needs to be submitted before material starts.
  - iv. Achieve 20% on site renewables.
  - v. Achieve a 50% score on the Council's Sustainability Checklist with evidence.
  - vi. Enter into a Demolition Protocol.
- Join and adhere to Considerate Contractors Scheme.
- Implementation of an agreed public access strategy.

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

It should be noted that as the proposal does not result in any net gain in floor space a financial contribution is not being sought.

## EXISTING

The University of Westminster's Harrow Campus which despite its name is located wholly within the London Borough of Brent, although it does border the London Borough of Harrow which lies on the opposite side of Watford Road.

The campus is bordered by the Metropolitan London Underground Line to the north, Watford Road to the west, the Northwick Park Hospital complex to the south and the Northwick Park open space to the east. It benefits from good transport links to central London via the Metropolitan Line from Northwick Park Station and the Bakerloo and London Overground Lines from Kenton Station.

The Campus occupies an area of approximately 9.6 hectares and includes a number of teaching and administration blocks, a 620 student halls of residence and a 2.3 ha playing field. The blocks range in height from eight storeys down to one storey. The site has been extensively developed and added to over the years since the original campus was built in the 1950s. As a consequence a number of building styles and types are present within the site.

## PROPOSAL

This is a '*hybrid*' planning application seeking both full and outline planning permission for the refurbishment and part redevelopment of the University of Westminster's Harrow Road Campus. The application comprises:

- i. Full planning permission for the demolition of 6,980m<sup>2</sup> of existing floor space and the erection of 3,435m<sup>2</sup> of new educational floor space (Use Class D1) in new buildings ranging in height from one to two storeys, the refurbishment of existing buildings, including new

external cladding, new hard and soft landscaping, improvements to the entrance adjacent to Northwick Park Underground Station and construction of a Multi-Use Games Area; and

- ii. Outline planning permission for a further 3,545m<sup>2</sup> of new educational floor space (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved).

## **HISTORY**

The site was first developed in the 1950s as the Harrow Technical College. It later became part of the Polytechnic of Central London which eventually became in the 1990s the University of Westminster. The campus has been significantly altered and extended over the years. The last significant expansion of the site occurred in 1995 at which time the University's School of Media, Arts and Design moved to the campus. A number of specialist buildings were introduced and the student halls of residence were built. Since then a number of smaller developments have occurred including an extension to the halls of residence and the provision of temporary buildings to replace space lost as a result of a fire to one of the teaching blocks.

## **POLICY CONSIDERATIONS**

### **London Borough of Brent Core Strategy 2010**

The following policies in the recently adopted Core Strategy are considered relevant to the current application.

- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP19 Brent Strategic Climate Mitigation and Adaptation Measures
- CP23 Protection of existing and provision of new Community and Cultural Facilities

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

The following saved policies contained in the Unitary Development Plan are considered relevant to the current application.

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
- EP2 Noise sensitive development
- TRN1 Transport Assessment
- TRN3 Environmental Impact of Traffic
- TRN4 Measures to Make Transport Impact Acceptable
- TRN10 New development should have safe walking routes
- TRN11 Developments should comply with the minimum cycle parking standards
- TRN22 Parking Standards - Non-Residential Developments
- TRN35 Access to disabled parking
- PS12 Parking Standards: Non-Residential Institutions (Use Class D1) and Hospitals (Use Class C2)
- CF8 School Extensions
- CF12 Within the Northwick Park Hospital/Further Education zone higher and further education uses will be supported

### **Supplementary Planning Guidance 17:- Design Guide For New Development**

### **Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control**

### **Supplementary Planning Document:- s106 Planning Obligations**

### **The London Plan (Consolidated with Alterations Since 2004)**

## **SUSTAINABILITY ASSESSMENT**

The applicant seeks to achieve a BREEAM “very Good” rating for the scheme. A pre-assessment exercise carried out by the BREEAM Assessor confirms this performance is achievable for both the New-Build and Refurbished elements of the project. The Council expects the new build areas to try and achieve BREEAM Excellent as required by the Core Strategy policy CP19 and Very Good for the refurbished areas.

The application is supported by a Sustainability Statement which indicates that the overall CO<sub>2</sub> emissions are expected to achieve an offset equivalent to 87% of emissions that would have otherwise been generated by the proposed new areas. A 350kW Biomass Boiler is proposed, which should meet 100% of hot water demand and 38% of space heating in all connected teaching buildings including the refurbished Blocks A and B/D and the new build area. The low NO<sub>x</sub> biomass boiler housed in a 292sqm plant room would require about 8 deliveries per year of wood pellets in a standard rigid lorry with a 28 cubic metres capacity. A 15% CO<sub>2</sub> reduction is achievable for both new buildings and major refurbished areas.

Provision of non-accessible green roofs are proposed with rooflights across the new areas that will not only provide visual amenity for the surrounding higher building but also reduce surface water run-off.

Small scale water reclamation is proposed to the gym block to provide water for the allotments and the University grounds.

Where possible materials will be specified from the Green Building Guide.

All contractors will be required to sign up to the Considerate Contractor Scheme.

The scheme has been assessed by the applicants as achieving a 56% score on Brent’s Sustainability Checklist.

### Officer assessment

The new development and measures proposed will result in a significant improvement in the campus’s sustainability. However the new build element should try to achieve an Excellent BREEAM rating and the officers own assessment scores the scheme at 42% on Brent’s Sustainability Checklist. However it is considered that these shortfalls can be dealt with in the s106 legal agreement through the following clauses:

- The new build areas should try to achieve BREEAM Excellent and Very Good for the refurbished areas.
- To achieve better BREEAM scoring the applicant is encouraged to liaise with Northwick Park Hospital, which is planning to replace its 41 year old boiler with a Combined Heat and Power System in 2012.
- The applicant indicates a Site Waste Management Plan will be prepared to demonstrate how waste will be handled during construction process. This plan needs to be submitted before material starts.
- Achieve 20% on site renewables.
- Achieve a 50% score on the Council’s Sustainability Checklist with evidence.
- Enter into a Demolition Protocol.

These have been added to the draft heads of terms set out in s106 Notes section of the report.



## **CONSULTATION**

The site is separated from its nearest residential neighbours by the Metropolitan Railway Line, Because of its relative remoteness only a small number of direct consultations were carried out, in addition to site and press notices. No responses were received from local residents or from Northwick Park Hospital.

Responses were received from the following:

London Underground Ltd - No objection

London Borough of Harrow - No objection

Council's Landscape Officer - No objection to the landscape measures proposed in the full application and no objection to the outline planning permission subject to appropriate details being provided with any submission of reserved matters relating to landscaping.

Council's Transportation Officer - No objection.

Environmental Health Officer - No objection. EH have confirmed that there have been a number of noise complaints over the years relating to both the student's union and the student's hall of residence. Records date back to 1997. Complaints were made in 1997, 2006 and 2008. They relate to loud music from the Student Union, and an instance of students playing loud music while gathered around a parked car in the hall of residence car park. Complaints have come from residents on Northwick Avenue. There have been no complaints since 2008. This issue is dealt with in the remarks section of the report.

The University itself have consulted extensively with students and staff over the proposed changes. As well as presentations student focus groups were set up to ensure that everyone affected by the changes have been kept up to date. The proposals have also been presented to the Chief executive of Northwick Park Hospital which adjoins the campus and who has been reported as being supportive of the project.

## **REMARKS**

### Introduction

This is a '*hybrid*' planning application seeking both full and outline planning permission for the refurbishment and part redevelopment of the University of Westminster's Harrow Road Campus.

The University are seeking full planning approval for the redevelopment of the campus involving the demolition of a number of the older campus buildings; the refurbishment of some of those buildings to be retained; and the creation of new floorspace. As a result of these proposals the gross external floor area of the buildings that comprise the campus will be reduced overall – by approximately 3,545 sqm. The University area is keen to retain the option of replacing this floor area sometime in the future should it be needed. Therefore this application also seeks outline planning permission for the construction of up to a further 3,545 sqm. of floor space. Matters to be considered in this application are the proposed land use, quantum of development and means of access with layout, scale, appearance and landscaping reserved.

### Background

The University of Westminster delivers its courses from a number of locations in Central London and from its Harrow Campus at Northwick Park. The Harrow campus currently provides accommodation for the University's School of Media, Art and Design, its School of Electronics and Computer Science and its Business School. The University are currently undertaking a restructuring that will see the School of Electronics and Computer Science and the Business School relocated to its Central London sites. This will allow the Harrow campus to focus solely on

providing accommodation for the School of Media, Art and Design which has a high academic reputation and is one of the University's more successful schools.

The Campus includes a number of buildings with a total floorspace of 38,890m<sup>2</sup>, including halls of residence for 620 students and are used to teach 3,830 full-time and 920 part-time students. A total of 295 staff are currently employed at this site. The blocks range in height from eight storeys down to one storey. The site has been extensively developed and added to over the years since the original campus was built in the 1950s. As a consequence a number of building styles and types are present within the site. The site benefits from a substantial amount of open space including a 2.3 ha playing field. Given the rather ad hoc way in which the campus has developed over the years and the variety of building types and styles found on the site it is fair to say that architecturally the site lacks coherence. Many of the older buildings are nearing obsolescence and have a rather drab and rundown appearance. Furthermore one of the blocks was largely destroyed by fire three years ago.

The University proposes to substantially re-model the academic and supporting buildings as well as the external landscaping in order to create an environment that meets modern standards for teaching, learning and research as well as delivering substantial improvements to the sites sustainability.

Much of the project involves internal refurbishment works but significant changes are also proposed to the external appearance of the campus.

### Principle of Development

The Council welcomes University's continuing commitment to Northwick Park represented by this proposed investment. While student numbers are proposed to fall to 3,292 full-time (currently 3,830) and 780 part-time students (currently 920) and staff numbers will fall to 250 (currently 295) this is a relatively modest drop. Furthermore the University's business plan anticipates significant growth in its School of Media, Art and Design which as has already been stated is one of its more highly regarded departments. The changes proposed are therefore welcomed in principle.

### Design

The proposal will see the demolition of less suitable buildings in order to create a consolidated academic hub. New two storey buildings are proposed infilling some of the spaces between the retained blocks that as well as creating new teaching space will also create attractive enclosed double height linkages between buildings and attractive internal courtyards, unifying the rather disparate elements of the campus. This new linkage will also provide the university with attractive and more welcoming new entrances to Watford Road and to the playing field. Improvements are also proposed to the campus entrance adjacent to Northwick Park Station which is the main point of arrival for those coming from Central London via the Metropolitan Line. As well as improvements to the buildings façade and landscaping a new café is proposed within the existing building which will bring activity and much needed natural surveillance to what is currently a rather neglected corner of the Northwick Park Open Space.

The refurbishment of some of the older buildings to be retained will not only refresh and improve their external appearance but will improve their sustainability through the introduction of external fins to reduce solar gain. Some of the more tired and unattractive elements of these buildings will be overclad with coloured panels.

Overall the proposed changes are considered a significant improvement to the design and appearance of the campus.

## Community Access

An increase in community access to the use of Multi Use Games Area (MUGA), Gym, flexible gallery and music spaces is proposed. This will be secured through a public access strategy to be agreed and implemented as part of the Section 106 legal agreement.

The proposed cafe to be located at the entrance to the campus from Northwick Park will also be open to the public.

## Landscaping and Ecology

While a small number of relatively insignificant trees will be lost with the enclosure of the existing spaces between the buildings overall significant improvements are proposed to the campus's open spaces. New planting, including new trees, new pathways, new external lighting and a new allotment area for students is proposed. A new MUGA is also proposed within the existing playingfield.

The majority of the trees are to be retained. Those highlighted for removal are located internally to the site and therefore will not have a detrimental impact on the overall character of the area if removed. Landscape proposals indicate compensatory planting, in suitable locations which will lessen the impact of the proposed removals. In all 17 trees are being removed, mostly Ash and all but one are categorised as being of low quality and value.

31 new trees are proposed, mainly Maples with girths of 16-18 cm and 20-25 cm.

The ecological assessment reveals no evidence of protected species or bats present on the campus.

## Impact on neighbours

The site is separated from its nearest residential neighbours by the Metropolitan Railway Line, and this together with the relatively modest two storey additions proposed means that the scheme will have little or no impact on neighbouring residential amenity.

The Council's Environmental Health Team have confirmed that there have been a number of noise complaints over the years relating to both the student's union and the student's hall of residence. Records date back to 1997. Complaints were made in 1997, 2006 and 2008. They relate to loud music from the Student Union, and an instance of students playing loud music while gathered around a parked car in the hall of residence car park. Complaints have come from residents on Northwick Avenue. There have been no complaints since 2008.

This proposal relocates the student union in a new building and therefore provides an opportunity to employ modern materials and sound insulation measures that should protect neighbours from noise problems. A condition has been added requiring the submission of a noise assessment of the new student union building and approval of measures to protect neighbours from nighttime noise. The new and refurbished teaching areas are not expected to cause a problem given that they are predominantly in use during the day and are in any case required to comply with Part E of the Building Regulations which covers residential buildings and teaching facilities. A condition is proposed requiring details of any new plant including noise mitigation measures prior to its installation.

As stated in the sustainability section of this report a low Nitrogen Oxide (NOx) biomass boiler designed to minimise NOx and particulate emissions is proposed. This should protect local air quality while still achieving the desired reduction in CO2 emissions. The biomass plant will be located in the existing basement beneath block B/D which is sited in the North West corner of the campus. A fuel silo will be erected in the service yard adjacent to Block B/D. The fuel will be wood pellets. Further details of the design of the silo, the extract flue and any other external plant

associated with the biomass boiler along with an air quality impact assessment of the plant will be required by condition.

Following the site visit proceeding the previous committee the issue of the impact of lighting was raised and it was reported by a Councillor who lives adjacent to the site that the existing lighting within the campus already causes light pollution to neighbouring residential properties. The University have agreed to a condition requiring an assessment of the existing lighting and some form of agreed mitigation if there is found to be a problem.

The proposed new lighting is located well away from site boundaries and an accompanying lighting plan confirms that this new lighting will not cause any additional light over spill beyond the campus boundary.

The scheme is not considered to have any significant impact on the adjoining Northwick Park Hospital.

### Outline proposals

The outline proposals for the construction are considered acceptable. The quantum of floor space sought is considered acceptable as it simply replaces the net loss of floor space resulting from the changes initially proposed. The site is considered to be able to accommodate this floor space subject to a satisfactory layout, scale, appearance and landscaping which are all reserved matters.

### Transport and Access

The University has an approved Green Travel Plan (dated 2008) and has good public transport accessibility (PTAL 3 to 4).

The immediate effect of these proposals will be to reduce the number of students and staff at this campus by about 14%. As such, the proposals should lead to a decrease in trips, traffic and parking for the campus, which is generally welcomed in highway terms and does not therefore require any further specific assessment

The outline proposals for future buildings, if implemented, would simply return the overall level of floorspace within the site to existing levels, whilst car parking provision is also proposed to remain unaltered. As such, it is reasonable to assume that staff and student numbers would also simply return to approximately the same levels as at present, with the overall transport impact of the two combined applications therefore being likely to be neutral in trip generation terms

In terms of car parking, allowances set out in standard PS12 permit up to one space per five staff, plus 20% for students and visitors. The intended fall in staffing on the site from 295 staff to 250 staff would therefore reduce the total parking allowance from 70 spaces to 60 spaces. The campus currently has 290 standard width spaces, which therefore greatly exceeds standards.

Disabled parking is increasing from 13 to 16 spaces. The designation of three additional disabled parking spaces would ensure that standard PS15 which requires 5% of all spaces to be widened and marked for disabled drivers is complied with. The implementation and retention of the existing and new disabled parking spaces is secured by condition.

Standard PS16 requires at least one cycle space be provided per eight staff/students. The fall in attendance on the campus would therefore reduce the requirement from 574 spaces to 492 spaces. With only 164 spaces available, provision falls well short of standards and ought to be increased, although the fall in attendance will at least reduce this shortfall. It should however be noted that the Travel Plan surveys show only limited use of bicycles (2% of trips) to the site at present, so there is no immediate shortage of bicycle parking on the site.

The proposed provision of motorcycle parking bays is welcomed.

In term of servicing, there are three existing loading areas around the campus site from which deliveries can be made and refuse collected. Access arrangements to these remain unaltered and AUTOTRACK runs have been submitted to show that each area will remain fully accessible by large refuse vehicles and wood pellet delivery vehicles to the proposed biomass boiler, which is fine. Tracking has also been provided for fire appliances accessing various parts of the site.

The proposed new café unit at the eastern end of the site will require deliveries by transit sized vans and these can be accommodated at the end of the car park access road, with turning space also provided in this area.

The proposed landscaping improvements around the site will not alter access routes, so are non-contentious. They will improve the environment for pedestrians and cyclists within the site which is welcomed. Similarly, improvements to lighting around the new courtyard areas is also welcomed, with the proposed the levels of luminance proposed considered appropriate.

### Conclusion

The Council welcomes the University of Westminster's continuing commitment to Northwick Park and the enhancements to the local environment and visual amenity that will result from the proposed improvements to the campus.

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

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

Brent LDF Core Strategy adopted 2010  
Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance

### **CONDITIONS/REASONS:**

(1) In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of three years from the date of this permission; or  
(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

(2) The relevant parts of the development as hereby permitted shall not commence until layouts, plans/sections and elevations for that part of the development, detailing:

(a) Appearance  
(b) Landscaping  
(c) Scale  
(d) Layout

otherwise known as the **reserved matters** have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority:

Reason: In order that the Local Authority is satisfied with the details of the proposed development.

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

The development hereby permitted shall be carried out in accordance with the following approved drawings and/or documents:

1236 DWG PL001 Rev PL01	1236 DWG PL100 Rev PL01	Plincke Proposed Landscape Masterplan
1236 DWG PL002 Rev PL01	1236 DWG PL200 Rev PL01	
1236 DWG PL010 Rev PL01	1236 DWG PL201 Rev PL01	DW-PL-101 Rev A
1236 DWG PL011 Rev PL01	1236 DWG PL202 Rev PL01	DW-PL-102 Rev A
1236 DWG PL012 Rev PL01	1236 DWG PL203 Rev PL01	DW-PL-105 Rev A
1236 DWG PL013 Rev PL01	1236 DWG PL204 Rev PL01	DW-PL-106 Rev A
1236 DWG PL014 Rev PL01	1236 DWG PL205 Rev PL01	DW-PL-107 Rev A
1236 DWG PL015 Rev PL01	1236 DWG PL206 Rev PL01	DW-PL-108 Rev A
1236 DWG PL016 Rev PL01	1236 DWG PL207 Rev PL01	DW-PL-109 Rev A
1236 DWG PL017 Rev PL01	1236 DWG PL370 Rev PL01	DW-PL-111 Rev A
1236 DWG PL050 Rev PL01	1236 DWG PL371 Rev PL01	DW-PL-112 Rev A
1236 DWG PL051 Rev PL01	1236 DWG PL372 Rev PL01	DW-PL-113 Rev A
1236 DWG PL052 Rev PL01	1236 DWG PL373 Rev PL01	DW-PL-114 Rev A
1236 DWG PL053 Rev PL01	1236 DWG PL374 Rev PL01	DW-PL-121 Rev 00
1236 DWG PL054 Rev PL01	1236 DWG PL375 Rev PL01	DW-PL-122 Rev A
1236 DWG PL055 Rev PL01	1236 DWG PL376 Rev PL01	Pell Frischman External Lighting Layout
1236 DWG PL056 Rev PL01	1236 DWG PL377 Rev PL01	
1236 DWG PL057 Rev PL01	1236 DWG PL378 Rev PL01	
1236 DWG PL058 Rev PL01	1236 DWG PL379 Rev PL01	
1236 DWG PL059 Rev PL01	1236 DWG PL380 Rev PL01	
1236 DWG PL060 Rev PL01		

Haskins Brown Design & Access Statement, (Reference: 1236 REP PL 001 - Rev P1)

Hoare Lea Acoustic Assessment of Plant Noise Emissions dated October 2010

Pell Frischmann Transport Statement dated 28 October 2010

Middlemarch Environmental Ltd Arboricultural Survey dated October 2010

Pell Frischmann Low/Zero Carbon Technology Feasibility Assessment Rev B dated 28 October 2010

Pell Frischmann Sustainability Statement dated 28 October 2010

Reason: To ensure a satisfactory development.

(3)

- (4) The landscape works and planting shown on the approved plans shall be carried out within a year of the building works hereby approved being substantially completed or in accordance with a programme agreed in writing with the Local Authority.

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.

- (5) A further three additional disabled parking spaces shall be designated and provided within 6 months of the building works hereby approved being substantially completed and these spaces along with the existing 13 disabled parking spaces shall be permanently retained unless the Local Planning Authority agree otherwise in writing.

Reason: To ensure that the standard for disabled parking set out in Policy PS15 of the UDP is met.

- (6) Prior to commencement of development (save for demolition) a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason; to prevent flooding by ensuring satisfactory storage and disposal of surface water from the site

- (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) Within 6 months of works commencing a lighting impact assessment along the campuses northern boundary shall be submitted to the Council and if shown to be necessary details of measures to prevent any over spill of light along this boundary from existing lighting shall be submitted to and approved in writing by the Council, such approved measures to be implemented in accordance with the approved details within 6 months of works being completed.

Reason: To protect the amenities of adjoining residential neighbours

- (9) No work shall take place on the proposed new student union buildings before a scheme of sound insulation and ventilation for the new students union building(s) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the building shall not be used until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

- (10) Details of any air conditioning, ventilation, extraction systems and all other mechanical plant including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers.

- (11) Details of all plant and machinery associated with the proposed bio-mass plant including a noise assessment and air quality impact assessment shall be submitted to and approved in writing by the Local Planning Authority before any works

commence on site and the bio-mass plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the neighbouring occupiers and the area generally.

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243





## Planning Committee Map

Site address: University Of Westminster, Watford Road, Harrow, HA1 3TP

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**Committee Report**  
**Planning Committee on 2 February, 2011**

**Item No.** 5  
**Case No.** 10/2996

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**RECEIVED:** 22 November, 2010

**WARD:** Queensbury

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

**LOCATION:** Hay Lane Special School & Grove Park School, Grove Park, London, NW9

**PROPOSAL:** Part demolition of the existing special educational needs schools and erection of a replacement special educational needs school, comprising a two-storey main building (Use Class D1) and ancillary two-storey short-break centre (Use Class C2), including a sports hall, swimming pool, multi-use games area, external play space and associated landscaping as amended by plans received 20/01/10

**APPLICANT:** Education Department

**CONTACT:** NTR Planning

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

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## **RECOMMENDATION**

Approval

## **EXISTING**

The site extends to approximately 2.066ha and contains the Grove Park and Hay Lane schools providing for pupils with special educational needs. The original school buildings seem to date from the 1960s, although others have been added over time including a swimming pool and more recent sixth form building. The schools consist of a mix of single storey and two storey development, with the main entrance block for the former Hay Lane School being two storeys in height (in part).

A recently constructed sixth form block (granted planning permission in 2006) is located on a plateau of land to the rear (southern end) of the site and will be retained under the current development proposals.

Recently these two schools were combined to form the Village School. Hereafter the site will be referred to as the Village School.

The site is located to the east of the Roe Green Village conservation area within a predominantly residential area in the north of the Borough. Located on the corner of Grove Park and Stag Lane, the site is approximately 300m from Kingsbury School to the west and 500m from the A5 to the east.

The site is not level, with ground levels rising from Stag Lane towards Grove Crescent and from Grove Park to Elmwood Crescent. The existing site consists of three plateau levels stepping up 2 m at a time: the lowest level is adjacent to Stag Lane with the existing Hay Lane building site; to the east the Grove Park site steps up 2 m. The recently completed 16+ block to the south sits up a

further 2 m. There is an overall level rise totaling 7 m from the lowest point at the north-west corner of the site at the Stag Lane/Grove Park junction up to the south-east corner of the site.

The northern boundary is formed by Grove Park, a residential street which connects Stag Lane in the west to the Edgware Road (the A5) in the east. Two storey semi-detached houses line the north side of Grove Park. These are set about 3-4m back from the footpath and most front gardens are used for parking; soft landscaping is minimal.

The eastern boundary comprises the flank wall and garden of a semi-detached house on the south side of Grove Park and the rear gardens of properties on the west side of Grove Crescent. The eastern part of the site is terraced to provide a level site for the school buildings: as such much of the eastern boundary is stepped below the gardens of Grove Crescent as the natural levels slope from south-west to north-west. As a result the gardens of the houses on Grove Crescent are more than a metre higher than the level of the site along that boundary. A vegetated bank and retaining wall form the boundary, with the various fences and outbuildings of the Grove Crescent houses atop this.

To the south the boundary is formed with the gardens of properties on Elmwood Crescent; apart from some landscaping, no works are proposed in this part of the site. To the west the site abuts the rear of Harrod Court, a recent development comprising sheltered residential accommodation and Extracare facilities for the elderly. The site also has permission for a primary health facility but works have yet to start; this would be located by The Lodge.

The western boundary is formed by Stag Lane and many mature trees are present along here. Opposite lies the local centre for Roe Green Village, within the conservation area. The junction of Grove Park and Stag Lane is frequently busy particularly during drop-off and pick-up for the schools. The existing Lodge fronting Stag Lane falls outside of the application site and will remain unaffected by the application proposals.

A large number of mature and semi-mature trees are present, predominantly clustered along the boundaries.

Three means of access and egress via Grove Park exist, with car parking provided in two locations containing 55 formal spaces in total. There is limited capacity for accommodating mini buses within the site during times of pick up and drop off; as such at present the majority of minibuses queue along Grove Park, creating conditions of general congestion and obstruction within the highway. Often the vehicle's engines are left running, causing additional harm to local amenity.

On-street parking in Grove Park is generally unrestricted, but double yellow lines at its junction with Stag Lane and enforceable School Keep Clear markings outside the site reduce the parking capacity of the street. Previous site visits have observed the road to be about 85% parked, with 28 cars/2 minibuses parked within the Grove Park School site and 25-30 cars within the Hay Lane School site.

Public transport access to the site is moderate (PTAL 3), with seven bus services within 640 metres (8 minutes' walk).

## **PROPOSAL**

The application proposes construction of replacement buildings for the Village School special educational needs school for children with profound and complex needs. The proposal involves a new building with better sharing of facilities and improved learning environment. A 'short break centre' for respite care would also be provided.

The pupil population would increase from 210 to 235 but the staff would remain at the current maximum of 206 staff.

During the construction period it is proposed to decant the school to temporary accommodation on the playing fields of Kingsbury High School. This is subject to a separate application 10/2994 which is also under consideration on this agenda, also with officer recommendation for approval.

### **1. The Village School**

The new school building would be up to two storeys in height. This, combined with the existing sixth form block will consist of three distinct educational 'villages' as follows:

- Village 1: Early years and Key Stage 1 – these facilities to be accommodated within the ground floor (western wing) of the new school building;
- Village 2: Key Stage 3 – these facilities to be provided within the ground floor (eastern wing) of the new building;
- Village 3: Key Stage 4 and 5 – provided within the existing sixth form block and some parts of the first floor of the western wing.

The majority of classroom space will be provided at ground floor level to give the necessary attached external spaces. The new school buildings will include staff, therapy and additional classroom areas at first floor level, together with a replacement sports hall and swimming pool of 78.9 sq.m in area. The swimming pool will be smaller than the existing pool (119 sq.m as existing), but will be purpose designed to meet the particular sensory and therapy needs of the school's students. The swimming pool will incorporate a Jacuzzi and Hydrotherapy facility to aid in the sensory experience and therapy function. The swimming pool and sports hall will both be located alongside the Grove Park frontage of the new building. A secondary entrance to the sports hall and pool is provided on the frontage allowing for 'out of hours' evening and weekend community use.

### **2. The Short Break Centre**

The Short Break Centre is proposed within the north-eastern corner of the site fronting Grove Park. It will consist of a two storey "L" shaped building of traditional construction, incorporating a pitched roof to remain sympathetic to the domestic architectural style of neighbouring semi-detached residential properties within Grove Park. The building will rise to 8.5 metres at roof ridge level.

Its purpose is to provide residential respite care for children with Profound and Multiple Learning Difficulties (PMLD) and Autistic Spectrum Disorder (ASD).

At ground floor level, the new building will comprise activity rooms, dining rooms, meeting room, calm room, hygiene and medical rooms, supporting administrative services and store rooms.

The first floor of the building will contain four PMLD bedrooms with a further four ASD bedrooms along with an ICT Hub, Sensory Room and other ancillary rooms (for example Hygiene Room).

### **3. Access and parking**

The main vehicular access point for minibuses will be at the eastern end of the Grove Park frontage in a similar position to the existing access/egress serving the former Grove Park School—about 115m east of the Stag Lane junction—with an internal service road and waiting bay for minibuses within the site boundary between the new building and the Grove Park frontage; this will lead to the egress point for minibuses located towards the western end of the Grove Park frontage in the position of the former Hay Lane access—about 25m from its junction with Stag Lane. This latter will also serve as the main means of access and egress for staff and visitors.

The main car park area will be located within the western part of the site, in a similar position to the former Hay Lane school car park. The car park will consist of:

49 general use car parking spaces;  
3 disabled spaces;  
2 taxi pick-up/drop-off spaces;  
4 mini-bus spaces;  
11 mini-bus drop-off/pick-up spaces; and

Four parking spaces will be provided to the front of the Short Break Centre, two of which being designated for disabled use. This would utilise the minibus access on the eastern end of the Grove Park frontage.

The principal pedestrian entrance serving the new school building will be from Stag Lane. Bicycle parking provision for 24 cycles would be provided.

#### **4. Landscaping and play areas**

A garden area laid mainly to grass will be provided to the rear of the Short Break Centre with a shared playground containing play equipment positioned to the south. A Multi-Use Games Area (MUGA) will be provided further to the rear.

A sensory garden containing assorted planting and an informal play zone will be provided to the east of the existing sixth form centre on the raised section of undeveloped land at the southern end of the site. The existing wooded area in the extreme south-eastern corner of the site will remain unchanged under these proposals, other than the installation of woodland play equipment.

#### **5. Other**

An upgrade to the existing substation in the north-east corner of the site and adjacent to the Short Break Centre is proposed, to house a new EDF Transformer and incoming switch room. This equipment, including standby generator will be housed within a weatherproof acoustic enclosure.

### **HISTORY**

This is the first application for comprehensive redevelopment of the site.

Planning permission was granted in July 2008 for the erection of a single storey and two-storey extension to the front entrance and reconfiguration of the existing parking to the Hay Lane School (ref 08/1692). Permission was also granted for the erection of a single storey extension to Hay Lane (ref 05/1783) permitted in August 2005 and subsequently March 2007. This project was abandoned when the prospect of funding for this larger scheme became available.

Other significant recent permission(s) included the erection of a single storey annex building (for 16 years plus) to the south of Grove Park School (Ref 06/3621). This permission has been implemented and will be retained under the current application proposals as Village 3 providing a sixth form block.

Applications for incremental piecemeal development preceded the permissions identified above, including consent for single storey modular classrooms, and a new gym store and changing room granted consent under reference 01/0826 and 04/2428, both at Hay Lane.

### **POLICY CONSIDERATIONS**

#### ***Local***

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London

Plan (Consolidated with Alterations since 2004).

### *Brent Unitary Development Plan 2004*

Within the 2004 UDP the following list of polices are considered to be the most pertinent to the application.

#### *Strategic*

- STR3 In the interests of achieving sustainable development, development of previously developed urban land will be maximised
- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls
- 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 should make a positive contribution to improving the quality of the urban environment
- STR15 Major development should enhance the public realm

#### *Built Environment*

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
- BE25 Development in Conservation Areas
- BE33 Tree Preservation Orders

#### *Housing*

- H22 Protection of Residential Amenity

#### *Transport*

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- 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.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- 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.
- TRN16 The London Road Network
- TRN20 London Distributor Roads
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- TRN35 On transport access for disabled people and people with mobility difficulties.
- PS12 Car parking standards – Class D1

- PS15      Parking standards for disabled people
- PS16      Cycle parking standards

*Open Space, Sport & Recreation*

- OS9        Dual Use Open Space

*Community Facilities*

- CF7        New Schools
- CF8        School Extensions
- CF9        Temporary Classrooms
- CF10      Development Within School Grounds

*Brent Core Strategy 2010*

The following spatial policies are considered relevant to this application:

- CP 1       Spatial development strategy
- CP 5       Place making
- CP 6       Design & density in place shaping
- CP 15      Infrastructure to support development
- CP18      Protection and enhancement of Open Space, Sports & Biodiversity
- CP 19      Brent strategic climate mitigation and adaptation measures
- CP 23      Protection of existing and provision of new community and cultural facilities

*Brent Supplementary Planning Guidance*

*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.

**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.



## **National**

### *Planning Policy Statement 1 – Creating Sustainable Communities (2005)*

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

### *Planning Policy Guidance 13 – Transport (2010)*

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

### *Planning Policy Statement 17: Planning for Open space, Sport and Recreation*

The general thrust of this advice relates to planning for new urban open space and recreational developments, particularly the protection of existing facilities. In considering applications for floodlighting, local authorities should ensure that local amenity is protected.

## **SUSTAINABILITY ASSESSMENT**

The application is supported by a *Sustainability Report* (including BREEAM pre-assessment, sustainability strategy and sustainability checklist) and an *Energy demand and renewable options assessment*, both prepared by Frankham Consultancy Group Ltd,

### **1. Sustainability**

The Village School has been designed to be energy efficient and reduce carbon emissions, as well providing sustainability improvements in terms of water, materials, wildlife and waste. Pulsed water metres, water efficient appliances and rainwater will be harvested for toilets to reduce water consumption and materials from sustainable sources will be specified including FSC timber. Contractors will be registered to the Considerate Contractors Scheme. Wildlife improvements include protection of existing trees, planting of native species, improved pond and shrub areas and installing bird and bat boxes. A Site Waste Management Plan will be produced and the WRAP schools procurement guidance will be followed to set targets for the level of waste reduction, recovery and reuse.

#### **1 Energy efficiency measures**

The following energy efficiency measures are proposed:

- (i) maximised use of natural daylight with light wells and sun pipes;
- (ii) building Management System and Metering of main energy uses; and
- (iii) zoned & daylight controlled lighting

#### **1.2 BREEAM**

BREEAM Pre-Assessments have been completed for the Village School and Short Break Centre. The Village School is predicted to score 71.24% and the Short Break centre 72.53%. These are only just meeting the BREEAM Excellent level, which officers will require by condition, and additional measures should be implemented to ensure Excellent is achieved.

### **2. Energy**

The Energy Report does not make clear whether unregulated energy/emissions have been included in the calculations, this should be clarified; furthermore the report should use Building Regs 2010 adopted conversion factors.

### *2.1 Combined Heat and Power (CHP)*

A CHP system is proposed, specifically a twin gas engine system, 20kWe and 48kWh to heat domestic hot water, pool, air heating and under floor heating. Subject to further details of how the CHP has been sized to meet base hot water demand, including heat load profile, your Sustainability officers accept the proposed CHP system. Environmental Health officers also support the principle of the CHP system but are concerned by the potential for Air Quality impacts, in particular NOx emissions. UDP policies EP3 and EP4 seek to ensure that new development does not prejudice air quality; the site is close to the Brent Air Quality Management Area (AQMA) and, at the regional level, the Mayor's Air Quality Strategy also indicates a desire to limit NOx emissions from CHP units although specific emissions limits have not yet been set. Subject to provision of further information and technical data for the CHP units proposed, including a set limit of NOx emissions—in line with that found acceptable elsewhere—stack heights and locations, Environmental Health officers are satisfied. This further information would be secured by condition.

### *2.2 Renewable energy*

In terms of renewable energy, 107sqm of photovoltaic (PV) panels are proposed. The anticipated carbon offset from 107sqm of PV panels is reasonable and the final amount will depend on PV specification. The location and orientation of the PV panels should be confirmed by condition.

In addition Air Source Heat Pumps (ASHPs) are proposed; officers consider this to be acceptable on balance, given concerns about biomass boilers and air quality in a school environment.

## **CONSULTATION**

### ***Local consultees***

Local residents, business and schools etc up to 620m away, a total of 774 addresses, were consulted on 2 December 2010. A press notice and site notices were posted on 6 December. Ward Councillors for Fryent and Queensbury, Roe Green Village Residents' Association and the QARA Group of Residents' Associations were also consulted.

### *Objections*

To date (20 January) a total of 5 letters of objection have been received. Where multiple objections from one property are received, these are logged as only one objection.

The reasons for objecting (and number) can be summarised as follows:

1. Principle  
1 resident
2. Traffic & highway safety  
(a) Impact of school traffic (mini-buses) on congestion and highway safety on nearby roads  
2 residents  
(b) Impact on parking on nearby roads  
3 residents
3. Community use of swimming pool  
1 resident
4. Design out of keeping with character of Conservation Area  
1 resident
5. Noise and disturbance from construction works

1 resident

### *Support*

To date (20 January) a total of 1 letter supporting the scheme has been received, from a resident on Roe Lane, commenting on the improved facilities for children, the improved access arrangements for minibuses and the replacement of the existing untidy buildings.

### **Statutory consultees**

The Environment Agency and Thames Water were consulted on 6 October. English Heritage was consulted on 14 January.

#### *Environment Agency*

No comments yet received

#### *Thames Water*

No objection with regards to sewerage infrastructure

#### *English Heritage*

No comments yet received

### **Internal consultees**

The Council's Transportation department, Environmental Health and Children & Families service were consulted, along with officers within the Policy section of the Planning service to comment on matters of policy, landscape & trees, ecology and sustainability.

#### *Transportation*

No objections on transportation grounds to this proposal subject to:

1. Restrictive - a financial contribution towards highway safety
2. Restrictive - reinstatement of all redundant lengths of crossover to footway at the applicant's expense
3. Details required - School Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme
4. Details required - Construction Management Plan
5. Details required - further tracking of the easternmost vehicular access
6. Details required - reduce car parking spaces for the short-break centre to two (plus one disabled)

#### *Environmental Health*

No objection subject to conditions

1. Details required – CHP emissions and abatement equipment
2. Details required – post-demolition site investigation
3. Details required – Remediation measures to be carried out & verification report submitted
4. Details required – noise impact assessment
5. Informative - contaminated land

#### *Landscape & trees*

No objection subject to conditions

1. Details required - 30 trees should be planted as mitigation
2. Details required – tree protection plan
3. Details required – arboricultural method statement

### *Ecology*

No objection subject to conditions

1. Details required – bat boxes, bird boxes
2. Details required – lighting proposals
3. Informative – ecological watching brief

### *Sustainability*

No objection subject to the following conditions:

1. Details required – location and orientation of 107sqm PV panels
2. Details required – Water saving measures
3. Details required – further details of the CHP sizing?
4. Details required – Statement of compliance with ICE Demolition Protocol

## **REMARKS**

### ***Introduction***

In summary it is considered that the proposal benefits from significant planning merit in respect of improvements to the visual impact of the site, its day-to-day operation and resulting amenity impacts and the provision of improved facilities for Brent's residents.

### ***Key considerations***

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

1. Principle of development
2. Transportation matters
3. Impact on neighbouring amenity
4. Visual impact, including impact on Roe Green Conservation Area
5. Landscaping & trees

#### ***1. Principle***

##### ***1.1 Education need***

Brent has local policy objectives to meet the needs of the borough's diverse community in respect of cultural facilities and sport and recreational activities. This was most recently confirmed by the adoption of the Core Strategy (2010) and in particular strategic objective 5 and policy CP23. Policy CF8 of the Unitary Development Plan (2004) also supports proposals to enlarge school size to enable substandard schools to meet statutory targets and/or to accommodate forecast growth in pupil numbers, subject to acceptable transport impact and adoption of measures to reduce car use.

At the regional level, policy 3A.24 of the London Plan 2008 states the demands for pre-school, school and community learning facilities, taking into account GLA demographic projections, should be met with adequate provision in partnership with the local education authority, local strategic partnership and users; changes to concurrent targets for educational attainment may also require the expansion and/or provision of additional school facilities, including facilities for children with special needs.

The Village School suffers from the poor physical condition of the building stock and its limited operational suitability to meet the demands of modern Special Educational Needs (SEN) education, demands which are rising to the fact the degree of disability amongst the pupils is increasing. Consequently, it is becoming increasingly difficult for Brent Council to meet its statutory

obligations

Permissions were granted in 2007 and 2008 for extensions to the schools to provide improved facilities, but this was not pursued. Instead, funding allocated to Brent from the Government's Targeted Capital Fund (TCF)—combined with a capital allocation under the Aiming High Transformation Programme for Disabled Children—means comprehensive redevelopment is a now viable option.

The new accommodation will also provide scope for expansion of the school role from 210 pupils to 235, a necessary response to a growing pressure on special school places emerging through a continuing increase in the number of pupils in Brent with profound and multiple learning difficulties and with autism and associated learning and behavioural difficulties. This 12% increase in pupil numbers is not considered to result in a material intensification of activities on the site.

Redevelopment will provide additional classroom space and an educational environment better suited to the needs of students with multiple learning difficulties/disabilities. There would also be a resultant improvement in specialist facilities, whilst also addressing current inefficiencies in the use of space and greatly improving access arrangements

In this respect the principle of the application is deemed acceptable.

### *1.2 The Short Break Centre*

The Short Break Centre represents the amalgamation of respite facilities currently provided at Crawford Avenue and Clement Close.

The Short Break Centre will include a residential element (providing 8 bed spaces) and provide 12 day places and will remain ancillary to the primary educational use of the site falling within use Class D1. The Centre would benefit from use of the school facilities; there is a clear logic to the location of this residential institution (Use Class C2) and its scale is such that officers consider it an ancillary function which meets the criteria of UDP policy CF10 *Development within School Grounds*.

### *1.3 Loss of the caretaker's bungalow*

The application includes the demolition of the existing unoccupied and dilapidated caretaker's bungalow in the north-east corner of the site. The loss of this single family dwelling would not result in contravention of Core Strategy policy CP21 *A Balanced Housing Stock* (which supersedes UDP policy H8 *Resisting Loss of Housing*), since in planning use terms, the caretaker's house was considered as an ancillary part of the primary Class D1 non-residential educational use of this site. With the application proposal seeking to consolidate and improve educational facilities on site, this supports the primary use of the site for educational purposes, with the loss of a single ancillary residential unit not considered to materially outweigh the overriding educational land use objectives for this site.

### *1.4 Summary*

Your officers are satisfied that the proposed redevelopment meets the objectives of the development plan and as such it is acceptable in principle.

## **2. Parking & access**

A Transport Statement has been produced by Peter Brett Associates and submitted with the application.

### *2.1 Traffic impact*

Some local residents in the Roe Green Village Conservation Area, which is located on the opposite side of Stag Lane to the application site, have objected to the proposal in terms of the traffic impact. Your officers do not expect the proposed moderate increase in pupil numbers (12%) will have any demonstrable impact on the Conservation Area as the site access and approach roads are not located within the Conservation Area.

With regard to wider traffic impact, existing vehicular flows through the adjacent junction of Stag Lane and Grove Park were surveyed and the results showed that the junction currently operates well within its theoretical capacity, with flow reaching a maximum of 34% of capacity on the Grove Park arm at school closing time. As such, there is sufficient spare capacity to accommodate any marginal increase in traffic arising from this proposal.

The impact of the Short Break Centre on traffic generation within the local area will be limited, due to the fact that it will have a dual use with the school and it does not form an intensive use in its own right. Furthermore many vehicular movements associated with the use will be outside of peak times

In respect of UDP policy TRN1 *Transport Assessment*, Your officers are satisfied with the traffic impact of the proposals on the highway network, subject to measures to reduce car usage including a School Travel Plan (see below) in accordance with policy TRN3 *Environmental Impact of Traffic* and TRN4 *Measures to Make Transport Impact Acceptable*.

*2.2 Mini-bus congestion relief*

The main impact of the existing situation is the fact there is insufficient space on site for all the minibuses to wait within the school boundaries; the resulting queue of minibuses at drop-off and pick-up times make negotiating that stretch of Grove Park and the turn from Stag Lane difficult at school peak times. One of the main objectives of the redevelopment, therefore, is to provide setting down facilities within the site, in accordance with standard PS12.

The Transport Statement sets out the existing situation, which is identified the following totals:

Morning	08.20-09.20	26 minibuses	163 pupils (6.3 per minibus)
	08.00-09.00	18 cars/taxis	23 pupils
Afternoon	14.40-15.45	23 minibuses	162 pupils
	14.50-15.45	13 cars/taxis	20 pupils

The peak minibus accumulation at the Village School totalled 11 minibuses in the morning (08.55-09.00) and 17 in the afternoon (15.20-15.25).

This proposal will increase the number of pupils within the school by 25 and in order to assess a 'worst-case' scenario, it has been assumed that all of these additional pupils would travel by minibus, with none using spare capacity on existing buses. In reality though, it should be possible to increase the average number of pupils using each minibus, as not only will new pupils be able to use some of the spare capacity on existing buses, but the scope for pupils from the two existing separate schools to share buses in future will increase due to the merger into the Village School, as opposed to two separate schools.

The worst-case scenario increases the maximum minibus accumulation on the site to 21 minibuses in the afternoon peak period, up from 17 observed in the Transport Statement survey. The site layout has therefore been designed to ensure that at least 21 minibuses can be accommodated – 11 in parking bays along the front of the building and 12 along the one-way access road along the northern side of the site. Four further minibus spaces are indicated within the car park, in addition to two taxi bays.

As such, the overall capacity of the car park and minibus parking provision should be more than sufficient to meet future demand within the site, thereby addressing the existing problems that arise from minibuses being unable to access the site at busy periods.

## *2.2 Parking*

Car parking allowances for educational use are set out in standard PS12 of the adopted UDP 2004. This allows up to one space per five staff, plus 20% for visitors. On the basis that staffing numbers are to remain unaltered at 206, up to 41 staff spaces and eight visitor spaces would be allowed. The proposed provision of 49 standard width spaces for the school therefore complies with standards with the provision of a further three widened marked disabled spaces satisfying standard PS15.

The allowance for the short break centre would total just one staff and one visitor space though. The proposed provision of four standard width spaces would therefore exceed allowances and has been amended to two disabled bays and two standard bays, to reflect the nature of the facility and its specific requirements.

## *2.3 Cycle parking*

Standard PS16 requires a minimum of one bicycle parking space per ten staff, giving a minimum requirement of 21 spaces. Secondary schools are also generally required to provide one space per ten pupils, but given the specialist nature of this school whereby most pupils need to be transported to the site, this pupil requirement is considered unnecessary. The proposed provision of 24 covered spaces would therefore accord with standards, whilst shower and locker facilities are also to be provided, which is welcomed.

## *2.4 Vehicular access*

The locations for the proposed vehicular accesses onto Grove Park are acceptable in principle. However, the AUTOTRACK run for a minibus turning right into the site does not take account of any parking along the northern side of Grove Park, so there is doubt as to whether this 180° turn is feasible in practice, given that the frontage access road sits so close to the highway boundary. Further verification that this access can adequately accommodate right-turning minibuses has been provided on drawing 23706/001/001 Rev A; this is considered acceptable.

The existing road markings and waiting restrictions along Grove Park will need to be adjusted to suit the new access positions, whilst the existing redundant crossovers will need to be reinstated to footway at the applicant's expense; this can be secured by condition.

## *2.5 Pedestrian access*

The provision of a separate wide pedestrian access directly from Stag Lane is welcomed and represents a significant improvement on the existing situation in which no footpaths are provided into the site. The site entrance gates have also been set back 5m from the highway boundary to provide gathering space in front of the school gates, whilst a pedestrian refuge is located just north of the access point to provide a safe crossing facility on Stag Lane.

The only concern is to ensure all associated highway signing and lining is amended to suit the opening up of this new access point and to this end, a financial contribution, total sum to be agreed, is sought towards the provision of road markings, guard railing and advance warning signs.

## *2.6 Travel Plan*

In order to help to ensure that traffic flows and associated parking in and around the site are minimised, a draft School Travel Plan has been prepared by Peter Brett Associates.

However, the draft plan lacks any tangible targets for reducing car use or a timetable and process by which progress towards those targets might be monitored. Combined with a lack of any confirmation that adequate funding or resources will be put into the Travel Plan and a fairly limited range of Travel Plan measures, this draft Travel Plan has scored a FAIL under TfL's ATTrBuTE Travel Plan assessment programme. This is disappointing, as a lot of useful survey work had been undertaken to produce a detailed baseline position from which measures and targets could be developed.

It will be necessary to provide an improved Travel Plan prior to occupation of the new school be secured through a planning condition.

### *2.7 Servicing*

There are no specific servicing requirements for schools, but it is important that refuse collection is able to take place clear of the highway. In this respect, a service yard is indicated to the rear of the proposed main building, with an AUTOTRACK run having been provided to show that a large refuse vehicle could access and turn within the yard, although the manoeuvre is a little tight.

### *2.8 Other transport matters*

Finally, consideration needs to be given to how the site will operate during the construction period, not just in terms of bringing construction vehicles safely onto the site but also in terms of retaining access to the post-16 block at the rear of the site, which is proposed to remain in use throughout the construction period. Of particular importance is the need to ensure that any minibuses bringing pupils to the site during this period are catered for by retaining adequate parking facilities on the site.

The applicant has provided further information in the letter from the agent dated 19 January 2011; this explains that 30% of the existing pupils will remain onsite during the construction phase. This equates to traffic movements of eight minibuses and five car movements in the morning period and seven minibuses and four car movements in the afternoon. In accordance with the assessment of the decant proposals in parallel application (10/2994), it is assumed all school staff would use the temporary car park in the Kingsbury High School Bacon Lane campus and walk across as necessary.

It is envisaged that the school access during the construction phase would be via the eastern Grove Park access, with an internal access road running along the eastern side of the Village School site. Space for minibus and parent/taxi drop-off and pick-up would be provided by the sixth form block and the vehicles would egress via the same two-way route to Grove Park. Detailed plans for this will be conditioned to be included in a Construction Management Plan.

There is an opportunity for access and egress to be provided through the adjoining Roberts Court land and/or Harrod Court; discussions are on-going between the relevant parties and it might be that the Construction Management Plan would include this as an additional option. A Construction Management Plan to address these points will therefore need to be submitted and approved before works commence.

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

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the need to permit acceptable development. 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 these standards 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.

The only part of the site where a significant change in existing conditions is proposed is at the north-east corner where the relationship with No. 2 Grove Park, which is adjacent to the proposed Short Break Centre, is noteworthy.

No.2 Grove Park Road has been extended to the side (permission ref: 99/1745) and as a consequence now lies 0.8m from the boundary shared with the application site. The proposed two-storey Short Break Centre will be set away from the flank boundary by approximately 7 m at its closest point, thereby maintaining a distance of approximately 8m from the flank elevation of No.2 Grove Park Road.

The Centre would be an L-shaped building with bedrooms at first floor, facing the rear garden of No. 2. The ground at this point is generally level but there is a step up to No. 2; as such the Short Break Centre and the amenity area is approximately 1m below the garden of No. 2, with a 0.6m high retaining wall on the school side. The windows would be between 18-19m distant from the boundary and it is proposed to keep the existing established landscaping along the boundary with No. 2, which is also formed of a low chainlink fence.

Borough-wide supplementary planning guidance suggests a distance of 20m between rear habitable rooms is satisfactory to maintain privacy, or 10m to a private garden. The layout is in accordance with SPG17 guidance and whilst the overlooking will be greater than the present situation, it is within the limits generally deemed acceptable.

The Centre would be set below a height line of 30 degrees as measured from the nearest rear habitable room window at No.2 Grove Park, and with the rear arm of the L-shape set below a line of 45 degrees (as measured from a height of 2m) taken from the edge of the garden of No.2 Grove Park.

Subject to enhanced landscaping and new boundary treatment your officers consider this part of the scheme to be acceptable in terms of its impact on neighbouring amenity and in particular it is deemed to maintain a sufficient level of privacy, would not have a materially harmful impact on outlook and would not unduly restrict sunlight or daylight and as such would comply with UDP policy BE9 *Architectural Quality* and SPG17.

#### **4. Visual impact**

The relevant UDP and Core Strategy policies are BE2 to BE9, CP5 *Place making*, CP6 *Design & density in place shaping* and CP17 *Protecting and enhancing the suburban character of Brent*. These are supported by Supplementary Planning Guidance No. 17 *Design Guide for New Development*.

##### **4.1 Impact on Roe Green Village Conservation Area**

The application site does not lie within the boundaries of the Roe Green Village Conservation area, which applies to those properties on the western side of Stag Lane, opposite the western boundary of the site.

Your officers do not consider that the UDP policy regarding Conservation Areas (CAs), BE25 *Development in Conservation Areas*—which states that development proposals outside of CAs but

affecting their setting or views into or out of the area shall pay special attention to the preservation or enhancement of the character or appearance of the area—is applicable in this instance due the site specific circumstances and the physical distinction between the application site and the Roe Green Village Conservation Area. In any event, the western elevation of the proposed new Village School building will occupy a similar position of the existing Hay Lane School Building. As a consequence, the relationship between the new building and the site boundary (with the Conservation Area beyond) will remain largely unaffected. With regard to the scale and bulk of development, both the existing and proposed schools will consist of two storey development, albeit with the development proposals being consistently two storeys throughout their length and of a marginally greater height than existing.

The existing complex of school buildings are visually unappealing and fail to enhance the suburban character of the area and your officers welcome the opportunity the application gives to improve the design quality of the buildings on this site.

#### *4.2 The Village School*

The new Village School would replace the existing sprawl of buildings with a centrally-located block faced mostly in brick with some timbered elements and a small section of render. The windows would be aluminium with coloured panels to lend vibrancy to the elevation suitable to the building's function, which the existing complex lacks. The northern and western elevations are considered the most important as they form the street frontage, albeit the western elevation is set well away from the Stag Lane boundary. This western elevation would have a canopy running along its length to provide protection from the elements for pupils and staff during drop-off and pick-up times. It is proposed that between the columns of this canopy there should be some artwork inspired by, or prepared by, the pupils of the Village School. Your officers welcome this suggestion.

The setting of the building has been given greater consideration than in the existing situation and in particular the new pedestrian entrance from Stag Lane provides a highly legible route into the school from the public realm; the setting back of the entrance and the proposed brick wall and landscaping would also improve the public realm in this location in accordance with the relevant UDP policies in the *Built Environment* chapter.

The car park between the Stag Lane boundary and the western elevation of the building would be softened with landscaping and trees and although this is a large expanse of car parking in a reasonably prominent location within the site, your officers note that this is an area where the Hay Lane school car park and other areas of hard landscaping are currently located. On balance, therefore, your officers are satisfied with the location and treatment of the necessarily large car park.

The northern elevation of the building is set away from the Grove Park boundary and this allows the one-way minibus route and two landscaping strips to be set between the building and the road. This set-back is considered in keeping with the suburban character of the area. It would be preferable for the one-way route to be more screened from the public realm however the constraints of the site are such that the proposed location is the best available and provided sufficient landscaping is planted in the two strips then the visual impact of this route will be acceptable.

The new school building will rise to no more than two storeys in height; similar to the storey height of part of the Hay Lane classroom block, and the total footprint of the redeveloped area would be similar to that of the original complex. Whilst it is acknowledged that the School will not be domestic in its appearance, the scale of development would not be inappropriate or out of context within this predominantly residential street scene. In terms of height, bulk and scale, therefore, the main building is considered acceptable and accords with the relevant UDP and Core Strategy policies.

#### 4.3 The short break centre

The Short Break Centre would be L-shaped in plan and rise to two storeys in height; the ridge would be approximately 8.5m above ground level. This is marginally higher than the neighbouring two-storey semi-detached suburban housing but there is a separation of 8m between the flank of the two buildings and the Short Break Centre is clearly of a different nature to the suburban housing in terms of its function. It is not necessary, therefore, for it to have a domestic scale although its height, scale and bulk would not overwhelm the neighbouring properties nor would it harm the suburban character of the area. Your officers are satisfied that the Short Break Centre meets these requirements in respect of height, scale and bulk.

### 5. Landscaping & trees

#### 1 Landscaping

The application is accompanied by a Landscape Statement, prepared by Farrer Huxley Associates. In general the existing landscape features will be retained where possible and the opportunity to provide an improved landscape setting for the site, particularly along the Grove Park and Stag Lane boundaries, has been taken.

A sensory garden and area containing woodland play equipment will be provided within the south-eastern corner of the site upon the raised parcel of undeveloped land adjacent to the sixth Form Block. The existing wooded area in the extreme south-east corner of the site will remain unaffected under these proposals

Landscape officers have assessed the proposals and raise no objections in principle; however little consideration has been given to the boundary with the new Harrod Court development. There appears to be little room for planting on this boundary and it is therefore important that high quality fencing is installed preferably with the opportunity to plant climbers to soften its impact.

The planting schedules contain a good variety of species however a detailed landscape scheme will be required which contains the quantities and position of the proposed plants.

These matters will be secured by condition.

#### 2 Trees

The site is home to a number tree species of differing age, classes and quality and an Arboricultural Survey has been produced by PJC Arboricultural/Ecological Consultants in support of the application. The report concludes that various trees are recommended for removal due to existing defects or ill-health. However, whilst there are no TPO trees on site, it is recognised that the site presently accommodates a number of mature trees, most of which will be retained as part of the scheme proposals. Your officers propose a number of conditions to ensure the protection of those trees during the demolition and construction phases; subject to this the proposal would comply with the objectives of UDP policy BE6 *Public Realm: Landscape Design*.

The proposal to plant 20 trees to mitigate the loss of 25 trees is not considered acceptable in light of the loss of a number of good quality lime trees in the proposed car parking area. It is recommended 30 trees should be planted as mitigation as there is potential to plant additional trees adjacent to the car park and the Lodge. The applicant has agreed to this further provision. It is recommended that new planting along the existing hedgerow is small leaf lime trees to promote bat activity.

In addition, the frontage to Grove Park, facing residential properties, will suffer from loss of trees. Two trees (T39 & T 41) are shown to be retained and further details of the method of construction of the minibus access road will be required by condition to ensure these trees can be maintained;

in the event they are damaged then provision should be made for suitable replacements in the conditions.

### **3 Ecology**

The Village School does not fall within any designated areas relating to ecology or protected species and habitats, however there are a number of mature trees on site. Accordingly, the application is supported by an Extended Phase1 Ecology/Biodiversity Survey and Report prepared by PJC Arboricultural/Ecological Consultants, carried out in August 2009, to consider the possible impacts of the development on wildlife and diversity.

A total of five habitats were recorded as being present within the site boundary of the development site, however the habitats found on site were all considered to be of low ecological value at site level only consisting of plants that are both common and widespread.

Trees located within the site boundary were considered to provide a moderate ecological interest, particular those trees located within the south-eastern corner of the site.

#### **5.3.1 Bats**

Bats and their roosts are protected under the Wildlife and Countryside Act 1981. Some trees were deemed as having potential to provide occasional daily roost habitats for bats, these being the large horse chestnut tree and some larger trees within the woodland area at the rear (ash and oak trees) within the south-eastern corner of the site. These trees will remain unaffected by the development proposals. On the basis that existing tree lines and hedgerows on the Village School site were identified as possibly being used for navigation or feeding for bats, a subsequent Bat Survey (Activity and Emergence Surveys) was commissioned from PJC Consultancy. Two activity surveys were carried out on the 1<sup>st</sup> and 8<sup>th</sup> June 2010. The survey established that the trees within the site boundary would be unlikely to provide maternity or hibernating bat roosts, however occasional daily roosts may be recorded and therefore any works to trees such as pruning, dead wood removal and/or felling should be undertaken under an ecological watching brief. The existing buildings were considered to have a negligible potential to support roosting bats.

The survey concludes that the development would not affect the conservation status of bats in the local area but lighting proposals should be designed to avoid the tree boundaries and lights around the site should be focussed on the school itself. Lighting near the tree lines, particularly the south-eastern corner, should be fitted with louvres and shields. Subject to the provision of a range of bat boxes, planting of suitable native species (in particular small lime trees), further details of lighting proposals and an ecological watching brief being secured by condition, your officers are satisfied that the proposal complies with UDP policy OS15 *Species Protection*.

### **6. Other**

#### **6.1 Flood Risk**

In view of the development site exceeding 1 hectare in area (notwithstanding that the site falls within an area at Low Risk of Flooding), a Flood Risk Assessment was required to be undertaken in respect of the scheme proposals on the Village School site to assess the increased potential for surface water run-off. Accordingly a Flood Risk Assessment (FRA) was prepared by Frankham Consultancy Group Ltd. The Environment Agency has been consulted but they are not due to report yet.

The conclusions of the survey established that there were no significant sources of flood risk within the vicinity of the site, although to manage any flood risks emanating from the site a surface water drainage system has been designed to limit flow into two surface water connections, whilst the surface water system has been designed to attenuate run-off to at least the existing run-off rate.

The views of the Environment Agency will be reported to members in a supplementary report.

### *6.2 Public consultation*

The proposal was subject to a significant amount of per-application public consultation using a variety of methods including: (1) several press releases in local papers and the Brent Magazine; (2) presentation to Kingsbury and Kenton Area Consultative Forum—July 2010; (3) website focusing on the Village School redevelopment; (4) a newsletter was produced and distributed amongst Village School staff and parents as well as to other special schools and the wider local community. Distribution of the newsletter included release to residents in Stubbs Close, Roe Green Village (inc Goldsmith Lane, Bacon Lane) and Cherry Tree Court (inc Boakes Close)—September 2010; (5) a presentation and questions and answers session with key members of the Roe Green Village Residents' Association—November 2010; (6) an open forum event was held at The Village School—November 2010.

Residents expressed concerns about the size of the swimming pool and the cumulative impact of likely construction within the Roe Green area. This point was raised with particular reference to the Intergenerational Centre proposed on the corner of the Kingsbury High School site but also in respect of Kingsbury High School's aspirations to develop a 5-a-side football facility on the same site (the Goals project). These matters are discussed below, in section 7.

### *6.3 Archaeology*

The site has been the subject of archaeological investigation (desk-top survey) produced by Allen Archaeology Limited (AAL), who were commissioned by Frankham Consultancy to undertake a desk based assessment of the archaeological potential of the application site, although the site does not lie within an Archaeological Priority Area as identified in the UDP Proposals Map.

The assessment identified a negligible archaeological potential for the pre-historic and Romano British periods and thereafter evidence suggests that the area was part of a royal estate in the Anglo Saxon period; subsequently there is no archaeological evidence of this date within the study area. Evidence does point to significant archaeological potential for the medieval and later periods within the site, related to an Elizabethan or Jacobean house. Although the potential impact would be moderate, your officers have taken the precaution of consulting English Heritage on this matter and their response will be reported to members in a supplementary report.

Subject to confirmation from English Heritage, the scheme would comply with the requirements of UDP policy BE31 *Sites of Archaeological Interest*.

### *6.4 Community access*

Currently, both the swimming pool and sports hall are used by the wider community outside of school hours. The swimming pool is currently used by the following swimming clubs: Pisces; Atlantis; Waterfish; Tornadoes; Guppys; Sea Urchins; and Jo Khan swimming club

The needs of the school's students remains the primary objective in designing the new pool, although, as with the existing pool, it will continue to be available for wider community use when not required by the school. The pool has been designed in accordance with Department for Education standards and will total 78sqm in area, smaller than the existing pool which has an area of 119sqm. The pool will include Jacuzzi and hydrotherapy facilities.

It is noted that the pool may not meet the needs of all of the existing users however the improved facilities for the Village School to meet their specific needs is considered to be of significant benefit. In addition, it may be that the new facilities will now appeal to other groups that cater for people with disabilities.

The new school hall/sports hall will also be made available for wider community use, with these facilities (along with the pool) capable of being opened to the wider community, whilst the rest of the school remains shut. These facilities are 'front of house' to enable this wider community use to take place.

A Community Access Plan to secure a timetable for this access will be secured via condition. Your officers are satisfied that the proposed scheme would be able to maintain sufficient community use of the facilities whilst balancing the specific requirements of the school's pupils.

#### *6.5 EIA development*

An Environmental Impact Assessment (EIA) screening letter was submitted alongside this application to seek formal clarification that the proposed development would not create environmental harm of such significance that it would warrant the production of an Environmental Statement.

Your officers have provided a formal response to the applicant in respect of this, in summary the proposed scheme will be unlikely to have any significant environmental effects by virtue of the nature, scale or location of the proposed development and it is therefore considered that no Environmental Impact Assessment is warranted in this instance.

#### *6.6 Noise survey*

An Acoustic Survey considering the impact of noise from the surrounding area upon the School and also the impact of noise from proposed generator equipment upon neighbouring residential amenity has been prepared by LCP Acoustics in order to comply with UDP policy EP2 *Noise and Vibration*. However, a wider noise impact assessment of the effect of the development on the neighbouring properties has not been included with the application. Environmental Health officers require a noise impact assessment, which includes an assessment of the background noise levels at the nearest receptors covering the proposed hours of operation, to take account of the noise generated by plant or machinery. Related to this, the proposed Air Source Heat Pumps should be relocated away from the current proposed location between the Short Break Centre and No. 2 Grove Park; this will be controlled by condition.

Details of any mitigation measures proposed to meet acceptable noise levels should be submitted as a condition. Subject to this, the proposal would comply with UDP policy EP2 *Noise and Vibration*.

#### *6.7 Contamination*

In view of the proposed end user (pupils and teachers), a site investigation was undertaken by Environmental Scientifics Group (ESG) and submitted alongside the application. Subject to two conditions requiring a further detailed investigation in the area of the historic Boiler House and oil storage tank and completion of remediation measures thereafter, your officers are satisfied that the proposals comply with UDP policy EP6 *Contaminated Land*.

### **7. Response to objectors**

#### *7.1 Cumulative impact of development in the area*

There are two sites with permission or a resolution to grant permission for development in the immediate area; first is the recent grant of planning permission for a new two storey Intergenerational Centre on the Stag Lane frontage of the Kingsbury High School Site (ref:10/1727) and the second is the resolution to grant planning permission, subject to the conclusion of a section 106 agreement, for the refurbishment and extension of 338-346 Stag Lane (ref: 09/1947, resolution to grant planning permission 13/01/10).

Whilst only indicative at this stage, it is understood that the Intergenerational Centre scheme is likely to be developed between February 2011 and August 2011. The situation may therefore arise where there is a degree of overlap in the construction of the Intergenerational Centre with the redevelopment of The Village School and concerns would be focussed on the impact of construction traffic for both projects; a construction method statement will be required which will include a route for construction traffic to access The Village School site and this should include measures to ensure there is no conflict with the Intergenerational Centre in the event that site is being developed at the same time; given the distance between the respective sites and their accesses, it is not likely that there would be a conflict.

At present the development at 338-346 Stag Lane does not have planning permission, but it is a small-scale project which would be unlikely to have any material impact on traffic flow in the area.

Other projects of note are the mooted all-weather football pitches which are an objective of Kingsbury High School ('the Goals project') and the Council has also recently commenced reconsideration of a new swimming pool/leisure facility on Roe Green. Residents have requested a comprehensive Traffic Impact Assessment be provided covering all these projects before consideration of this application is concluded.

Your officers recognise the sensitivity of a number of developments occurring in an area at the same time but there are significant differences between the developments which mean consideration of the cumulative effect is either unnecessary or impracticable.

In terms of the cumulative impact of traffic once each project is fully functional, the Goals project and the swimming pool project are not yet planning applications and so the work necessary to prepare a Traffic Impact Assessment has not been produced. In any event the proposed 12% increase to the school roll is not considered significant and this project would be unlikely to have any long-term impact on traffic flow in the area or on residential amenity.

The correct means of assessing cumulative impact of these mooted projects is for their subsequent planning applications to have regard of existing permissions.

### *7.2 Size of swimming pool*

A local resident has objected on the grounds that the proposed swimming pool would be smaller than existing. As part of the public consultation process the applicants invited a significant number of swimming clubs (and other such organisations that use the existing schools facilities) were invited to the consultation. The following points were discussed: (i) the fact that the existing pool would be taken out of action at the start of the construction period; (ii) the type of pool proposed; (iii) the anticipated open date; and (iv) thoughts on the overall proposed scheme. Your officers response to this is given in section 6.4, above.

## **8. Conclusion**

Your officers consider the application would provide significant benefits for the pupils of The Village School and for other Brent pupils with the modest increase in numbers; the provision of a new Short Break Centre is also beneficial for Brent residents and carers; accordingly your officers recommend planning permission be granted, subject to a number of conditions.

## **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  
Brent Core Strategy 2010  
The London Plan 2008  
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  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

#### **CONDITIONS/REASONS:**

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

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

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

#### *Plan numbers*

01 Rev H	02 Rev H
03 Rev H	04 Rev H
05 Rev H	06 Rev H
07 Rev H	08 Rev H
09 Rev K	10 Rev H
011 Rev H	12 Rev H
013 Rev H	14 Rev H
015 Rev H	16 Rev H
017 Rev H	18 Rev H
019 Rev H	20 Rev H
021 Rev H	

/A/13-05	23706/001/001 RevA
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PL-D01	PL-D02
PL-D03	PL-D04
PL-D05	PL-D06
PL-D07	
PL-L01	PL-L02



### *Supporting documents*

Arboricultural Implication Assessment (PJC Consultancy, November 2010)  
Archaeological Desk-Based Assessment (Allen Archaeology Limited, October 2009)  
Bat Survey (PJC Consultancy, May 2010)  
BREEAM Bespoke 2008 Pre-assessment – Short Break Centre (Frankham Consultancy Group, July 2010)  
BREEAM Bespoke 2008 Pre-assessment – Village School (Frankham Consultancy Group, July 2010)  
CCTV Drainage Survey – Grove Park (K S Maintenance Ltd, September 2009)  
CCTV Drainage Survey – Hay Lane (K S Maintenance Ltd, September 2009)  
CHP Report (Frankham Consultancy Group, July 2010)  
Design & Access Statement (Frankham Consultancy Group, November 2010)  
Design & Access Statement Village School External Realm (Farrer Huxley, November 2010)  
Extended Phase 1 Ecological Survey (PJC Consultancy, September 2010)  
External Noise Break-In (Lee Cunningham Partnership, September 2010)  
Flood Risk Assessment (Bureau Veritas, October 2010)  
Generic Risk Assessment (Environmental Scientifics Group, February 2010)  
Ground Investigation (Environmental Scientifics Group, February 2010)  
Phase 1 Environmental Review (Frankham Consultancy Group, September 2009)  
Stage D Energy Report (Frankham Consultancy Group, September 2010)  
Surface Water Drainage Strategy (Frankham Consultancy Group, October 2010)  
Sustainability Strategy (Bureau Veritas, September 2010)  
Town Planning Statement (NTR Planning Ltd, November 2010)  
Transport Statement (Peter Brett Associates, September 2010)  
Travel Plan (Peter Brett Associates, September 2010)  
Utility Survey (Ground Restoration Ltd, March 2010)

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

- (3) 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.

- (4) All areas shown on the approved plan(s) shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Details shall include:-

- i. Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;
- ii. Hard surfaces including details of materials and finishes - these should have a permeable construction;
- i. Proposed lighting plan with contours (nb. lighting should be angled away from the woodland area);
- i. All planting including location, species, size, density and number. To include planting native species, in particular small leave lime trees which are suitable for bat activity and 30 additional trees on site;

- i. Replacement of T39 & T41 if necessary;
- i. Any sustainable construction methods which are to be used;
- ii. A detailed (min. 5-year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscaping;
- i. Details of bat, bird and insect boxes (nb. bat boxes made from woodcrete, at least 3m up trunk of tree and on southerly aspect. A range of bat boxes should be provided including general purpose and larger colony boxes)
- i. Proposed walls and fencing, indicating materials and heights

All landscaping shall be carried out within 6 months of first occupation of the development 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 in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (5) Notwithstanding the details shown on the approved plan, a revised plan showing the relocation of the Air Source Heat Pump (ASHP) shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The ASHP shall be positioned so it is further away from the adjoining residential property at 2 Grove Park and implemented in accordance with the approved details.

Reason: To protect the residential amenities of the adjoining occupiers.

- (6) Prior to the commencement of the use, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities. The approved scheme shall include arrangements for consultation and shall be brought into operation upon commencement of the school use.

Reason: To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy

- (7) Prior to commencement of development, appropriate arrangements shall be made in writing with the local planning authority to provide:
- i. New 'SCHOOL KEEP CLEAR' zig-zag markings, with associated Traffic Regulation Orders to enforce 'No Stopping' between 8.15-9.15am and 2.30-4.30pm on weekdays, to match those currently provided in Grove Park

and adjustments to the existing 'SCHOOL KEEP CLEAR' zig-zag markings in Grove Park to reflect the removal of one of the existing access points to Grove Park school;

- ii. New "School children" advance warning signs;
- iii. Provision of a guard railing in front of the new school pedestrian entrance gates;
- iv. Provision and reinstatement of dropped kerbs.

In the case of each of the above, these must be carried out at the applicants expense in accordance with a timetable agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety.

- (8) The development shall not be occupied until the car-parking and turning areas shown on the approved plans have been constructed, surfaced and marked out to the satisfaction of the Local Planning Authority. The car-parking and turning areas so provided shall be maintained as ancillary to the development and shall be used for no other purpose at any time.

Reason: In the interests of highway safety.

- (9) Prior to the commencement of the use of the buildings, a School Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented.

Reason: In the interests of reducing reliance on private motor vehicles.

- (10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. Reason: To protect residential amenity and ensure the development does not have an adverse impact on the highway.

- (11) Details of the proposed CHP units, including emissions data relating to oxides of nitrogen, stack height and location and any abatement equipment to be fitted, shall be submitted to the local planning authority for approval prior to commencement of the development. The works shall be carried out in accordance the approved details prior to occupation and retained thereafter.

Reason: To ensure that the development does not prejudice local air quality.

- (12) Following the demolition of the buildings and the removal of the oil storage tank and prior to the commencement of building works, a site investigation shall be carried out

by competent persons to determine the nature and extent of any soil contamination present in the vicinity of the historic Boiler House and oil storage tank, as well as the previously identified contamination hotspot at WS1 (from Generic Risk Assessment Report ref:3893198). 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. In addition, any soil imported to site for the purposes of soft landscaping shall be tested for contamination to ensure that it is suitable for use, and the results forwarded to the Local Planning Authority for approval. 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) Prior to commencement of the development, a Noise Impact Assessment shall be submitted to and approved in writing by the local planning authority. The impact assessment should include an assessment of the background noise levels at the nearest receptors covering the proposed hours of operation to take account of the noise generated by plant or machinery and any abatement equipment to be fitted, shall be submitted to the local planning authority for approval prior to commencement of the development. The works shall be carried out in accordance the approved details prior to occupation and retained thereafter.

Reason: To protect residential amenity.

- (15) No preparatory work or development shall take place until a Tree Protection Method Statement providing details of the protection of the retained trees has been submitted to and approved in writing by the local planning authority. These measures shall be carried out as described prior to commencement of any preparatory work or development in accordance with the approved details.

No demolition or construction works shall commence until the Council's Tree Protection Officer has carried out a site visit and is satisfied that all protection measures are in place.

The following activities must not be carried out under any circumstances:

- i. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

- ii. No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- iii. Nothing shall be attached to or supported by a retained tree.
- iv. No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
- v. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the local planning authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees.

- (16) An Arboricultural Method Statement in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to commencement any preparatory works or development. Details shall include the method of construction of the minibus access road. These measures shall be carried out as described prior to commencement of any preparatory work or development in accordance with the approved details.

No demolition works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and may include details of:

- i. Induction and personnel awareness of arboricultural matters.
- ii. Identification of individual responsibilities and key personnel.
- iii. Statement of delegated powers.
- iv. Timing and methods of site visiting and record keeping, including updates.
- v. Procedures for dealing with variations and incidents.

The local planning authority may require the scheme of supervision to be administered by a qualified arboriculturalist approved by the local planning authority but instructed by the applicant. The approved scheme shall be adhered to throughout the construction and demolition works.

Reason : To ensure the ongoing health and vitality of the existing trees throughout the duration of the development in the interests of the occupants and general public

- (17) Prior to commencement of development, full details of the location and orientation of 107 sqm PV panels shall be submitted to and approved in writing by the local planning authority. The PV panels shall be provided in accordance with the approved details prior to occupation of the development.

Reason: To accord with sustainability objectives.

- (18) Details of water saving measures will be submitted to and approved in writing by the local planning authority prior to commencement of any demolition/construction work

on the site. Such details shall include:

- (i) appropriate design measures to ensure the installation of individual pulsed output water meters and/or water leak detection;.
- (ii) water-saving fittings in each unit (such as spray taps, showers, lo-flush WC/waterless urinals, etc.) to reduce water demand
- (iii) the location and capacity of proposed rainwater harvesting system,

Reason: To ensure satisfactory water efficiency measures are implemented to reduce water demand.

- (19) Prior to commencement of the development, further details of how the CHP has been sized to meet base hot water demand, including heat load profile shall be submitted to and approved in writing by the location planning authority. The CHP shall be provided prior to occupation in accordance with the approved details.

Reason: To accord with sustainability objectives.

- (20) Prior to any demolition/construction works on site a statement detailing how the ICE Demolition Protocol Methodology has been applied in setting DRI &/or NBRI targets for recycled materials or content will be submitted to and approved in writing by the Local Planning Authority . The demolition and construction works shall be carried out in accordance with the approved details.

Reason: To accord with sustainability objectives.

- (21) The development hereby approved shall not be occupied unless a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'excellent' rating is submitted to and approved in writing by the Local Planning Authority. If the review specifies that the development has failed to meet the above levels, compensatory measure shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

#### **INFORMATIVES:**

- (1) All construction and building contractors should be notified of the potential presence of bats at the site. Should any protected species (Bats) be found on site or disturbed at any time the work must stop and Natural England contacted for advice.
- (2) For further information or advice regarding Conditions relating to contaminated land, please contact Christopher Taylor of Environmental Health on 0208 937 5159."

#### **REFERENCE DOCUMENTS:**

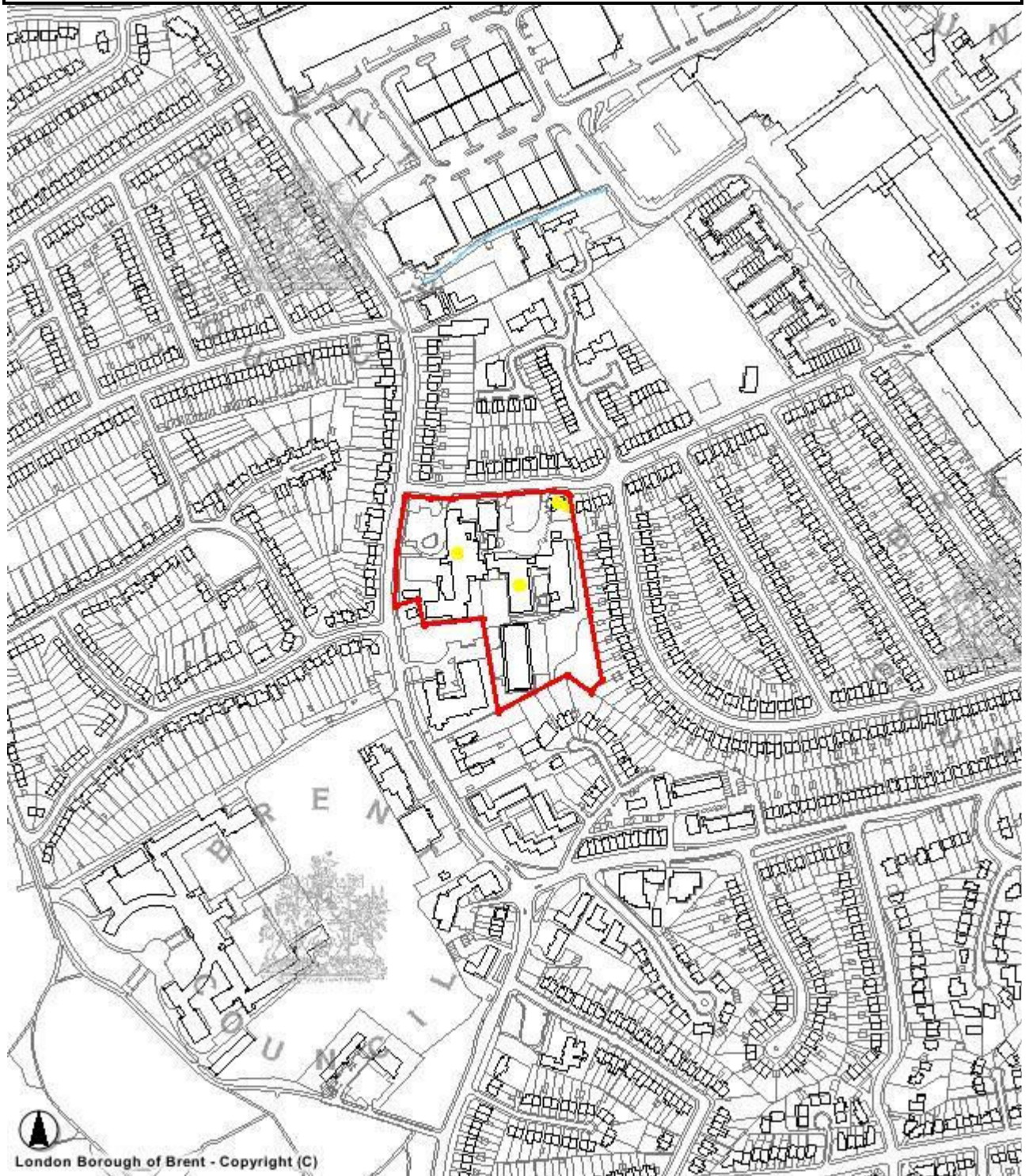
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



## Planning Committee Map

Site address: Hay Lane Special School & Grove Park School, Grove Park, London, NW9

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**Committee Report**  
**Planning Committee on 2 February, 2011**

**Item No.** 6  
**Case No.** 10/2994

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**RECEIVED:** 22 November, 2010

**WARD:** Fryent

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

**LOCATION:** Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

**PROPOSAL:** Permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

**APPLICANT:** Education Department

**CONTACT:** NTR Planning

**PLAN NO'S:**

See condition 3

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## **RECOMMENDATION**

Approve temporary planning permission for Phase 1 decant for three years and full planning permission for Phase 2 legacy works thereafter.

## **EXISTING**

This site is located in the south-eastern corner of the Kingsbury High School Annexe campus, which is primarily accessed via Bacon Lane (north) (a local residential access road); Bacon Lane forms the western boundary of the Roe Green Village Conservation Area. A further lightly used access is available directly onto Stag Lane (a local distributor road).

The decant site is located between the existing school building and the rear of residential units on Stubbs Close and currently forms part of the playing fields for the school. The land is currently grassed and flat, marked with sports pitches in the summer. Some trees are present on and around the site near the boundaries. Due to the open nature of the south-western boundary, this part of the playing fields contribute to the open nature of Roe Green Park itself, which lies beyond that boundary.

At present, parking provision is limited to about 43 spaces (mainly unmarked) to the front and south-eastern sides of the main Kingsbury High School building, with further informal parking tending to occur on grass verges around the site. A further 80 or so spaces are located at the Princes Avenue campus

On-street parking in the surrounding area is generally unrestricted and tends to be lightly parked, although the narrowness of roads to the north means parking space in those streets is limited

Public transport access to the site is moderate (PTAL 2), with six bus services within 640 metres (8 minutes' walk).

## **PROPOSAL**

This planning application seeks approval for a two-phased development, as follows:

### ***Phase 1 - Decant***

Phase 1 of this application involves the temporary relocation of the majority of the Hay Lane and Grove Park Special Needs Schools from their existing sites on Grove Park to this site for a temporary period of two-three years (scheduled for September 2011-September 2013/4) whilst those schools are demolished and a new permanent joint school is constructed (see parallel application 10/2996).

The proposed temporary accommodation will comprise a two-storey building (2,620m<sup>2</sup>) containing a total of 20 classrooms plus a music room, a main hall, a library/computer room and staff offices and meeting rooms. This will accommodate 150 of the 210 existing pupils, with those aged over 16 remaining in the post-16 block at the rear of the existing school site.

Parking is proposed for eight cars (incl. four disabled), nine minibuses and 20 bicycles to the front of the building, accessed via the main school entrance from the end of Bacon Lane (north) along existing single-width access roads across the front of the High School. A new temporary vehicular egress route is proposed from the site to Bacon Lane (South) via the route of the existing public footpath across the northern side of Roe Green Park.

This application includes proposals to implement a earlier planning permission for ten parking spaces in front of the school, on an area of existing grass verge, and sepeately 47 spaces to the rear, on an existing tennis court . Those at the rear are intended to be temporary only, to accommodate staff at the temporary Village School.

### ***Phase 2 - Legacy***

Phase 2 will involve the removal of the temporary school buildings from the site, with the exception of 861 sq.m of the modular building which will then be re-sited to the east of the main Kingsbury High School building where the temporary 47 spaces of Phase 1 are located.

This single storey building would provide nine permanent classrooms to provide additional teaching space, not to facilitate an increase in the school roll.

The phase 2 legacy proposals will also include the retention and alteration of the hardstanding area to form a Sport England-compliant Multi Use Games Area (MUGA), with the exception of an area which will removed to provide enhanced boundary landscaping.

The egress to Bacon Lane (South) would be removed and the roadway and landscaping reinstated to parkland.

## **HISTORY**

The most significant recent permission relating to the school's own infrastructure was granted in 1998 for the erection of a 2-storey extension to the west of the existing school (ref 98/0859).

With regards to the provision of additional vehicle parking on the Bacon Lane site, planning permission was granted under reference 08/3074 for the provision of ten hardstanding parking

spaces along the western flank of the site upon land currently forming part of the grassed amenity space around the school. This formed part of an application for the 'erection of chain-link mesh boundary fence surrounding the existing tennis court with provision of landscaped area'. It is not clear that this has been implemented as the proposed surface was 'grasscrete' but on two separate site visits vehicles have been parked in this location. The approved plan also shows additional screen planting which has not been implemented.

The application will include these ten spaces and appropriate landscaping.

## **POLICY CONSIDERATIONS**

### ***Local***

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan (Consolidated with Alterations since 2004).

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

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
- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls
- 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 should make a positive contribution to improving the quality of the urban environment
- STR15 Major development should enhance the public realm

### ***Built Environment***

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
- BE25 Development in Conservation Areas
- BE33 Tree Preservation Orders

### ***Housing***

- H22 Protection of Residential Amenity

### ***Transport***

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- 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.
- TRN4 Measures to make transport impact acceptable

- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- 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.
- TRN16 The London Road Network
- TRN20 London Distributor Roads
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- TRN35 On transport access for disabled people and people with mobility difficulties.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

*Open Space, Sport & Recreation*

- OS9 Dual Use Open Space

*Community Facilities*

- CF7 New Schools
- CF8 School Extensions
- CF9 Temporary Classrooms
- CF10 Development Within School Grounds

*Brent Core Strategy 2010*

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
- CP 5 Place making
- CP 6 Design & density in place shaping
- CP 15 Infrastructure to support development
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity
- CP 19 Brent strategic climate mitigation and adaptation measures
- CP 23 Protection of existing and provision of new community and cultural facilities

*Brent Supplementary Planning Guidance*

*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.

**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.

### **National**

#### *Planning Policy Statement 1 – Creating Sustainable Communities (2005)*

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

#### *Planning Policy Guidance 13 – Transport (2010)*

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

#### *Planning Policy Statement 17: Planning for Open space, Sport and Recreation*

The general thrust of this advice relates to planning for new urban open space and recreational developments, particularly the protection of existing facilities. In considering applications for floodlighting, local authorities should ensure that local amenity is protected.

## **SUSTAINABILITY ASSESSMENT**

### ***Decant: phase 1***

Since the decant building is only a temporary structure it is not necessary for it to achieve as high a score on the sustainability checklist as permanent development; a score of 25% will be sufficient.

The sustainability officer has assessed the school and scored it at 20.5%, which is below the target of 25%. Some additional evidence and measures are needed to improve the sustainability standard of the proposal however the sustainability officer has discussed this with the relevant consultant and it is not considered a difficult task to achieve the addition 4.5% required. As such these matters can be secured by condition where details can be provided prior to construction to ensure the proposed sustainability level is achieved.

### ***Legacy: phase 2***

Due to the size of the legacy building (less than 1000ssqm), it is not required to meet the Council's policies on sustainability.

## **Summary**

In respect of sustainability matters, your officers are satisfied that UDP policy BE12, Core Strategy policy CP19 and the objectives of SPG19 would be met.

## **CONSULTATION**

### **Local**

Local residents, business and schools etc up to 620m away, a total of 774 addresses, were consulted on 2 December 2010. A press notice and site notices were posted on 6 December. Ward Councillors for Fryent and Queensbury, Roe Green Village Residents' Association and the QARA Group of Residents' Associations were also consulted.

### **Objections**

To date (19 January) a total of 18 letters of objection have been received. Where multiple objections from one property are received, these are logged as only one objection.

The reasons for objecting (and number) can be summarised as follows:

1. Traffic & highway safety
  - (a) Impact of construction traffic on congestion and highway safety on nearby roads  
5 residents
  - (b) Impact of school traffic (mini-buses) on congestion and highway safety on nearby roads  
16 residents
  - (c) Impact of traffic on Conservation Area  
7 residents
  - (d) Impact on parking on nearby roads  
7 residents
  - (e) Noise disturbance from traffic  
2 resident
  - (f) Pollution from traffic  
1 resident
  - (g) Cumulative traffic impact of other developments in the area  
4 residents
2. Impact on neighbouring amenity  
Relationship of decant building with Stubbs Close properties  
1 resident
3. Community use of swimming pool  
1 resident

### **Roe Green Village Residents' Association**

The Roe Green Village Residents' Association have objected on the grounds of (1) the cumulative traffic impact of other developments; (2) the impact on Roe Green of the Bacon Lane (South) egress; and (3) encroachment on the deeded parkland.

### **Support**

To date a total of 1 letter supporting the scheme has been received, commenting that the transport arrangements are well considered.

### **Statutory consultees**

Sport England, the Environment Agency and Thames Water were all consulted on 6 October.

### *Sport England*

Raise no objection subject to conditions

1. Restriction – timing of removal of buildings
2. Details required – design and layout of pitches
3. Details required – management and maintenance plan

### *Thames Water*

No objection with regards to sewerage infrastructure

### **Internal consultees**

The Council's Transportation department, Environmental Health and Parks service were consulted, along with officers within the Policy section of the Planning service to comment on matters of policy, landscape & trees and sustainability.

### *Transportation*

No objection to Phase 1 subject to agreement with Parks and the following conditions:

1. Details required - submission and approval of road construction details for the proposed access route through Roe Green Park prior to construction works commencing
2. Details required – Construction Method Statement
3. Details required – School Travel Plan submitted and approved prior to occupation of the building
4. Details required – two designation of two car parking in front of the school for use by taxis
5. Details required - bicycle parking

### *Environmental Health*

No comments received

### *Parks*

Raise no objection subject to:

1. Restrictive – remove temporary egress and path, reinstate
2. Restrictive – bond sum to reflect value of trees
3. Details pursuant – provide two new trees within Roe Green 10-12cm girth
4. Details pursuant – protect trees on Roe Green
5. Details pursuant – schedule of works to trees

### *Landscape & trees*

No objection subject to:

1. Details required - detailed landscape plan
2. Details required – tree protection plan
3. Details required – arboricultural method statement

### *Sustainability*

Raise no objection subject to conditions:

1. Details required – green roof to legacy building
2. Details required - Mechanical ventilation
3. Details Required – Water saving measures
4. Details Required – Sustainable Urban Drainage Systems
5. Details Required – Statement of compliance with ICE Demolition Protocol

## REMARKS

### *Introduction*

In summary it is considered that the proposed Phase 1 decant and Phase 2 legacy works are acceptable, giving particular weight to the benefits of providing convenient temporary off-site accommodation for the Village School and having due regard to (a) the impact of the likely traffic impact on the local highway network and the amenity of local residents; (b) the impact on Roe Green open space and (c) the impact of the works on neighbouring residential amenity.

### *Key considerations*

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

1. Principle of development
2. Transportation matters
3. Impact on Roe Green
4. Design
5. Impact on neighbouring amenity
6. Landscaping & trees
7. Impact on Roe Green Conservation Area

#### **1. Principle**

##### *1.1 Enabling development*

The primary purpose of this planning application is to enable the continuing functioning of the Village School during the period of redevelopment should the parallel application 10/2996 be granted permission.

The temporary decant building will accommodate 150 of the 210 existing pupils within the Village School, with the remaining 60 pupils continuing to be housed within the sixth form block, which will continue to function throughout the construction period.

The selection of the Kingsbury High School (KHS) site is to enable the temporary school and retained sixth form block to operate as one school during the redevelopment phase, due to their physical proximity to one another. In addition, the temporary facilities for use by The Village School would comply with the educational use of the KHS site. Your officers give significant weight to the proximity of this decant site to the Village School site.

A number of other options were investigated including Council land on Roe Green but access requirements and operational logistics mean this option is the most suitable, particularly given the anticipated short duration of the build and the particular requirements of the Village School pupils.

##### *1.2 Loss of playing fields*

Sport England have been consulted to assess the impact of both the Phase 1 decant and Phase 2 legacy proposals on the provision of playing fields. The area required for the Phase 1 decant proposal constitutes a playing field and as such Sport England have considered the application in light of its playing field policy.

Sport England's policy on the loss or development of playing fields is currently framed by Statutory Instrument 1817, and is set out in their planning policy statement *A Sporting Future for the Playing Fields of England*. This states that Sport England would oppose the granting of permission for any development which would lead to the loss of, or would prejudice the use of all, or any part of a



playing field unless at least one of the following five specific exceptions applies:

1. a carefully quantified and documents assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.
2. the proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use
3. the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site
4. the playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.
5. the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field.

The aim of the policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

Sport England acknowledge that both phases would have some impact on existing playing fields, however Sport England give weight to the temporary nature of the Phase 1 decant proposals and, subject to a restrictive condition limiting the presence of the temporary building to no more than 36 months from its erection, they do not object to this element of the proposal.

The Phase 2 legacy proposals entail (a) a permanent building on part of the playing field that cannot be readily used for playing field sports and (b) retention of the hard standing, with alterations as necessary, to provide more flexible school sports uses.

The permanent building element is deemed by Sport England to meet the third exception of the above playing field policy. The retention of the hard surface in the south-west corner of the site is considered to meet exception 5 subject to conditions requiring further details of the design and layout to meet Sport England's published standards and a maintenance and management plan, as the new facility would provide increased flexibility for school sports. Sport England have based their decision on the assumption that the area would become a suitably-surfaced multi-use games area with fencing. Your officers are seeking confirmation of the extent of the works required to bring the hard standing to meet the standards but agreement of these details would be required by condition. Since the Phase 1 decant works are acceptable to Sport England due to the temporary nature of the works, your officers consider it appropriate to time the further details condition to be triggered by the conclusion of the use of the temporary buildings by the Village School. This means that in the event that acceptable details are not approved then (a) the Village School would still be able to decant to the site for a temporary period and (b) the hard standing would be removed and the area would revert back to grassed playing field.

Discussions with representatives of Kingsbury High School on the matter of what works will be necessary to bring the hard standing up to Sport England standards and thus meet exception 5 has revealed a degree of reluctance to a condition requiring further details at a later date; at present this matter remains unresolved but your officers would stress that a condition is a standard means of dealing with matters which remain outstanding when a formal decision is made. This allows additional time for preparation and negotiation. On the matter of a condition requiring the

removal of the hard standing if agreement with Sport England is not reached, your officers would stress that Sport England acceptance of the loss of the grassed playing field area is dependant on the legacy hard standing providing a suitably-surfaced MUGA. Without Sport England support your officers would not be able to recommend the retention of the hard standing in legacy mode but the approach that your officers recommend, to control the hard standing by condition, allows more time for further deliberation whilst not delaying the redevelopment of the Village School, a planning merit to which officers have attributed significant weight.

Your policy officers have also considered the principle of the legacy proposal in terms of the impact on playing fields. They consider the area of land is not large enough to provide a sports pitch and is separated from playing pitches by an access road. The loss of this grassed area is not considered to lead to a significant loss of open space and sports facilities. The loss of grassed areas would be mitigated by enhanced landscape provision, particularly between the new hard surfaced sports pitches and Stubbs Close and Roe Green. Subject to this, further details of which will be secured by condition, your officers consider this proposal would meet the requirements of Core Strategy policy CP18 *Protection of Open Space, Sports and Biodiversity* and the guidance within PPG17 *Planning for Open space, Sport and Recreation*.

### *1.3 Impact on operation of Kingsbury High School*

With Kingsbury Foundation High School (KHS) offering their site for the provision of the temporary Village School, the applicant's project team has held discussions with KHS to ensure that the two schools can co-exist for this temporary period in operational and environmental terms. The Decant/Legacy scheme was formally presented to the Governors of Kingsbury High School in October 2010 and subsequently approved. The applicant points out that this project represents part of the strengthening of the relationship between these neighbouring schools embracing special needs and mainstream students.

### *1.4 Justification for legacy phase*

Policy CF8 of the Unitary Development Plan (2004) also supports proposals to enlarge school size to enable substandard schools to meet statutory targets and/or to accommodate forecast growth in pupil numbers, subject to acceptable transport impact and adoption of measures to reduce car use.

The second phase of the proposal involves relocating part of the modular structure of the Phase 1 decant building to form a permanent teaching block on the eastern side of the existing KHS complex of buildings; it would be positioned on a tennis court area.

This teaching block would provide 861sqm of additional classroom space to provide nine additional classrooms to serve KHS, which currently has a shortfall of general classroom space to meet their need to educate pupils in smaller groups to help maximise educational attainment.

The provision of additional classrooms would help to establish primary style classes for less able groups in Year 7, which will help ease the transition to secondary school. The additional classrooms would also allow KHS to enhance their provision of available ICT space, allowing them to use current funds allocated for ICT equipment, but for which no accommodation space was available.

The additional educational floorspace would also allow for the provision of extended school programmes, for example the drop-in initiative, which currently caters for 80 to 100 pupils, but which has no appropriate base within the school. This additional space would also provide flexible accommodation for the delivery of activities such as counselling, social and emotional aspects of learning, mediation and restorative justice work.

The hard surfaced sports pitches would replace an area of acknowledged poor quality playing fields which, due to drainage difficulties, is not used to maximum efficiency. The argument in terms

of quality of sport provision is discussed above.

Subject to a condition securing a School Travel Plan, the proposal meets the requirements of UDP policy CF8 *School Extensions*.

### 1.5 Summary

Your officers have placed significant weight on the need to enable the redevelopment of the Village School to provide substantially improved facilities for Brent's pupils with special educational needs (see parallel application 10/2996). Officers consider that, in light of the significant planning merit of that proposal, any residual concerns regarding the legacy provision including the need, the retention of a modular structure as permanent classrooms and the hard surfaced sports pitches—but excluding parking and transportation matters, see below—are outweighed and this proposal is judged to meet UDP policy CF8 *School Extensions*.

## 2. Transportation matters

The application is supported by a Transport Statement, prepared by Peter Brett Associates.

### 2.1 Summary of local residents' concerns

The impact of the decant phase on traffic congestion in the local area, and specifically Roe Green Village and Bacon Lane, is the main reason local residents object to the scheme. Residents are particularly concerned about the following impacts:

- (i) impact of school traffic on congestion and highway safety on nearby roads
- (ii) impact of traffic on Conservation Area
- (iii) impact on residential parking on nearby roads
- (iv) cumulative traffic impact of other developments
- (v) impact of construction traffic on congestion and highway safety on nearby roads
- (vi) noise disturbance from traffic
- (vii) pollution from traffic

The normal school traffic would be increased by the addition of the vehicles used by all of the staff of the Village School, the mini-buses which convey the majority (70%) of the pupils to the temporary school and a small number of parent's vehicles and taxis. The expected numbers are discussed below. As discussed below, during the temporary decant phase the Bacon Lane entrance would be access only for all vehicles.

### 2.2 Access

With regard to access arrangements, the narrowness of the access roads to the site—particularly Bacon Lane—and across the existing school site causes concern for local residents and the school, with the available passing space for traffic entering and leaving the site and parents dropping off and picking up being limited. These concerns are exacerbated by the additional staff and minibus traffic that would be generated by the temporary school building.

To assist in this regard, the following contingencies and measures are proposed during the Phase 1 decant phase to mitigate the highways impact and, in turn, improve the access, circulation and parking arrangement within the site:

- (i) introduction of a one-way access arrangement to and from the site during the peak periods;
- (ii) provision of a new vehicle exit link from the site to Bacon Lane (South) to relieve pressure on Bacon Lane (North); this will only be used by traffic associated with the Village School, to reduce the level of vehicle conflict through the site and limiting the impact on Bacon Lane (South);

- (iii) provision of formal parking spaces to remove the existing problem of staff double parking and verge parking that creates safety and circulation concerns; and
- (iv) a suitable level of mini-bus parking and internal queuing capacity is to be provided for the anticipated level of trips associated with the Village School; this removes the need for mini-buses to wait on the public highway on Bacon Lane.

The proposed temporary egress into Roe Green Park from the temporary school will require the existing footpath to be widened to 3m for the roadway and provide a temporary, 1.5m wide footpath alongside to allow pedestrians and vehicles to pass one another safely. This will have to be provided across the 8m strip of parkland between the footpath and the site boundary.

The existing surface is also likely to need to be strengthened to a suitable standard to accommodate vehicular traffic (which may potentially include service and emergency vehicles), but in doing so should be surfaced in a material sympathetic to its parkland location. Trial holes should be used to investigate whether the existing footpath foundations would be able to support the proposed use by vehicular traffic. Care will also need to be taken not to damage any existing trees alongside the footpath.

The existing 3m footpath width and associated lighting is maintained as a public highway, but the grassed areas on either side are maintained by Parks. Both the Parks and Highway & Transport Delivery services give approval their in-principle support to the proposed works for this temporary egress route, subject to tree protection during the works and its removal at the end of Phase 1 with its reinstatement to footpath and parkland as existing.

Tree officers have reviewed the proposals and this is discussed below. In summary, however, your officers do not envisage any adverse impact on existing trees, either within the KHS boundary or in Roe Green park, and will seek tree protection as necessary. A means of replacing any trees that might be damaged by the works will be secured by condition, to reflect the financial value of the trees should they be damaged; in any event a condition will require the provision of two new trees in this part of Roe Green. Details of the method of construction for the strengthened and widened roadway and temporary footpath will be secured by condition.

#### *2.2.1 Construction period*

The egress via Bacon Lane (South) is proposed to be used as the construction traffic route to the site during the period May-August 2011, in order to keep construction traffic away from Bacon Lane and the existing school. Both the Parks and Highway & Transport Delivery services agree in-principle to this but again conditions are required to ensure that the construction vehicles can safely negotiate the narrow Bacon Lane (South) and the existing trees and streetlamps. A construction method statement shall be required by condition to limit the size of the vehicles and their loads—particularly important as the proposed building is a modular structure—to ensure they have the width to negotiate the avenue of trees along Bacon Lane (South) and the height to pass beneath the large oak tree within the KHS boundary which also overhangs the egress route. There will be onsite management of deliveries and other construction vehicles to ensure these avoid peak school times and that there is a physical presence when vehicles negotiate the egress route over Roe Green. The construction method statement will include development phasing and hours of operation. Some pruning works will be required to the aforementioned trees but the Council's tree officer has agreed in-principle to this; details of works to trees will be secured by condition. Wheel wash facilities will also be provided and used at all times along with a schedule of road cleaning to ensure the public highway remains free from dust and mud.

#### *2.2.2 Phase 1 – decant*

It is proposed to implement one-way traffic routes through the site at school opening and closing times for the two-three year occupancy period of the temporary school. This will involve directing traffic to egress the site via the existing route direct towards Stag Lane or via the proposed new temporary egress to Bacon Lane (South). The main entrance from Bacon Lane (North) will therefore be used for access only, with no vehicles leaving the site via this route at peak times.

### *2.2.3 Phase 2 – legacy*

Following completion of the works to redevelop the Village School and the removal of any parts of the modular structure not required for the Phase 2 legacy works, the Bacon Lane (South) egress shall be closed and the existing footpath and landscaping on Roe Green Park shall be reinstated. This will be secured by condition.

### *2.2.4 Alternative access arrangements*

Local residents are concerned about the impact of the additional traffic on local access roads; those to the north of the site would like the main access to come from the south and vice versa for those to the south. Extensive pre-application work was undertaken with technical input from the Council's Transportation Officers and the applicant's transport consultant. Your officers consider the proposed route is the most appropriate and will provide a balance between the merits and disadvantages of each access point. For instance, to take all access from Stag Lane would be likely to cause unacceptable delays on a London Distributor Road as vehicles wait to turn into the site onto a narrow access road. This could not be used as a two-way route without widening the road, which would mean the KHS playing fields could not be marked out with an athletics track in summer. Similarly, all access to the site from the proposed Bacon Lane (South) entrance would not be possible due to the narrow width of that road, and to discharge traffic to Bacon Lane (North) would cause unacceptable congestion at peak times. Your officers are of the view that the impact of the proposed one-way route and separation of traffic at two exit points is an acceptable solution in both transportation (congestion, highway safety) and planning terms.

## *2.3 Traffic Impact*

### *2.3.1 Construction period*

The impact of construction traffic on the local highway network is not considered to be significant due to the likely low number of journeys required. Local residents have raised objection to the use of Bacon Lane (South) due to the impact it would have on access to Stubbs Close and the church hall, which is also used as a nursery during the day; concerns have also been raised about the construction traffic preventing emergency vehicle access. Whilst your officers do not expect the construction traffic to be heavy, the aforementioned construction method statement should include measures to ensure construction traffic does not back-up or wait on Bacon Lane (South), that vehicles entering the site can be accommodated before any vehicle intending to depart is released and a contingency for the unlikely event that a vehicle's arrival or departure coincides with an emergency vehicle accessing Stubbs Close or the church hall. This will be secured by condition.

### *2.3.2 Phase 1 - decant*

To assess the impact of the additional school traffic arising from the temporary school, surveys have been undertaken at junctions around the site (Bacon Lane/Roe Green, Roe Green/Kingsbury High School, Stag Lane/Grove Park, Stag Lane/Princes Avenue, Princes Avenue/Bacon Lane and Bacon Lane/Goldsmith Lane). Existing traffic entering and leaving the site has then been redistributed to the permitted access points, whilst traffic entering and leaving the Village School has also been reassigned to this site. The operation of the various junctions around the site has then been reassessed for these predicted revised flows using appropriate industry-standard software. This exercise shows each of the junctions around the site to operate well within its theoretical capacity under both existing and proposed arrangements and as such, there are no objections in principle to the proposed routes to and from the site; your officers consider the proposals an appropriate means of dealing with the narrow road widths to and through the site.

#### *2.3.2.1 Impact of minibuses*

Standard PS12 requires particular consideration to be given to setting down and picking up facilities for schools at the start and finish of the school day. In order to examine the impact of these movements, surveys were carried out of existing turning movements into and out of the Village School and the resultant parking accumulation, which was then used to inform the design of the new permanent school (see 10/2996).

This survey information has also been used to gauge the likely requirements for the decant phase, with a separate Transport Statement having been produced by Peter Brett Associates for this application.

The surveys show the following:

Morning	08.20-09.20	26 minibuses	163 pupils
	08.00-09.00	18 cars/taxis	23 pupils
Afternoon	14.40-15.45	23 minibuses	162 pupils
	14.50-15.45	13 cars/taxis	20 pupils

The peak minibus accumulation at the Village School totalled 11 minibuses in the morning and 17 in the afternoon.

Only 70% of pupils will transfer to the temporary school site; applying the above data to the decant phase, it can be assumed that minibus totals would fall proportionately, to 18.2 in the morning and 16.1 in the afternoon. The temporary site layout includes nine parking spaces for minibuses, plus four spaces for visitors. Any cars, taxis or minibuses that are unable to access these spaces would be able to queue along the existing school access roads, which will ensure that queuing vehicles do not tail back onto the public highway.

The trustees of The Kingsbury Charity, which manages the Stubbs Close properties, has objected on the grounds of the potential inconvenience for residents trying to access or egress Stubbs Close when mini-buses would be passing along the narrow roadway of Bacon Lane (South). The number of minibuses exiting the site would be in the region of 16 to 18 and their departure from the site would be spread over an hour. Your officers propose measures be included in the school travel plan for the decant phase which include a banksman or similar who will only allow minibuses to exit the school site when the previous one has cleared the narrow section of Bacon Lane (South). This would keep the narrow section free from congestion and allow residents and emergency vehicles unrestricted access to Stubbs Close and the church hall.

Residents of Roe Green Village have objected to the proposal on the basis of the impact of the minibuses on the Conservation Area; it is intended that the minibuses would enter the site via Princes Avenue and then Bacon Lane (North); at no time should a minibus be required to use the narrow roads of the Conservation Area and this shall be included in the Travel Plan (see below, and to be conditioned) to ensure drivers are aware that they cannot use the Conservation Area.

In summary, your officers are satisfied that minibus and parent/taxi drop-off and pick-up requirements will be catered for within the site without adding to the traffic related to the Kingsbury High School which currently causes disruption to residents on Bacon Lane.

*2.3.3 Phase 2 - legacy*

The Phase 2 legacy proposal is for nine additional classrooms but with no attendant increase in school roll. Although additional on-site parking was proposed, your officers opposed this (see below) and it has been removed from the application. As such there would be no worsening from the existing situation in legacy mode and your officers expect an improvement in legacy mode since a school travel plan for the whole KH will be prepared which will seek to reduce dependency on car usage, thus easing the burden on Bacon Lane (North).

*2.4 Parking*

*2.4.1 Phase 1 - decant*

In the case of the temporary school, whilst only 70% of existing pupils will move to this site for two years, the fact that most of the car parking within the existing schools is likely to be lost during the construction period means it is reasonable to assume that the majority of the 206 staff will make

use of parking within the temporary site at Kingsbury High School. Car parking allowances for educational use are set out in standard PS12 of the adopted UDP 2004. This allows up to one space per five staff, plus 20% for visitors.

On this basis, up to 49 spaces would be permitted. The proposed provision of 51 temporary spaces would marginally exceed standards, but if two of the spaces are set aside for use by taxis setting down and collecting pupils, this would be acceptable.

The inclusion of a further four widened marked disabled spaces would satisfy standard PS15, whilst the provision of 20 bicycle parking spaces would broadly satisfy standard PS16 of one space per ten staff. Further details of the precise nature of the proposed bicycle parking should be provided as a condition of any approval.

#### *2.4.2 Phase 2 - legacy*

It is noted that long-term proposals for the school (following the return of the special needs schools to the Grove Park site in 2013) include the provision of a new block of nine classrooms to the rear of the main building however this is not linked to any proposed increase in the school roll or staff numbers. In any event UDP policy CF8 *School Extensions* requires proposals for school extensions to include measures to reduce car dependency and School Travel Plans. As such, the scope of Transport Statement needs to be extended to include these Phase 2 proposals, with a School Travel Plan again being essential to the consideration of these legacy proposals.

As such a School Travel Plan to demonstrate that the school is actively attempting to reduce car trips to the site should be submitted, approved and implemented prior to the commencement of Phase 2 (see section 2.6.2, below).

#### *2.5 Servicing*

No specific provision is shown for service vehicles for the temporary school and it is therefore assumed that they will stand within the car park whilst delivering to the site. Given that no kitchen or dining facilities are proposed within the building, deliveries should be relatively infrequent, so this arrangement is acceptable for the temporary period, although it would be useful to understand where refuse is proposed to be stored.

#### *2.6 Travel Plan*

##### *2.6.1 Phase 1 – decant travel plan*

The Transport Statement draws attention to the School Travel Plan submitted with the parallel application for the permanent special needs school, but it is not confirmed whether this will operate during the temporary relocation period. Given all the site constraints, it is essential that a School Travel Plan is in place for the Phase 1 temporary period and so submission and approval of a suitable Travel Plan is required before the temporary school comes into use. This will be secured by condition, which will also require the Travel Plan include those measures discussed above to control minibus routes to the school and control vehicle access to, egress from and route through the site.

##### *2.6.2 Phase 2 – legacy travel plan*

A condition is imposed requiring Kingsbury High School submit and receive approval for a revised Travel Plan prior to commencement of the Phase 2 legacy works; the proposed three-year Phase 1 will be ample time for a full travel plan to be prepared and as such ambitious targets are expected to reduce reliance on private cars to maximise the benefits for reducing the impact on the local highway and the environmental benefits.

#### *2.7 Cumulative impact*

Some local residents and the Roe Green Village Residents' Association have objected to the

proposal on the grounds of the lack of consideration of the cumulative impacts of the proposed development, the Village School redevelopment (planning application 10/2996) the recently approved Intergeneration Centre (planning permission 10/1727) and the mooted all-weather football pitches ('the Goals project'). The Council has also recently commenced reconsideration of a new swimming pool/leisure facility on Roe Green. Residents have requested a comprehensive Traffic Impact Assessment be provided covering all these projects before consideration of this application is concluded.

Your officers recognise the sensitivity of a number of developments occurring in an area at the same time but there are significant differences between the developments which mean consideration of the cumulative effect is either unnecessary or impracticable.

In terms of the cumulative impact of traffic once each project is fully functional, the Goals project and the swimming pool project are not yet planning applications and so the work necessary to prepare a Traffic Impact Assessment has not been produced. It would not be appropriate for your officers to provide comment on either project in this report as no evidence is available. Once the legacy mode has been entered the traffic impact of this proposal would be removed since the legacy mode does not include any additional pupils or staff and, as a requirement of UDP policy CF8 and TRN1, a school travel plan will be in place for KHS where none currently exists.

The correct means of assessing cumulative impact of generally small-scale development such as this is for the subsequent development to have regard of existing permissions; the Transport Statement does note the permission for the Intergenerational Centre (ref: 10/1727). The situation may arise where there is a degree of overlap in the construction of the Intergenerational Centre with that of the temporary facility for The Village School. It is important to emphasise the proposed new means of access from the southern boundary of the school to Bacon Lane (South) and this would also serve as a means of construction access/egress allowing physical separation of the two development projects with the Intergenerational Centre accessed directly from Stag Lane on the other side of the Bacon Lane site.

In summary, your officers do not consider the cumulative impact of development in the area to be such that this permission should be refused.

### **3. Impact on Roe Green Park**

#### **3.1 Decant: phase 1**

The most significant impact on Roe Green Park would be felt during the construction and decant phase, when a short section of footpath in Roe Green would be upgraded to a 3m wide roadway with a 1.5m wide temporary footpath alongside. The visual impact of this would be limited due to the short stretch of the

Local residents have raised objection to the use of this part of Roe Green Park for access on the grounds of a covenant which prevents such uses. The land, which is within Brent Council's control, would not be disposed of to Kingsbury High School; instead a licence would be granted for access for a limited time period. As Council land Roe Green Park is controlled by the Parks Service, although the existing 2.5m wide footpath is controlled by the Highway & Transport Delivery services; both these services have considered the proposals and, on the basis that they are temporary works which provide significant benefits for local residents by reducing the amount of traffic using Bacon Lane, they support the temporary works to Roe Green Park.

PPG17 *Planning for Open Space, Sport and Recreation* (2006) advises local authorities to "weigh any benefits being offered to the community against the loss of open space that will occur." It goes on to say that local authorities should "ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment" (PPG17: para 17 (ii)). It is clear that the intention of PPG17, as the word guidance in the title suggests, is to allow local authorities to make their own



balanced judgement on loss of open space versus community benefits. In this instance your officers have given significant weight to the benefit of the decant proposal in principle and the need to mitigate transportation impacts on residents on Bacon Lane and the Roe Green Village Conservation Area. Whilst PPG17 mentions traffic flows specifically, your officers judge the proposed temporary access, limited to construction traffic and exiting Village School decant traffic, is materially different to a permanent road and as such this aspect of PPG17 is satisfied.

In summary, your officers judge it will not materially affect the supply of open space and therefore the proposals satisfies the requirements and guidance of Core Strategy policy CP18 *Protection and Enhancement of Open Space, Sports & Biodiversity* and PPG17.

The proposed temporary two storey teaching block will be located in a discreet part of the KHS campus and although it will be visible when viewed from across the park from the south-west, it will appear alongside the general cluster of educational buildings forming the existing campus. The two storey block will rise to no more than 7.48 metres in height (two storeys) and will therefore not appear incongruous in relation to the scale of the surrounding educational buildings.

The visual impact of the development will be short-lived and once Phase 1 is complete the Phase 2 legacy works include reinstating Roe Green and the boundary, along with additional trees.

### *3.2 Legacy: phase 2*

Following the removal of the objectionable permanent parking along the western boundary of the KHS campus, the impact of the legacy phase is limited to the visual impact of the hard surface pitches. Due to the nature of these pitches it is not necessary for fences to be provided and your officers welcome this as a means of maintaining the open character of this part of the site and its relationship with Roe Green.

### *3.3 Summary*

In summary your officers are satisfied that the works proposed are necessary and would not contravene Core Strategy policy CP18 *Protection of Open Space, Sports and Biodiversity* and the guidance within PPG17 *Planning for Open space, Sport and Recreation*.

## **4. Design**

### *4.1 Decant*

The temporary nature of the building means design issues are not as significant as might be with other developments; the loss of the open character will have more of an impact than the specific design of the buildings. The buildings have a specific purpose which is integral to their design and as such less architectural quality can be accepted. Should permission be granted, your officers recommend the materials used to clad the buildings be secured by condition.

### *4.2 Legacy*

The legacy building will be made up from the modular structure of the temporary building; your officers attach significant weight to the benefits of re-using an expensive and otherwise redundant modular building to provide certain improvements to the facilities of KHS and consider the design to be acceptable in the context of the existing school. The location of the building is such that views of it would be limited and only distant and it would provide a satisfactory level of accommodation for pupils, thus addressing one of the key concerns of structures within schools. The single storey structure would be finished in a render, the colour of which is to be agreed via condition. On balance the legacy building is considered acceptable, having particular regard to the planning merits of providing the decant building in such close proximity to the Village School site.

## **5. Impact on neighbouring amenity**

### **5.1 Decant**

As mentioned above, the closest properties to the proposed temporary accommodation are located within Stubbs Close beyond the southern boundary of the Kingsbury High School site; the distance of the nearest window to Stubbs Close measuring 20.2m and the corner of the building to Stubbs Close measuring 18.25m at its closest point. Stubbs Close provides accommodation primarily for elderly and/or disabled people and is managed by The Kingsbury Charity. The trustees of the charity have written on behalf of the residents, objecting to the proximity of the building; your officers believe that this relationship is acceptable in amenity terms owing to the maintenance of adequate separation distances between this residential block and the proposed temporary building, the slightly elevated topographical level of the properties in Stubbs Close in relation to this part of the school site, the limited height of the proposed temporary building at only 7.48m to flat roof level and the slightly oblique angle of the southern facing elevation of the temporary block in relation to the north western facing elevation of the Stubbs Close properties. In addition, existing boundary planting will be retained and enhanced through the provision of a 2m wide planting strip along this boundary shared with properties in Stubbs Close, with suitable boundary screening provided within it.

The bulk, size and scale of the temporary building in relation to Stubbs Close and the boundary therewith meets the requirements of SPG17 and the levels difference and the landscape buffer, with proposed enhancements, mean the building is unlikely to cause any material harm to the residents of Stubbs Close in respect of outlook.

In any event, the applicant has confirmed that should members judge the impact of the building on outlook to be unacceptable, the building could be rotated about its south-western corner so that the closest part of the building is moved farther away from Stubbs Close.

The trustees also objected on the basis of the impact of the minibuses inconveniencing residents entering or leaving Stubbs Close, or emergency vehicles accessing the site. This is discussed above, in section 2.3.1 and 2.3.2.1, and measures will be included in the school travel plan in the unlikely event of the minibuses conflicting with emergency vehicles.

### **5.2 Legacy**

As above, the assessment of residential amenity impact relates primarily to those properties within Stubbs Close. The change of surface would result in a more intensive use of the space during school hours as the space would be suitable for sports lessons throughout the year. The space would also be used as a play ground during school break times. In assessing whether or not this changed relationship is acceptable, officers note that Stubbs Close provides accommodation for elderly or disabled residents and so they are more likely to be occupied during the day. Officers consider that the fact the site forms part of an existing secondary school is material and as such a degree of activity should be expected during the day; to mitigate for this changed relationship an enhanced landscaping buffer will be provided along the boundary.

There is no proposal to use the space outside of school hours and there are no proposals for any floodlights; these matters will be controlled by restrictive conditions since changes to these aspects could result in harm to neighbouring amenity and as such it should be subject to public consultation at the time.

### **5.3 Summary**

In respect of residential amenity, the proposal satisfies the restrictions and requirements of UDP policies BE9(e), H22 and SPG17.

## **6. Landscaping & trees**

### **6.1 Trees**

#### **6.1.1 Kingsbury High School trees**

There are a number of existing trees on site, of varying maturity and landscape quality. Two tree surveys were undertaken across the Bacon Lane by PJC Consultancy Ltd and two separate arboricultural reports were produced.

The first of these deals with trees located to the north of the temporary decant site and which would not be directly affected by the proposed works, although some works to the trees are recommended to address (a) those which are a health and safety risk and (b) those which need to be removed to accommodate the new parking.

The Council's tree officer has considered the PJC reports and provided comments. As discussed above, there is an in principle objection to the provision of additional parking above the adopted standards; furthermore there is a strong objection to the location of the proposed permanent parking due to (a) the visual impact of the hard standing and the cars themselves on the open character and landscape setting of the school and Roe Green and (b) the impact on existing trees. As such the applicant has been advised to remove this parking and revised plans were received on 19/01/11 which show this, with the exception of the ten spaces approved in 2008.

The work in the first arboricultural survey to remove two low grade trees (T1 & T20, near the northern boundary of the KHS site) is acceptable, however. Other work to remove trees or lift crowns to accommodate new parking is not now required and should not be undertaken unless required for the health and growth of the tree.

The second arboricultural survey is concerned with the southern part of the KHS site where the temporary school would be located. Two trees (T3 & T4, both Category C2 apple trees) would be removed to facilitate the temporary access road; provided they are replaced with two appropriate species of acceptable size then this is acceptable. The replacements should be installed as part of the Phase 2 Legacy works, to fill the gap of the then-removed access road.

Works to form the access road would be close to T1, a Category A2 mature oak. Whilst the principle of the road passing within the Root Protection Area (RPA) of this tree is acceptable, given the indicative technical details provided, conditions will be imposed requiring further details to (a) ensure a no-dig solution using a cellular confinement system is used; (b) secure an Arboricultural Method Statement is provided and the contractor should demonstrate that they have experience in installing such a system successfully. The same comments apply to works within the RPA of T16, also a mature oak, which is positioned on the boundary between the existing school building and (part of) the playing field accommodating the decant accommodation.

T1 oak will also require some minor tree surgery works to raise the canopy above possible site traffic; the specification for these works has been discussed with and approved in principle by the tree officer.

#### **6.1.2 Roe Green trees**

The proposal also includes the addition of a temporary footpath and roadway within a small section of Roe Green. The aforementioned Arboricultural Method Statement should include details of the manner of construction for these elements; given the temporary nature, the preferred option for the footpath is wooden gravel board and stakes as edging, positioned on the southern side of the roadway. This will be in proximity to two Parks Service-owned trees, namely a hawthorn and pear. The council's tree officer has informally assessed these to be Category C trees, although a more detailed assessment and Tree Protection Plan should be provided by the applicant within the further details condition. It is likely that these would not be adversely affected by the development but the applicant has agreed to provide two additional 12-14 cm girth trees within the park space regardless of the hawthorn and pear sustaining damage.

Tree works may also be required on Parks Service-owned trees overhanging Bacon Lane (South); this work should be kept to a minimum to allow for the passing of site traffic. The nature of these works is not yet determined and this will be conditioned in the Arboricultural Method Statement.

## *6.2 Landscaping*

The indicative landscape proposals are shown on plans provided by Farrar Huxley. Subject to further details which show the increase in the landscape buffer to 4-5m wide, provision of an extensive tree belt in this location and landscaping around the ten parking spaces previously approved, Landscape Officers are satisfied that UDP policies BE6 and BE7.

## **7. Impact on Roe Green Conservation Area**

### *7.1 Visual impact*

The temporary school accommodation will not be visible from the Roe Green Village Conservation Area to the north, since it will be hidden from view behind the substantial cluster of educational buildings within the KHS campus. The legacy building would be similarly screened by part of the existing KHS cluster of buildings therefore it is maintained that no visual impact upon the wider setting of the Roe Green Village Conservation Area will arise in relation to this building.

As discussed in section 2, above, some residents of the Conservation Area are concerned about the nuisance from traffic; subject to details in the School Travel Plan for the Phase 1 decant period defining the route of the minibuses from Princes Avenue and prohibiting their access to Roe Green Village, your officers do not expect any material harm would occur to the Conservation Area.

## **8. Other**

### *8.1 EIA development*

An Environmental Impact Assessment (EIA) screening letter was submitted alongside this application to seek formal clarification that the proposed development would not create environmental harm of such significance that it would warrant the production of an Environmental Statement and to ensure that the scheme satisfies provisions within UDP policy EP1 *Environmental Impact Assessment*.

Your officers have provided a formal response to the applicant in respect of this, in summary the proposed scheme will be unlikely to have any significant environmental effects by virtue of the nature, scale or location of the proposed development and it is therefore considered that no Environmental Impact Assessment is warranted in this instance.

### *8.2 Flood Risk Assessment*

In view of the development site exceeding 1 hectare in area (notwithstanding that the site falls within an area at Low Risk of Flooding) and the proposed increase in impermeable surfaces, a Flood Risk Assessment was required to be undertaken to assess the increased potential for surface water run-off. Accordingly a Flood Risk Assessment (FRA) was prepared by Frankham Consultancy Group Ltd. The Environment Agency has been consulted but they are not due to report yet.

The conclusions of the survey established that there were no significant sources of flood risk within the vicinity of the site, although to manage any flood risks emanating from the site a surface water drainage system has been designed to limit flow into two surface water connections, whilst the surface water system has been designed to attenuate run-off to at least the existing run-off rate. The views of the Environment Agency will be reported to members in a supplementary report.

### 8.3 Archaeology

The site has been the subject of archaeological investigation (desk-top survey) produced by Allen Archaeology Limited (AAL), who were commissioned by Frankham Consultancy to undertake a desk based assessment of the archaeological potential of the application site, although the site does not lie within an Archaeological Priority Area as identified in the UDP Proposals Map.

The assessment identified a negligible archaeological potential for the pre-historic and Romano British periods and thereafter evidence suggests that the area was part of the royal estate of Tunworth in the Anglo Saxon period. The report concludes that although the sensitivity of the site is moderate, given the relationship with the royal estate, the likely impact on any remains would be low given the limited groundworks which would be required and overall the significance would be low.

### 9. Conclusion

Your officers attribute significant weight to the planning merit of providing temporary decant accommodation to enable the redevelopment of the Village School. No weight is given to this planning merit in respect of the Phase 2 legacy mode, however, since the two projects are unrelated. Your officers judge the Phase 2 works to be acceptable in their own right, subject to agreement with Sport England of further details of the legacy hard standing sports pitch(es). Subject to conditions, 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  
Brent Core Strategy 2010  
The London Plan 2008  
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  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

#### CONDITIONS/REASONS:

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

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

(2) (a) Phase 1

The temporary buildings hereby permitted under 'phase 1' of the proposals shall be removed and the legacy works hereby permitted under 'phase 2' of the proposals shall be commenced: (i) within a period of 36 months of the date of the first occupation of the temporary buildings, or (ii) within six months from those buildings no longer being required for use by the Village School, whichever is sooner.

(b) Phase 2

The legacy works hereby permitted under 'phase 2' of the proposals shall be completed: (i) within a period of 48 months of the date of the first occupation of the temporary buildings, or (ii) within 18 months from those buildings no longer being required for use by the Village School, whichever is the sooner.

In the event that the 'phase 2' legacy works are not completed the hard standing within the south-western corner of the site will be removed (i) within a period of 54 months of the date of the first occupation of the temporary buildings, or (ii) within 24 months from those buildings no longer being required for use by the Village School, whichever is the sooner, and the land reinstated to grassed playing field.

Reason: To ensure the first phase of the overall development is time limited and that the second phase of the development which include works to increase flexibility for school sports is commenced and completed in accordance with approved details as soon as possible and if no increased flexibility is forthcoming, to restore the grassed playing fields in accordance with local and national policies.

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

*Plan numbers*

D-1-01	D-1-02 Rev A
D-1-03 Rev B	D-1-04
D-1-05	D-1-06

507-PL-L03 Rev A

L-1-01	L-1-02
L-1-03	L-1-04
L-1-06	

507-PL-L04 Rev A     P507-PL

*Supporting documents*

Arboricultural Survey No. 1, ref PFC/971/10 (PJC Consultancy, Sept 2010)  
Arboricultural Survey No. 2, ref PJC/942/10 (PJC Consultancy, May 2010)  
Archaeological Desk-Based Assessment Version 2 (Allen Archaeology Limited, October 2010)  
CCTV, Decant, Version 1 (Frankham Consultancy Group, November 2010)  
CCTV, Legacy, Version 1 (Frankham Consultancy Group, November 2010)

Design & Access Statement – Decant  
Design & Access Statement – Legacy  
Flood Risk Assessment, ref 610970 Issue 1 (Frankham Consultancy Group,  
November 2010) – Decant  
Ground Investigation Report (Geo-environmental Services Ltd, September 2010)  
Phase One Environmental Review, Version 1 (Frankham Consultancy Group,  
November 2010)  
Supporting Town Planning Statement, ref 2920 (NTR Planning Ltd, November 2010)  
Surface Water Drainage Strategy, ref 392267 Rev A (Frankham Consultancy Group,  
November 2010)  
Sustainability Statement, Version 1 (Frankham Consultancy Group, November 2010)  
Transport Statement, ref 23706/002 (Peter Brett Associates, November 2010)

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

- (4) No floodlighting will be provided to the 'Phase 2' MUGA without prior approval of the Local Planning Authority.

Reason: In the interests of nearby residential amenity and to ensure local residents can be consulted on any proposals.

- (5) The 'Phase 1' works shall not be occupied until the car parking and turning areas shown on the approved plans have been constructed, surfaced and marked out to the satisfaction of the local planning authority. The car-parking and turning areas shall be used for no other purpose at any time.

Reason: In the interests of highway safety

- (6) Within a period of 36 months of the date of the first occupation of the temporary buildings, or within six months from those buildings no longer being required for use by the Village School, whichever is sooner, remove the temporary roadway and footpath across Roe Green Park between the boundary of the school and Bacon Lane (South) and reinstate the footpath and grassed area as existing and replace any traffic management bollards at the end of Bacon Lane (South), at the applicant's expense.

Reason: To ensure the use of Roe Green Park is minimised.

- (7) The following activities must not be carried out under any circumstances:
- (i) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
  - (ii) No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
  - (iii) Nothing shall be attached to or supported by a retained tree.
  - (iv) No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
  - (v) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the local planning authority.

Reason: To ensure health and vitality of the existing trees throughout the duration of the development in the interests of the occupants and general public.

- (8) No works shall commence on site (including demolition) before tree protection details, to include the protection of hedges and shrubs, have been submitted to and approved in writing by the Local Planning Authority. These shall include method statements and tree protection plans which:
- (i) adhere to the principles embodied in BS5837:2005
  - (ii) indicate exactly how and when the trees on site, near the site boundaries or near the temporary roadway and footpath across Roe Green Park will be protected during the (a) demolition phase; (b) construction phase; and (c) show root-protection zones

Provision shall also be made for supervision of tree protection by a suitably qualified and experience arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees on the site in the interests of amenity.

- (9) No demolition works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and may include details of:
- (i) Induction and personnel awareness of arboricultural matters.
  - (ii) Identification of individual responsibilities and key personnel.
  - (iii) Statement of delegated powers.
  - (iv) Timing and methods of site visiting and record keeping, including updates.
  - (v) Procedures for dealing with variations and incidents.

The local planning authority may require the scheme of supervision to be administered by a qualified arboriculturalist approved by the local planning authority but instructed by the applicant. The approved scheme shall be adhered to throughout the construction and demolition works.

Reason : To ensure the ongoing health and vitality of the existing trees throughout the duration of the development in the interests of the occupants and general public

- (10) The applicant shall give written notice to the local planning authority of 7 days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a RPA, excavations within or close to a RPA, piling, carnage).

Reason: To ensure the ongoing health and vitality of the existing trees throughout the duration of the development, in the interests of the occupants and general public and to enable the Local Authority to monitor such measures.

- (11) Details of an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include:
- (a) A schedule of works to trees on Roe Green Park to facilitate vehicular access
  - (b) For those areas to be treated by means of hard landscape works or the temporary roadway and footpath, provide:
    - (i) detailed drawing(s) of those areas to be so treated including identification of



- root-protection zones;
- (ii) details of a no-dig solution for areas within root-protection zones using a cellular confinement system to include a method statement for such works (nb. contractor should demonstrate that they have experience in installing such a system successfully);
- (iii) attendance of a qualified and experienced arboricultural consultant during sensitive operations;
- (iv) works to trees should be carried out by an Arboricultural Association Approved Contractor in accordance with the latest industry guidance (British Standard 3998:2010); and
- (v) a schedule of materials and samples if appropriate.

Reason: To ensure the ongoing health and vitality of the existing trees throughout the duration of the development, in the interests of the occupants and general public and to enable the Local Authority to monitor such measures.

- (12) Prior to commencement of development, appropriate arrangements shall be made in writing with the local planning authority to provide a means of replacing any trees which are found to be damaged by the use of the Bacon Lane (South) and Roe Green Park road.

Where replacement trees are required these must be appropriate species of an agreed size and replaced at the applicants expense in accordance with a timetable agreed in writing by the local planning authority.

Reason: In the interests of visual amenity of the area.

- (13) All areas shown on the approved plan(s) shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;
- (ii) Hard surfaces including details of materials and finishes - these should have a permeable construction;
- (iii) All planting including location, species, size, density and number, to include an increased landscape buffer along the boundary between the proposed 'Phase 2' hard standing and the residential properties in Stubbs Close, with extensive belt of tree and shrub planting between 4-5metres wide and around the ten 'grasscrete' parking spaces;
- (iv) Provide two new trees on Roe Green Park and two trees to replace T3 & T4 planting native species of of 10-12cm girth and an appropriate species;
- (v) Any sustainable construction methods which are to be used;
- (vi) Proposed means of enclosure, indicating materials and heights

All landscaping shall be carried out within 6 months of first occupation of the development 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 in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local

Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (14) A Landscape Management Plan for maintenance of all hard and soft landscape areas in 'Phase 1' and 'Phase 2' is to be submitted to and approved in writing by the local planning authority prior to commencement of any building work on the site. This should comprise a maintenance schedule and any specific management duties.

Such details may include:

- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
- (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
- (iii) Inspection and checking of all plants and for health and/or damage to plants.
- (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
- (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
- (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
- (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
- (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

The landscaping shall be maintained in accordance with the approved Landscape Management Plan.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape. To ensure the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (15) Prior to commencement of the 'Phase 2' works details of the design and layout of the MUGA, which shall comply with Sport England Design Guidance Notes for MUGAs (part 1 document) and also include consideration of the 'Access for Disabled People 2002', shall be submitted to and approved in writing by the local planning authority in consultation with Sport England. The proposed facilities shall be constructed in accordance with the approved design and layout details within 12 months of the

commencement of the Phase 2 works and be retained thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the principle of the loss of grassed playing field is met and that development is fit for purpose, subject to high quality design standards and sustainable practices

- (16) Prior to the use of the 'Phase 2' works, a Management and Maintenance Plan shall be submitted to and approved in writing by the local planning authority in consultation with Sport England, which shall include details of a scheme for a period of 20 years to include measures to ensure the replacement of all artificial surfaces within the next 10 years and management responsibilities, a maintenance schedule and a mechanism for review. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of the use of the 'Phase 2' works.

Reason: to ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (PPG17 Para 14).

- (17) No development shall take place until further details of the temporary access roadway and footpath through Roe Green Park have been submitted to and in approved in writing by the local planning authority in consultation with the Transportation Officer and Tree Officer. The approved details shall be implemented in full and the roadway and footpath retained until the conclusion of 'Phase 1' of the works hereby approved.

Reason: to provide a suitable safe access route which does not damage retained trees

- (18) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) development phasing and hours of operation;
- (ii) approved construction vehicles route to and from the site and limitations on the size of vehicles and their loads;
- (iii) management of deliveries and other construction vehicles to ensure these avoid peak school times;
- (iv) provide a physical presence (e.g. Banksman or similar) when vehicles negotiate the egress route over Roe Green;
- (v) measures to ensure construction traffic does not back-up or wait on Bacon Lane (South);
- (vi) vehicles entering the site can be accommodated before any vehicle intending to depart is released;
- (vii) a contingency for the event that a vehicle's arrival or departure coincides with an emergency vehicle;
- (viii) the parking of vehicles of site operatives and visitors;
- (ix) loading and unloading of plant and materials;
- (x) storage of plant and materials used in constructing the development;
- (xi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- (xii) wheel washing facilities to be used at all times;
- (xiii) a schedule of road cleaning to ensure the public highway remains free from dust and mud;
- (xiv) measures to control the emission of dust and dirt during construction; and
- (xv) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the environment and residential amenity.

- (19) Prior to the commencement of the use of the 'Phase 1' use, a Decant School Travel Plan, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented. The Decant School Travel Plan shall also set out objectives to address the detailed traffic and parking implications the usage of the development creates, including:
- (i) the minibus route to the Bacon Lane (North) entrance via Princes Avenue and Bacon and shall prohibit minibuses from accessing the site via Goldsmith Lane, Roe Lane, Scudamore Lane;
  - (ii) the internal one-way system; and
  - (iii) timings of minibus arrivals to avoid the Kingsbury High School traffic morning and afternoon peaks

Reason: In the interests of reducing reliance on private vehicles and to ensure the traffic impact is maintained at acceptable levels

- (20) Prior to the commencement of the use of the 'Phase 2' works, a full School Travel Plan, to incorporate targets for minimising car use (particular single occupancy cars), monitoring of those targets and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented.

Reason: In the interests of reducing reliance on private vehicles

- (21) Notwithstanding the approved plans, minor amendments to the car parking layout to designate two further car parking spaces in front of the temporary school for use by taxis shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in full and retained for the duration of 'Phase 1'.

Reason: In the interests of highway and pedestrian safety

- (22) Details of the provision of a minimum of 20 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained for the duration of 'Phase 1'.

Reason: To ensure satisfactory facilities for cyclists.

- (23) 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.

- (24) Before any 'Phase 1' building works commence on the site, a scheme providing for mechanical ventilation of the proposed building shall be submitted to and approved in writing by the local planning authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented. Thereafter the mechanical ventilation shall be provided within the 'Phase 2' building unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that heat recovery mechanical ventilation is specified and the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (25) Details of water saving measures will be submitted to and approved in writing by the local planning authority prior to commencement of any demolition/construction work on the site. Such details shall include:
- (i) appropriate design measures to ensure the installation of individual pulsed output water meters and water leak detection;
  - (ii) water-saving fittings in each unit (such as spray taps, showers, lo-flush WC/waterless urinals, etc.) to reduce water demand; and
  - (iii) the location and capacity of proposed rainwater harvesting system.

Reason: To ensure satisfactory water efficiency measures are implemented to reduce water demand

- (26) Details of sustainable urban drainage system will be submitted to and approved in writing by the local planning authority prior to commencement of any demolition/construction work on the site. Such details shall include:
- (i) Details of proposed permeable paving for car parking area

Reason: To ensure satisfactory sustainable urban drainage measures are implemented to reduce surface water runoff.

- (27) Prior to any demolition/construction works on site a statement detailing how the ICE Demolition Protocol Methodology has been applied in setting DRI &/or NBRI targets for recycled materials or content will be submitted to and approved in writing by the local planning authority.

Reason: To ensure the scheme meets the requirements of the Sustainability Checklist.

**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: Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

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**Committee Report  
Planning Committee on 2 February, 2011**

**Item No.** 7  
**Case No.** 10/2452

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**RECEIVED:** 28 October, 2010

**WARD:** Brondesbury Park

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

**LOCATION:** 63 Christchurch Avenue, London, NW6 7BL

**PROPOSAL:** Demolition of existing two-storey dwellinghouse and erection of 2 x three-storey blocks, comprising 6 dwellinghouses, and car-parking with provision of private amenity space and landscaping to site.

**APPLICANT:** Desmond and Diana O'Reardon

**CONTACT:** PAD Consultancy Ltd

**PLAN NO'S:**  
Please See Condition 4.

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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 Head of Planning 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
- Join and adhere to the "Considerate Contractors Scheme".
- Terms to ensure the payment of £3,000 for each net additional bedroom on material start (Total £63,000).

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

## **EXISTING**

The site is located on the North - Western side of Christchurch Ave within Brondesbury Park. The property is currently occupied by a vacant two storey family dwellinghouse. The property is not within a conservation area nor is the building listed.

## **PROPOSAL**

See above.

## **HISTORY**

Full planning permission Ref No: 08/1276 for Demolition of existing 2-storey dwelling and erection of 4-storey terraced block to front, comprising 3 self-contained dwellings, erection of 3-storey terraced block to rear of site comprising 5 self-contained flats, installation of vehicle crossover and provision of 8 car-parking spaces, refuse and cycle storage to side and associated landscaping to site was refused planning permission in October 2008 for the following reasons:

*1. The proposed development, by reason of the design, overall size, siting, bulk, proximity to side/rear boundaries, prominence and the provision of an excessive amount of hardstanding on site would constitute an unacceptable form of development, detracting from the character of the locality and relating poorly to surrounding forms of development. The proposal would thus result in a development that is to the detriment of the visual character and appearance of this area. As a result, the proposal would be contrary to policies BE9 and H12 of the adopted Brent Unitary Development Plan 2004.*

*2. The proposed development would, by reason of its height, size and siting, be detrimental to the amenities of adjoining occupiers, in particular Paul Daisley Court, by reason of loss of light, loss of outlook from, and the creation of an overbearing impact on, the existing property. The proposal would be contrary to policies BE9 and H16 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development."*

*3. The proposed development, by virtue of the location of habitable-room windows in relation to the site boundaries, is considered to present unacceptable levels of outlook and residential amenity for future residents. As a result, the proposal is contrary to policies H12 and BE9 of Brent's adopted Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development." Furthermore the proposal results in poor quality and quantity of external amenity space due to the proximity of this space to the parking and refuse/cycle areas, the space being dominated by parking and manoeuvring and the lack of suitable landscaping. This is contrary to policies BE2, BE9 of the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17.*

*4. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment, and increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies TRN4, TRN11, OS7 and CF6 of Brent's adopted Unitary Development Plan 2004 and SPD 'Legal Agreements'*

## **POLICY CONSIDERATIONS** **Brent Unitary Development Plan 2004**

### **STRATEGIC POLICIES**

STR1 Housing (particularly affordable) is Priority Land-Use  
STR3 Sustainable Development  
STR5 Reducing the need to Travel  
STR11 Built and Natural Environment  
STR14 Quality of the Urban Environment  
STR18 Additional Housing  
STR19 New Housing Development

### **BUILT ENVIRONMENT**

BE1 Urban Design Statements  
BE2 Townscape: Local Context and Character  
BE3 Urban Structure



BE5 Urban Clarity and Safety  
BE6 Public Realm: Landscape Design  
BE7 Public Realm: Streetscape  
BE9 Architectural Quality  
BE12 Environmental Design Principles.

#### HOUSING

H8 Resisting loss of housing.  
H9 Dwelling Mix  
H12 Residential Quality – Layout Considerations  
H13 Residential Density

#### TRANSPORT

TRN3 Environmental Impact of Traffic  
TRN10 Walkable Environments  
TRN14 Highway Design  
TRN23 Parking Standards – Residential Developments  
TRN35 Transport Access for Disabled People and others with Mobility Difficulties  
PS14 Parking Standards – Residential Development  
PS15 Parking for Disabled People  
PS16 Bicycle Parking

#### **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.

#### **CONSULTATION**

On 23 November 2010, a total of 188 neighbouring properties were consulted, along with Ward Councillors. The Council has received a total of 31 letters of objection, 29 of which are standard pro-forma letters. The objections are summarised below:

- The dustbins will cause increase bad odour and rodent numbers
- Security of gardens abutting the Western Boundary will be compromised by way of the new access
- Windows on house 3 will create a loss of privacy
- House 3 is located less than 10m away from the western boundary
- Increase car accessibility will increase noise on the property
- No detail on planting to the western boundary
- No guarantee that the development will not look tired in time
- Details on financial contributions the development will make to compensate for the increased strain caused on existing service, specifically on the education services.
- Strongly resist the building over gardens
- The high density of the development is resisted
- Loss of amenity space
- Irreversible loss of habitat to wild life
- light pollution

## REMARKS

### Introduction and principle of Development

The building is not sited within one of the Council's designated Conservation Areas nor an ADRC (area of distinctive residential character). As a result, the area does not provide the same level of protection to existing buildings as would be the case if it was so designated or, even more sensitive, the building was statutorily listed.

This is not to say that the area does not have a character worthy of acknowledgement, but it does mean that it would be difficult for the Council to say that the demolition of buildings will never be allowed in this locality. Instead, the Council's approach should be that if buildings are to be removed, any replacement building should be of the necessary design quality, relating well to what is in the area.

In this case, whilst the building is not without merit, it is not considered that the existing house at No. 63 Christchurch Ave is of such architectural quality that the Council should object, in principle, to its loss. The elevations of the building are considered to be fairly ordinary in terms of their architectural quality, but as indicated above, its demolition would only be considered once a replacement scheme has been formally approved by the Planning Authority and that is considered to be the key consideration at this time.

Policies BE2, BE3, BE7, BE9 and H12 of the UDP seek to ensure that new development positively enhances the character and amenity of an area. The character here is generally mixed with the subject site sited between a 3 storey housing scheme to the east and the long residential gardens of properties to the west, most of which have been converted into flats. Neighbouring the Stadium Social Housing scheme is a detached Church. It is considered that there is no objection to a redevelopment, per se, in this location. However, this would be on the basis that the resulting development would not detract from the well-established character of the area, and would positively enhance the area thereby.

Paragraph 36 of PPS3 advises that housing should be located in suitable locations and that this *should be achieved by making effective use of land... The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.* This would not preclude development on land that does not fall within the definition of previously developed land. Furthermore, whilst the definition in Annex B states that there is not a presumption in favour of development on land that falls outside the definition of previously developed land, it does not preclude such development. As such, applications that are for development on land not defined as previously developed land should be assessed on their merits with reference to the development plan. In this case Core Strategy Policy CP17 which states:

***Protecting and Enhancing the Suburban Character of Brent*** *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.*

Policy CP17 does not preclude development on back gardens. The last sentence of this policy is very clear; development that is out of scale and does not respect the setting of other buildings will not be acceptable on garden land. Conversely, development that does respect the setting of other buildings and is of an appropriate scale could be acceptable on garden land. The proposal does not just include development on garden land; it actually proposes a comprehensive development of a site that currently accommodates a large 20<sup>th</sup> century house that is of limited architectural merit. The proposal makes efficient use of an otherwise underused site which proposes 6 houses. The proposal respects the existing building line on Christchurch Avenue not only on the street frontage but also at the rear.

Although the matter of backland development, or 'Garden Grabbing,' must be addressed in assessing the principle of the development, 'Garden Grabbing' relates to taking a rear garden of a house and seeking to build more houses. The Council supports emerging London Plan Policy to limit the inappropriate development of back gardens that erode the character of suburban areas, as reflected in the Councils Core Strategy. As explained, Policy CP17 does not preclude development on back gardens, but rather requires development to be of an appropriate scale and to respect the setting of surround buildings. The proposal envisages a comprehensive scheme which includes the demolition of the existing house. Therefore such these concerns are not considered to be relevant. The proposed building is no higher than neighbouring buildings and therefore Officers feel that it complies with CP 17 in principle.

#### Loss of a family unit

The UDP states that “where a development proposal entails demolition or change of use of residential accommodation, the Council will seek replacement dwellings comparable with the standard and amount of accommodation lost. This is to maintain the overall amount and quality of the dwelling stock and to ensure that the dwelling target policy STR18 is not jeopardised.” Policy H8 goes on to state:

*“Development should not result in the net loss of residential housing accommodation where such accommodation can still be used, with or without adaptation, for permanent residential purposes, or loss of land within the boundary of sites in housing use to non housing uses. Where development entails demolition or other loss of dwellings, comparable replacement will be required. Specific exceptions to this policy are set out in the Community Facilities chapter.”*

The proposed development seeks approval for the demolition of the existing 2-storey dwelling and erection of 6 family sized houses. As a result, the proposal does not result in a net loss of housing and it also provides replacement large units comparable in size to the unit being removed and is, therefore, acceptable, in principle.

#### Density of the Development

Policy H13 of the adopted UDP and SPG17 include criteria designed to ensure that new development is of an appropriate scale and density for the locality. SPG17 sets out a number of development characteristics (Table 1 para. 2.3) that can be used to assist in the consideration of the appropriate density for a particular scheme. In addition, the guidance sets out a quantitative test in order to assess the appropriate density for any particular new or existing site.

No. 63 Christchurch Ave has a PTAL rating of 3, meaning that it falls into the category of moderate accessibility. The provision of 6 houses, would have a density in the appropriate level, totalling approx i.e. 247 habitable rooms per hectare. For the information of Members, this site could accommodate a higher density given its size, however owing to the low PTAL rating and the consequent car parking demand, the lower density is considered to be more appropriate here.

#### Size, Scale and Design

The Council's SPG17: “Design Guide for New Development” is the starting point for the assessment of this residential development. Following on from the refusal of 08/1276 the scheme has been designed to now comply with the adopted guidance set down in the Council's guidance.

The proposal envisages two flat roofed blocks each two and three storeys in height. The proposal is considered to be better than the previously refused scheme, by way of reduced height, the absence of balconies and the siting of the buildings further away from site boundaries. A further consideration here is that the existing building on the site already has an impact on both the established streetscene and the people living next to it.

When the current proposal is compared with the existing dwellinghouse, and assessed against SPG 17, the proposed street facing block is considered to be less dominant and, indeed, more in proportion with the neighbouring property, Paul Daisley Court. The proposed development has

been designed to respect the established building line of Christchurch Avenue and the scale and design of the surrounding streetscene.

The proposed part two and three storey rear block will have a staggered form. This staggered block is an attempt to reduce the impact on the neighbouring rear block at Paul Daisley Court. Officers consider the benefits to be two fold, ie. reduce the bulk of the building and mitigates impact of impact on Paul Daisley Court. As such officers find the rear block to be acceptable. The siting could be changed as far as it relates to house 4 in order to increase the rear garden area, but this would result in the impact on the adjoining property being increased. The issues is balanced, but Officers consider that the impact on neighbours should be minimised and the quality of external space for future residents of house 4 is already acceptable.

The Council's Design Officer has commented on the proposal and considers that the new development is appropriately sited and laid out, whilst maintaining the existing street formation and grain. The proposed elevations represent a simplistic design approach and a contemporary development is proposed. The simple palette of materials is welcomed and details will be secured by condition.

#### Impact on neighbouring properties

SPG 17 normally requires a 10m separation between habitable room windows and boundaries. Notwithstanding this, Members will be aware that each application needs to be considered on its own merits and the particular circumstances of the case need to be considered in every instance. In this case, the neighbouring garden of Young Court to the rear is used communally and, as such, it is considered that separation distances can be relaxed. For information, the neighbouring block at Paul Daisley Court is positioned closer to the rear boundary than that of the new rear block and this sets the context within which this proposal is to be considered. On balance, Officers consider the proposal to be acceptable in this regard.

All flank windows are to be obscure glazed, preventing any overlooking to directly adjoining properties. As explained above, the scale, mass and positioning of the buildings complies with the Council's SPG17 Guidance. As a result, whilst matters will inevitably change for those residents of Brondesbury Park who look out towards the application site, the physical impact of the buildings (as assessed by SPG17) will be within acceptable limits and the erection of the two blocks, presenting their flank walls and with a distance in excess of 20 metres between them, will not have such an unacceptable visual impact so as to justify refusing the scheme on this ground. As explained, due consideration has been given to these gardens, but the proposed development is considered to be of an appropriate scale.

The flank wall of the nearest frontage block of Paul Daisley Court has a kitchen window on the ground floor. In order to take account of this point, the proposed street fronting block will be two storeys in height and is further away than the previously;y refused scheme. The block then steps up into form an additional third floor. In this case, the new building will have less of an impact than the existing house and on this basis this relationship is acceptable.

#### Quality of accommodation

SPG17 sets out the minimum unit sizes for residential units having different numbers of bedrooms. The Council's current standards seek the following sizes as a minimum:

- 3-bedroom (4-person) unit – 85 square metres.
- 4-bedroom flat – 95 square metres.

An assessment of the current proposal indicates that the proposed houses shown on the plans do exceed the Council's guidelines, in quantitative terms, all by a significant amount.

SPG17 requires 50 square metres of space for each house, meaning that a total of 300 square metres should be proposed here. Each house has a minimum of 50m<sup>2</sup>. The previously refused scheme envisaged a courtyard dominated by car parking and manoeuvring of vehicles. However, the current proposal has aimed to address the problem by reducing the number of car parking bays, concentrating four of the six bays in the North Eastern corner of the site and placing the remaining two bay adjacent to units 3 and 6. This allows the remainder of the forecourt to be used as external amenity space. Each garden will be screened to provide privacy. That said, the area in the centre of the site between the two blocks does have a relatively large area of hardstanding and, therefore, details of the hard surfacing is considered to be important in the assessment of the development. If the application is to be approved details of hardsurfacing and screening will be secured by condition.

The kitchens of some units are considered to have limited outlook with the smallest garden being 4m in depth, but these are front facing and the front gardens will be planted up and appropriately screened so that the development will continue to have the appropriate quality of accommodation, inside and out. For clarity, the unit with the smallest front garden (house 6) has the largest rear garden.

### Highway Matters

The application site is located on Christchurch Avenue, a local access road which is not defined as being heavily parked. The site lies within a CPZ and has a moderate accessibility with a PTAL rating of 3.

The existing house will attract a maximum standard of 2.0 car spaces, which is currently provided along the street frontage. The proposed development will clearly attract a significant increase in the car parking standard, as each 4 bed will attract of 2.0 spaces and the 3 bed flat 1.6 spaces. Resulting in a site maximum of 10.8 car spaces. 6 car spaces have been provided within the development, and at least 2 spaces can be provided on-street on the site frontage. This is an acceptable level of car parking provision, as 75% of the maximum standard can be taken as an informal minimum provision of parking for residential development.

Initially the Council's Transportation Engineers objected to the application on the basis that the proposed vehicular access was not wide enough. The proposal has been subsequently altered to provide an access that is 5.2m in width plus 0.45m protective margin resulting in a 5m access strip. Officers now consider this arrangement to be acceptable

Bicycle storage has been suitably provided, in the form of an individual lock-up/shed for each dwelling. This is welcomed. Each unit will have a private storage area for refuse and recycling area and the site will be serviced by way of a communal refuse area towards the front of the site where refuse and recycling waste will be collected. This arrangement would be similar to numerous other residential developments.

### Landscaping

An area of concern that required attention was the landscape treatment of the Western boundary, as the boundary will serve as a buffer between the new access and neighbouring residential gardens. The applicant has confirmed the 1m wide planting strip will be treated with a 1.8m high beech hedge. Officers consider that a 1.8m hedge, augmented by tree planting, may be the most appropriate treatment of the boundary, having the associated benefit of effectively greening this boundary and the views of the site from Brondesbury Park. These details will be secured by condition

Your officers have reviewed the arboricultural implications of the proposals and consider them to be acceptable, but do require further detail on a (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape. This will be secured by condition

## S106

For the avoidance of doubt, this particular scheme would attract the following requirements:

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Join and adhere to the Considerate Contractors scheme.
- Terms to ensure the payment of £3,000 for each net additional bedroom on material start (Total £63,000).

### Other

The applicant has proposed a sedum roof. The sedum roof shall not be used as an amenity or sitting out space of any kind and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The applicant has also proposed solar panels on the roofs, details of which will be secured by condition. These features should not be visible from the streetscene. A further condition deals with the possible proliferation of satellite dishes, air-conditioning units and other similar paraphernalia. The carefully thought out design and appearance of the proposed buildings would certainly not benefit from uncontrolled features appearing on them and it is considered that this should be dealt with at this stage, rather than as an afterthought at a later date.

### Response to Objectors Concerns

Objection has been raised with the noise created by building works and noise created by an additional five families on the site. As a part of any legal agreement the applicant will be required to sign up to a Considerate Contractors Scheme and the Building Regulations would require adequate insulation of the property to prevent noise transmission.

Having viewed the proposal specifically assessing the western boundary treatment officers do not consider the development will cause any more of a security threat than any other neighbouring property.

Whilst officers note the new access will facilitate access for 6 vehicles on site, they are not of the view that the numbers of vehicle movements will be such so as to cause so much harm, whether by noise, disturbance or fumes, that it would be detrimental to neighbouring residents

An issue has been raised with the increased light caused by the erection of a rear block on the site. Whilst the development will inevitably create additional sources of light, the context of the area must be considered and this site is bordered by flatted developments at Young Court and Paul Daisley Court. It would be difficult to justify refusing consent on this ground alone.

All other grounds of objection have been discussed in the main body of the report.

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

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

Brent's 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

Transport: in terms of sustainability, safety and servicing needs

#### **CONDITIONS/REASONS:**

- (1) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include detailed drawing(s) of those areas to be so treated, a schedule of materials and samples if appropriate. The approved scheme shall be implemented in full prior to first occupation of the development.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (2) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape 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 site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding 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:-

- The identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- Screen planting along the Western boundary, including additional tree planting;
- Details of the proposed arrangements for the maintenance of the landscape works.

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 positions, unless the Local Planning Authority first gives written consent to any variation.

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

- (3) 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.

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

5048/31b

5048/65  
5048/40a  
5048/21a  
5048/20a  
5048/06  
5048/07  
5048/30  
5048/41a  
5048/42  
5048/60  
5048/62  
5048/70  
5048/80  
5048/CGI 1  
5048/CGI 2

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

- (5) The sedum roof shall not be used as an amenity or sitting out space of any kind and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

Reason: To safeguard neighbouring amenity

- (6) All flank windows on the buildings shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently retained and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

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

- (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 (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:-

- timber louvres
- windows/doors.
- roof details.
- canopies.

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

- (8) No water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure 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.

- (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) The bicycle and refuse/recycling 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 meet the likely future demands of residents.

- (11) Notwithstanding the plans hereby approved, a scheme for the treatment throughout the proposed development 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. Once approved, such details shall be completed in strict accordance with the 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

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) Further details of the solar panels on the roof of the building shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the development hereby approved commencing. The panels should not be visible from any public vantage point and once approved the details shall be fully implemented.

Reason: In order to allow the Planning Authority to exercise proper control over the development.

**INFORMATIVES:**

None Specified

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



# Planning Committee Map

Site address: 63 Christchurch Avenue, London, NW6 7BL

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**Committee Report**  
**Planning Committee on 2 February, 2011**

**Item No.** 8  
**Case No.** 10/2979

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**RECEIVED:** 22 November, 2010

**WARD:** Kilburn

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

**LOCATION:** 307-311 Kilburn High Road, London, NW6 7JR

**PROPOSAL:** Change of use class from A4 and D2 to A1, A2 and/or A3 on the ground floor and the construction of 4 flats at first floor level and the erection of second floor extension to accommodate 3 flats

**APPLICANT:** Sundial Capital Corp

**CONTACT:** PAD Consultancy Ltd

**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 Head of Planning 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
- Contribution of £10,000 on material start and, index-linked from the date of committee for local open space and play space improvements.
- Terms to ensure the payment of £3,000 for each net additional bedroom on material start (Total £48,000).
- Removal of the rights of residents to apply for parking permits. (Car Free)

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

## **EXISTING**

The site is occupied by a two storey property on Kilburn High Road. The property is not located within a Conservation Area nor is any part of the property listed. It is located within a Secondary Shopping frontage

Neighbouring property No 315 is substantially taller being three stories high with a mansard feature. The Northern end of the affected terrace has been extended in a similar fashion to that of the proposal

The ground floor of No 307- 309 comprises a Gymnasium. No 311 is occupied by a Public house with ancillary pub space at first floor level. The first floor is sometimes in use as an occasion room. Its main entrance is on Kilburn High Road and also benefits from a secondary access off Drakes Courtyard.

## **PROPOSAL**

Change of use class from A4 and D2 to A1, A2 and/or A3 on the ground floor and the construction of 4 flats at first floor level and the erection of second floor extension to accommodate 3 flats

## **HISTORY**

Full Planning permission (Ref No: 08/2623) for the 'Change of Use of ground floor unit from a Bar (Use Class A4) to Gym (Use Class D2)' was granted on 11 November 2008.

## **POLICY CONSIDERATIONS**

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

#### STRATEGIC POLICIES

STR1 Housing (particularly affordable) is Priority Land-Use  
STR3 Sustainable Development  
STR5 Reducing the need to Travel  
STR11 Built and Natural Environment  
STR14 Quality of the Urban Environment  
STR18 Additional Housing  
STR19 New Housing Development

#### BUILT ENVIRONMENT

BE1 Urban Design Statements  
BE2 Townscape: Local Context and Character  
BE3 Urban Structure  
BE5 Urban Clarity and Safety  
BE6 Public Realm: Landscape Design  
BE7 Public Realm: Streetscape  
BE9 Architectural Quality  
BE12 Environmental Design Principles.

#### HOUSING

H8 Resisting loss of housing.  
H9 Dwelling Mix  
H12 Residential Quality  
H13 Residential Density

#### TOWN CENTRE AND SHOPPING

SH9 Secondary Shopping Frontages

#### TRANSPORT

TRN3 Environmental Impact of Traffic  
TRN10 Walkable Environments  
TRN14 Highway Design  
TRN23 Parking Standards – Residential Developments  
TRN35 Transport Access for Disabled People and others with Mobility Difficulties  
PS14 Parking Standards – Residential Development  
PS15 Parking for Disabled People  
PS16 Bicycle Parking

## **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.

## **CONSULTATION**

### External

29 Neighbouring properties were consulted on 16 December 2010. The Local Authority has received a 4 objections. The principle of the objections are listed below:

- The change of use will harm the cultural vibrancy and night-time economy
- The need for cultural and economic enhancement is greater than the need for a small number of residential units.
- The development will contribute to the congestion on Drakes Courtyard.

### Internal

Transport Engineer - See Below

### Other

London Borough of Camden - no objection was raised

## **REMARKS**

### Principle of Development

The ground floor of No 311 is used as a pub and its first floor used as a large private function room. The applicant has stated that events have become less popular at the venue which has resulted in long periods of vacancy. It has also been suggested that the existing use would not be compatible with the proposed residential use of the upper floors. The ground floor of No 307 is in use as a Gymnasium

The policy objectives for Town Centres and Shopping set out in the UDP 2004, are clear in requiring a mixed use of retail services within the Town Centre. The site is located within a Secondary Shopping Frontage As such the principle of a A1 use in a Town Centre is not objected to.

Policy SH9 of Brent's Unitary Development Plan 2004 sets out that the proposed change of use of a premises to non-retail uses A2 and A3 within the Designated Shopping Parade will be permitted where these provide a service to visiting members of the general public, subject to residential amenity and highway and traffic considerations. In brief, transport engineers have not taken issue with the change of use as discussed below, specifically the main concern with the development could be future servicing. However the applicant has rights to Drakes Courtyard and officers consider this area to adequate for future servicing requirements. As such no objection is raised on transportation grounds. Further with the limitation on opening hours and provision of insulation as suggested by condition the impact on future residents should be limited.

The upper floor occasion room is an ancillary use to the ground floor pub. Whilst the loss of the ancillary occasion room is regrettable, its loss cannot be prevented in policy terms. It is also notable that the upper floor occasion room has remained vacant for long periods of time. Prior to the applicants' purchase of the property last year, the property was been marketed in excess of 12 months and no interested noted.

Your officers find there to be no policy grounds for refusal to resist their loss. The replacement uses will contribute to the vitality and viability of the established Town Centre thus meeting policy objectives outlined in the Council's Unitary Development Plan 2004, PPS 6 : Planning for Town Centres and indeed the Council's Adopted Core Strategy.

#### Size, Scale and Design of Extension

The proposed extension will be placed on the existing building to facilitate the conversion of the existing property. The extension will see the height of the building on the site boundary increased by an additional floor. There are no residential dwellings in Drakes Court Yard to the rear.

The proposed extension has been designed to form a continuation of the main body of the building and respects existing building lines and the scale and design of the surrounding streetscene. The Council's design officer has commented on the proposal and considers that the extension is appropriately sited and laid out whilst maintaining the existing street formation and grain. The proposed extension respects the design and scale of the existing building and will complement its character. Details of materials will be secured by condition. Although this type of roof extension is often considered to be unacceptable by reason of its form and design, it is considered that in the circumstances set out above the proposed extension can be supported.

#### Residential Quality

The proposed development would provide seven flats in total comprising five 2-bedroom and two 3-bedroom flats. The proposed flats exceed the minimum internal floor space requirements set out in SPG17. All but two units are appropriately stacked. Units 6 and 2 and units 7 and 5 appear to have bedrooms placed over or under living rooms. Whilst these relationships are not ideal, noise transmission could be mitigated by correct insulation. In order to deal with the issue of street noise from Kilburn High Road the applicant will be required to undertake a noise assessment to ascertain what level of mitigation is needed to ensure that suitable attenuation is achieved in the rooms facing the Kilburn High Road (particularly the bedrooms). A condition to this effect will accompany the permission if the application is approved.

The applicant has ensured that all first floor kitchens will be serviced by a lightwell or solatub. An internal light assessment which confirms adequate daylight to all units has been provided.

Six of the seven proposed flats will have balconies. Four of the seven balconies will provide approximately 3m<sup>2</sup> of external amenity space. Whilst this is significantly less than requirements set out in SPG 17, a lack of external amenity space is generally common place for residential developments within such town centre locations. Where it is often difficult to meet guidance as a result of site constraints however, this proposal does include 2 three bedroom flats, which would obviously benefit from outside space and in order to mitigate this, the applicants have agreed to make a S106 contribution (£10, 000) to open space environmental improvements in the local area that will go some way to offset the lack of amenity space on site.

#### Highway Considerations

The site currently comprises 194sqm of D2 Gymnasium floorspace, which attracts a parking standard of 1 car space per 60 patrons, plus 1 per 5 staff. There are no specific servicing requirements associated with this. The existing 491sqm of A4 Pub/Bar floorspace attracts a parking standard of 1 car space per up to 400sqm, plus 1 space per 100sqm thereafter and requires servicing by 10m rigid vehicles.

The proposed development will be permitted 1 car space per up to 400sqm for a retail or restaurant use, and 1 car space per 300sqm for an A2 professional services use. The impact of this change of use should not result in a dramatic increase in the parking standard. On balance, servicing requirements will be more onerous however as both A1 and A2 units of this size require a full-sized loading bay. Failing this as an absolute minimum bays for 8m rigid vehicles should be provided. The rear servicing road (Drake's Courtyard) will be capable of handling the relevant servicing requirements for all proposed uses.

The conversion to 7 self-contained flats will see standard increase to 5.9 spaces. Given that Kilburn High Road is London Distributor Roads it is not acceptable to accommodate this increase in parking standard on-street. The absence of any forecourt or external space to the subject site also removes the possibility of off-street parking provision.

The proposed development will therefore need to be "car-free" as no additional parking can be provided. The subject site is located within controlled parking zone "KD" and has very good accessibility to public transport, given its close proximity to a number of bus routes and tube/train stations with a PTAL rating of level 5. As such the Council's Transportation Unit will accept a "car-free" development in this location, subject to the applicant entering into a S106 agreement. The introduction of a "car-free" agreement would also contribute positively to existing on-street parking pressures by removing all existing parking requirements from the site. For the avoidance of doubt the previous the function room use could have attracted more cars to the site than these 7 flats when it was fully operational.

Cycle parking has been incorporated for the residential accommodation towards the rear of the ground floor, which is acceptable in type as it is secured and covered (being within the building). The number of spaces provided is nine, which is welcomed as this exceeds the standard of 1 cycle space per dwelling.

Existing refuse and recycling arrangements for the commercial element of the scheme will be retained, comprising storage facilities at the rear of the site. These are acceptable. A similar arrangement in two stores at the rear of the ground floor of the residential accommodation is also viewed to be acceptable.

### S106

For the avoidance of doubt, this particular scheme would attract the following requirements:

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Contribution £10,000 on material start an, index-linked from the date of committee for local open space and play space improvements.
- Terms to ensure the payment of £3,000 for each net additional bedroom on material start (Total £48,000).
- Removal of the rights of residents to apply for parking permits.(Car Free)

### Other

Details of exact specification of the ventilation and extraction equipment intended for the proposed A3 use has not been specified. An assessment of the development revealed the service risers could accommodate an extraction system. Details of the extraction system shall be secured by condition

The applicant has proposed a green roof, details of which will be secured by condition. The biodiversity green roof shall not be used as an amenity or sitting out space of any kind and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

### Consideration of Objection

The use of the premise for the purpose of a public house, occasion room and Gym is not protected under local policy nor under the provisions of the Use Classes Order 2005, as amended. It has therefore been considered that proposed development would not compromise the viability of the site as a public house beyond existing market conditions.

All other objections have been addressed in the body of this report

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

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

Brent's 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  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs

**CONDITIONS/REASONS:**

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

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

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

1267-P1/001  
1267-P1/EX010  
1267-P1/EX011  
1267-P1/EX014  
1267-P1/P025  
1267-P1/P022  
1267-P1/P021  
1267-P1/P024  
1267-P1/P026  
1267-P1/P027  
1267-P1/P028  
1267-P1/P029  
1267-P1/P030  
1267-P1/P031  
1267-P1/EX015  
1267-P1/EX016  
1267-P1/EX017  
1267-P1/EX018  
1267-P1/EX019  
1267-P1/EX020  
1267-P1/EX021  
1267-P1/P020



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

- (3) The ground floor premises shall not be used or open to customers except between the hours of:

0800 to 2300 Monday to Saturday  
1000 to 2230 Sundays and Bank Holidays.

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

- (4) Prior to the commencement of any A3 development on the ground floor, details of fume extraction and odour control equipment, including any ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed in its entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents.

- (5) Prior to the commencement of occupation of flats, details of the green roof layout, construction and planting will be submitted to the Local Planning Authority. Such details/considerations will include:

- Biodiversity based with extensive substrate base (depth 80-150mm);
- Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

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

- (6) The biodiversity green roof shall not be used as an amenity or sitting out space of any kind and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

Reason: To safeguard neighbouring amenity

- (7) Proposed refuse, recycling and cycle storage shall be permanently maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (8) 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 associated with the extension is commenced. The work shall be carried out in accordance with the approved details.

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

- (9) Prior to occupation of the dwellings results of the post-completion testing undertaken in the noise affected dwellings closest to the road to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 – 40 dB (day: T =16 hours 07:00 –23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30 – 35 dB (night: T = 8 hours 23:00 – 07:00) LAmax 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

**INFORMATIVES:**

- (1) The applicant is informed that in the event that an A3 use is proposed at ground floor level the Environmental Health Officers of the Council must be contacted prior to occupation (0208 937 5252).

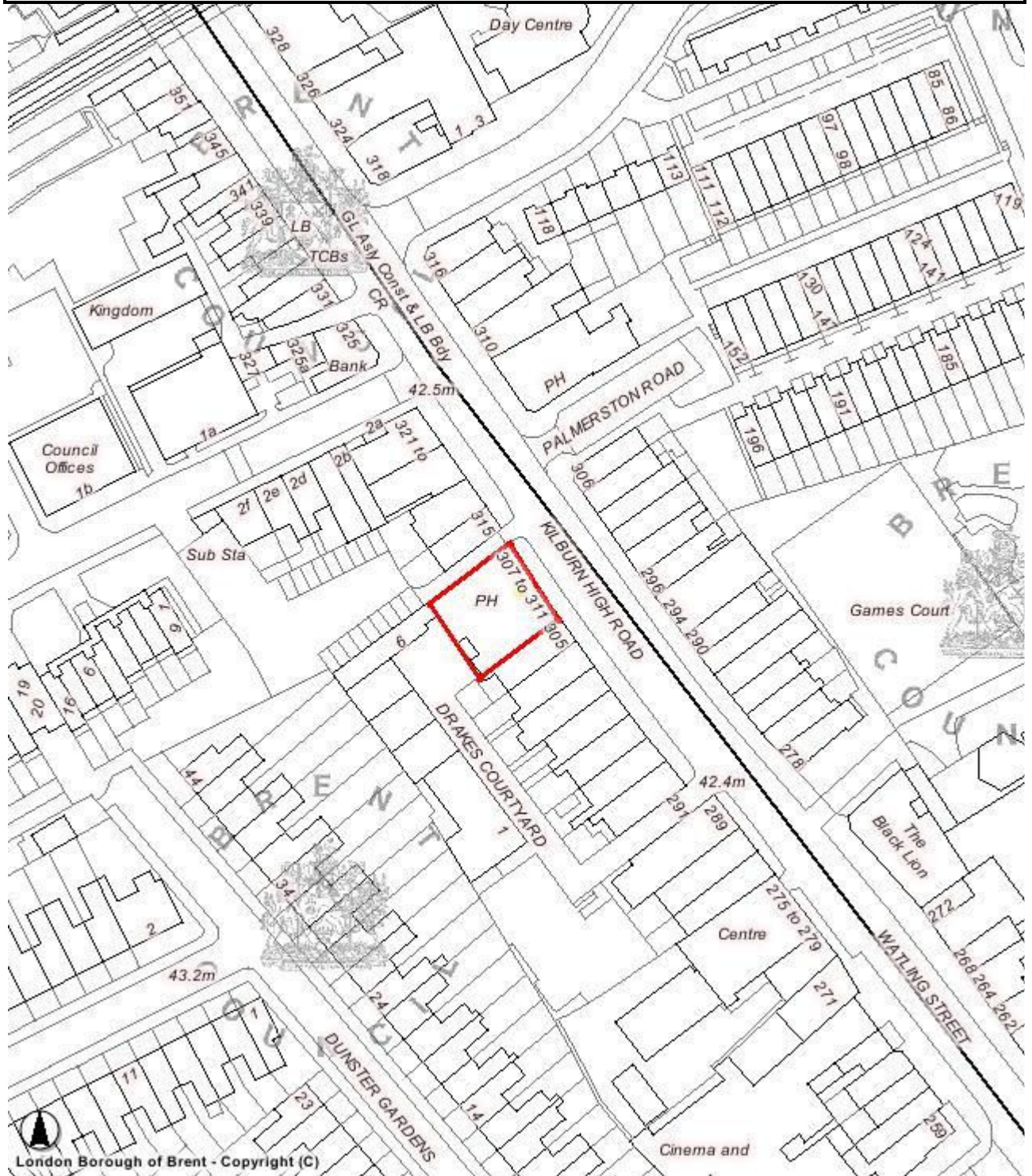
Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



# Planning Committee Map

Site address: 307-311 Kilburn High Road, London, NW6 7JR

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**Committee Report**  
**Planning Committee on 2 February, 2011**

**Item No.** 9  
**Case No.** 10/3252

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**RECEIVED:** 22 December, 2010

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

**PROPOSAL:** Erection of Heras-style metal mesh fencing and vehicular access gate on all boundaries of site.

**APPLICANT:** Genesis Housing Group

**CONTACT:** Savills

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

---

## **RECOMMENDATION**

Approval

## **EXISTING**

The site is a vacant plot on the northern corner of St Paul's Avenue and Park Avenue North, NW2. The site is not within a conservation area but is opposite Kingsley Court which is a Grade II Listed Building.

The last lawful use of the site was as a petrol filling station. There is a functioning garage directly to the north of the site on Park Avenue North and a train line to the north of the site, all other neighbouring uses are residential.

## **PROPOSAL**

See above

## **HISTORY**

10/2806 Refused at Committee on 15/12/10

Retention of hoarding to the rear of the site and the erection of Heras-style fencing on the front boundary

E/10/0076 Enforcement Notice served

Erection of hoarding to perimeter of premises.

This relates to the hoarding currently on the site.

10/0677 Refused 1st July 2010

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

This decision has been appealed and is due to be considered at a hearing on 15th February 2011.

## **POLICY CONSIDERATIONS**

### **UDP 2004**

BE2 Townscape: Local Context & Character  
BE6 Public Realm: Landscape Design  
BE7 Public Realm: Streetscape  
BE9 Architectural Quality

### **Supplementary Planning Guidance Note 17: Design Guide for New Development**

## **CONSULTATION**

Neighbouring occupiers were consulted on 23rd December 2010, no comments have been received.

## **REMARKS**

Members will be aware that the part retention of the hoarding and part replacement with heras style fencing was considered and refused at planning committee in December 2010. At that meeting Members had indicated that they wished to see a more open type of fencing. The reason for refusal was:

*The hoardings, by reason of their siting, height, forward projection, poor quality materials and method of construction are an unsightly addition to the site, and would have a detrimental impact on the appearance of the surrounding streetscene, and the outlook of adjoining occupiers, contrary to policies BE2 and BE7 of London Borough of Brent's Unitary Development Plan 2004.*

The site is in the ownership of Genesis Housing Group but the garage to the northeast benefits from a "right of access" through the middle of the site. The existing hoarding marks out the areas to which there is no right of access.

The hoarding was erected without the benefit of planning permission and there is a valid enforcement notice requiring its removal. The current application proposes to fully replace the hoarding with heras type fencing. Prior to the erection of the hoarding the site was unlawfully used for used car sales and the boundary was treated with heras type fencing.

The hoarding in its current extent has led to a number of undesirable effects, primarily a reduction in visibility through the site and subsequent increase in fly tipping and perception of unsafety and criminal activity, accompanied by graffiti on the solid hoardings. The applicants are understandably very keen to retain boundary treatments for health and safety reasons, to secure the site and for the demarcation of the "right of access" but it is unacceptable in its current form.

The heras style fencing would replace the hoarding throughout the site, running along the frontage of St Pauls Avenue, demarcating the right of access and continuing along the front garden boundary with no. 75 St Pauls Avenue.

The fencing is proposed to be 2.4m high, metal coloured and will consist of mesh fencing fitted to the existing posts on site which currently support the hoarding.

The result will be a significant improvement in terms of the streetscene, there will be visibility into the site discouraging anti-social behaviour including fly-tipping and no possibility for graffiti on the street frontage. The heras fencing will also remove the dominating impact of the hoarding on the residential neighbour's front garden.

As the site is currently vacant officers do consider it appropriate for it to be secured and while the proposed fencing may not be appropriate in every case this site does not share the character of the surrounding residential roads. The applicant's intention is to secure a residential scheme on the site rather than leaving it vacant in the long term but in the mean time officers consider that the heras fencing will be acceptable. Approval is recommended and it is suggested that the permission last for 5 years as the fencing and hoarding is envisaged as a temporary measure, necessary until planning permission is secured for a development on the site. If this does not occur within 5 years it is considered that a boundary treatment, with a quality of design suitable for a permanent development should be sought.

An informative is recommended to advise the applicant that the approved works need to be undertaken by 2nd March, otherwise Enforcement proceedings will continue.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17

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) This permission shall be for a limited period of 5 years only, expiring 5 years from the date of this permission when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the fencing hereby approved shall be removed in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason:

The building is of a temporary nature which the Local Planning Authority would not be prepared to approve other than for a limited period, having regard to its construction and/or effect on the visual amenity of the area.

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

813/X01  
GHG/813/X11 J  
GHG/813/X12 E

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

**INFORMATIVES:**

- (1) The applicant is advised that this planning permission should be implemented by 2nd March 2011, otherwise they will be liable for prosecution.

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: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

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## Committee Report Planning Committee on 2 February, 2011

Item No. 10  
Case No. 10/2898

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**RECEIVED:** 12 November, 2010

**WARD:** Sudbury

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Barham Park Estate, Roundtree Road/Saunderton Road, Wembley, HA0

**PROPOSAL:** Approval of reserved matters relating to layout, scale, appearance and landscaping, pursuant to Condition 2 of outline planning permission 09/2350 dated 17/03/10 for erection of 216 residential units (related to phases 2 & 3).

**APPLICANT:** Notting Hill Housing Trust

**CONTACT:** PRP Planning

**PLAN NO'S:**

(See Condition 1 for the approved plans and/or documents)

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### EXISTING

Barham Park Estate is located in Sudbury, and was constructed in the 1970's. The site is 2.82 hectares and is bound to the east by Harrow Road, to the north by the railway line, and to the east by Maybank open space. Immediately south of the site are the backs of rear gardens to terraced housing along Central Road.

The Council embarked on an options appraisal exercise in 2003 and concluded, with residents, that estate redevelopment was the best option. The Council undertook a selection process for an RSL partner. This resulted in the Council selecting Notting Hill Housing Trust and Countryside Properties as its preferred partners who will bring forward the estate's redevelopment.

A 'hybrid' planning application was subsequently submitted in November 2009 for the demolition of the existing buildings and redevelopment of the entire Barham Park Estate, comprising the construction of 335 residential units (including 56% as affordable), this was approved in March 2010, under planning permission 09/2350. With this being a 'hybrid' application it was part approved in full and part in outline, as set out below;

- i. Full planning permission granted for Phase 1A, a part four-/part five-storey block and Phase 1B, a part six-/eight storey block, comprising in total 119 residential units, 422 sq m retail floor space (Use Class A1 and A2) and 121 sq m community facility (Use Class B1 and D1), with associated parking, landscaping and amenity space, and including the diversion of the public footpath connecting Central road and the railway footbridge; and
- ii. Outline planning permission granted for the erection of a further 216 residential units (known as Phases 2 & 3 of the development) with matters of land use, quantum of development and means of access approved, **with layout, scale, appearance and landscaping reserved (otherwise known as 'the Reserved Matters')**

*Key elements of the estate regeneration include;*

- 335 new homes (187 affordable and 148 private sale)
- A total of 56% of the residential units will be affordable comprising a mix of 1-bed, 2-bed and 3-bed flats, 3-bed maisonettes, 3-bed houses, 4-bed houses and 4-bed maisonettes.
- Of the 187 affordable units, 122 units will be for social rent and 65 for intermediate housing.
- 27% of all new dwellings (91 in total) shall be provided as family accommodation (i.e. having 3 bedrooms or more).
- A minimum 10% of units designed to be wheelchair accessible.
- A total of 162 car parking spaces for the residential development, with a further 2 spaces and 1 loading/serving bay for the proposed retail/community uses. A total of 19 disabled parking bays will be provided as part of the overall provision.
- A new community facility.
- A new retail/commercial space.
- Better quality and enhanced open space and amenity space.

Demolition of some existing blocks has already taken place, in preparation for the construction of Phases 1A and 1B which benefit from full permission. Prior to this the site comprised residential buildings, 214 dwellings in total which included one and two bedroom flats and 3-bedroom maisonettes. These were arranged in 19 separate 3-storey blocks, these pre-fabricated blocks are in a poor state of repair and in much need of regeneration. Along the eastern side of the site, and fronting Harrow Road stood a car show room and MoT garage. These uses and associated structures have recently been removed from the site, to make way for the redevelopment of the estate.

Vehicular access to the site is limited to a single access point on Harrow Road, and the two roads within the site, Roundtree Road adjacent to the northern boundary and Saunderton Road adjacent to the southern boundary, end in cul-de-sacs. The estate roads are to be re-aligned and linked to form a single loop road, under the terms of planning permission 09/2350.

A public footpath (Public Right of Way) also runs north-south across the site linking the public footbridge crossing over the railway tracks to the north with the footpath access towards Maybank Open Space and Central Road. Approval for this to be diverted around 'Block AB' has been granted, this also formed part of planning permission 09/2350.

## **PROPOSAL**

The application seeks the approval of all matters that were reserved within the Outline Planning Application reference 09/2350 (related to Phases 2 & 3), namely **Layout, Scale, Appearance and Landscaping**.

Approval of these Reserved Matters is pursuant to Condition 2 of planning consent 09/2350.

## **HISTORY**

**09/2350** (received on 16/11/09) - Hybrid planning application for the demolition and redevelopment of the entire Barham Park Estate, comprising: Full planning permission for the erection of 1 part four-/part five-storey block and 2 part six-/part eight-storey blocks, comprising in total 119 residential units, 422m<sup>2</sup> of (Use Class A1/A2) floorspace and a 121m<sup>2</sup> community facility (Use D1), with associated parking, landscaping, amenity space and including the diversion of the public footpath connecting Central Road and railway footbridge; and Outline planning permission for the erection of a further 216 residential units (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved) and subject to a Deed of Agreement dated 17th March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended. **Granted on 23/03/10**

## **POLICY CONSIDERATIONS**

**Brent UDP 2004**

**BE1** Urban Design Statements

- BE2** Local Context
- BE3** Urban Structure: Space & Movement
- BE4** Access for disabled people
- BE5** Urban clarity and safety
- BE6** Landscape design
- BE7** Streetscene
- BE8** Lighting and light pollution
- BE9** Architectural Quality
- BE10** High Buildings
- BE12** Sustainable Design Principles
- BE17** Building Services Equipment
  
- EP2** Noise and Vibration
- EP3** Local air quality management
- EP4** Potentially polluting development
- EP6** Contaminated land
- EP12** Flood protection
  
- H6** Protection of Existing Affordable Housing (including HMO's)
- H7** Major Estate Regeneration Areas
- H8** Resisting Loss of Housing
- H9** Dwelling mix
- H11** Housing on Brownfield Sites
- H12** Residential Quality – Layout Considerations
- H13** Residential Density
- H14** Minimum Residential Density
  
- TRN1** Transport assessment
- TRN2** Public transport integration
- TRN3** Environmental Impact of Traffic
- TRN4** Measures to make transport impact acceptable
- TRN10** Walkable environments
- TRN11** The London Cycle Network
- TRN12** Road safety and traffic management
- TRN13** Traffic calming
- TRN14** Highway design
- TRN15** Forming an access to a road
- TRN16** The London Road Network
- TRN20** London Distributor Roads
- TRN22** Parking Standards – non-residential developments
- TRN23** Parking Standards – Residential Developments
- TRN24** On-street parking
- TRN34** Servicing in new developments
- TRN35** Transport access for disabled people & others with mobility difficulties
- PS1** Parking standards – Operation of these parking Standards
- PS3** Regeneration Exception
- PS7** Shops (Use Class A1) less than 200m<sup>2</sup>
- PS12** Parking standards – Non-residential institutions (Use Class D1) and Hospitals (Use Class C2)
- PS14** Parking Standards – Residential Developments
- PS15** Parking for disabled people
- PS16** Cycle parking standards
- PS17** Servicing for shop units less than 2000m<sup>2</sup>
  
- OS18** Children's play areas

- CF5 Community Facilities in Large Scale Developments
- CF6 School Places

### **Brent Council Supplementary Planning Guidance and Documents**

- SPG12 Access for disabled people
- SPG13 Layout standards for access roads
- SPG17 Design Guide for New Development
- SPG19 Sustainable design, construction and pollution control
- SPD Section 106 Planning Obligations

### **Brent Core Strategy - July 2010**

- CP2 Population and Housing Growth
- CP5 Placemaking
- CP6 Design & Density in Place Shaping
- CP15 Infrastructure to Support Development
- CP19 Brent Strategic Climate Mitigation and Adaptation Measures
- CP21 A Balanced Housing Stock

### **Mayor of London**

#### **The London Plan Consolidated with Alterations since 2004**

##### Mayor of London Supplementary Planning Guidance

- Providing for Children and Young People's Play and Informal Recreation (March 2008)
- Sustainable Design and Construction (May 2006)
- Housing (November 2005)
- Accessible London; Achieving an Inclusive Environment
- The Mayor's Energy Strategy; Green Light to Clean Power (2004)
- Draft Mayor of London Housing Design Guide (2009)

### **Planning Policy Guidance and Statements**

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS9 Biodiversity and Conservation
- PPG13 Transport
- PPS23 Planning and Pollution Control
- PPG24 Planning and Noise
- PPS25 Development and Flood Risk

### **SUSTAINABILITY ASSESSMENT**

The sustainability measures that will be incorporated into the development and the strategy for achieving these were approved within the 'Hybrid' Planning Application (09/2350). Sustainability measures are set out in the Section 106 agreement attached to this permission.

The key measures secured include;

*(a) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level Sustainability 3 for phases 1a and 1b and Level 4 for phases 2 and 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.*

*(b) Offset 20% of the site's carbon emissions through on site site wide energy network and high performance building fabric as approved in the Energy Statement, with compensation should it not be delivered.*

The submission of a Sustainability Implementation Strategy at least 1 month prior to the commencement of works (i.e. a material start) on any development phase was required through the Section 106 agreement, and the strategy must be approved prior to commencement. This strategy will accordingly be submitted and approved outside of this application.

## **CONSULTATION**

A total of 473 consultation letters were sent to adjoining and nearby owners/occupiers and those who have expressed an interest in the 'Hybrid' application.

Site Notices were erected on 9 December 2010.

The application was advertised in the local press on 16 December 2010.

### **Statutory Consulters:**

#### ***Transportation:-***

The details relating to matters concerning Layout, Scale, Appearance and Landscaping do not present any Transportation issues. The road layout and servicing arrangements generally remain as per the 'hybrid' approval which is acceptable. The only minor difference being the relocation of two disabled parking spaces to achieve a better distribution site wide.

The only concern is that the "car free" agreement applies only to Block GH in Phase 1, and none of the units in Phase 2. It is now too late to add further units into any "car free" agreement and as before the applicant (i.e Notating Hill Housing & Countrywide) will have to carefully consider how parking will be managed across the estate.

#### ***Landscape:-***

Concerns were raised in relation to the design of the designated play spaces, namely their layout and whether they would meet the target age range. Having considered the applicants justification for the design of the play spaces your Landscape officer's feel the reasons for the design represent a reasonable and practical solution to the may occur of equipment was included to encourage older age groups.

The mixture of tarmac and block paving for the parking bays is considered to represent an acceptable solution in the opinion of your Landscape officer.

Revised drawing AA1896/2.1/016 is submitted to show a re-positioned boundary fence.

#### ***Environmental Health:-***

No comments made. However no objection was raised to the original 'hybrid' consent, but conditions were requested and subsequently attached to this consent relating to contaminated land, air quality assessment undertaken (namely that this be amended using up-to-date emissions data), further details of a Construction Management Strategy, post completion testing for noise and details of a site waste management plan.

#### ***Urban Design:-***

In the main the architectural approach and design of individual block is supported. Some minor revisions have been suggested, as follows;

*Blocks J, M, Q & R* - Re-design terraced housing to have a full height front projecting bay feature.

*Block K* - Introduce greater variation to the balconies on the main elevation as you enter the estate. Also introduce a parapet feature.

*Blocks N, P, U & W* - Introduce terracotta rainscreen cladding to parts of the ground floor (rather than brick finish).

*Blocks S & T* - Introduce greater variation to the balconies so that there is a variety of glazed and obscure panels.

#### ***Environment Agency:-***

Original comments on the outline application were addressed, and drainage details for the site have recently been assessed and considered to be acceptable, pursuant to Condition 15 of planning consent 09/2350.

No additional comments are made.

**Thames Water;-**

Had no comments to make.

**Ramblers Association;-**

No objection provided a safe public footpath remains.

**Ward Councillor's;-**

Councillor Lorber asked for further clarification of what was agreed in the Outline consent in terms of parking numbers, and whether or not a Controlled Parking Zone (CPZ) would be introduced.

Your Officers have advised Councillor Lorber that this application relates to Reserved Matters for Phases 2 and 3 of the development, relating to details of layout, scale, appearance and landscaping. And that parking numbers and the strategy for the management of these was already considered, and approved as part of the original 'hybrid' application (09/2350).

To re-cap there will be 164 spaces overall. Block uGH which is Phase gB of the development is "car free", and the rights of residents to apply for residents parking permits has been removed through the s106 agreement, which forms part of the original consent. Confirmation of the allocation of parking spaces has been secured through the s106 agreement as one of the clauses requires the submission and approval of a Parking Management Plan. Your Transportation Officer's were supportive of this approach, on the condition that a CPZ is introduced. In the event of the CPZ not coming forward it is not the intention of the Council's Highway Authority to adopt the roads, and a measure which that has been secured through the s106 agreement is to require the submission and approval of a parking management plan. The approved management plan will need to show a strategy for space allocation and will need to include a clause which restricts the units within Blocks G, H from being eligible for an allocated parking space on the estate. Priority will also be given to existing residents in terms of future space allocation, and this is secured within the s106 through an agreed parking management plan. This will be managed by Notating Hill Housing.

Councillor Lorber did respond to this raising an additional point that residents may oppose the introduction of a CPZ, if permit charges are likely to rise, and that for this reason the issue of parking should be looked at again.

As this is a Reserved Matters submission relating to scale, layout, appearance and landscaping the car parking strategy has already been agreed and approved (09/2350). The s106 agreement provides the mechanism for securing the development in part as "car free" and the parking management strategy, and cannot be amended through this Outline application. The agreed parking strategy is consistent with Council, GLA and Government policy and represents a suitable solution given the site constraints and the need to achieve the regeneration of Barham Park Estate.

**Neighbour Responses;-**

One objection has been received. This is from a resident of Perkin Close which is north of the site, separated by the railway line. The residents' concerns are that the height of blocks will result in overshadowing and loss of afternoon sunlight, and why has this not been considered in the overshadowing report?

**Response to objection;-**

Members should note this subject was considered in the original 'hybrid' application (09/2350), since the approval of this application the siting of blocks has not changed. Properties to the north on Perkin Close, namely the objectors property is separated from the development by the width of a railway line, and consequently the rear of this property is approximately 49m away from the closest block AB, and 55m away from the next closest block CD, the back edge of the rear garden is measured to be approximately 36m away from the closest block (AB).

The Overshadowing Report submitted in support of the scheme concentrates on assessing the overshadowing impact on properties to the south of the site which are a lot closer at approximately 35m away. The overshadowing assessment is favourable in terms of the impact on these properties on Central Road. It was considered that properties north, including those on Perkin Close are too far away for the proposed buildings to have an unduly detrimental impact on their daylight or sunlight, and for this reason they do not appear in the overshadowing report. Furthermore given that the assessment finds an acceptable impact on properties on Central Road, which are closer than properties on Perkin Close it is not considered necessary for these to have been tested for overshadowing impacts.

**REMARKS**

**Summary of current planning position**

The 'hybrid' application approved in March 2010 gives full planning permission for Phases 1A and 1B, comprising some 119 residential units.

The remaining 216 units are to come forward as part of Phases 2 and 3 of the estates redevelopment and will provide a variety of dwelling typologies including family housing. The Masterplan approach to the entire development (including these phases) has been agreed in principle, this considered the indicative the layout of blocks, their relationships and the height principles for individual blocks to be acceptable. Accordingly outline planning consent was granted for Phases 2 and 3 as part of the 'hybrid' application with layout, scale, appearance and landscaping reserved.

**Schedule of Accommodation in Phases 2 & 3**

<b>Unit Type</b>	<b>Rented</b>	<b>S/O</b>	<b>Private Sale</b>	
1 bed 2 person	29	10	26	65
2 bed 3 person	3	14	42	59
2 bed 4 person	0	10	12	22
3 bed 5 person	14	0	30	44
4 bed 6 person	25	0	1	26
<b>Total</b>	<b>71</b>	<b>34</b>	<b>111</b>	<b>216</b>

The matters that were reserved are specified in Condition 2 of planning consent 09/2350.

This application now seeks the approval of these Reserved Matters, which relate to Layout, Scale, Appearance and Landscaping.

**Reserved Matters**

These matters are set out within Government Circular 01/2006 as:

- **Layout** - the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development
- **Scale** – the height, width and length of each building proposed in relation to its surroundings.
- **Appearance** – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.
- **Landscaping** – this is the treatment of private and public space to enhance or protect the site’s amenity through hard and soft measures,

The quantum of development and means of access were approved within the Outline Consent and accordingly will not be discussed within this application, other than to confirm that the submission is in accordance within the Outline consent.

The quantum of development does not differ from what was specified within the Outline consent. The total number of residential units remains the same and the extent of commercial floor space and D1 floor space remains as detailed in the 'hybrid' consent. Access to the estate, and access in

and around the estate is to be undertaken in accordance with details set out within the 'hybrid' consent.

### **Layout**

The submitted layout is consistent with the approved Masterplan in terms of the layout of individual blocks, their relationship to each other, relationships to open spaces, the routes through the estate (both pedestrian and vehicle) and the open spaces that are to be provided around the buildings.

The Masterplan approves an urban block structure with perimeter blocks forming edges to the streets. A series of four, taller blocks are located along the northern edge with blocks C and E standing taller at 6-storeys high. Due to the proximity of these blocks to the railway line a condition was attached to the original consent to achieve a certain level of sound insulation, and prior to first occupation of blocks C, D and E the applicant is required to submit the results of post-completion testing, to safeguard the amenities of future residents.

The new road layout has already been approved, this will deliver a new 'loop road' which will improve vehicle movement around the estate and this has been designed to include traffic calming features. This new road layout dictates the siting and arrangement of residential blocks.

The spacing between individual blocks ensures that acceptable separation distances are observed throughout the estate. Facing blocks are at least 20m apart, in some places the distances even exceed the SPG17 standard, being as much as 33m apart thus ensuring adequate separation between directly facing windows. Much of the spacing is dictated by the new road layout. The only pinch point of note is the separation of 18m between part of block C and the corner of block T, but this is not a significant shortfall. The layout should ensure an acceptable residential environment that does not give rise to unacceptable overlooking or loss of privacy.

The layout allows for open spaces to be provided for the benefit of residents, some in the form of communal amenity areas. A key principle behind the Masterplan layout is to provide a 'green heart' through the provision of both the central open space and the podium level open space. In addition to these spaces there will be private communal courtyards for the residents of Blocks KL and ST. This layout allows for the blocks to overlook communal landscaped gardens.

This layout, and the observation of SPG17 separation distances also ensures units receive adequate levels of daylight, sunlight and outlook. An addendum report has been submitted with the Overshadowing Report to compare the current scheme to the previous building massing. The previous report concluded that the proposed development had a negligible overshadowing impact on residential gardens. It also concluded that the open spaces meet the BRE guidelines for solar access. The purpose of the addendum is to clarify the impact of the minor changes to the massing model and whether these have a significant impact. The majority of changes to the massing are very minor, in most cases the original massing model was higher and wider than the current proposal, and from this it is concluded that such changes will only improve solar gain. Where there are minor increases to the massing of blocks the report finds that these changes would not have a significant impact on overshadowing. In the majority of situations where the massing increases this is down to increased parapet heights.

Revised plans received propose the relocation of all cycle storage connected with blocks N, P, U and W to the undercroft parking area. This allows for an enlargement of one unit. As the number of parking spaces is not affected this change is acceptable.

#### Layout Summary;

Your Officers consider the layout of Phases 2 and 3 comply with the principles of SPG17 ensuring adequate separation distances are observed, in the interests of neighbouring amenity. It is considered that the built form, layouts and relationships of buildings to one another within the site will result in a high quality development which will be broken down through a hierarchy of buildings, the use of open and private outside spaces.



## **Scale**

The indicative plans that were submitted with the Outline planning application demonstrated indicative heights, widths and lengths of each individual building. However, Scale in itself was Reserved within that application and approval of this matter is now sought.

The detailed drawings submitted in respect of scale of Phases 2 and 3 are largely in accordance with the Masterplan, approved at outline stage. This contains a hierarchy of buildings ranging in height from 3 to 8 storeys. Perimeter blocks K, L, M, W, N, J and P, Q, S, T, R, and U range between 3 and 5 storeys, with taller elements sited at corner junctions to pronounce these elements. These taller elements are intended to create a strong frontage. Block K is one of the taller elements, and this is sited in a prominent position that announces the 'gateway' to the development. It is therefore appropriate to announce the entrance point with a taller building. Minor revisions have been made to this, block which are discussed further in the 'design' section of this report.

Blocks C, D, E and F will act as perimeter blocks along the northern boundary, and the scale of these blocks at part 4 and part 6 storeys high is commensurate to the building hierarchy that is created by siting the tallest, most prominent block, G and H along the Harrow Road frontage (this block was granted full permission under the 'hybrid' planning consent). There is an opportunity for a taller series of buildings along this edge as properties to the north are separated by the railway and consequently are 45m away, or more in certain places. This is a significant separation which should ensure the increased heights do not result in increased overshadowing to residents north of the railway line.

Scale in terms of building heights, lengths and widths are generally in accordance with the approved Masterplan, and the indicative drawings submitted in support of the outline consent. The heights diagram remains consistent with the original 'hybrid' so there is no increase to the earlier storey heights of each block. Where the buildings will extend beyond the massing of the indicative drawings these increases are considered to be relatively minor in nature. Marginal height increases have been proposed due to architectural devices that are proposed, these correspond to parapet increases, whilst other increases relate to balcony projections, wall thickness and marginal increases and in places reductions to the horizontal massing of individual buildings.

### **Scale Summary:**

Your officers consider that the proposed scale helps to set a clear hierarchy of buildings, and will assist in providing a landmark development. The variations in scale provide a transition to the scale of the surrounding buildings, and the siting of taller landmark buildings are considered to be appropriate for their location.

## **Landscaping**

This submission details the landscaping proposals for the Barham Park Estate redevelopment.

The landscape framework aims to improve Barham Park through a network of open spaces (both public and private), legible and pedestrian friendly streetscape and ecological enhancements. This will be addressed through a combination of hard and soft landscaping, tree, shrub, planting areas and play spaces.

The landscape strategy is based on the following objectives;

- The creation of a green link that unifies the site
- Provide pedestrian friendly streetscene that will include incidental play space and links pedestrian movement.
- Maximise visual and recreational amenity
- Use street trees and shrub planting to reduce urban scale, filter views and provide an instant impact to the streetscene
- Traffic calming of all streets
- Provide consistent streetscape planting
- Maximise biodiversity value of planting proposals

- Preserve the most valuable tree stock and integrate the retained trees with the new development
- Create green edges for biodiversity, amenity and visual screening
- Create a landscape language that links the overall site

*Ground level landscaping:*

It is proposed to create a high quality streetscene environment, with clearly defined pedestrian routes along tree lined roads. This meets one of the key landscaping objectives which is to retain existing trees and supplement this with appropriate new and replacement planting across the site.

It is intended to maintain an open feel to the site, and this is intended to be carried through by forming shared pedestrian and vehicle surface throughout the estate, with low level boundary treatments.

Each house will have a private front garden providing defensible space. The boundary treatment to these spaces is consistent with the objective to keep an open feel and will consist of a low walls and railings. Planting areas behind will consist of low maintenance shrub planting to soften the streetscape. This boundary treatment along with trees planted along the road edges are intended to provide a green link throughout the site.

*Hard landscaping materials;*

A shared surface will be utilised for both pedestrian and vehicle movement. Paving slabs and brick setts are to be used on pathways and front and back patio areas. Further details of hard materials are found on the landscaping drawings accompanying this application.

*Play spaces;*

Currently there is no play provision on site but the site is bounded by Maybank Open Space and Barham Park. The Maybank open space consists of a LEAP, with provision for activities such as netball, football and cricket. Barham Park also has a LEAP with seven items of play as well as seating.

The play strategy for the overall Masterplan is to cater for all ages with the creation of dedicated play areas. These spaces will consist of a mixture of adventurous and natural play, and designed and equipped for children of early school age.

The play spaces will be located in the podium garden and central open space in front of Block E. These spaces will be finished with a mix of grass and hardsurfacing, and furnished with appropriate shock absorbing surfaces around the play features. The spaces have been designed with features to stimulate activity play such as balancing, climbing, sliding, jumping and crawling with grass mounds, stepping logs and sculptures.

More adventurous equipment for older children in the 5-11 age range and 12+ has not been included, this is intentional. The applicant's reason for not including such equipment is that they are seeking to avoid these spaces being attractive to older youths, because of the proximity of these spaces to residential units and a concern that anti social behaviour may ensue. The play strategy put forward is based on the fact that the site is adjacent to Maybank Open Space and Barham Park which both have facilities to cater for older range groups of children.

The communal podium space is designed with a 'play trail' that will stimulate balancing, climbing, jumping and crawling for younger age groups.

Landscape Officer's support the approach, it is felt the design represents a reasonable and practical solution given the problems that could occur if these spaces had play equipment for older age range groups.

Members should note that the hybrid application (ref; 09/2350) was granted with an s106 agreement, one of the Heads of Terms secures a financial contribution toward improvements to

play provision on Maybank Open Space of £60, 000 (due within 1 year of material start on Phase 3).

*Private and communal amenity spaces;*

All units are to benefit from either their own private outdoor space in the form of a ground floor patio or garden, or a balcony/roof terrace for units on the upper floors. In addition to this communal areas will provide further, useable outdoor amenity space.

Units within Block K and L will have access to a communal courtyard, solely for residents of these two blocks. Ground floor units that back onto the courtyard will also have small private patio areas overlooking the space.

Block F along the northern boundary has private gardens to the rear for all ground floor units, whilst all upper floor units each have a south facing balcony (approximately 6m<sup>2</sup>).

Block E overlooks the Central Open Space, which has a visual connection with the central podium garden. This open space will be used for play space, and detailed designs submitted propose a space that will have earth mounds, with natural stone boulders, zig-zag balancing beams as well as play logs. Within this there will be a tree planting zone. The design and layout of this space respects the distances to the ground floor dwellings.

Blocks NPUW within the centre of the estate frame the Central Podium Garden, this space is to form the 'green heart' with its visual link to the Central Open Space directly in front of Block E. The podium garden is solely for the residents of blocks NPUW. Ground floor flats facing into the podium will have private patio areas, with defensible planting around the edges.

The play strategy for the podium is to create a mixture of adventurous and natural play that will cater for the 5-11 age range. The design and equipment will stimulate active play such as balancing, climbing, jumping and crawling. This play trail is surrounded by a series of earth mounds. Some of the ground floor units will have direct access to private gardens to the rear of the blocks, approximately 50m<sup>2</sup> in area.

Block CD has private gardens to serve the family size maisonettes on ground and first floors. On the upper floors all units will have private, south facing balconies with some of the larger corner units benefiting from more generous "wrap around" balconies.

Block ST adopts a mixture of private, balcony and communal outdoor space. To the rear two private courtyards are to be provided solely for the residents of block ST, and private patio areas to the ground floor units will overlook the courtyard.

Blocks JMQR form the terraced housing laid out in a back-to-back arrangement. These family sized, three and four bedroom units will be afforded large rear gardens, approximately 50m<sup>2</sup> in area, and in some cases exceeding 50m<sup>2</sup>. The size of these family gardens will satisfy amenity standards, set out in Supplementary Planning Guidance 17 'Altering & Extending Your Home'.

Where private amenity spaces fall short of SPG17 guidance these shortfalls can be off-set by the provision of communal open space in the estate, and the sites proximity to Maybank Open Space and Barham Park.

**Landscape Summary:**

Your officers consider that the landscaping proposals are acceptable. Further details of the landscaping, such as the podium construction methods, play space, seating, boundary treatment and tree protection, are required to discharge condition 12 of planning permission 09/2350.

**Appearance**

The proposal remains true to the Masterplan principles that have established the hierarchy of buildings. Phases 2 and 3 occupy the main body of the site and their design is intended to create a

transition between the two very different approaches for Phases 1A and 1B at either end of the site, whilst still retaining a cohesive feel. This sense of cohesion throughout the estate is to be achieved through the materials palette consisting largely of brick, render and external cladding. As well as the materials a degree of uniformity throughout the estate is to be achieved through architectural features such as balcony types and window proportions.

Phases 2 and 3 will share the same materials palette as Phases 1A and 1B but the colour range varies to avoid a monotonous appearance.

Your officers considered that some elements of the buildings as initially proposed required some further work to introduce additional visual interest in the building. The changes requested consisted of the following;

1. Introduce a full height projecting bay feature to the rows of terraced housing (Blocks J, M, Q and R).
2. Block K is a prominent block at the gateway to the development. It was suggested that a more parapet feature be included to assist in providing a visual separation between this and adjoining block L.

Revised drawings which show the amended parapet to block KL have been received, but Officers still await revised drawings which detailed the changes to blocks J, M, Q and R, and confirmation of these will be reported in the Supplementary Report.

Block KL is a prominent block at the gateway of the development with feature balconies used to provide visual interest. It is intended to reverse the application of facing materials used on the main frontage block H so that Block K is predominantly brick with white rendered recesses. It is hoped this inverted approach will create a dialogue between these two blocks.

Block F is a 4-storey block where the main elevation is predominantly rendered in white. To provide articulation to this linear block a series of recesses, together with balconies are included. The two end elements of this, which act as 'bookends' to the block have been treated differently for a reason. The eastern end is finished in brick to continue the brick theme utilised on the frontage blocks which are closest at this point. In contrast the western end of this block is to be finished in terracotta rainscreen cladding, this cladding is in keeping with its location close to the central open space and to relate to blocks which frame the central open space.

Block E is a key block, being one of the tallest elements it will act as a landmark building. The southern façade, overlooking the central open space comprises a series of solid and glazed balconies arranged in a staggered form to provide visual interest and articulation to this prominent elevation. The palette of materials is kept simple, consisting of white render and glass. The block is then encased in a shroud, wrapping around the side and rear elevations finished in terracotta cladding. This architectural approach, to form this outer layer to the buildings is also going to be employed on block 1A which addresses Maybank Open Space.

Blocks NPUW are within the centre of the estate and frame the Central Podium Garden. Feature terracotta cladding is to be applied to all four corners of the buildings, with the buildings sitting on brick plinths which will relate to adjoining terraced housing. The terracotta cladding oversails the brick plinth, and this will give the visual impression of two distinctly separate elements to the building. Projecting balconies, and white render are also used on these blocks, similar to the techniques applied to blocks K, S and T.

Block CD which is linear has a similar form to F, with the frontage articulated by projecting balconies but the application of materials is the opposite of F. The main façade is a mix of terracotta cladding and white render, with the recesses finished in blue brick. This inverted technique with the use of brick, cladding and render is used elsewhere in the development and helps to provide variation.

Block C has an important role as one of the most prominent in the estate, due to its location at the arrival point of the pedestrian bridge over the railway. It adopts many of the architectural features used elsewhere across the estate, with feature balconies, two-storey brick plinth and terracotta rainscreen cladding which oversails the lower floors.

Block ST is located directly opposite Block AB which forms Phase 1A of the estates redevelopment (full planning permission was granted for block 1A, as part of the 'hybrid' consent). The appearance of block ST has been designed deliberately to relate to this neighbouring block in Phase 1A through the use of the yellow stock brick, blue brick and white render.

The terraced housing is contained within blocks J, M, Q and R. These houses are two and a half storeys high, each with projecting bays to articulate the long elevations. Further changes to the projecting bays have been requested and this will be reported further in the Supplementary Report. The facing materials are kept simple and in keeping with the wider, being limited to brick and render, however the colour of facing brick changes depending on the location of the terrace, within the Masterplan (i.e. varies between red and blue facing brick).

Final materials for all Phases of the development are the subject of Condition 10 of the original 'hybrid' consent and will be confirmed through the discharge of this condition which is currently being considered by your Officer's.

#### Appearance summary:

Your officers consider that the proposal details of individual blocks includes sufficient articulation to break down the visual mass of these buildings, at the same time providing visual interest to the elevations. It is considered the design approach and architectural devices provide interest within the building facades. Furthermore the palette of materials does provide a coherent approach across the Masterplan area, with a sense of identity given to each block through the variations in colour that are proposed.

#### **Summary**

The principle of the redevelopment of the site for housing at a higher density than currently found on site is considered to be acceptable in policy terms and will help deliver much needed regeneration and new modern housing. The Masterplan is considered to set an appropriate standard of architecture and hierarchy of buildings, and proposes a well thought site layout. The quality of accommodation is also considered to be very good, given the internal dimensions of each unit, as is the treatment of external space and Officers consider this will contribute to the creation of a high quality residential environment.

The detailed plans for phases 1A and 1B propose interesting, high quality forms of architecture which will set a marker for the redevelopment of the entire estate. Your Officer's are satisfied through the submission of additional details related to scale, layout, appearance and landscaping that the later phases of the development which come forward in Phases 2 and 3 will also contribute to the creation of a high quality development.

The proposals are considered to accord with the policies set out within the Brent UDP 2004, and on this basis, it is recommended that planning permission is granted.

#### **Site wide S106 agreement**

*Members are advised that the original hybrid consent (09/2350) application has a Section 106 Agreement, this secures the following benefits:-*

- *Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance*
- *Affordable Housing - 56% - unless otherwise agreed by the Council's affordable housing officer.*
- *A contribution of £96,600 for phase 1A*

£165,000 for phase 1B

£194,400 for phase 2

£315,600 for phase 3

(£3,000 per additional private bedroom and £2,400 per additional AH bedroom), due on material start of each phase, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area, including but not limited new play provision adjoining the site

3. *Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level Sustainability 3 for phases 1a and 1b and Level 4 for phases 2 and 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.*
4. *Offset 20% of the site's carbon emissions through onsite site wide energy network and high performance building fabric as approved in the Energy Statement.*
5. *Prior to occupation on any phase, submit, gain approval and adherence to a Travel Plan covering that phase with consideration for the overall travel plan.*
6. *Prior to any occupation the provision of a community centre of not less than 140 sqm*
7. *To work with Brent in 2 Work to support existing residents of the estate in gaining the skills and opportunities to apply for the on site construction and retail jobs.*
8. *Prior to occupation of phase 1 (a) or 2 provide the Maybank Open Space.*
9. *Prior to occupation provide the agreed Highways works for each phase.*
10. *Prior to any occupation of 1a re-provide the footway to the railway bridge marked on Plans 2*
  - (i) *Join and adhere to the Considerate Contractors scheme.*
  - (j) *Offer for adoption the estate roads, for which the Council will consider adoption of if there is a CPZ in place.*
  - (k) *Prior to Occupation, submit gain approval for and adhere to a Car Parking Management Plan, which will prioritise residents of the original estate in the allocation of parking spaces.*
  - (l) *In the event a CPZ is established the units in blocks G and H will not be allowed to apply for parking permits,*

## **REASONS FOR CONDITIONS**

Members should note that planning conditions are attached to the original 'hybrid' consent, and for a list of planning conditions please see this original decision (ref; 09/2350).

**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

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

AA1896/2.1/01,revA (1:1250)      AA1896/2.1/030,revC (1:200)  
    AA1896/2.1/071,revA (1:200)  
 A6212/2.1/05 (1:500)              AA1896/2.1/031,revC (1:200)  
    AA1896/2.1/072,revB (1:200)  
 AA1896/2.1/006, revC (1:500)      AA1896/2.1/032,revB (1:200)  
    AA1896/2.1/080,revD (1:200)  
 A6212/2.1/07 (1:500)              AA1896/2.1/040,revA (1:200)  
    AA1896/2.1/081,revC (1:200)  
 AA1896/2.1/014,revB              AA1896/2.1/041,revC (1:200)  
    AA1896/2.1/082,revC (1:200)  
 AA1896/2.1/016,revA (1:200)      AA1896/2.1/042,revD (1:200)  
    AA1896/2.1/083,revB (1:200)  
 AA1896/2.1/017,revA (1:200)      AA1896/2.1/050,revB (1:200)  
    AA1896/2.1/084,revC (1:200)  
 AA1896/2.1/018 (1:100)              AA1896/2.1/051,revB (1:200)  
    AA1896/2.1/090,revA (1:200)  
 AA1896/2.1/019 (1:100)              AA1896/2.1/052,revC (1:200)  
    AA1896/2.1/091,revA (1:200)  
 AA1896/2.1/020,RevA (1:200)      AA1896/2.1/060,revA (1:200)  
    AA1896/2.1/092,revB (1:200)  
 AA1896/2.1/021,revB (1:200)      AA1896/2.1/061,revA (1:200)  
    AA1896/2.1/100,revA (1:200)  
 AA1896/2.1/022,revB (1:200)      AA1896/2.1/062,revB (1:200)  
    AA1896/2.1/101,revA (1:200)  
 AA1896/2.1/023,revB (1:200)      AA1896/2.1/070,revA (1:200)  
    AA1896/2.1/102,revB (1:200)  
  
    AA1896/2.1/110,revA (1:200)  
  
    AA1896/2.1/111,revB (1:200)  
  
    AA1896/2.1/112,revB (1:200)

PRP, Planning Statement Addendum, Nov 2010  
 PRP, Overshadowing Assessment with Addendum, Nov 2010  
 PRP, Phases 2 & 3 Design & Access Statement, Nov 2010  
 PRP, Energy Strategy, Nov 2009  
 PRP, Environment & Sustainability Statement, May 2010  
 PRP, Code for Sustainable Homes Pre-Assessment Level 4, Nov 2010  
 Brand Leonard, Geotechnical & Geoenvironmental Report No. 35091/01 (June 2006)  
 Incorporating Contamination Assessment & Drg No. 10353/5037, Nov 2010  
 Mayer Brown, Transport Assessment, Nov 2009

PRP, Affordable Housing Statement, Nov 2009  
AMA, Phase 1 Habitat Survey, Sept 2009  
PRP, Tree Assessment Report, Sept 2009  
Brand Leonard, Flood Risk Assessment, Sept 2009  
Brand Leonard, Supplementary to Flood Risk Assessment, Nov 2010  
Mayer Brown, Air Quality Assessment, May 2010  
Mayer Brown, Air Quality Assessment, Sept 2006  
CgMS, Archaeological Desk Based Assessment, May 2006  
AWA, Utility Services Report, Oct 2010  
Addendum to 2009 Statement of Community Involvement, Nov 2010  
Mayer Brown, Noise & Vibration Assessment, 2006  
Drg 11018/1003P1, Street Lighting Layout (1:500)  
Drg 11018/1001P2, Proposed Road Geometry Sheet 1 of 2 (1:250)  
Drg 11018/1002P2, Proposed Road Geometry Sheet 2 of 2 (1:250)

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

**INFORMATIVES:**

- (1) This decision should be read in conjunction with planning permission 09/2350, and conditions attached to this permission should be complied with in full.

**REFERENCE DOCUMENTS:**

Brent UDP 2004  
Brent Council Supplementary Planning Guidance and Documents  
Brent Core Strategy - July 2010  
The London Plan Consolidated with Alterations since 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: Barham Park Estate, Roundtree Road/Saunderton Road, Wembley, HA0

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This map is indicative only.

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**Committee Report  
Planning Committee on 2 February, 2011**

**Item No.** 11  
**Case No.** 10/3207

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**RECEIVED:** 13 December, 2010

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** School Main Building, Brentfield Primary School, Meadow Garth,  
London, NW10 8HD

**PROPOSAL:** Erection of 2 storey extension buildings to existing school incorporating new classrooms, toilets, storage rooms, school hall, kitchen and associated plant, photovoltaic panels, and educational roof garden; and landscaping changes including new external amphitheatre and proposed Multi Use Games Area, (MUGA,) ramped accesses, bin stores, parking areas and new trees

**APPLICANT:** Major Projects (London Borough of Brent)

**CONTACT:** Mott MacDonald

**PLAN NO'S:**  
Please refer to condition 2

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## **RECOMMENDATION**

To:

(a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report. (The Council is the applicant and land owner of the school site and in these circumstances the application cannot be subject to a full s106) or

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **SECTION 106 DETAILS**

The Council is the applicant and land owner of the school site, and rather than a full s106 the application requires an Agreement in the form of a letter from the Head of Property and Asset Management and suitably worded conditions to secure the following benefits:

- 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. Prior to Occupation submit, gain approval for and adhere to a Community Access Plan of the school, covering public access to the hall and MUGA for not less than 20 hours a week at rates comparable to council facilities
- c. Prior to Occupation submit, gain approval for and adhere to a shared use management plan
- d. Prior to Occupation submit, gain approval for and adhere to a Travel Plan of the school
- e. Sustainability - submission and compliance with the Sustainability check-list ensuring a

minimum of 50% score is achieved and BREEAM EXCELLENT with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.

- f. 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.
- g. Join and adhere to the Considerate Contractors scheme.

If within a reasonable period the applicant fails to demonstrate the ability to provide for these measures and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **EXISTING**

This application site is Brentfield Primary School which together with its grounds occupies an area of approximately 0.95ha. The proposed building extensions are set alongside the existing school complex but towards the western end of the site. Access is from Meadow Garth which the school fronts. This is a local access road that is not defined as heavily parked, has a CPZ and has a low public transport accessibility rating. Meadow Garth is not a through road and a barrier has been installed across the road outside the school allowing only emergency vehicles access to the rest of the street. The site is not situated within a conservation area. The school site adjoins the Shri Swaminarayan Mandir, the Neasden Temple to the east and the Grand Union Canal to the south. The rest of the local area is characterised by residential development.

Brentfield is a two form of entry school and currently accommodates 420 pupils.

## **PROPOSAL**

This application proposes the erection of one and two storey extension buildings to the existing school incorporating new classrooms, toilets, storage rooms, school hall, kitchen and associated plant, photovoltaic panels, and educational roof garden; and landscaping changes including new external amphitheatre and proposed Multi Use Games Area, (MUGA,) ramped accesses, bin stores, parking areas and new trees.

The new buildings have been located in two parts of the site: the sports hall at the front of the site is in an area at the entrance, which is not utilised as play space. The building will incorporate a new hall, expanded kitchen and accessible toilet. The hall will be capable of being hired for community access out of hours. Its roof will house the proposed solar panels. There will also be new toilets for the younger children and a new reception entrance, with a direct line of sight to the main access point.

The second area that is to be extended is alongside the playground and to the rear of the existing car park. The car parking has been revised to provide a more organised layout than the existing adhoc area, and will provide parking levels in line with maximum number of parking spaces guided in planning policy, which is lower than the current number of spaces. The proposed building extension provides 6 class rooms and a break-out space over 2 floors, with storage and toilets. This will form the new wing for the older primary school children. The new layout will enable the school to separate the younger and older children into there own dedicated wings with their own play spaces.

The proposes will add an additional form of entry raising the schools capacity to 630.

## **HISTORY**

Many history records on file, but the most relevant recent applications are:

**10/1249** – Erection of a single-storey detached temporary classroom in car park to southwest of school site (granted 18/06/2010).

**09/0306** – Erection of two-storey extension on north side of building and external staircase on east side of school (granted 22/04/2009).

**05/1999** – Erection of single-storey extension on east side of building (granted 30/08/2005)

## **POLICY CONSIDERATIONS**

**Planning Policy Guidance 17 – Planning for open space, sport and recreation**

**Planning Policy Statement 5 – Planning for the Historic Environment**

**Planning Policy Statement 9 - Biodiversity and Geological Conservation**

**Planning Policy Statement 25 – Development & Flood Risk**

**Planning Policy Statement – A sporting future for the playing fields of England**

## **London Plan 2004 as consolidated with amendments**

The following policies are relevant:

2A.1; 2A.9; 3A.24; 3D.8; 3D.13; 4A.3; 4B.1; and 4B.5

## **Brent's Unitary Development Plan 2004**

**BE2-** Townscape- Local Context and Character

**BE5** – Urban Clarity & Safety

**BE6** – Public Realm Landscape Design

**BE8** – Lighting and Light pollution

**BE9-** Architectural quality

**BE12** – Sustainable Design Principles

**BE17** – Building services equipment

**EP2** – Noise & Vibration

**EP6-** Contaminated Land

**H22** – Protection of Residential amenity

**TRN3** – Environmental Impact of Traffic

**TRN4** – Measures to make Transport Impact acceptable

**TRN11** – The London Cycle Network

**TRN22** – Parking standards- non-residential developments

**TRN34** – Servicing in New development

**TRN35** – Transport access for disabled people and others with mobility difficulties

**CF2-** Location of small scale Community Facilities

**CF8** – School Extensions

**CF10** – Development within school grounds

## **Brent's Core Strategy 2010**

**CP18** – Protection and Enhancement of Open Space, Sports and Biodiversity

**CP19** – Brent Strategic Climate Mitigation and Adaptation Measures

**CP23** – Protection of existing and provision of new Community and Cultural Facilities

**SPG17** - Design Guide for New Development

**SPG12** – Access for disabled people, designing for accessibility

## **SUSTAINABILITY ASSESSMENT**

As a Council project the applicants are required to submit and comply with the Sustainability check-list Form TP6 ensuring a minimum of 50% score is achieved and BREEAM Excellent with compensation should it not be delivered. In addition applicants are expected to adhere to the Demolition Protocol. The applicants score themselves 35 on the Sustainable Checklist. Officers score them at 32. Developments are usually expected to score at least 50, although the TP6 checklist is bias towards higher scores in residential development. Whilst it may be difficult to achieve 50 on a school site, a higher score than 32 would form a condition of any approval.

The pre-assessment of Brentfield Primary School has demonstrated the an overall “Very Good” BREEAM Education 2008 rating, and within the higher end of the percentage banding, (67.54%,) when Very Good starts at 55% and Excellent at 70%. The Ecology Assessment findings are discussed in the main body of this report. The achievement of BREEAM “Very good plus” will form a condition of approval, with compensation should it not be delivered. In addition the applicants will be expected to adhere to the Demolition Protocol.

Heating for the school extensions is proposed via two natural gas fired high efficiency boilers that will be weather compensated with 3 zoned circuits, including underfloor heating for the new hall. Hot water will be distributed by thermally insulated pipework within the ceiling voids. In summer the proposed classrooms will be heated and ventilated by inlet dampers, grilles and stack ventilation in addition to openable windows. In winter the vents can be shut and an air handling unit incorporating a heat recovery system can be used. The kitchen will require a mechanical supply and extract system. Lighting will have photocell controls.

The applicants propose that the London Plan requirement to offset 20% of on-site CO2 emissions be met by the use of an expanse of roof-mounted photovoltaic cells. These PV panels will be located on top of the proposed hall, towards the front and west of the site. Offsetting 20% of the site's carbon emissions through onsite renewable generation will be conditioned and if proven to the Council's satisfaction that it is unfeasible, the applicants will be required to provide off-setting off-site through an in-lieu payment to the Council who will provide that level of offset renewable generation.

The applicants have given great consideration to enhancing the existing school's sustainability, and incorporated passive measures to achieve this. They have also considered the learning experience that this may engender. To this end, a brown roof is proposed above the proposed Key Stage 2 classroom wing. This provides an outdoor classroom space and allows the children to see the proposed PV bank, and ventilation stacks close-up. The highway section below explains how the School Travel Plan is proposed to be advanced and on-site car parking provision will be reduced in line with planning policy guidelines.

## **CONSULTATION**

**Consultation letters** were sent out on the 23/12/10 to 54 properties including properties on Brentfield Road, Homefield Close, Crouch Road, Meadow Garth and Tatam Road,

Site notice: 20/12/10

Press notice 30/12/10

No comments have been received from local residents or adjacent properties.

**Environmental Health** – no objections, but require conditions on noise insulation, a construction method statement in relation to air quality, environmental management plan and site waste management plan

**Landscape Design** –no objections but require conditions on drainage and surface water run-off, tree survey and protection measures during construction, green roof construction and maintenance plan, hard & soft landscaping details, boundary treatments, lighting and play areas.

**Highways**- initially raised objections to the proposal due to the unsatisfactory servicing arrangements proposed, but provided recommendations are undertaken this may be addressed by conditions. An updated School Travel Plan is required by legal agreement.

**Environment Agency** – No objections subject to compliance with the sustainable drainage system hierarchy on site.

**Sport England** –raise concerns with building on an already constrained site, but do not raise a formal objection.

## **REMARKS**

### **Introduction**

This application is for the erection of extensions to the existing primary school to provide education places within the Borough. The main planning considerations are as follows:

1. Need for the School (Community facility)
2. Visual size and scale of proposed building and impact upon surroundings including residential amenities, the school grounds, boundaries and pitches
3. Impact on open space and sports provision
4. Impact of the proposed building on the local cultural and ecological environments
5. Transportation matters
6. Flood risk

### **Demand for Primary Places**

Changes in Brent's population has created increasing demand for school places. The number of four year olds on school rolls is expected to rise strongly over the next three to four years.

In 2009-10, Brent Council analysed the increased demand for places and added a further 68 reception places, at Anson Primary School (7) Park Lane (30) Newfield (30) Avigdor Hirsch Torah Temimah (1), providing a total of 3428 reception places. Despite adding new places, there remains a shortfall of reception places in the Borough. As of 29 July 2010, there were 164 children of primary school age without a school place for the 2009/10 academic year. For the 2010-11 academic year beginning next September, temporary provision for 135 additional reception places has been created in the following schools; Brentfield (30) Wykeham (30) Braintcroft (30) Islamia (30) St Robert Southwell (15).

Applications for reception places 2010-11 are up on last year with 3817 applications compared to 3583 for 2009-10. Since the closing date for applications a further 295 have been received, making a total of 4112 applications. More applications will have come in since the start of the academic year.

As of 15 September 2010, after the additional 135 temporary places are taken into account, 208 Reception children are still unplaced, with 40 vacancies overall in schools; this leaves a net shortage of 168 Reception places in the current academic year. New arrivals to Brent continue to seek reception places. Furthermore many places at Brent's faith schools are taken up by children from outside the borough.

There is also a mismatch between where vacancies exist and where unplaced children live. Most parents seek a local school for primary aged children. During 2009-2010 in some cases the LA has had to offer places up to 5 kilometres away from where children live as this was the nearest offer that could be made.

The LA consulted with primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for places would be greater than the number of available places. This assessment was based on the number of applications received by LA, the current forecast of student numbers and feedback from schools. Subsequently, the LA reviewed capacity constraints at all primary schools and identified the maximum need for school places in local areas. Discussions have taken place with schools that were suitable and willing for expansion. This was followed by an initial feasibility assessment.

### **Brentfield Primary School**

Brentfield Primary School is a Community school using the admission arrangements set by the Local Authority. It offers non-denominational mixed gender places for students aged 3-11 years. The Local Authority in agreement with the governing body of Brentfield Primary School has proposed to alter the school by adding an additional form of entry from September 2011. The current capacity of the school is 420 and the proposed capacity will be 630.

The accommodation will provide an additional form of entry provision offering 30 new places a year. The extension and expansion has provided the school with an opportunity to rationalise their layout, reconfiguring the existing accommodation to split the children in to younger (Key Stage 1 or KS1) and older (Key Stage 2 or KS2) age groups. The proposals will enable each of the two age groups to have their own dedicated accommodation. The extension is confined to two parts of the site. The design proposals have been carefully developed to ensure there is no significant loss of play space for the school. This has been enabled through the rationalisation of the existing site amenity areas, entrance area and carpark.

### **The proposed use**

The application proposes the erection of extensions to Brentfield Primary School. The use of an existing school site for the provision of education facilities to meet an expanding roll is acceptable and complies in principle with Policies CF8 and CF10. The applicants have demonstrated that they comply with Building Bulletin 99 – Briefing Framework for Primary School Projects.

### **The proposed siting within the school grounds and implications on pitches**

Brent's Core Strategy places great emphasis on the protection of Open Space. Policy CP18 states that "inappropriate development" of open space should be resisted. This is defined as any development harmful to the use or purpose of open-space unless very special circumstances apply. It has been demonstrated that there is a specific local need for an expanded primary school. The applicants have explained in supporting documents that other siting options were explored but were discounted. The applicants consider the siting rationalises the use of the existing school building and grounds, and minimises impact on playspace, playingfields/ pitches.

The existing principal hard surfaced area towards the south of the site will be retained, located by the proposed Key Stage 2 classrooms. So too will the habitat space to the north of the site, the Key Stage 1 play areas to the north and east of the existing building and nursery outdoor space to the east. The supporting documents demonstrate that the current operation of the school will not be harmed by the application and indeed the learning environment and overall school configuration will be enhanced as a result of the proposal.

The proposed hall, expanded kitchen and reception areas are not in an area not currently used for sports or recreation. This part of the building extension projects into an area that is often used for staff and visitor parking and the historic main school reception area. The southern extension wing incorporates classrooms for the Key Stage 2 age group. This building is located on an area of existing hardstanding, which is presently used partly as a car park, and also partly as an existing playground. It is not marked out as a pitch at any time of the year. The "Brent Outdoor Sports Audit" by Ashley Godfrey Associates 2008 did not include Brentfield Primary School, and therefore there is no information recorded regarding pitches on site.

Whilst part of the proposed building footprint is current in use as a playground, the expanded school will continue to comply with guidelines in Building Bulletin 99 in relation to an appropriate ratio of outdoor play areas to indoor building space for a constrained primary school site. The application therefore does not result in the loss of a pitch but nevertheless will take up land that has potential to form a hard-surfaced pitch. In order to comply with PPG17 the applicants would need to demonstrate that the pitch is surplus to requirements. There is a deficient of pitches within the Borough of Brent. This deficient is identified within the Council document "Planning for Sport and Active Recreation Facilities Strategy 2008."



Furthermore Sport England has issued a PPS that prevents building on pitches or playingfields with the potential to form pitches. However, the site is not considered to form part of, or constitutes a playing field as defined in Article 16(1) the Town and Country Planning (Development Management Procedure) (England) Order 2010 in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement. Considering the parameters of the site, Sport England has considered this application in a non-statutory capacity.

Sport England has assessed the application in the light of Sport England's Land Use Planning Policy Statement Planning Policies for Sport. The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met.

In practice, the area affected is not sufficiently large enough to provide any form of pitch and the majority of the play ground will be retained in the area marked as a Multi Use Games Area (MUGA) on the submitted site plan. Sports England note that the proposed 'MUGA' is not actually a MUGA that meets the standards prescribed within Sport England's Design Guidance for MUGAs. It is clear that the facility will not be fenced as a standard MUGA nor will the surface meet a type 3 quality as would be needed for such a facility on a school site. The hard-surface is essentially a high quality playground.

Sports England is aware that the proposed extensions are to meet a dire need in the Borough to provide education to children currently out of school. Whilst the development does not impact any playing fields it should be noted that an expansion of the school onto very limited outdoor amenity space is not welcomed by Sport England and the children of the expanded school will suffer as a result. The ability to deliver outdoor sports activities will be further eroded by the increase in building footprint. In spite of the above points, Sport England does not wish to raise an objection to this application in the context of the Town and Country Planning Act. Nevertheless the applicant should note that further incursions into the remaining on-site play-space would be resisted.

The new school hall has been designed to exceed the minimum guidelines for a badminton court produced by Sport England. The hall will also be made available for wider community use, with these facilities (along with the pool) capable of being opened to the wider community out of school hours. The facility is situated towards the front of the site, and has been designed to enable direct community access, so that it may be isolated from the rest of the school enabling the rest of the school to remain secure out of hours. As the Council is the applicant, rather than a legal agreement, a condition will require a shared use management plan/ Community Access Plan to secure a timetable and affordable rates for this access.

## **Design**

The proposed extensions are predominately two storey and are situated at the western end of the existing school building, forming a new wing that runs north- south across the site. The northern part forms the extended kitchen and new hall, and the southern section creates an expanded Key Stage 2 wing. The extensions will be a mixture of brickwork, render and timber cladding. The extensions are expected to assimilate with the existing on-site buildings, whilst providing a modern interpretation to the school's future structure in compliance with policies BE9 and CF8.

The hall is to be timber clad, which is interspersed with vertical fins that form part of the timber frame, which is expressed externally and extends up to roof level. These vertical supports serve to break-up the building's visual massing. The hall is linked to the single-storey kitchen extension, which adjoins the proposed classroom building. The classrooms will be orientated east-west and the use of glazing is maximised. Windows help to articulate the building which is predominately render. The southernmost part is treated differently, with a brick base and a timber clad top section. In order to prevent the need for artificial cooling of the rooms, light shelves are proposed to be mounted externally to the glazing to allow ambient light through, whilst preventing unnecessary

heat gain.

The classroom building is to have a brown roof, which will be accessible as a learning environment, allowing the children an outside classroom space, and also helping them examine the proposed PV cell unit on the roof and ventilation intake stacks. A green screen 1.8m high is proposed along the western edge of the roof, to prevent overlooking opportunities of the residential properties adjoining the school site. The provision of this would form a condition of approval. The flat roof of the proposed school hall is to be used to house the main proposed PV panels.

### **Impact of the proposed building on the local cultural and ecological environments**

The applicants have submitted a Cultural Heritage Desk Based Assessment which finds that the site lies within the Church End area of the parish of Willesden, the medieval capital of which last 400m to the east. The canal to the south of the site was created in the 1800s, but the site remained as fields until Gibbons school buildings were erected in 1949, along the southern side of the site. The current main school building dates from the 1980s. There are no significant archaeological remains known in the area, and no excavations works are required in advance of building on site.

The applicants have submitted a Land Use and Ecology Assessment. This score the proposed scheme against BRE Education Guidance 2008, and finds that the development achieves 8/12 credits. The site was assessed to generally have low ecological value as existing, despite the canal along the southern boundary. The report finds that 10 new trees should be planted on site, 5 in general areas and 5 within the wildlife area. The proposal incorporates 17 new trees, but will result in the loss of 8 existing trees. The provision of at least 18 new trees will form a condition of approval, in order to meet this BRE score, but also to help assimilate the proposed extensions into their setting.

The Ecology Assessment incorporates a Site Specific Biodiversity Action Plan, the recommendations of which should be implemented, and will be required as part of the details pursuant to a condition regarding landscaping. For example, native planting should be enhanced across the site, in particular alongside the canal, and 5 habitat boxes should be erected. The detailed Habitat Survey undertaken concludes that no protected species are likely to be affected by the proposals on site. The Ecology Assessment noted the presence of Japanese Knotweed on the eastern boundary. This requires special measures to be eradicated in accordance with the Wildlife and Countryside Act 1981 and Environmental Protection Act 1990, and accordingly this will form a condition of planning approval.

The Environment Agency raise no objections to the proposal as long as there are no reported drainage problems on site, and that the applicants comply with the Sustainable Urban Drainage Systems (SUDs) hierarchy. The applicants have confirmed that there are no drainage problems on site, and SUDs have been considered. Appropriate SUDs on-site will form a condition of approval.

Environmental Health comments that the site is not contaminated, but asks that the developers remain vigilant to signs of contamination.

### **Impact of the building upon neighbouring residential amenities**

The proposed building has been assessed under guidelines within SPG17. It is closest to properties fronting Meadow Garth to the north and Homefield, a cul-de sac to the west of the site. The majority of the development complies with SPG17 in terms of the building massing in relation to neighbouring gardens. However, there is part of the roof overhang of the proposed hall that appears to officers to breach an indicative 45 degree line from the side of the garden of the neighbouring property at 39 Meadow Garth, at a pinch-point between the building corner and the boundary. The applicants have been asked to rectify this, and an update will be provided in the supplementary.

The existing boundary treatment on the western edge of the site, closest to the proposed

extensions, is a hedge in part, with close mesh fencing in places. The applicants have suggested a soft landscaped verge along the boundary that varies in the original submission from 1m wide to 0.3m. This is not considered sufficient to provide a robust separation to the car park and enlarged school building. Your officers have requested that the applicants consider a more substantial boundary treatment and revised plans are expected to expand the soft landscaped buffer along this sensitive boundary.

The proposed 2 storey classroom wing proposes windows that are 15.6m from the western boundary with Homefield Close gardens, and 27m from the rear windows. Although this distance complies with SPG17 guidelines on separation distances, it is considered that the windows will provide an impression of overlooking areas that are currently private gardens. For this reason all west-facing windows within the classrooms above first-floor levels shall be obscure glazed and thereafter retained as such. Furthermore details of a green screen for the roof garden will also be controlled by condition.

Details of the site compound will be conditioned to be approved by the Local Planning Authority to ensure the impact on neighbouring occupiers is minimised. The applicants will be conditioned to join and adhere to the Considerate Contractors scheme to further reduce the impact of building works on neighbouring dwellings.

Any external proposed lights will be restricted by condition to ensure that there is no light back-spill into the residential gardens in accordance with Policy BE8. This ensures that neighbouring amenities are not harmed by the development.

### **Noise and fumes arising**

The proposal will not result in changes to the positioning of existing play-grounds. Indeed, the proposed classroom wing that projects to the south of the site is situated where there is currently no building, and is considered to provide an additional acoustic buffer to the retained KS2 playground to the south of the site.

In order to create satisfactory learning environments, Environmental Health have guided that all proposed buildings should meet the standards of Building Bulletin 93 for internal noise levels and sound insulation. Officers note that this is also a requirement of Building Control Part E, and it will be conditioned.

A condition will restrict any noise-generating equipment such as air conditioning, the proposed ventilation stacks system, the kitchen flues and extraction equipment in order to avoid machinery noise nuisance to neighbouring dwellings in accordance with policies H22 and EP2.

The site is within an Air Quality Management Area (AQMA) as such Environmental Health requires that the applicants develop a construction method statement, environmental management plan and site waste management plan for approval prior to the commencement of works, to safeguard local air quality. They also request that the proposed gas fired boilers are designed to minimise the emission of nitrogen oxide. These details will form conditions of planning approval.

### **Transportation issues**

#### *Parking*

According to the application form, the existing number of staff is in the region of 60. Following the proposed development, the staffing level is estimated as "100+". As set out in Parking Standard PS12 of the Unitary Development Plan 2004, a school can provide up to 1 car space per 5 staff, which in this example would mean an increase from twelve to twenty car spaces. The reduction in on-site parking from 29 to 24 no. car spaces is welcomed in this context.

A single disabled parking bay has been included, which complies with standard dimensions. Under PS15 of the UDP-2004 5% of car spaces, with a minimum of 1 space, should be provided for drivers with disabilities. This provision is acceptable therefore.

Cycle parking is provided in the form of a new covered store for 16 no. cycles, which exceeds minimum requirements for a rate of 1 space per 10 staff (PS16; Primary schools), which would mean 6 to 7 cycle spaces in this case.

#### *Travel Plan*

The increase in pupil numbers is listed in the Travel Plan Addendum as from 460 to 670 pupils. However, visitor parking for school facilities can be provided according to PS12 at a rate of 20% of the staff parking. The maximum visitor parking would increase from 2.4 spaces to 4.0 spaces. This means that the proposed provision of 24 no. car spaces will exactly match the maximum staff and visitor parking standard, which is welcomed by the Council's Highway Engineers.

According to the baseline data in the submitted Travel Plan 58% of pupils at the school currently walk to school every day, and a further 24% walk to school one or more days each week. This is well above national averages. Likewise 62% of staff at the school walk or use public transport, which is also a good level in comparison with many schools. Targets are set for the halving of car travel to the site by 2016 for both pupils and staff. However given the projected increase in the numbers of pupils and staff this will not have a huge impact in absolute terms, i.e. although the proportion will be lower, the actual number of cars travelling to the site will not reduce dramatically from the baseline figures.

The Travel Plan Amendment has been checked by Highways and Transport Delivery staff through TfL's online assessment tool, "Attribute". In this assessment the Travel Plan passed with a score of 75 out of 87, and could only have been improved by a clearer strategy for marketing the plan to parents etc. The amended Travel Plan will be secured as a condition of approval.

A Transport Assessment has also been submitted with the application. It makes mention of the Breakfast and After-school clubs currently available at the school, as well as the car parking facilities at the nearby Hindu Temple and supermarket sites which allow parents to use during peak pick-up/drop-off times. The data produced does not suggest that there will be any traffic problems caused by the additional traffic to the site in the period between the expansion of the school intake and the effects of the Travel Plan being felt, if targets are met. In addition the existing Controlled Parking Zone will have a mitigating effect on any on-street car parking in the locality.

#### *Waste disposal*

Refuse and recycling storage area will remain in a similar location to the existing, which is stored to the side of the main building. The Council's Engineers object to the turning area as submitted which they comment appears to be too small, and a proper turning head for use by an up to 10m rigid refuse truck is essential, to ensure that vehicles can enter the site, turn and leave in a forward gear. This is considered crucial to the safety of pedestrians, especially vulnerable groups such as schoolchildren.

A suggested amendment drawing has been produced by Highways and Transport Delivery, by re-aligning the kerb arrangement, a refuse truck may exceptionally be able to reverse into the site. The bin storage areas will need to be within a maximum carry distance of 10m from the waiting refuse truck and as such further details will need to be agreed by condition. Out of hours the playground and amphitheatre will allow vehicles to manoeuvre and crucially turn within the site.. The tracking of large vehicles through this solution still requires verification by the Council's Engineers.

#### **Flood Risk**

The site area is less than a hectare within Flood Zone 1. In accordance with PPS25 on Development and Flood Risk, the development only needs to consider good practice on drainage. The Environment Agency raise no objections to this specific proposal subject to compliance with the Sustainable Urban Drainage System Hierarchy. Details of SUDs will be conditioned.

### **Environmental Impact Assessment Development**

The proposed scheme will be unlikely to have any significant environmental effects by virtue of its nature, scale and location and it is therefore considered that no Environmental Impact Assessment is warranted in this instance.

### **Conclusion**

The proposed extensions are required in order to meet a recognised need to provide education for primary school aged children within the Borough. The proposed extensions are on balance considered acceptable. The applicants have demonstrated that subject to a legal agreement, the proposal will not harm the local highway network and will relate satisfactorily to local amenities. The applicants have demonstrated that the proposal will comply with local and national planning policies, and accordingly approval is recommended.

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

- (1) The proposed development is in general accordance with policies contained in the:-  
Planning Policy Guidance 17 – Planning for open space, sport and recreation  
Planning Policy Statement 5 – Planning for the Historic Environment  
Planning Policy Statement 9 - Biodiversity and Geological Conservation  
Planning Policy Statement 25 – Development & Flood Risk  
Planning Policy Statement – A sporting future for the playing fields of England

London Plan 2004 as consolidated with amendments

Brent's Unitary Development Plan 2004

Brent's Core Strategy 2010

SPG17 - Design Guide for New Development

SPG12 – Access for disabled people, designing for accessibility

### **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):

L(PA) 001 P2 - location plan

X(PA) 002 P3 - existing site plan

L(PA) 002 P4 - proposed site plan

X(PA) 003 P3 - existing ground floor plan

L(PA) 003 P3 - proposed ground floor plan

X(PA) 004 P3 - existing first floor plan

L(PA) 004 P3 - proposed first floor plan

XE(PA)005 P2 - existing roof plan

L(PA) 005 P2 - proposed roof plan

XE(PA)001 P2 - existing elevations sheet 1  
XE(PA)002 P2 - existing elevations sheet 2  
E(PA) 001 P2 - proposed elevations sheet 1  
E(PA) 002 P2 - proposed elevations sheet 2  
S(PA) 001 P2 - proposed sections sheet 1

BRE Education (2008) Assessment – Section 11 Land Use & Ecology (LE1-LE9)  
BREEAM Education 2008 Pre-Assessment Report for Brentfield Primary School  
Cultural Heritage Desk Based Assessment  
Design & Access Statement  
Educational Need Assessment and Site Selection  
Energy Statement for Planning  
Planning Statement  
Sustainable Development Checklist  
Transport Assessment  
Travel Plan Addendum

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

- (3) The proposed classroom windows above ground floor level on the western face of the extension shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently retained and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained

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

- (4) Prior to the occupation of the proposed extensions the following shall be constructed and permanently marked out in accordance with the approved drawings:
- (a) parking spaces;
  - (b) turning areas;
  - (c) footways

These shall be constructed and permanently marked out in accordance with the approved plans. Thereafter they shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose/s.

Reason: To ensure a satisfactory design and access to service the development and to enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety within the site and / or along the neighbouring highways and in the interests of pedestrian safety.

- (5) Prior to the occupation of the extensions the kerb alterations requested by the Council's Highway Engineers should be undertaken by Streetcare

Reason: For highway safety and to enable articulated vehicles to access the site

- (6) No development shall commence unless details of materials for all external work, including samples of the proposed hardwood cladding system, hall glulam frame, render, brickwork, doors, roof and fenestration shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (7) No development shall commence unless details of a Construction Method Statement incorporating:
- a) details of the proposed site compound
  - b) methodologies that ensure air quality on site is safeguarded during construction
  - c) an Environmental Management Plan
  - d) a Site Waste Management Plan
  - e) evidence of compliance with ICE Demolition Protocol
  - f) evidence of membership of the Considerate Contractors scheme
  - g) methodology of protecting trees related to construction (BS:5837 2005) during construction works

is submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works and thereafter the details and methodologies approved shall be complied with

Reason: In order to safeguard local residential amenities, sustainability measures and air quality

- (8) The development hereby approved shall not be occupied unless a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'very good' rating is submitted to and approved in writing by the Local Planning Authority. If the review specifies that the development has failed to meet the above levels, compensatory measure shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the extension.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (9) The development hereby approved shall not be occupied unless the applicants submit to the Local Planning Authority evidence that 20% of the CO<sub>2</sub> produced on-site is off-set with a renewable technology as defined within the London Plan 2004 as consolidated with amendments, through the installation of PV panels or an equivalent technology on site. If the review specifies that the development has failed to meet the above levels, compensatory measures off-site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the extensions.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (10) The development hereby approved shall not be occupied unless the applicants submit to the Local Planning Authority evidence that they achieve a score of at least 40 on the Sustainable Development Checklist Form TP6. If the review specifies that the development has failed to meet the above levels, compensatory measures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the extensions.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (11) No development shall commence unless the applicant submits details of
- a) the proposed hall internal dimensions, demonstrating that they meets Sport England's minimum size dimensions for a badminton court in terms of length, width and height.
  - b) a Community Access Management Plan to cover community access to the on-site Sporting Facilities. The plan will include rates of hire (base upon those charged at other public facilities), hours of operation (after-school, not less than 20 hours in term time) and can be reviewed on a yearly basis.

These details shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the extensions and thereafter implemented in accordance with the approved details

Reason: To ensure a satisfactory development which incorporates community access

- (12) No development shall commence unless the applicants submit details of the
- a) any proposed brown roof
  - b) any proposed green roof
  - c) proposed green screens on all the roofs but particularly the western boundary of the classroom roof
  - d) an associated roof landscape maintenance schedule

These details shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the commencement of development and thereafter the details shall be installed in accordance with the details so approved prior to the occupation of the building

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development

- (13) No development shall commence unless a landscapae plan is submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/ construction work on the site. Such landscape works shall be completed prior to occupation of building(s) and within 18 months of commencement of the development hereby approved.

Such details shall include:-

- i. Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- ii. Hard surfaces including details of materials and finishes. These should have a permeable construction wherever possible and should make reference to the Sustainable Urban Drainage System hierarchy
- iii. The provisions of a landscaped buffer along the western boundary of the site
- iv. Proposed boundary treatments including walls and fencing, indicating materials and heights.
- v. All planting including location, species, size, density and number



- vi. Any sustainable construction methods which are to be used.
- vii. The provision of additional native planting along the southern edge of the site
- viii. The provision of 18 new trees within the site
- ix. Details of the proposed amphitheatre
- x. A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development

- (14) The development hereby approved shall be undertaken strictly in accordance with the findings set out within the approved Biodiversity Action Plan which shall be completed within 1 year of commencement of development on site. This shall include the introduction of more native species along the canal edge and at least 5 habitat boxes on site. Unless otherwise agreed in writing by the Local Planning Authority prior to the occupation of the extension.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (15) Prior to development commencing, a method statement for the lawful elimination of Japanese Knotweed on site shall be submitted to and approved in writing by the Local Planning Authority and thereafter the works shall be undertaken in accordance with these approved details

Reason: Japanese Knotweed is an invasive non-native plant, which is restricted under s14 of the Wildlife and Countryside Act 1981. It is regarded as controlled waste.

- (16) No development shall commence unless further details of:

- a) the proposed refuse and recycling facilities
- b) 16 secure, weatherproof bicycle parking spaces

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 buildings are occupied.

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

- (17) Within 6 months of commencement of development, the applicant shall submit details of all proposed external lights to be located on site including the submission of a light

contour map that demonstrates that neighbouring gardens and the canal will not be harmed by the development on site

Reason: To safeguard local amenities and prevent light pollution

- (18)
- a. No development shall commence until details of any plant/ extraction equipment to be installed together with any associated ducting and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed in accordance with the approved details. Ducts should outlet at least 1m above eaves unless otherwise agreed in writing.
  - b. The noise level from any plant (e.g. refrigeration, air-conditioning, ventilation system, kitchen extraction equipment), together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".
  - c. Should the predicted noise levels exceed those specified in 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: In order to ensure adequate insulation and noise mitigation measures to safeguard the amenities of adjoining occupiers

- (19)
- Prior to occupation of the proposed development the applicants shall submit evidence that the development achieves BB93 for internal noise levels and sound insulation. This shall be submitted to and approved in writing by the LPA and thereafter the development shall be completed in accordance with the details so approved

Reason: To ensure a suitable, learning environment and protect the amenities of future children occupants

- (20)
- No development shall commence unless the applicants submit details of the proposed
- a) kitchen extraction system and filters
  - b) ventilation equipment
  - c) the gas boiler flue and emissions including considerations to minimise any nitrogen oxide emissions

These details should include an assessment of the their impact on air quality and shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter the development shall be completed in accordance with the details so approved

Reason: In order to safeguard local air quality and amenities

- (21)
- The applicants will comply strictly in accordance with the measures set out within the submitted School Travel Plan, unless otherwise agreed in writing by the Local Planning Authority. The Travel Plan shall be monitored on an annual basis and the results of the ITrace-compliant monitoring incorporated into the submission requirements below:

- a. Within 3 months of occupation, the Travel Plan shall be audited, with a site and staff ITrace- compliant survey and these details shall be submitted to the Local Planning Authority and approved in writing within 6 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- b. A review of the Travel Plan measures over the first 12 months of operation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- c. A review of the Travel Plan measures over the first 3 years months of operation shall be submitted to the Local Planning Authority within 36 months of the commencement of the use and the review shall be approved in writing within 39 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- d. A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 60 months of the commencement of the use and the review shall be approved in writing within 63 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to promote sustainable transport measures where on-street parking and manoeuvring may cause highway safety problems.

#### **INFORMATIVES:**

- (1) The school site is not on the Council's contaminated land register but surrounding areas are. Therefore it is important that the developers are vigilant for signs of potential contamination in the soil during excavation works. This may include obvious visual or olfactory residues, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Environmental Health must be notified immediately. Tel: 020 8937 5252. Fax 020 8937 5150. Email: [env.health@brent.gov.uk](mailto:env.health@brent.gov.uk)

#### **REFERENCE DOCUMENTS:**

Planning Policy Guidance 17 – Planning for open space, sport and recreation  
 Planning Policy Statement 5 – Planning for the Historic Environment  
 Planning Policy Statement 9 - Biodiversity and Geological Conservation  
 Planning Policy Statement 25 – Development & Flood Risk  
 Planning Policy Statement – A sporting future for the playing fields of England

London Plan 2004 as consolidated with amendments

Brent's Unitary Development Plan 2004  
 Brent's Core Strategy 2010

SPG17 - Design Guide for New Development  
 SPG12 – Access for disabled people, designing for accessibility

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: School Main Building, Brentfield Primary School, Meadow Garth, London, NW10 8HD

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## PLANNING & ENFORCEMENT APPEALS

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# Appeal Decision

Site visit made on 30 November 2010

**by D G T Isaac LLB**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 December 2010**

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**Appeal Ref: APP/T5150/D/10/2140596**  
**69 Girton Avenue, London, NW9 9UE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr S Gnanasegaram against the decision of the Council of the London Borough of Brent.
  - The application Ref. 10/1896, dated 8 July 2010, was refused by notice dated 10 September 2010.
  - The development proposed is a single storey rear extension.
- 

## Decision

1. I allow the appeal, and grant planning permission for a single storey rear extension at 69 Girton Avenue, London, NW9 9UE in accordance with the terms of the application, Ref. 10/1896, dated 8 July 2010.

## Procedural matter

2. The development has been carried out and the application was made retrospectively. Although the description on the application form refers to the retention of the extension, "retention" is not an act of development and I have therefore amended the description of the development by omitting the reference to retention.

## Main Issue

3. The main issue in this appeal is the effect of the extension on the living conditions of neighbouring residents.

## Reasons

4. The appeal building is a two storey semi-detached dwelling. The single storey flat roofed extension which is the subject of this appeal spans the whole width of the rear of the dwelling and is about 3m in height. The extension sits on the boundary with the adjoining semi-detached dwelling, no. 71 Girton Avenue and projects some 4m behind the original rear wall of the dwellings.
5. The development plan for the area includes the London Borough of Brent Unitary Development Plan 2004 (UDP). Amongst other things, UDP policy BE9 seeks to ensure that buildings are of a scale, design and relationship to each other which promotes the amenity of users and that satisfactory levels of sunlighting, daylighting and outlook are provided for existing residents. The Council has also adopted relevant supplementary planning guidance entitled Altering and Extending Your Home (SPG). The SPG which was adopted in 2002 advises that in the case of semi-detached houses the maximum permitted

- depth for a single storey rear extension is 3m. However, whilst the SPG is a material consideration of significant weight, what also has to be considered is whether in comparison with what could be built under permitted development rights the extension causes any actual harm.
6. The side wall of the extension can be viewed in the outlook from the rear windows of no. 71 Girton Avenue. However, a bush in the garden of no. 71 provides screening of the part of the extension furthest away from the rear windows of that adjoining property. Moreover, whilst planning permission is required for this extension, having regard to the screening provided by the bush the effect of the extension on the outlook from no. 71 Girton Avenue is not significantly greater than that of an extension that could be built under permitted development rights.
  7. In addition I am not satisfied that it has been shown that the extension has actually resulted in the residents of no. 71 Girton Avenue not having a satisfactory outlook from their property or not receiving satisfactory levels of daylight and sunlight to their dwelling. The absence of any objection from the occupiers of no. 71 Girton Avenue and the fact that a resident of that property wrote to the Council to make it clear that he had no objection to the extension reinforces my view that the extension has not resulted in an unacceptable sense of enclosure for the residents of that property. It also serves to reinforce my view that the extension has not had an unacceptable impact on the living conditions of the residents of no. 71 Girton Avenue in terms of loss of daylight or sunlight, or outlook or in any other respect.
  8. No other neighbouring residents have objected to the extension and some, including a resident of the adjoining property on the other side no. 67 Girton Avenue, have also written to the Council to make it clear that they do not object to the extension. Having regard to the distance separating the side elevation of the appeal building from the side elevation of no. 67 Girton Avenue the extension should not have an unacceptable impact on the living conditions of the residents of that adjoining dwelling. Furthermore, the extension should not have an unacceptable effect on the living conditions of any other neighbouring residents.
  9. On the main issue in the appeal therefore, I conclude that the extension does not have a harmful effect on the living conditions of any neighbouring residents; that it does not conflict with the aims of UDP policy BE9; and that in this particular case the fact that it conflicts with the advice in the SPG does not justify refusing planning permission for the extension.
  10. Turning to other matters, the extension has a satisfactory appearance and does not have an unacceptable effect on the character and appearance of the appeal building or the surrounding area. Moreover, none of the other matters raised justifies refusing planning permission for the extension. For the reasons given above and having regard to all other matters raised, I therefore conclude that the appeal should be allowed. In addition as the development has already been carried out, and I consider its appearance to be acceptable, there is no need for any conditions.

*D G T Isaac*

INSPECTOR



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# Appeal Decision

Site visit made on 23 November 2010

**by Claire Sherratt DipURP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 December 2010**

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**Appeal Ref: APP/T5150/C/10/2134594**  
**441A High Road, London NW10 2JJ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Tarik Mohammad against an enforcement notice issued by the Council of the London Borough of Brent.
  - The Council's reference is E/08/0480.
  - The notice was issued on 8 July 2010.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a second storey extension, including that part over the roof of the premises ('the unauthorised development').
  - The requirements of the notice are:
    - Step 1: Remove the second storey rear extension, including that part over the roof of the premises.
    - Step 2: Restore the roof back to its original condition before the unauthorised development took place.
    - Step 3: Remove all items, materials and debris associated with the unauthorised development from the premises.
  - The period for compliance with the requirements is 6 months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
  - An application for planning permission is deemed to have been made under S177 (5) of the Act as amended.
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## Decision

1. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the erection of a second storey extension, including that part over the roof of the premises at 441A High Road, London NW10 2JJ, as shown on the plan attached to the notice, subject to the following conditions:
  - 1) The extension hereby permitted shall be removed and all materials resulting from the demolition shall be removed within 3 months of the date of failure to meet the requirements set out in (i) below:-
    - i) Within 3 months of the date of this decision the door that provides access to the roof shall be removed and the resultant opening blocked up using materials to match the existing extension.
  - 2) The rear kitchen window shall be fitted with obscured glass and shall be permanently retained in that condition.

## **Main Issues**

2. The main issues are the effect of the development on:
  - (a) The character and appearance of the original building and the surrounding area; and
  - (b) The living conditions of the occupiers of nearby properties by reason of overlooking.

## **Reasons**

3. The unauthorised development involves alterations to the rear of the roof to provide additional accommodation on the second floor of the premises, extending the accommodation over the flat roof of an existing two storey extension to the rear of the building. The property already benefits from planning permission for a rear dormer window.
4. The development that is the subject of the notice extends the full width of the property and beyond the eaves and guttering of the original roof. I agree that it exceeds what may typically be regarded as a dormer extension. The overall mass and bulk of the extension is considerably greater than that already permitted by the local planning authority for a dormer window.
5. The development is not visible from any public viewpoints. A ground floor and first floor window of another property face the appeal development. It is viewed in the context of the existing rear two storey extension and other substantial extensions to the rear of properties. I appreciate that the roof profile is significantly altered. However, in the context of the surrounding developments, despite its scale, I do not consider it unduly detracts from the character and appearance of the surrounding area.
6. Windows to the rear of the extension serve a bathroom and kitchen. In addition a door provides access onto the flat roof. The kitchen window is obscure glazed with restricted opening and the bathroom window is high level. I was unable to gain views to the rear of the property. Conditions could ensure that the glazing to the kitchen remains obscure glazed and that the door providing access to the flat roof is removed to prevent any overlooking towards windows of other buildings that directly overlook the rear garden of the appeal site.
7. To conclude, the proposed development does not unduly harm the character and appearance of the host building or surrounding area. It accords with Policy BE2 and Policy BE9 of the London Borough of Brent Unitary Development Plan that require proposals to be appropriate to their setting and not cause harm to the character and appearance of an area.

*Claire Sherratt*

INSPECTOR



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# Appeal Decision

Site visit made on 23 November 2010

**by Brian Cook BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 December 2010**

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**Appeal Ref: APP/T5150/C/10/2131404**

**Afrex House, Beresford Avenue, Wembley, London HA0 1NX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Hamilton Bradshaw Limited (Abbey Waterside Development Limited) against an enforcement notice issued by the Council of the London Borough of Brent.
  - The Council's reference is E/09/0170.
  - The notice was issued on 21 May 2010.
  - The breach of planning control as alleged in the notice is the change of use of the premises to a mixed use as highway, offices, car repair, car servicing, car sales, tyre fitting, repair, sales, mini cab and residential use.
  - The requirements of the notice are:
    - i) Step 1: cease the use of the premises for car repair, car servicing, car sales, tyre fitting, repair, sales, mini cab and residential use.
    - ii) Step 2: remove all vehicles, car repair equipment, tyres, car parts advertisements, beds, and other equipment associated with the sale of/and repair and servicing of vehicles, and operation of mini cabs and residential use.
  - The period for compliance with the requirements is 1 month.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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## Decision

1. I allow the appeal and direct that the enforcement notice be quashed.

## Procedural matters

2. In correspondence prior to the site inspection the Council confirmed that the under enforcement in respect of the offices component of the mixed use alleged was deliberate. During the site inspection the Council became aware that the plan attached to the notice covered a wider area than it should have done. In a letter dated 24 November 2010 the Council invited me to reduce the area to which the notice relates. It also gave further evidence about the reason for including the highway land in the allegation and provided three different plans for use in correcting the notice to enable me to select the most appropriate dependent upon the decision reached on the evidence. I have also had regard to the appellant's observations on these matters in a letter dated 2 December 2010.

## The appeal on ground (b)

3. The gist of the appeal on ground (b) (and for that matter ground (c)) is that some of the uses alleged (for example the mini cab use) have not occurred as

a matter of fact while others (such as those which may fall within Class B2 of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO)) do not amount to a breach of planning control. It is further argued that there are, in fact, multiple planning units on the site rather than a single planning unit in a mixed use as alleged.

4. The court has held that a notice must tell the person on whom it is served fairly what he has done wrong and what he must do to remedy it<sup>1</sup>. I therefore believe the appeal on this ground to be, in reality, a challenge to the validity of the notice on the basis that the allegation is inaccurate and that what is alleged has not, in fact, occurred. It is on that basis that I have dealt with the appeal.
5. Dealing first with the alleged mini cab use, the appellant contends that at no time has the premises been used for such a purpose. The Council now accepts that any such use as may have been taking place ceased some time before the notice was issued. I therefore conclude that the notice should be corrected in this respect.
6. The appellant also criticises the inclusion of 'highway' within the alleged mixed use on the basis that land or premises cannot simply become 'highway'. My understanding of the Council's purpose in this regard is to control the use made of the adjacent highway land by those involved with the alleged unauthorised uses. In my view, it is sufficient to include the highway land within the notice plan to achieve this. Since little turns on this either way I do not consider this any further.
7. Having dealt briefly with what are, in essence, two peripheral matters, I turn now to the nub of the issue. With the corrections to the allegation and the notice plan already discussed, the notice would relate to a two-storey building which has a frontage onto a busy highway junction. Although somewhat complicated it appears that the appeal site is in a single ownership with the appellant not becoming involved in the site until November 2007. Apart from those already discussed, the appellant does not dispute that the uses alleged were taking place. The starting point therefore is whether the notice, even corrected as indicated, accurately describes the breach of planning control that may have occurred.
8. There is no planning permission history and no substantive evidence from either party as to the lawful use or indeed the use prior to the change alleged to have taken place which might anyway be different. There is certainly no evidence for the Council's contention that the lawful use of the premises is as a warehouse within Class B8 of the UCO. This assertion appears to derive from the policy designation of the site in the development plan which may be something entirely different to its lawful use which might now need to be established by way of an application under s191 of the Act.
9. While it is not necessary for the Council to recite the previous use when a material change of use is alleged, it may well have been preferable in this case as the reasons why it considers that such a change has occurred would be that much more obvious. I am however conscious that the Council received no response at all to the Planning Contravention Notice served on the occupiers of the premises on 26 August 2009. I have therefore considered this appeal on the basis of the written evidence before me and what I saw during my site inspection. Although this was some six months after the notice was issued, I

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<sup>1</sup> *Miller-Mead v Minister of Housing and Local Government* [1963] 2 QB 196

- have no reason to believe that there has been any significant change in the arrangement of the uses within the building during that period.
10. For the allegation to accurately describe the breach of planning control in this case the building must be a single planning unit with no functional or physical separation between the various uses alleged. It also needs to be a single unit of occupation.
  11. I was able to gain access to most parts of the ground floor of the premises. Although there was a certain functional relationship between the uses being carried out (in the limited sense that they were all components of the motor trade), the various vehicle repair workshops and the tyre sales, fitting and repair business all appeared to be occupied as separate enterprises. There is no evidence of any commercial relationship or any mutual dependence between them. Moreover, they were physically separate one from another and there were at least three separate entrances to what now appear to be self contained parts of the building. There was no obvious evidence of any shared facilities and very little common usage of circulation space.
  12. Although I was not able to see for myself, I understand that the alleged office and residential uses were taking place on the first floor. There is no evidence of any functional relationship between the two in the sense of, say, a live-work arrangement or of any functional relationship with any of the uses occurring on the ground floor. There was a separate entrance to the upper floor which was locked at the time of my site inspection and no other access through any of the ground floor uses that I was able to enter was apparent.
  13. My conclusion on the evidence before me is that, on the balance of probabilities, the building is not in a single occupation although it is in single ownership. Moreover, there is a functional separation between, at the very least, the residential use and the other components of the mixed use alleged. There is also physical separation between the uses on the ground and first floors and, at the time of my site inspection, some of the ground floor uses themselves. I therefore conclude that the building comprises several planning units in discrete uses and that the mixed use allegation therefore does not accurately describe the breach of planning control that may have occurred.
  14. The alleged breach of planning control must be correct since it both defines the scope of the planning application deemed to have been made under s177(5) of the Act and is the basis on which the recipient determines the grounds of appeal that may be required or available. There are extensive powers available to me under s176(1) of the Act to correct the notice subject only to there being no injustice to either party as a result of doing so.
  15. It would be difficult to identify now with any certainty the separate planning units into which the first floor of the premises was divided when the notice was issued. However, of more concern is the fact that the change of use that would need to be alleged in respect of one of those planning units would be to residential use.
  16. Although the case law in this area is complex, I cannot exclude the possibility of a case being made that, if it was a separately alleged breach, the residential use of that part of the building might be immune from enforcement action after four years from the date of that breach first occurring. This would depend on the facts but the appeal under ground (d) that would be required for this to be considered has not been made. Correction of the notice to include an alleged

material change of use of part of the building to residential use would therefore deny the appellant (or indeed an occupier served with the notice but who had not appealed against it) the opportunity to make such an appeal. Alternatively, to exclude the residential element from the allegation altogether would cause injustice to the Council as it is clear from the reasons for issuing it that the Council wishes to bring this use to an end. Therefore, I do not believe the notice to be correctable without injustice to one or other party.

17. Although the variations between the three notice plans supplied with the letter from the Council dated 24 November are perhaps minor, the fact remains that, as a result, the appellant cannot be certain about the land to which the notice relates. I consider this to be unsatisfactory and a further cause for concern.
18. For these reasons I conclude that the breach of planning control alleged has not occurred as a matter of fact and the appeal on ground (b) therefore succeeds.

### **Conclusions**

19. For the reasons given above I conclude that the appeal should succeed on ground (b). Accordingly the enforcement notice will be quashed. In these circumstances the appeal under the various other grounds set out in section 174(2) to the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered.

*Brian Cook*

Inspector





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# Appeal Decision

Site visit made on 23 November 2010

**by Brian Cook BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 December 2010**

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**Appeal Ref: APP/T5150/C/10/2127501**  
**46 Crundale Avenue, London NW9 9PL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr V Mahalinghan against an enforcement notice issued by the Council of the London Borough of Brent.
  - The Council's reference is E/09/0617.
  - The notice was issued on 18 March 2010.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a part single and part two storey rear extension and the erection of a single storey side and front extension to the premises.
  - The requirements of the notice are:
    - i) Step 1: demolish the part single and part two storey rear extension.
    - ii) Step 2: demolish the single storey side and front extension.
    - iii) Step 3; remove all debris, materials and equipment associated with the unauthorised development from the premises.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
- 

## Decision

1. I allow the appeal insofar as it relates to the erection of a part single and part two-storey rear extension to the premises and I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the erection of a part single and part two-storey rear extension to the premises subject to the following conditions:
  - 1) The development hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
    - i) within 2 months of the date of this decision a scheme for the prevention of access to the roof area of the single-storey element of the development hereby permitted shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
    - ii) if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.

- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 2) The means of prevention of access to the roof area of the single-storey element of the development approved and implemented in accordance with condition 1 above shall thereafter be retained as implemented in accordance with the approved scheme.
  - 3) The roof area of the single-storey element of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
2. I dismiss the appeal insofar as it relates to the erection of a single-storey side and front extension to the premises and uphold the enforcement notice and I refuse planning permission in respect of the erection of a single storey side and front extension to the premises on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Procedural matter**

3. At the site inspection my attention was drawn to a s78 appeal decision dated 18 November 2010 in respect of the single-storey front and side extension (Ref: APP/T5150/D/10/2136532). I have taken this and the views of the Council on any matters arising from it into account in reaching my decision. A plan (68-PROP.02B) which was part of that appeal proposal indicates that the part single and part two-storey extension at the rear that is also the subject of the notice is subject to a separate planning application but I have no information about that.

### **The appeal on ground (a) and the deemed application**

4. From my site inspection it seems to me that the two elements of the alleged breach of planning control are separate and severable. I shall therefore deal with them in the order in which they appear in the allegation.

### ***The part single and part two storey rear extension***

5. In regard to this element of the development carried out the main issues are:
- (a) Whether the development carried out affects the living conditions of the adjoining residents with regard to an overbearing appearance and a loss of privacy from overlooking; and
  - (b) Whether the development carried out harms the character of the existing property.

### ***Effect on the living conditions of the adjoining residents***

6. The appeal building is a detached dwelling in a road of predominantly semi-detached properties of varied design. In that regard it is uncharacteristic and a further unusual feature is the orientation of the plot. This places the rear elevation of the original dwelling slightly beyond the building line of No 48 but more noticeably behind that of No 44.

7. There is no evidence to suggest that this part of the development was carried out other than as a single operation. There is no evidence either to suggest that construction began prior to 1 October 2008. Therefore, it cannot be permitted development under the Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO) by virtue of Schedule 2, Part 1, Class A, A.1 (f) and (g). However, the appellant argues that a ground floor extension of the same footprint and greater height could be erected under Schedule 2, Part 1, Class A of the GPDO as it now stands and that this is a fall back position in this case.
8. The court has held that in circumstances where the partial re-instatement of works prohibited by the notice would be permitted development the likelihood of it happening must be assessed. The appellant has clearly contemplated this option and having regard to the relevant Part of the GPDO, I consider the contention to be correct. This is therefore a material consideration to which I attach considerable weight.
9. Turning first to the effect of the rear extension on the outlook of the adjoining residents, any harm caused by the ground floor element must be weighed against the fact that the same development could be erected under the rights available in the GPDO. The two-storey element is positioned centrally on the rear elevation and set in from both side walls of the host dwelling. The appellant's evidence, which includes measurements of the distance between the extension and the windows of the adjoining properties that the Council does not dispute, is that this has been designed so as to comply with the guidelines given for two-storey rear extensions in the 'Altering and Extending Your Home' supplementary planning guidance (SPG) adopted in September 2002. From what I saw during my site inspection I consider that the two-storey element achieves the design objective of the SPG in this respect. As a whole therefore, the development at the rear does not result in an overbearing structure when viewed from the adjoining properties.
10. Dealing now with the effect on the privacy of the adjoining residents, there is access from the habitable room on the first floor at the rear onto the roof of the single-storey element. It is possible to walk round all three sides of the two-storey extension and thus look into the rear gardens of both adjoining properties including those more private areas adjacent to the houses themselves. Given the angles however, only oblique views to main room windows are possible from this flat roof area.
11. However, this loss of privacy could be mitigated by the erection of the Juliet balcony proposed under the ground (f) appeal since this would prevent access to the flat roof of the ground floor element. A further condition preventing the use of the roof area would reinforce this objective. With the imposition of these conditions there would be no conflict on this issue with saved policy BE9 of the London Borough of Brent Unitary Development Plan (UDP) adopted on 14 January 2004.

*Whether the development carried out harms the character of the existing property*

12. While undeniably substantial, the extension at the rear preserves the basic symmetry of the property and the pitch of the roof reflects that of the host dwelling. The structure is subservient to the main building with the ridgeline being set below that of the house. In most of these respects, the design accords with the principles set out in the SPG which focuses upon extensions to semi-detached properties in the illustrations provided. Furthermore, while the

rear extension is clearly visible in the private views available from a number of the surrounding dwellings, it cannot be seen clearly from the public domain. For these reasons I do not consider the rear extension to be in conflict with the urban design principles set out in saved UDP policies BE2 and BE9.

*Summary conclusion on the part single and part two storey rear extension*

13. While I recognise the concerns expressed that permitting the development would create a precedent for others in the area each proposal would need to be considered on its own merits against the development plan policies and any adopted supplementary planning guidance then in force. I have assessed the development carried out against the current development plan and SPG and have given weight to the fall back position in respect of the single-storey element. The Council has not suggested any conditions in the event of the appeal on ground (a) succeeding. However, for the reasons given above I shall impose three conditions to control access to the flat roof and, with that safeguard, conclude that the appeal should succeed on ground (a) in respect of this part of the alleged breach of planning control. Planning permission will be granted and the appeal on ground (f) does not therefore need to be considered in respect of this element of the development alleged.

***The single storey side and front extension***

14. In regard to this element of the development carried out the main issue is the effect of the development on the character and appearance of the host dwelling itself and that of the area. This issue is the same as that considered by my colleague when determining the s78 appeal referred to earlier.
15. It appears from the s78 appeal plans that the project considered under that appeal differed very little from that which has been built. My colleague concluded that the development would have a harmful impact on the character and appearance of the host dwelling and the wider street scene and that it would therefore conflict with saved UDP policies BE2 and BE9. From what I saw during my site inspection I see no reason to draw a different conclusion.
16. Although no appeal has been made on ground (c) there is a suggestion in the appellant's evidence that the development may be permitted under the GPDO. However, this element of the development carried out appears to have been undertaken as a single project, a conclusion reinforced by the layout of the resulting internal space. The enlarged part of the dwelling does not therefore meet the requirements of Schedule 2, Part 1, Class A A.1 (d).

*Summary conclusion on the single-storey side and front extension*

17. For the reasons given above I conclude that the appeal on ground (a) should not succeed in respect of this part of the alleged breach of planning control.

**The appeal on ground (f)**

18. The appeal on this ground now relates only to the single-storey side and front extension. The appellant suggests that minor changes to the existing roof structure could significantly reduce its visual bulk and mentions two options, namely reductions to the existing overhang or providing a flat roof to achieve this. However, no details are provided and it is suggested that a planning condition to secure a suitable scheme to be submitted and approved could be imposed.

19. Success on ground (f) would result in the variation of the requirements of the notice prior to it being upheld. Those requirements must tell the recipient of the notice clearly and unambiguously what needs to be done to remedy the breach of planning control. A requirement for a scheme to be agreed at a later date cannot achieve this certainty. In the absence of any specific proposals for me to consider the appeal on this ground must therefore fail.

### **Conclusions**

20. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice and refuse to grant planning permission on the other part. Although the notice is being upheld in its entirety, s180 of the Act provides that, where planning permission is subsequently granted for a development that has been carried out, a notice shall cease to have effect where it is inconsistent with that permission.

*Brian Cook*

Inspector



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# Appeal Decision

Site visit made on 7th December 2010

**by Clive Whitehouse BA(Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 December 2010**

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**Appeal Ref: APP/T5150/C/10/2131820**

**38 Rugby Road, London NW9 9LB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr C E Oduneye against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0097.
- The notice was issued on 27<sup>th</sup> May 2010.
- The breach of planning control as alleged in the notice is: without planning permission, the erection of a front porch, part single and two-storey side extensions and part single and two-storey rear extensions to the premises.
- The requirements of the notice are: (i) Demolish the front porch to the premises. (ii) Demolish the part single and two-storey side extensions to the premises. (iii) Demolish the part single and two-storey rear extensions to the premises. (iv) Remove all items, materials and debris associated with the unauthorised development from the premises, and restore the premises back to its original condition before the unauthorised development took place.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

**Summary of decision: The appeal succeeds in part and fails in part, as set out in the formal decision, below**

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## Main Issues

1. I consider the main issues to be; (i) the effect of the single-storey rear extension on the living conditions of the occupiers of 40 Rugby Road and, (ii) the effect of the side extension on the street scene.

## Background

2. Planning permission was granted in 2007 (Ref.06/3607) for extensions to this semi-detached house. Following a complaint whilst work was in progress, the Council investigated and established that the extensions are larger than permitted in several respects.

## Appeal on Ground (a)

3. The appeal on this ground is on the basis that planning permission should be granted for the works alleged in the notice.
4. On the first main issue, the permitted scheme included a single-storey dining room extension projecting by 3m on the party boundary with the attached

- semi-detached house at No.40. I verified on site that the extension, as built, projects by 3.5m.
5. The permitted scheme has a stepped layout at the rear with the kitchen extension projecting by a further 0.5m to 3.5m. Rather than set the dining room extension back to 3m, the appellant has constructed the whole of the rear extension on the 3.5m line. He says that the decision to deviate from the approved plan was made on the advice of the Council's Building Control Inspector because of the need to provide a beam foundation to counter any possible structural effects from the roots of a tree in the garden of No.40. He considers that the present problem is the result of a lack of communication.
  6. The corner of the extension is several metres from the trunk of the tree and outside its branch spread. In terms of proximity there is little difference between the approved scheme and the scheme as built. Whilst it may have been more convenient and simpler in constructional terms to build in the present form, I do not accept on the balance of probability that there were compelling structural reasons why the dining room extension could not have been built in its approved form. The responsibility for advising the Council of any potential deviation from the planning permission rests with the property owner.
  7. The Council also considers that this part of the extension is 0.5 m higher than approved. However, the drawings approved in 2007 show a sloping, lean-to roof commencing from just below the first-floor bedroom window, which equates closely with the arrangement as constructed. The gradient of the roof slope does not appear to be markedly different, and I conclude by reference to the house features that the single-storey rear extension is not materially higher than approved.
  8. The Council's supplementary planning guidelines for house extensions (SPG5) state that the maximum permitted depth for single storey extensions on the boundary between semi-detached houses is 3m. In my experience this is widely and consistently applied and is reflected in national regulations that set permitted development limits. Extensions deeper than 3m are likely to unacceptably reduce the natural daylight and restrict the outlook from the ground floor windows of the attached house. In the present case the rear elevations of the houses are north-facing and there should be no effect on direct sunlight. However, from my inspection I consider that the extension restricts natural daylight and appears overbearing when seen from the ground floor windows of No.40. I therefore consider that the dining room extension in its present form conflicts with saved Unitary Development Plan policy BE9(e), which seeks to provide a satisfactory level of daylighting and outlook for existing residents, and with the detailed advice in SPG5.
  9. I conclude on the first main issue that the single-storey dining extension unacceptably affects the living conditions of the occupiers of No.40 Rugby Road by restricting daylight and outlook.
  10. Turning to the second main issue, the main differences between the approved and built schemes are the addition of a porch and a reduced set back for the first floor element of the side extension.
  11. The first-floor bedroom extension is set back by about 1.3m from the front elevation of the house, as opposed to a set back of 2.5m on the approved plans. Having viewed the side extension from various points along the road, I

consider that it complements rather than dominates the appearance of the original house. Similarly, the porch, which links to a single-storey garage on the same line at the next door property, does not in my view appear out of keeping with the appeal property or the local area. I consider that the side extension and porch do not conflict with relevant development plan policies and I conclude on the second main issue that the development has no unacceptable effects on the street scene.

12. The two-storey element of the rear extension is somewhat larger than approved, but the variation has no material effect on the street scene. The extent of the disparity is disputed between the parties (either 0.4m wider or 0.25m wider). No.36 has a single-storey extension of the same depth, and I established that the nearest first floor window at the adjoining property (No.36) is a bathroom window, which does not count as a habitable room for the purposes of SPG5 guidelines. The occupier of No.36 has given written support for the extension as it exists. The two-storey rear extension as built appears to comply with the Council's guidelines.
13. For the reasons given above, and having regard to all other matters raised, I conclude that the main parts of the side and rear extensions are acceptable, notwithstanding the variations from the approved scheme, but that the single-storey rear dining room extension is unacceptable.
14. I intend to grant planning permission for part of the existing extensions subject to any conditions similar to those on the 2007 permission which are still capable of having effect retrospectively. The 2007 permission included a condition requiring details of hard and soft landscaping for the garden area to be approved and implemented. I do not propose to attach a similar condition since I do not consider it to be necessary or proportional to the development, and it effectively restricts permitted development rights.
15. I will refuse planning permission and uphold the notice as it relates to the dining room extension.
16. The effect of section 180 of the Act is that the grant of planning permission for the porch, the side extension and part of the rear extension overrides the requirements of the enforcement notice insofar as it is inconsistent with the permission. To avoid the creation of an unconditioned permission for the permitted part of the extensions under section 173(11), I will not vary the requirements of the notice to exclude any of the permitted parts. However, the effect of my decision is that only the rear, single storey dining room extension is required to be demolished. I will vary the requirements of the notice to add that the side of the permitted kitchen extension, which will be exposed by the demolition, should be made good in matching materials.
17. The enforcement notice is made on the basis that the development as a whole is unauthorised, and it is not framed in terms of requiring modifications to make it comply with the scheme approved in 2007. In the absence of an appeal on ground (f) I am not in a position to specify lesser steps that might overcome the harm to the amenities of the occupiers of No.40, such as reducing the projection of the offending part to 3m. The appellant may wish to discuss with the Council the availability of permitted development rights for a smaller replacement extension in that area.



### **Formal Decision**

18. I allow the appeal on ground (a) insofar as it relates to part single-storey and part two-storey side and rear extensions and a porch at 38 Rugby Road, London NW9 9LB as shown on "as built" drawings CO061002 & 3, but not including the single-storey rear dining room extension. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for that part of the development described above, subject to the following condition:
1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any future enactment of that order, no windows or glazed doors shall be constructed in the flank walls of the building as extended.
19. I direct that the notice be varied by the addition of the following sentence at the end of step 4 in Schedule 4. "Make good the remaining parts of the permitted rear extension in matching materials".
20. I dismiss the appeal and uphold the enforcement notice as varied insofar as it relates to the single-storey rear extension described as a dining room on "as built" drawing CO061002, and I refuse planning permission in respect of that part of the development, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*C Whitehouse*

INSPECTOR



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# Appeal Decision

Site visit made on 7th December 2010

**by Clive Whitehouse BA(Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 December 2010**

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**Appeal Ref: APP/T5150/C/10/2134486**

**2 Alington Crescent, London NW9 8JN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Dr M A A A Latif against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0167.
- The notice was issued on 6<sup>th</sup> July 2010.
- The breach of planning control as alleged in the notice is: without planning permission, the erection of a side brick wall adjacent to Alington Crescent, the erection of a rear outbuilding and the erection of railings on the roof of the single storey rear extension.
- The requirements of the notice are to: (i) demolish the rear outbuilding, (ii) demolish the rear brick wall (and to remove all debris and materials arising from demolition and remove all items and materials associated with the unauthorised development from the premises). (iii) Remove the railings from the roof of the single storey rear extension and install a "Juliet" balcony in accordance with approved plans 08/2008 Rev.C and 07/2008 Rev.C of the planning permission 09/0489 dated 01/05/09.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal fails in respect of the rear outbuilding and brick wall, but succeeds in respect of the railings, as set out in the formal decision, below**

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## Background

1. The appeal property is a detached house in a corner position. Planning permission was granted in 2009 for alterations and extensions to the house and for the erection of a single-storey outbuilding in the rear garden. The outbuilding, as constructed, is considerably larger than the permitted building and is used as a swimming pool and store. A brick wall about 3m high has been erected on the road boundary close to the side of the pool building. The railings have been erected around the edge of the flat-roof of a single storey extension.
2. A retrospective planning application for the unauthorised development was refused by the Council shortly before the enforcement notice was issued. Following negotiations, planning permission has since been granted for a smaller pool building with a flat roof (Ref:10/2044).

## **Pool Building and Boundary Wall**

### **Appeal on Ground (a)**

3. I consider the main issue to be the effect of the outbuilding and the associated boundary wall on the street scene.
4. The outbuilding is constructed of brick with a shallow pitched roof, and its side wall and eaves are set less than 1m from the highway boundary. The floor level of the building is slightly elevated in relation to the road, and I estimate that the eaves stand about 3.5m above the pavement level. The brick boundary wall is about 3m high on the site boundary adjoining the pool building. The rest of the side garden boundary is marked by a well-established privet hedge about 2.5m-3m high. The north and west elevations of the outbuilding are located between 0.5 and 0.6m from the garden boundaries of the two adjoining houses.
5. The area is characterised by detached and semi-detached houses set in spacious gardens. As a corner property, the rear garden adjoins a straight section of Alington Crescent and the brick boundary wall and upper part of the outbuilding are in prominent view. The height, bulk and close proximity to the road of the combined structures is such that from the pavement they appear obtrusive and out of character with the spacious layout of the area. The appellant has offered to reduce the height of the boundary wall to 1m, but that would simply expose the side wall of the pool building immediately behind it, which would not significantly reduce the obtrusive appearance of the development. The appellant has recently planted trees in the back garden to supplement the boundary hedge, but they will have no screening effect where the development adjoins the road boundary.
6. The appellant draws attention to some other large garden outbuildings nearby, but none are built so close the road boundary, and they do not have a comparable impact on the street scene. One of those is a large timber outbuilding in the neighbouring garden, although the Council's delegated report notes that there are no planning records for that building and its status is under investigation.
7. By virtue of its height and bulk in close proximity to the road, I consider that the outbuilding and the associated boundary wall conflict with the relevant parts of saved Unitary Development Plan policies BE2, BE7 and BE9 that require development to be appropriate to its setting and the streetscape. I conclude on the main issue the development has an unacceptable detrimental effect on the street scene.

### **Appeal on Ground (f)**

8. The appellant said in the initial appeal documents that full alternative proposals for modification would be submitted. However, I understand that those proposals have taken the form of a planning application, resulting in the permission recently granted (ref.10/2044) for a modified pool building. That permission stands in its own right and does not need to be further considered under this ground of appeal. Substituting a flat roof on the existing pool building would not in my opinion sufficiently mitigate the impact in the street scene. The suggestion to reduce the height of the boundary wall would not be effective for the reason given in paragraph 5, above.

### **Appeal on Ground (g)**

9. In the event of the notice being upheld, the appellant requests 6 months instead of 3 months for compliance. The Council comments that its contractors routinely remove buildings of that type within one day and that three months is more than enough to make the necessary arrangements. In the situation where permission has already been granted for a smaller replacement building, I consider that there are no compelling reasons to extend the compliance period.

### **Railings on Roof**

#### **Appeal on Ground (a)**

10. The planning permission for the alterations and extensions to the house included a small Juliette balcony outside the French doors opening from a bedroom onto the flat roof of the single-storey extension. The Juliette rail has been fitted and was in place at the time of my visit, but wooden railings have been added around the edge of the flat roof area. There are lattice side screens and climbing plants at each end and wooden decking on the roof surface. Although the roof was not accessible at the time of my visit because of the Juliette rail, the wooden railings enable its use as a balcony, and I consider it likely that it is intended to be so used.
11. I consider the main issue to be the effect of the potential use of the flat roof area as a balcony on the privacy of nearby residents.
12. In relation to the adjoining house at 4 Alington Crescent, the side screen and climbing plants provide a good measure of protection against overlooking of rear windows and the space immediately behind the house, as advised in the Council's supplementary planning guidance. Looking directly to the rear, the appeal property has a long rear garden matched by gardens of a similar length behind the houses on Mallard Way to the north and I estimate that there is a distance of about 45m-50m between the facing rear elevations. To the east the nearest houses are on the opposite side of Alington Crescent. I also have regard to the likelihood that the active use of the balcony would be confined to periods of fine weather.
13. I saw that a house in a similar corner position nearby has a rear balcony enclosed by a metal railing, although the Council has no information on its planning status.
14. In view of the spacious layout of the area, and having regard to all other matters raised, I conclude that the use of the flat roof area as a balcony would not result in an unacceptable loss of privacy for neighbouring occupiers and would not conflict with UDP policies BE2 and BE9. I therefore consider that the existing railings are acceptable.

### **Conclusions**

15. For the reasons given above, I intend to refuse planning permission and uphold the enforcement notice in respect of the outbuilding and boundary wall and to allow the appeal and grant planning permission in respect of the balcony railings.
16. The effect of section 180 of the Act is that the grant of planning permission for the railings overrides the requirements of the enforcement notice, so far as it is

inconsistent with the permission. It is therefore not necessary to vary the requirements of the notice to delete references to the balcony railings.

**Formal Decision**

17. I allow the appeal on ground (a) insofar as it relates to the railings on the roof of the single-storey rear extension and I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for those railings subject to the following condition:

The existing side screens to the balcony area shall not be reduced, replaced or removed without the written approval of the local planning authority.

18. I dismiss the appeal and uphold the enforcement notice insofar as it relates to the rear outbuilding and the associated rear brick wall, and I refuse planning permission in respect of that building and wall, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*C Whitehouse*

INSPECTOR

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Received PLANNING Appeals between 1-Dec-2010 and 31-Dec-2010

## Planning Committee: 2 February, 2011

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**Application Number:** 10/0167      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 13/12/2010      **Appeal Against:** Refusal of planning permission  
**Location:** J J House rear of 243-247, Edgware Road, Kingsbury, London, NW9 6LU  
**Proposal:**  
Retrospective change of use from warehouse to community centre (Use class D1)

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**Application Number:** 10/1276      **Team:** Western Team      **Application Type** S78      FUL  
**Appeal Received:** 23/12/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 205 Preston Road, Wembley, HA9 8NF  
**Proposal:**  
Erection of a two storey rear extension with extraction flue and change of use of extended premises to a restaurant (Use Class A3)

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**Application Number:** 10/1406      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 22/12/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 134 Manor Park Road, London, NW10 4JP  
**Proposal:**  
Conversion of the dwellinghouse into 2 flats, with installation of 1 rear dormer window, 2 front rooflights and erection of a single-storey rear extension

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**Application Number:** 10/1906      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 15/12/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 79 Keslake Road, London, NW6 6DH  
**Proposal:**  
Erection of a single-storey side extension to the dwellinghouse

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**Application Number:** 10/2004      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 01/12/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 5 Ormesby Way, Harrow, HA3 9SE  
**Proposal:**  
Demolition of existing detached garage, erection of a first floor front extension, two storey side extension, a single and two storey rear extension, installation of a rear dormer window, 3 front rooflights and hard and soft landscaping to front garden of dwellinghouse as amended by revised plans received 03/09/10

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**Application Number:** 10/2303      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 30/12/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 87 Brampton Road, London, NW9 9DE  
**Proposal:**  
Erection of a single-storey rear extension and a front porch to the dwellinghouse and modifications to an existing outbuilding, including an increase in its height with external and internal alterations

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**Application Number:** 10/2385      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 03/12/2010      **Appeal Against:** Refusal of planning permission  
**Location:** Garden Flat, 88 Brook Road, London, NW2 7DU  
**Proposal:**  
Erection of single storey extension to flat

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Received ENFORCEMENT Appeals between 1-Dec-2010 and 31-Dec-2010

Planning Committee: 2 February, 2011

**Application Number:** E/08/0404 **Appeal Against:** Enforcement Appeal **Team:** Southern Team  
**Appeal Started:** 13/12/2010

**Location:** 32A Victor Road, London, NW10 5XG

**Description:**

The erection of a single storey extension in rear garden of the premises.

**Application Number:** E/09/0596 **Appeal Against:** Enforcement Appeal **Team:** Western Team  
**Appeal Started:** 23/12/2010

**Location:** 141 Ealing Road, Wembley, HA0 4BP

**Description:**

The change of use of the forecourt of the premises from retail to sale of hot food to be consumed on and off the premises, and the erection of stalls to the front of the premises to sell hot food from.

("The unauthorised development")

**Application Number:** E/10/0107 **Appeal Against:** Enforcement Appeal **Team:** Southern Team  
**Appeal Started:** 07/12/2010

**Location:** 52A High Road, London, NW10 2PU

**Description:**

Without planning permission, the change of use of the premises from one self-contained flat above a shop to eight self-contained flats above a shop.

**Application Number:** E/10/0390 **Appeal Against:** Enforcement Appeal **Team:** Western Team  
**Appeal Started:** 03/12/2010

**Location:** Yard next to 19, Hazel Grove, Wembley, HA0

**Description:**

Without planning permission, the change of use of the premises from the parking and cleaning of hire vehicles to a mixed use as mini-cab storage, car repairs and tyre storage.

**Application Number:** E/10/0474 **Appeal Against:** Enforcement Appeal **Team:** Northern Team  
**Appeal Started:** 30/12/2010

**Location:** Garages rear of 8-14, Slough Lane, London, NW9

**Description:**

The breach of conditions 1 and 3 of planning permission 07/1760 dated 06/09/2007 for "Erection of 3 single-storey garages on land to the rear of 8-14 Slough Lane and provision of a landscaped communal area."

Condition 1 states: "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."

Condition 3 states: "The garage(s) hereby approved shall be used solely for the housing of private vehicles or for domestic storage solely in connection with 8-14 Slough Lane. No business or industry shall be carried out therein, nor shall the garage(s) be adapted or used for additional living accommodation."

Received ENFORCEMENT Appeals between 1-Dec-2010 and 31-Dec-2010

Planning Committee: 2 February, 2011

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**Application Number:** E/10/0489 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

**Appeal Started:** 17/12/2010

**Location:** 252 All Souls Avenue, London, NW10 3AD

**Description:**

The change of use of the premises to a House in Multiple Occupation (HMO).

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**Application Number:** E/10/0827 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

**Appeal Started:** 30/12/2010

**Location:** Garages rear of 8-14, Slough Lane, London, NW9

**Description:**

Without planning permission, the change of use of the premises to a carpet, flooring and material storage business and associated office, and the erection of a plastic roof canopy structure with timber and metal frame in rear garden of the premises.

("The unauthorised change of use and development")

## Decisions on PLANNING Appeals between 1-Dec-2010 and 31-Dec-2010

Planning Committee: 2-Feb-2011

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**Application Number:** 09/2656 **PINSRefNo** X/10/2130305 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 09/12/2010

**Location:** 7 Jeymer Avenue, London, NW2 4PJ

**Proposal:**

Certificate of lawfulness for the proposed erection of a new pitched roof with three front windows and a rear dormer window to the dwellinghouse

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**Application Number:** 09/3334 **PINSRefNo** X/10/2123245 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 08/12/2010

**Location:** 100 Brampton Road, London, NW9 9DD

**Proposal:**

Certificate of lawfulness for retention of existing single-storey detached outbuilding

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**Application Number:** 10/0054 **PINSRefNo** A/10/2136666/WF **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 03/12/2010

**Location:** 22 Wembley Park Drive, Wembley, HA9 8HA

**Proposal:**

Retrospective application for a single-storey outbuilding in the rear garden of the dwellinghouse, with a proposed reduction in height to the outbuilding

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**Application Number:** 10/0458 **PINSRefNo** X/10/2128453 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 21/12/2010

**Location:** 10 Alverstone Road, London, NW2 5JT

**Proposal:**

Certificate of lawfulness for proposed front porch to dwellinghouse

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**Application Number:** 10/0542 **PINSRefNo** A/10/2139196/WF **Team:** Southern Team

**Appeal Decision:** Appeal withdrawn **Appeal Decision Date:** 21/12/2010

**Location:** Land adjacent 23, Bolton Gardens, London, NW10

**Proposal:**

Demolition of three existing garages and erection of a 3-storey three bedroom detached dwellinghouse

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**Application Number:** 10/0903 **PINSRefNo** A/10/2133603/NWF **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 01/12/2010

**Location:** 76 Burnley Road, London, NW10 1EJ

**Proposal:**

Outline planning permission for demolition of garage/vehicle-testing station and erection of a two-storey dwellinghouse and a three-storey building comprising 8 flats (matters to be determined: access, layout and scale)

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**Application Number:** 10/1197 **PINSRefNo** D/10/2138241 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 07/12/2010

**Location:** 282 Princes Avenue, London, NW9 9QU

**Proposal:**

Erection of single-storey detached outbuilding to provide garage and storage in rear garden of dwellinghouse

Decisions on PLANNING Appeals between 1-Dec-2010 and 31-Dec-2010

Planning Committee: 2-Feb-2011

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**Application Number:** 10/1794 **PINSRefNo** D/10/2137028 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 03/12/2010

**Location:** 100 Brampton Road, London, NW9 9DD

**Proposal:**

Retrospective application for erection of a single-storey outbuilding in the rear garden of the dwellinghouse

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**Application Number:** 10/1896 **PINSRefNo** D/10/2140596 **Team:** Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 13/12/2010

**Location:** 69 Girton Avenue, London, NW9 9UE

**Proposal:**

Retention of a single-storey rear extension to the dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Dec-2010 and 31-Dec-2010  
 Planning Committee: 2 February, 2011

**Application Number:** E/08/0480 **PINSRefNo** C/10/2134594 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed

**Appeal Decision Date:** 08/12/2010

**Location:** 441A High Road, London, NW10 2JJ

**Proposal:**

Without planning permission, the erection of a second storey rear extension, including that part over the roof of the premises.

("The unauthorised development")

**Application Number:** E/09/0170 **PINSRefNo** C/10/2131404

**Team:** Western Team

**Appeal Decision:** Appeal Allowed

**Appeal Decision Date:** 09/12/2010

**Location:** Afrex House, Beresford Avenue, Wembley, HA0 1NX

**Proposal:**

The change of use of the premises to a mixed use as highway, offices, car repair, car servicing, car sales, tyre fitting, repair, sales, mini cab and residential use.

("The unauthorised change of use")

**Application Number:** E/09/0260 **PINSRefNo** C/10/2127982

**Team:** Western Team

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 01/12/2010

**Location:** 16 The Grange, Wembley, HA0 1SY

**Proposal:**

Without planning permission, the erection of a single storey rear extension and conversion of dwellinghouse into two self-contained flats.

**Application Number:** E/09/0388 **PINSRefNo** C/10/2130516

**Team:** Western Team

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 13/12/2010

**Location:** 9 Bridgeway, Wembley, HA0 4DY

**Proposal:**

Without planning permission, the erection of a lean-to canopy extension to rear of the premises.

**Application Number:** E/09/0405 **PINSRefNo** C/10/2135010

**Team:** Northern Team

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 01/12/2010

**Location:** 15 Bouverie Gardens, Harrow, HA3 0RQ

**Proposal:**

Without planning permission, the formation of hard surface to the front garden of the premises.

**Application Number:** E/09/0591 **PINSRefNo** C/10/2127395

**Team:** Northern Team

**Appeal Decision:** Appeal withdrawn

**Appeal Decision Date:** 21/12/2010

**Location:** Flats 1-6, 14 The Circle, London, NW2 7QS

**Proposal:**

Without planning permission, the change of use of the premises to six self-contained studio flats.

("The unauthorised change of use")

## Decisions on ENFORCEMENT Appeals between 1-Dec-2010 and 31-Dec-2010

## Planning Committee: 2 February, 2011

**Application Number:** E/09/0617 **PINSRefNo** C/10/2127501**Team:** Northern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 07/12/2010**Location:** 46 Crundale Avenue, London, NW9 9PL**Proposal:**

Without planning permission, the erection of a part single and part two storey rear extension and the erection of a single storey side and front extension to the premises.

("The unauthorised development")

**Application Number:** E/09/0702 **PINSRefNo** C/10/2121204**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 07/12/2010**Location:** 84 Pine Road, London, NW2 6SA**Proposal:**

The erection of a side extension to the premises.

**Application Number:** E/10/0013 **PINSRefNo** C/10/2128306**Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 01/12/2010**Location:** 22 Sellons Avenue, London, NW10 4HL**Proposal:**

Without planning permission, the change of use of the premises from a single family dwellinghouse to eight self-contained flats.

("The unauthorised use")

**Application Number:** E/10/0097 **PINSRefNo** C/10/2131820**Team:** Northern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 16/12/2010**Location:** 38 Rugby Road, London, NW9 9LB**Proposal:**

Without planning permission, the erection of a front porch, part single and two storey side extensions, and part single and two storey rear extensions to the premises.

("The unauthorised development")

**Application Number:** E/10/0167 **PINSRefNo** C/10/2134486**Team:** Northern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 20/12/2010**Location:** 2 Alington Crescent, London, NW9 8JN**Proposal:**

Without planning permission, the erection of a side brick wall adjacent to Alington Crescent, the erection of a rear outbuilding and the erection of railings on the roof of the single storey rear extension.

("The unauthorised development")

**Application Number:** E/10/0176 **PINSRefNo** C/10/2135678**Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 29/12/2010**Location:** 33 Montrose Avenue, London, NW6 6LE**Proposal:**

The installation of uPVC windows to the front of the premises.

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Dec-2010 and 31-Dec-2010  
Planning Committee: 2 February, 2011

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**Application Number:** E/10/0307 **PINSRefNo** C/10/2133830

**Team:** Northern Team

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 16/12/2010

**Location:** 49 Alington Crescent, London, NW9 8JL

**Proposal:**

Without planning permission, the erection of a ridged roof outbuilding to the rear of the premises.

("The unauthorised development")

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**Application Number:** E/10/0412 **PINSRefNo** C/10/2134853

**Team:** Western Team

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 16/12/2010

**Location:** 188 Harrow Road, Wembley, HA9 6QH

**Proposal:**

Without planning permission, the erection of a conservatory to the rear of the premises.

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**PLANNING SELECTED appeal DECISIONS between  
1-Dec-2010 and 31-Dec-2010  
Planning Committee: 2 February, 2011**

**Introduction**

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

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<b>Our reference:</b> 10/1896	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 13/12/2010
<b>Team:</b>	Northern Team	
<b>Location:</b>	69 Girton Avenue, London, NW9 9UE	
<b>Proposal:</b>	Retention of a single-storey rear extension to the dwellinghouse	

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**Background Information**

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email [tps@brent.gov.uk](mailto:tps@brent.gov.uk)

Chris Walker, Assistant Director - Planning and Development

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**ENFORCEMENT SELECTED appeal DECISIONS between  
1-Dec-2010 and 31-Dec-2010**

**Planning Committee: 2 February, 2011**

**Introduction**

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

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<b>Our reference:</b> E/08/0480	<b>Appeal Decision Date:</b> 08/12/2010
<b>Team:</b> Southern Team	<b>Appeal Decision:</b> Appeal Allowed

**Location:** 441A High Road, London, NW10 2JJ

**Proposal:**

Without planning permission, the erection of a second storey rear extension, including that part over the roof of the premises.

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<b>Our reference:</b> E/09/0170	<b>Appeal Decision Date:</b> 09/12/2010
<b>Team:</b> Western Team	<b>Appeal Decision:</b> Appeal Allowed

**Location:** Afrex House, Beresford Avenue, Wembley, HA0 1NX

**Proposal:**

The change of use of the premises to a mixed use as highway, offices, car repair, car servicing, car sales, tyre fitting, repair, sales, mini cab and residential use.

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<b>Our reference:</b> E/09/0617	<b>Appeal Decision Date:</b> 07/12/2010
<b>Team:</b> Northern Team	<b>Appeal Decision:</b> Appeal part dismissed / part allowed

**Location:** 46 Crundale Avenue, London, NW9 9PL

**Proposal:**

Without planning permission, the erection of a part single and part two storey rear extension and the erection of a single storey side and front extension to the premises.

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<b>Our reference:</b> E/10/0097	<b>Appeal Decision Date:</b> 16/12/2010
<b>Team:</b> Northern Team	<b>Appeal Decision:</b> Appeal part dismissed / part allowed

**Location:** 38 Rugby Road, London, NW9 9LB

**Proposal:**

Without planning permission, the erection of a front porch, part single and two storey side extensions, and part single and two storey rear extensions to the premises.

**ENFORCEMENT SELECTED appeal DECISIONS between  
1-Dec-2010 and 31-Dec-2010**

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**Our reference:** E/10/0167 **Planning Committee: 2 February, 2011** **Appeal Decision Date:** 20/12/2010  
**Team:** Northern Team **Appeal Decision:** Appeal part dismissed / part allowed

**Location:** 2 Alington Crescent, London, NW9 8JN

**Proposal:**

Without planning permission, the erection of a side brick wall adjacent to Alington Crescent, the erection of a rear outbuilding and the erection of railings on the roof of the single storey rear extension.

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**Background Information**

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email: [tps@brent.gov.uk](mailto:tps@brent.gov.uk).

Chris Walker, Assistant Director - Planning and Development