



Planning Committee

Wednesday, 6 April 2011 at 7.00 pm

Committee Rooms 1, 2 and 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
Mitchell Murray
Hossain
Kansagra
Cheese
Naheerathan
Castle
Oladapo
Thomas
J Moher
Lorber

Second alternates

Councillors:

Gladbaum
R Moher
Mashari
HB Patel
Allie
Ogunro
Beck
Powney
Van Kalwala
Moloney
Castle

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

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

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 - 16 March 2011		1 - 12
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
NORTHERN AREA		
3. 17 Waltham Drive, Edgware, HA8 5PG (Ref. 11/0293)	Queensbury;	17 - 28
4. 2 Glenwood Grove, London, NW9 8HJ (Ref. 11/0285)	Barnhill;	29 - 34
SOUTHERN AREA		
5. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW10 (Ref. 11/0023)	Brondesbury Park;	35 - 40
6. 62A Wrentham Avenue, London, NW10 3HG (Ref. 10/2913)	Queens Park;	41 - 46
7. 1-3, Canterbury House, Canterbury Road, London, NW6 5ST (Ref. 11/0179)	Kilburn;	47 - 58
8. Unit 16, The Tay Building, 2A Wrentham Avenue, London, NW10 3HA (Ref. 10/3149)	Queens Park;	59 - 68
9. 758 & 760, Harrow Road, London, NW10 (Ref. 10/3088)	Queens Park;	69 - 94
10. 103-107, 103A, 109-119 odds, 121-123 Kilburn High Road, 110-118 inc Kilburn Square and all units and stalls at Kilburn Square Market, London, NW6 (Ref. 10/3072)	Kilburn;	95 - 112
WESTERN AREA		
11. 1 Fernbank Avenue, Wembley, HA0 2TT (Ref. 11/0181)	Sudbury;	113 - 118
12. Dexion House, Empire Way, Wembley, HA9 0EF (Ref. 11/0142)	Tokington;	119 - 156
13. Chequers, Managers Flat and Store, 149 Ealing Road, (Ref. 11/0137)	Alperton;	157 - 186
14. 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 2 APRIL 2011

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
11/0142	Dexion House, Empire Way, Wembley, HA9 0EF	12	Tokington	9:35	119 - 156
10/3149	Unit 16, The Tay Building, Wrentham Avenue, London, NW10 3HA	8	Queens Park	10:15	59 - 68
10/3072	103-107, 103A, 109-119 odds, 121-123 Kilburn High Road, 2/06 10 Kilburn 110-118 inc Kilburn Square and all units and stalls at Kilburn Square Market, London	10	Kilburn	10:50	95 - 112

Date of the next meeting: Wednesday, 12 May 2011

The site visits for that meeting will take place the preceding Saturday 7 May 2011 at 9.30am when the coach leaves Brent House.



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 16 March 2011 at 7.00 pm

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

Apologies for absence were received from Councillor McLennan.

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

Newfield Primary School, Newfield Nursery & Mission Dine Club

Councillor Adeyeye declared a personal interest that he knew the operator of Mission Dine Club. He left the meeting room and did not take part in the discussion and voting on this item.

Councillor Long declared a prejudicial interest that she was a governor of Newfield Primary School. She left the meeting room and did not take part in the discussion and voting on this item.

Cambridge Court, Cambridge avenue, Ely Court, Chichester Avenue & Wells Court, Coventry Close, London NW6

Councillor Long declared a prejudicial interest that she was a governor of Newfield Primary School. She left the meeting room and did not take part in the discussion and voting on this item.

Storage land next to 75, St Pauls Avenue, London NW6

Councillor Cummins declared a prejudicial interest that he was a director of a subsidiary company of Genesis Housing, the applicant. He left the meeting room and did not take part in the discussion and voting on this item.

2. **Minutes of the previous meeting held on 23 February 2011**

RESOLVED:-

that the minutes of the previous meeting held on 23 February 2011 be approved as an accurate record of the meeting.

3. 3 Newfield Primary School & Newfield Nursery School, Longstone Avenue & Mission Dine Club, Fry Road, London, NW10 (Ref. 10/3052)

PROPOSAL: Demolition of single storey building Mission Dine Community Centre and two temporary classrooms and the erection of a single and two storey extension to Newfield Primary school, creation of 2 external multi use games, 3 key stage play areas and associated hard and soft landscaping.

RECOMMENDATION: Grant planning permission subject to conditions as amended in conditions 3, 5, 6, 7, 8 and 9, an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report or,

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.

This application was deferred from the Planning Committee meeting held on 23 February 2011 in order to allow additional consultation to take place, specifically with the Mission Dine Community Centre who indicated that they were not aware of the planning application.

Andy Bates, the Area Planning Manager drew members' attention to amendments to proposed conditions 3, 5, 6, 7, 8 and 9 suggested by the Director of Legal and Procurement as set out in the tabled supplementary report to be attached to any permission. Subject to the above he reiterated the recommendation for approval subject to a Section 106 legal agreement.

Mr Patrick Anderson speaking in objection to the application and on behalf of Mission Dine Club (MDC) occupiers of the premises in Fry Road stated that the recommendation for approval would be contrary to the Council's Unitary Development (UDP) Policy PPS 12 which acknowledged the need to protect the elderly and disabled persons. He continued that MDC was concerned that its removal from the Fry Road premises would be detrimental to the elderly and disabled group of persons, particularly women and children from the black minority ethnic groups. In response to a member's question, Mr Anderson stated that MDC's lease for the premises was not due to expire until at a later date this year.

Dame Betty Asafo-Agyei, the operator of MDC speaking in objection to the application stated that the grant of planning permission would result in a detrimental impact on the elderly and the youth who were using the club as a focal point of interaction. She referred to the successful work of MDC within the community which she said had prompted local multi-national organisations such as IKEA to provide funding. She added that although MDC had a 30 year lease of the premises, it was varied by the Council to 7 years without prior knowledge of MDC. Dame Asafo-Agyei urged members to refuse the application so as to enable MDC to carry out its charitable work to the elderly and the youth particularly from those from the minority ethnic group.

Mrs Aileen Thomas the applicant's agent drew members' attention to the Borough's shortage of school places and the need for the Local Education Authority (LEA) to ensure to provide them, adding that this fact had been well documented in various reports to Committees and the Executive. She continued that the application would enable about 400 school places to be provided for children in the Borough. Mrs Thomas added that the school hall incorporated in the application could be provided as a suitable alternative for use by MDC when their lease expired in August 2011. In response to questions by Councillor Daly about negotiations with MDC and the level of commitment by the Council to ensure that MDC was afforded an alternative site, Mrs Thomas pointed out that a list of organisations offering alternative sites had been sent to MDC and that every effort would be made by the Council to continue that initiative.

The Head of Area Planning added that Property and Asset Management had advised on the efforts made by the Council to assist MDC in finding alternative premises subject to MDC providing the required information to enable the Council to progress its efforts. He recommended members to support the scheme subject to the amendments suggested by the Director of Legal and Procurement.

DECISION: Granted planning permission, subject to conditions as amended in conditions 3, 5, 6, 7, 8 and 9, an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report
or

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.

Note: Councillor Adeyeye and Councillor Long having declared interests in the application left the meeting room and did not take part in the discussion and voting on the application.

4. Woodcock Park, Shaftesbury Avenue, Harrow, HA3 0RD (Ref. 11/0208)

PROPOSAL: Installation of an artificial turf pitch with perimeter fencing on existing tarmac area of park.

RECOMMENDATION: Grant planning permission subject to conditions, an additional condition 7 and as amended in condition 6.

With reference to the tabled supplementary report, Rachel McConnell, the Area Planning Manager, informed the Committee that following the publication of the report, the applicant had submitted an Arboricultural Method Statement in accordance with the requirements of Condition 6. Following a review of the information submitted, the Council's Landscape Officer considered that the detail provided was acceptable to meet the requirements of the proposed condition. Rachel McConnell recommended an amendment to Condition 6 requiring compliance with the information submitted. She also recommended an additional

condition (7) as set out in the tabled supplementary report in order to secure the provision of the 6 semi-mature trees to the west of the development.

Mr Barry Kruger an objector stated that the proposal could lead to an increase in activities and traffic would also result in loss of aspect and views. He requested that appropriate conditions be imposed to ensure that adverse impact in terms of amenities and traffic which could result was minimised.

Rachel McConnell, Area Planning Manager, advised that there would be a charge payable for community access in line with Brent's standard charge for such facilities.

The Head of Area Planning advised that some of the issues raised by the objector were a matter for Parks Service Management. He undertook to inform them accordingly.

DECISION: Planning permission granted subject to conditions an additional condition 7 and as amended in condition 6

5. 20 Keyes Road, London, NW2 3XA (Ref. 11/0026)

PROPOSAL: Single storey side and rear extension, rear dormer window, new front and side boundary walls and railings, alterations to soft landscaping within front garden, two flank wall ground floor windows and two side rooflights to dwellinghouse.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

6. 16 Bouverie Gardens, Harrow, HA3 0RQ (Ref. 10/3261)

PROPOSAL: Demolition of existing garage and erection of part single part two storey side and rear extension and extended rear patio, replacement of existing timber windows with double glazed uPVC windows to both the front and rear elevations, rear dormer window and one roof light to both the side roofslope facing No. 14 Bouverie Gardens and rear roofslope of the dwellinghouse (revised description).

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 5.

Steve Weeks, Head of Area Planning recommended an amendment to condition 5 as set out in the tabled supplementary report in order to ensure a high quality of design that preserved or enhanced the character and appearance of the Mount Stewart Conservation Area.

DECISION: Planning permission granted subject to conditions as amended in condition 5.

7. 1A Dorchester Way, Harrow, HA3 9RF (Ref. 11/0082)

PROPOSAL: Erection of a 2 storey building comprising 3 terraced dwellinghouses, installation of hardstanding, 3 parking spaces and refuse storage to front, garden space to rear and associated landscaping to site.

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 authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Rachel McConnell, Area Planning Manager, referred to a list of concerns raised by a neighbour in respect of residential amenity, parking and traffic congestion. She stated that matters relating to transportation, residential amenity and design had been assessed in the main report and significant weight should be given to the Planning Inspectorates decision on previous applications. She continued that the Council's Transportation Officer had not raised objection regarding resultant congestion in the area as the on-site parking provision and turning areas were considered to be acceptable. Members noted that Thames Water had raised no objection to the proposal.

Dr Qasi Jalisi, in objecting on behalf of the adjoining resident, raised concerns on the following grounds;

- a) Car parking problems would result from the insufficient and narrow entrance to the site.
- b) Environmental problems would result from increased prospect of blocked drains that could frequently occur.
- c) The location for bin storage to the front of the site would also result in environmental problems.

Mr G Naidoo the applicant's agent stated that the current scheme had addressed all significant concerns expressed on the previous scheme. He stated that the design quality of the building had been improved by the use of high quality materials and that parking provision complied with the council's parking standards. He added that surveys conducted had shown that there was no soil contamination on the site and that Thames Water had raised no objection to the scheme.

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

8. 325-327 Kilburn High Road, London, NW6 7PY (Ref. 10/2822)

PROPOSAL: Change of use from hairdressing salon (Use Class A1) to restaurant and take away (combined Use Classes A3 and A5) and installation of extract duct at rear of property.

RECOMMENDATION: Grant planning permission subject to conditions.

Andy Bates confirmed that the character of the area including Dyne Road and both sides of Kilburn High Road had been taken into account in recommending approval of the application subject to conditions. He added that enforcement of parking controls applied in the Kilburn High Road area.

DECISION: Planning permission granted subject to conditions.

9. Cambridge Court, Cambridge Avenue, Ely Court, Chichester Road & Wells Court, Coventry Close, London, NW6 (Ref. 10/3247)

PROPOSAL: Demolition of Cambridge Court, Wells Court and Ely Court and redevelopment to provide 144 residential units (86 market units - 32 one-bed, 41 two-bed, 10 three-bed and 3 four bed & 58 affordable units - 16 one-bed, 22 two-bed, 10 three-bed and 10 four-bed) in 3, 4 and 5 storey buildings. Development includes the stopping up of existing access road and the formation of a new access road from Chichester Road, alterations to car parking, open space, relocation of existing playspace adjacent to Kilburn Park underground station, new vehicular and pedestrian routes through the site and provision of private and communal gardens.

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 to agree the exact terms thereof on advice from the Director of Legal and Procurement.

With reference to the tabled supplementary report Andy Bates, Area Planning Manager clarified the following issues that were raised at the site visit by members and local residents;

Ownership of open spaces & access

Currently, Alpha Place and Gorefield Place, the local access roads on the site, were estate roads and as they were not adopted highway they were maintained through local service charges to tenants and leaseholders. All new roads to be constructed as part of the proposal would be built to adoptable standards and maintained by the Council following completion. He added that the pedestrian footpath across the site was not intended as designated Public Rights of Way, although the public would have informal access to it.

Funding and tenure

The sale of the application site would provide sufficient funding for both the replacement affordable housing on the subject site and the construction of the

proposed affordable housing scheme on the Bond/Hicks Bolton site, for which the planning application was likely to be considered in May of this year. He advised that if the current scheme were not to go ahead then it would have a direct impact on the viability of future phases of the South Kilburn Regeneration programme.

Loss of affordable units

The current proposal would involve the re-provision of 58 affordable units on the site, a net loss of 2 units as a direct result of this development.

Physical relationship between buildings

The proposed mews blocks would be sited so that they would only partially face the south-eastern facade of Alpha House, at either end, and where they would directly face one another, a distance of some 7m would be maintained. The siting of the proposed mews blocks would limit blocks directly facing each other, thus preventing unreasonable harm to the outlook from habitable room windows on the south eastern facade of Alpha House. In addition, all habitable room windows to the proposed mews blocks had been orientated in order to prevent direct overlooking of the south-eastern facade of Alpha House. He continued that whilst the link block may be visible at an angle from windows to the front and rear of Gorefield House, it would be unlikely to cause significant harm to the outlook and privacy of existing and future residents.

Car parking

Recent parking studies indicated that there was spare capacity to accommodate an additional 45 parked vehicles on-street within the vicinity of the site. If approved, with the exception of 43 units, the development would be subject to a 'permit-free agreement, whereby residents would not be entitled to on-street parking permits, in order to restrict the demand for the existing capacity for on-street parking to approximately one space per unit.

Consultation

As part of the wider consultation, a number of residents' design group workshops were held from August to November 2010 with each session being attended by up to 23 residents and a series of New Homes Exhibitions each of which was attended by between 20-60 residents. In addition to the above, Officers from the Major Projects Team had met twice with residents of the Alpha Gorefield Residents Association in order to discuss local concerns. In addition the agenda set out the consultation carried out for the planning application.

Concerns of residents

In reference to concerns about high speed rail 2 (HS2) proposals and future activity associated with the nearby Royal Mail Sorting Office he stated that the HS2 rail link was an underground proposal that had its own ongoing consultation and that Officers were unaware of any plans or proposals involving the sorting office. In respect of concerns regarding highway safety to the proposed children's play area and collection and drop off at St Mary's School he responded that as light traffic was envisaged the proposed development would be unlikely to make existing conditions significantly worse. He added that given the size and type of play area proposed, it was not envisaged that excessive noise would be associated with its use.

Emergency access and servicing

He confirmed that the proposals had been inspected by the Council's Transportation Unit who was of the view that the development would provide suitable access and circulation for emergency vehicles. In terms of servicing, the applicant had provided revised plans indicating a minor alteration to the access to the car-park at the northern end of the site which would provide better turning facilities for refuse vehicles entering and exiting Coventry Close. In view of this and the sustainability drawings submitted by the applicant, he recommended amendments to condition 2 as set out in the tabled supplementary report.

Ms Liz Leicester in objecting on behalf of Alpha & Gorefield residents expressed concerns about the scheme on the following grounds;

- a) Over-development of the site within an area of multiple deprivation and lack of green open space.
- b) the proposed development failed to respect the local context of South Kilburn
- c) The Council's consultation was flawed and did not take into account problems that some of the residents had with language. Most of the residents experienced problems with the information on the Council's website and were not even aware of this meeting

Another resident objector was allowed to address the Committee. She raised objections to the proposals for the following reasons;

- a) Lack of provision and residential amenities particularly for the elderly residents.
- b) Lack of play area provision and amenities for children above age 6.
- c) Loss of existing green area.
- d) Undue pressure on health facilities in the area.
- e) Loss of mature trees.

Mr Peter Sherlock the programme manager for the applicant stated that the principle of the redevelopment of the site for housing was considered to be acceptable in policy terms as it complied with standards and policies of the Council. He added that the proposed development which would provide a series of buildings with good sustainability, high quality design, form and materials in a highly accessible location with PTA rating of 3, would provide an impetus to the wider proposals for the South Kilburn regeneration area and a key role in the regeneration of the former New Deal for Communities (NDC) area. Mr Sherlock explained that the applicant and the Council carried out extensive and thorough consultation with residents over a long period of time and that the initial concerns expressed by residents had been addressed in submitting the application. He urged members to endorse officers' recommendation for approval subject a Section 106 legal agreement.

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

Note: Councillor Long declared a prejudicial interest as a governor of Newfield Primary School. Councillor Long left the meeting room and did not take part in the voting or discussion on this application.

10. 41 Kingswood Avenue, London, NW6 6LS (Ref. 11/0093)

PROPOSAL: Demolition of existing boundary treatment and erection of replacement walls and gates.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

11. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (Ref. 11/0051)

PROPOSAL: Redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision.

RECOMMENDATION: Grant planning permission subject to conditions, revised plans, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Andy Bates the Area Planning Manager in responding to objectors' claim about lack of consultation informed the Committee that the revisions to the application in respect of the area to the ground floor front of the site was not of a scale that warranted any re-consultation with interested parties. With reference to the tabled supplementary report he responded to the following concerns by objectors and Councillor Lesley Jones, ward member:

The limitations of the site were considered to be acceptably addressed and on balance the form of the proposed building would relate acceptably to the streetscene while maintaining pedestrian safety with a designated and defined route. With respect to the concern about the quality and appearance of the proposed white rockwool/rockpanel cladding, the Area Planning Manager stated that a sample of this would be required by condition to ensure a high standard of development which reflected the surrounding character would be achieved. In respect of the road layout, he stated that Highways Engineers having considered the revised road layout of this application concluded that the designation of a pedestrian route to the entrance had removed the potential conflicts identified by the inspector. In addition, the siting of the disabled parking space was not objected to as visibility through the site was considered to be acceptable.

Andy Bates continued that the inspector found that habitable accommodation within the proposed development could be reasonably protected from the garage noise by design and glazing as could the balconies by some kind of screening. In respect of flooding he stated that a condition as suggested by Thames Water was recommended to be addressed by the applicant before work commenced. He reiterated the recommendation for approval subject to conditions and a Section 106 legal agreement.

Mrs BA Glynn in objecting to the proposed development started by saying that the consultation with residents was inadequate. She continued that the proposal would result in an adverse impact on the residents due to conflicts between vehicles and pedestrians, unacceptable road layout which would encourage speeding traffic and overall noise nuisance. She added that Genesis Housing Group had agreed to a mediation to take place in April with residents with a view to addressing the concerns raised and urged members to defer the application until after the meeting had taken place.

Ms Jennifer Cameron an objector speaking in a similar vein claimed that the consultation with residents was inadequate for a development which in her view would have an adverse impact on the Victorian enclave by encouraging graffiti and resulting in loss of residential amenity. She continued that the proposed road layout would be unacceptable in terms of exit and egress, resulting in danger to pedestrian and vehicular safety. Ms Cameron also urged members to defer the application until after the mediation meeting with Genesis, the applicant.

Mr Ben Thomas the applicant's agent stated that the scale, height and massing of the proposal which would be enhanced with improved landscaping and fencing was considered satisfactory. He urged members to take note of the safe pedestrian refuge, improved visibility for the disabled parking bay, speed humps to slow down the speed of traffic and the contribution towards the housing needs of the Borough. He confirmed that the site had been cleaned up to ensure that it was free from contamination and fit for residential purposes. Mr Thomas continued that there would be no direct conflict with the garage and that the planned mediation meeting was not a planning issue. In urging members to approve the application, Mr Thomas added that funding for the proposed development which had been received from the Housing Corporation should be spent this year otherwise it would be clawed back.

The Head of Area Planning advised that the planned mediation between the applicant and the residents was not an issue which required consideration of the application to be deferred. He added that officers did not consider that there was a fundamental flaw in accessing the site which provided clear visibility and speed humps but recommended an additional condition to cover details of the route from the disabled space to the entrance.

DECISION: Planning permission granted subject to conditions, an additional condition requiring the widening of disabled persons' route, revised plans, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement..

Note: Councillor Cummins declared a prejudicial interest as a director of a subsidiary company of Genesis Housing, the applicant. Councillor Cummins left the meeting room and did not take part in the voting or discussion on this application.

12. 29, 30, 31 Brook Avenue, Wembley, HA9 (Ref. 10/2814)

PROPOSAL: Demolition of 29 to 31 Brook Avenue and erection of a part 5-, 6- and 7-storey building, comprising 33 flats (11 one-bedroom, 19 two-bedroom and 3 three-bedroom), with associated landscaping, children's play area and provision of 4 disabled car-parking spaces.

RECOMMENDATION: Grant planning permission subject to conditions, the deletion of condition 9, the addition of maintenance plan, the completion of a satisfactory Section 106 or other legal agreement and conditions and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

With reference to the tabled supplementary report, the Head of Area planning responded to the following issues raised by members at the site visit:

In respect of affordable housing he stated that the applicants would be required to submit an affordable housing toolkit with the actual build costs and sales values which may result in increased value. He continued that the provision for 4 parking spaces in front of the development would be laid out in accordance with approved details under new condition 22. It was noted that the agreed acoustic report was considered satisfactory as was the location of the accessible bin store. He added that an appointed ecologist had considered the scheme and concluded that no building would be close to the Wealdstone Brook Ecology. This coupled with appropriately landscaped area by the stream would provide a buffer, with a communal amenity area further away. The Head of Area Planning advised members that although the area did not have an industrial past in accordance with PPS23 guidelines, officers recommended a remediation condition to ensure that it would be suitable for the residential flats proposed.

DECISION: Planning permission granted subject to conditions, the deletion of condition 9, the addition of maintenance plan, the completion of a satisfactory Section 106 or other legal agreement and conditions and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

13. Land next to 10, Tillett Close, London, NW10 (Ref. 10/2075)

PROPOSAL: Construction of 5 dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage.

RECOMMENDATION: Grant planning permission subject to revised drawings, the completion of a satisfactory Section 106 or other agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

This application was recommended for deferral to allow further revisions to the design and layout of the scheme in order to address the relationship between the proposed houses and their gardens with the banked area to the south of the site, and to amend the provision of external amenity space.

Steve Weeks informed the Committee that the applicants had since revised the proposal to alter the relationship, and had incorporated other associated changes to the scheme including better lighting, wider footprint, significantly improved roof spaces and frontage.

Members welcomed the report however Councillor Cummins stated that the presentation could have been enhanced with photographs, a view that was echoed by Councillor Adeyeye.

DECISION: Planning permission granted subject to revised drawings, the completion of a satisfactory Section 106 or other agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement..

14. Planning Appeals & Enforcement February 2011

RESOLVED:

that the appeals for February 2011 be noted.

15. Any Other Urgent Business

None.

The meeting ended at 9:30pm

RS PATEL
Chair

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.

25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.

29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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**Committee Report
Planning Committee on 6 April, 2011**

Item No. 1/01
Case No. 11/0293

RECEIVED: 16 February, 2011

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 17 Waltham Drive, Edgware, HA8 5PG

PROPOSAL: Erection of part single-, part two-storey side and rear extension to dwellinghouse and the division of the property to two self-contained dwellinghouses, comprising one three-bed and one one-bed, new vehicular crossover to front with one off-street parking space and associated hard and soft landscaping as revised by plans received 24/03/11

APPLICANT: Mr Dilip Patel

CONTACT: Saloria Architects

PLAN NO'S:
See condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

1. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
2. A contribution of £3,000, index-linked from the date of committee for Education, Sustainable Transportation, Sport and Open space improvements in the local area

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement by 13 April 2011.

EXISTING

The application site is a corner property located on the western side of Waltham Drive. The property shares a common side boundary with Calder Gardens to the south.

The site has a vehicular access to the rear (from Calder Gardens) and the front garden area has no parking facility but is partially hard surfaced (which appears to have been in place for a significant period of time).

PROPOSAL

The application is for construction of a new one bedroom dwellinghouse adjoining the present house with adequate provision of landscaping within the forecourt of the properties.

HISTORY

09/2181 Erection of a part single and part two storey side and rear extension to dwellinghouse **Granted** 26/11/2009 - this was a 3.5m wide side extension

09/1420 Certificate of lawfulness for proposed vehicular access to front of dwellinghouse as accompanied by email from Saloria Architects dated 17/07/09 **Granted** 27/07/2009

06/3165 Erection of single and two storey rear extension to existing dwellinghouse and two and three storey side extension at basement, ground and first floor level to create a new dwellinghouse and formation of associated parking and landscaping **Appeal Decided Dismissed** 03/12/2007 due to:

1. the standard of accommodation and specifically the size of the house and the outlook of the basement rooms

06/1647 Erection of single-storey and 2-storey side and rear extension to dwellinghouse **Granted** 25/07/2006 - this was a 3.3m wide side extension with a wider first floor rear extension that abutted the rear bay window of No. 17.

06/0147 Erection of a two-storey side and single-storey rear extension to facilitate the conversion of the existing dwelling into a 2-bedroom house and a 3-bedroom house **Refused** 13/03/2006 due to:

1. the design of the first floor rear extension - it was stepped and would have been incongruous
2. the standard of accommodation - it was not sufficiently large
3. the design of the porch - it was excessively large

05/1500 Single storey rear extension to existing dwellinghouse, subdivision of site and construction of a two-storey end-of-terrace dwellinghouse with entrance from Calder Gardens including the formation of vehicle crossover onto Waltham Drive and alterations to the front garden of the existing and proposed dwellinghouses. **Refused** 18/08/2005 due to:

1. the siting, scale and design resulting in a terrace - the side extension was 0.8m wider than proposed
2. impact of the depth of the rear extension on neighbouring amenity - this abutted the window of No. 17
3. width and proximity to junction of crossover on Waltham Drive - this was 9m wide and consequently closer to the junction
4. Lack of parking and landscaping - this would be addressed by condition

POLICY CONSIDERATIONS

The development plan for the purpose of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004 and Core Strategy 2010. Within those documents the following list of policies are considered to be the most pertinent to the application:

Brent UDP 2004

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to: townscape (local context and character) urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN3 Where an application would cause or worsen an unacceptable environmental impact of traffic it will be refused.
- TRN4 where transport impact is unacceptable measures will be considered which could acceptably mitigate this.
- TRN11 Developments should comply with the plan's minimum cycle parking standard.
- TRN15 Access from a dwelling to a highway
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- TRN34 Servicing in New Developments.
- PS14 Parking standards for residential uses
- PS16 Cycle parking

Brent Core Strategy 2010

- CP 2 Population and housing growth
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 17 Protecting and enhancing the suburban character of Brent
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

Brent Supplementary Planning Guidance

SPG3 Forming an access onto a road

Sets out the standards for the formation of an access onto a highway.

SPG17 Design Guide for New Developments

Sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

The above policies and guidance seeks to ensure that development should not significantly affect the amenities of the occupiers of the neighbouring properties and should be in keeping with the design, scale and character of the surrounding area.

SPD S106 Obligations

Regional

London Plan 2008

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

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

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

National

Planning Policy Statement 1 – Creating Sustainable Communities

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 – Housing

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

CONSULTATION

Local

Two objections received from local residents, on the following grounds:

- Impact on on-street parking
- Loss of privacy
- Out of character with area
- Impact on property values

The parking, neighbouring residential amenity and design implications of the proposal are discussed in the Remarks section, below. Impact on property values is not a material planning consideration.

Internal

Transportation

The proposal can be supported on the transportation grounds subject to following requirements: (1) S106 Contribution.

Landscape

No objections subject to a condition requiring further details.

REMARKS

Key considerations

- (1) Principle
- (2) Visual impact
- (3) Standard of accommodation
- (4) Impact on neighbouring amenity
- (5) Landscaping
- (6) Parking & access

1. Principle

The principle of residential development is accepted as part of making an efficient use of land and meeting Brent's housing needs and in particular the need for family housing, as supported by PPS3, the London Plan and Brent's UDP and Core Strategy policies STR3, H11 and CP2. Whilst changes to the definition of garden land in the June 2010 revision to PPS3 means the garden of the property is no longer considered previously developed land (PDL), that does not mean gardens cannot be developed. In this case the fact the site has a direct, wide frontage onto a local access road and the proposed scheme follows the pattern of development in the area means this site is considered appropriate for residential development.

2. Visual impact

2.1 Two storey side extension

The supplementary planning guidance for extensions to homes is SPG5 and for new development is SPG17; as an extension to a home that will be converted to a new dwellinghouse, officers consider more weight should be given to SPG5 than SPG17 in terms of guidance on bulk and scale. Consideration should also be given to Core Strategy policy CP17, which seeks to protect and enhance the suburban character of Brent.

SPG5 requires side extensions to dwellinghouses to be no wider than the width of the main front room of the original property. In this instance the side extension, which is 3.8m, is 0.4m wider than the internal room; furthermore the site is a corner property with a gap of 6.5m from the boundary to the flank of the property. As such it is classed an open corner for the purposes of side extensions in SPG5 and the flank of any side extension should be at least 2m from the boundary; In this instance a gap of 2.7m would be retained. Your officers have judged the visual impact of the side extension and given weight to the size of the retained gap, the scope for meaningful soft landscaping (see section 5, below), the existing high brick wall and the character of the area; on balance the 0.4m non-compliance resulting from the extension would not be sufficient to result in an overly dominant or out of character extension and would not unduly harm the character and appearance of the original dwellinghouse.

The proposed side extension would be set back 250mm behind the main frontage of the dwelling and the first floor element of the extension would be set back 1.5m behind the main front building line at first floor level. The roof style of the extension, which is set down from the ridge of the original roof, would be a traditional pitched roof with hipped ends which is common in the area. The extension complies with SPG5 in these respects.

The extension would have windows facing Waltham Drive of a modest size and centrally located. These appear to be in proportion with the extension and the original property. On the elevation facing Calder Gardens the extension would have a door and ground floor bay window and a first floor window serving a bathroom. The door is set back 1.5m from the front of the side extension and screened by a high wall and as such would not appear prominent when viewed from Calder Gardens or Waltham Drive; the bay window adds visual interest to the flank although the existing brick wall would screen it. It is the opinion of your officers that the design of the extension and its fenestration strikes the right balance between appearing as a subsidiary side extension and a separate dwellinghouse in its own right.

It is recommended that, should Members be inclined to approve the consent, a condition be attached to require details of the materials to be used on this extension to ensure that they correspond with those on the original property and another to ensure the brick wall along the Calder Gardens is not removed without permission, due to the weight officers have given it in making the side extension acceptable.

2.2 Single storey rear extension

The single storey rear extension is acceptable in terms of its visual impact.

3 Standard of accommodation

3.1 The new dwellinghouse

The one-bedroom house has an internal floor area of 58.45sqm. Neither SPG17 nor the London Housing Design Guide Interim Edition (LDA, August 2010) has space standards for one-bedroom houses but for one-bedroom flats the minimum size is 45sqm and 50sqm respectively. The minimum space standard for a two-bedroom house, for comparison, is 75sqm. The rooms are of a reasonable size and clearly laid out with good outlook, privacy and sunlight/daylight. There is not likely to be any unacceptably harmful transmission of noise between sensitive functions and access is provided from the living room/kitchen to a generous sized private amenity space (84.5sqm) with scope for soft landscaping. Your officers consider the proposed property would provide a good standard of accommodation and is acceptable in that respect.

3.2 The retained dwellinghouse

No. 17 would remain a three-bedroom house with an increased floor area due to the single storey rear extension. The impact of the extension of the amenity of occupants in No. 17 is discussed below, section 4.1, but is considered acceptable. The garden would be split in half but the property would still retain a generous private amenity space (90.75sqm)

4. Impact on neighbouring amenity

4.1 Two storey side extension

The two-storey side extension has been designed to comply with SPG5 in relation to No. 17; the depth of the rear part of the extension complies with the 2:1 guide as set out in SPG5 in relation to the bay window serving bedroom two of No. 17. No undue loss of privacy, outlook, sunlight or daylight would occur to the residents of No. 17 from the development. The parking space in the rear garden is acceptable in terms of amenity impact, although the proposed landscape condition (see section 5, below) should include some buffer planting around the space and particularly along the boundary with No. 17.

4.2 Single storey rear extension to No 17

The single storey rear extension would be 3m deep and approximately 3m high with a flat roof. This complies with the SPG5 guidance for semi-detached properties and in any event, No. 19 has a similarly sized single storey rear extension (ref 05/3111). As such the impact on neighbouring amenity of the single storey rear extension is acceptable.

5. Landscaping

The application is supported by an indicative landscape plan and plant schedule. Landscape officers accept the principle of the extent of landscaping but further improvements can be made, particularly to the front garden and the provision of more soft landscaping and two small trees in the front and rear gardens (landscape officers suggest examples of *Acer griseum* or *Prunus snowgoose*). Your officers consider this enhanced landscape provision is necessary to mitigate the wider-than-normal side extension and the fact that over time the extension may appear more separate from the main dwellinghouse e.g. if the owners have different maintenance regimes or change their windows. As such good landscape screening with trees will help screen the development as they mature. Similarly large shrubs or climbing plants should be provided between the boundary and the flank wall of the extension.

Due to the weight officers have given to soft landscaping providing mitigation for the size of the extensions and the protection it could provide in the long-term, officers propose to remove part of the Class F (a) permitted development rights (new hard surface within the curtilage of a dwellinghouse) to prevent the loss of the soft landscaped area around the extended building along both the Calder Gardens and Waltham Drive elevations. Subject to a condition to secure further details, the application is acceptable in respect of landscaping.

6. Parking & access, servicing

6.1 Parking & access

The parking allowance for the present three-bedroom dwellinghouse is 1.6 spaces; as this is a maximum allowance one space is acceptable. The additional parking space to the front of No. 17 is sufficient parking for the dwellinghouse and the vehicular crossing and the visibility splays have previously been found acceptable (ref 09/2181).

The parking allowance for the new one-bedroom dwellinghouse is one space. This has been retained within the parking within the back garden, using the present vehicular access which is acceptable; the existing garage will be demolished to provide for amenity areas for the houses.

6.2 Servicing

The bin store for both properties would be located in the front garden. Whilst this is acceptable for No. 17, the binstore for the new dwellinghouse should be moved to maximise the soft landscaping on the Waltham Drive frontage. A revised layout showing an area for binstores for each house, suitably screened, which provides sufficient space for the bins required for the properties as defined in the *Brent Waste and Recycling Storage and Collection Guidance for Residential Properties 2011*, will be sought by condition.

Cycle parking for the dwellinghouses can be provided in each of the private rear gardens.

The application can be supported on the transportation grounds as there is sufficient parking retained for the two houses. There is also on street parking available on Calder Gardens on the nearside to the property which is used by the residents and neither Calder Gardens nor Waltham Drive are Heavily Parked Streets.

7. Other

7.1 S106

Supplementary Planning Document on S106 Planning Obligations was adopted in 2007 and updates and expands the relevant policies on infrastructure contributions contained in the UDP 2004. It establishes a clear formula for calculating such contributions where they are needed to mitigate the effects of development on local facilities and services. The SPD has been through public consultation and has been formally adopted and significant weight should be given to it.

The document sets out the types of development for which contributions will be sought and has detailed the justification for changes in particular areas of policy. In particular it notes that while all cases are to be assessed individually, each additional residential unit, including conversions, will normally be subject to such contributions.

The applicant has agreed in principle to a section 106 legal agreement to meet the standard charge of £3,000 for the one net increase in bedrooms and provided a draft. Your officers will seek to conclude this agreement by 13/04/11, which is the expiry date for the case.

8. Conclusion

The proposed extensions and conversion of the side extension to a separate one-bedroom dwellinghouse are considered acceptable when judged against the Core Strategy policies to provide suitable accommodation to support population growth whilst protecting the suburban character of Brent and the Unitary Development Plan Policies and supplementary planning guidance to protect the amenity of neighbouring occupants and govern design and transportation matters. Approval is recommended, subject to a s.106 agreement.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010
Central Government Guidance
Council's Supplementary Planning Guidance Nos. 3, 5 & 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
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

9244-30-P5

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

- (3) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B & D of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s): In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority, to prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the existing boundary wall(s) along Calder Gardens and Waltham Drive shall be retained in perpetuity unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the benefits the wall(s) give to the character and appearance of the area.

- (5) No further hard surfacing beyond that shown on the plans hereby approved, or any plans which are subsequently approved under condition 7, shall be constructed within the curtilage of the dwellinghouse(s) subject of this application along the Waltham Drive and Calder Gardens frontages, notwithstanding the provisions of Class F (a) of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the benefits the soft landscaping will give to the character and appearance of the area.

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

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

- (7) 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:-

- (i) proposed or retained boundary walls, hedges, fences and gates indicating materials and heights to include a vehicular access from Waltham Drive and visibility splays;
- (ii) planting to the front garden over at least 50% of the area and only one off-street parking space;
- (iii) moving the binstore and hard surfacing for the new dwellinghouse to the side of the property and its replacement with soft landscaping;
- (iv) screen planting along the boundary with Calder Gardens including the area between the new flank wall and the boundary with suitable shrubs or climbing plants;
- (v) screen planting between the proposed rear parking space and the new boundary and around the parking space; and
- (vi) areas of hard landscape works and proposed materials, including samples if necessary

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 extension and parking space in the rear garden and ensure that it enhances the visual amenity of the area.

- (8) Prior to commencement of works, details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to occupation of the dwellinghouse hereby approved.

Such details shall include:

- (i) a site plan that shows an area for bin storage, suitably screened, which provides sufficient space for the bins required for the property as defined in the *Brent Waste and Recycling Storage and Collection Guidance for Residential Properties 2011*. This requires one x 120l wheelie bin per household for residual (non-recyclable) waste, one x 120l wheelie bin per household for dry recycling and one x 23l bin per household for organic waste.
- (ii) details of the means of screening or enclosing the bin store area

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

INFORMATIVES:

- (1) Further to condition 4 (further details of landscaping), Landscape officers suggest *Acer griseum* or *Prunus snowgoose* as the 2 no. ornamental trees in front and rear gardens and *Cotoneaster*, *Escallonia* or *Photinia* as suitable large shrubs. Alternatively trellis attached to the low wall with 3 no. suitable climbers should be proposed. This does not preclude the provision of other species which may also be acceptable; the applicant is advised to seek the assistance of a garden designer.

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: 17 Waltham Drive, Edgware, HA8 5PG

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Committee Report Planning Committee on 6 April, 2011

Case No. 11/0285

RECEIVED: 4 February, 2011

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 2 Glenwood Grove, London, NW9 8HJ

PROPOSAL: Single storey rear extension to dwellinghouse

APPLICANT: Mr N Choudry

CONTACT: Mr K Ganatra

PLAN NO'S:
See condition number 2

RECOMMENDATION

Grant consent

EXISTING

The application property is a two storey semi detached dwellinghouse with two storey side extension located on the north-west side of Glenwood Grove.

The surrounding uses are predominantly residential. The property is not within a Conservation Area, nor is it a listed building.

PROPOSAL

The application is for the erection of a single storey rear extension to the dwellinghouse. The extension is proposed to extend across the width of the original house and behind the existing two storey side extension.

HISTORY

Application Site

E/11/0144 - Enforcement investigation into the erection of a building in the rear garden of 2 Glenwood Grove.

Officer Comment: The application site contains an outbuilding at the end of the rear garden, which does not have any planning history. This matter is at its initial stages of investigation. It has not yet been determined whether the building was constructed as permitted development.

E4964 7684 – Erection of 2-storey side extension - Granted 20 June 1974.

Site known as 'Rear of 62 Dunster Drive'

E/10/0482 – Enforcement investigation into the possible change of use of garage for commercial purposes.

Officer Comment: This is a previous enforcement case, initially opened in June 2010. It has recently been re-opened as notification of recent works on site has been received. The garage is located on land between 62 Dunster Drive and 1 Hill Drive, and is accessed from Hill Drive. This building was previously within the curtilage of the neighbouring property at 62 Dunster Drive and was the subject of a planning approval in 1972 (Ref: C340 33). It has since been separated off and acquired by the owner of 2 Glenwood Grove. There has been recent notification of building works carried out and concerns regarding the use of the building which is being investigated by the Enforcement Team.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

SPG

SPG 5 – Altering and extending your home

CONSULTATION

Consultation period: 16th February 2011 – 8th March 2011.

4 neighbouring properties were notified. 4 letters of objection have been received (including 2 objections from the same address).

Objections raised regarding the proposal are summarised as follows:

- Loss of light and impact on privacy of 4 Glenwood Grove;
- Impact on privacy of 62 Dunster Drive and overlooking of garden;
- Impact on quiet and green neighbourhood;
- Use of extension will increase noise levels;
- Continued expansion detracts from local aesthetic;
- Extensions not necessary for size of family;
- Impact on property values;
- Possible future application to extend at two storeys to the rear;
- Extension could potentially be rented out with separate access from Hill Drive - for residential or commercial use with impact on traffic.

Officer Comment:

Matters relating to the impact on property value are not a planning consideration. The application is for a single storey rear extension and as such, possible future applications are not under consideration. Other issues raised are discussed in the *Remarks* section of the report.

Comments/objections regarding the outbuildings:

- No notification about development at the end of the garden.

Officer Comment: The outbuilding to the rear of the garden is not part of this application and is subject to enforcement investigation. This is detailed in the *History* section of this report.

REMARKS

The application site is located on the north-west side of Glenwood Grove, near to the junction with Dunster Drive and Hill Drive. The adjoining attached property is 4 Glenwood Grove, which is located at a higher level than the application property. The south-west site boundary is shared with 62 Dunster Drive, a bungalow at a lower ground level (approximately 0.6m) than the application

property. The bungalow fronts Hill Drive with the rear of the elevation facing the side boundary of 2 Glenwood Grove, and the main garden located to the side of the bungalow (adjacent to the rear garden of 2 Glenwood Grove).

Single Storey Rear Extension

The application proposes a single storey rear extension across the full width of the original rear wall of the house, and to the rear of the existing side extension. Consequently the extension would be built up to both side boundaries. The proposed extension would have a depth of 3.0m from the original rear wall of the house and a mono-pitch roof to a height of 2.6m to the eaves and 3.3m to the ridge (average height of 2.95m). No flank wall windows are proposed. The extension is considered to appear as a subservient addition to the house and would not detract from the character and appearance of the property or area.

The neighbouring dwelling at number 4 Glenwood Grove is located at a higher ground level to 2 Glenwood Grove. The proposed extension would be built up to the shared boundary. Given that the proposal complies with the guidance set out in SPG5, the impact on the adjoining property is not considered to be significant with regard to loss of light and outlook. Windows are proposed in the rear elevation however as they are at ground floor level, they are not considered to significantly reduce the currently level of privacy enjoyed by the surrounding residents.

The rear elevation of the neighbouring dwelling at number 62 Dunster Drive faces the side elevation of 2 Glenwood Grove. This property is a bungalow which is at a lower ground level than the property at 2 Glenwood Grove, by approximately 0.6m. The rear elevation of the bungalow contains the rear door to the garden and two obscure glazed windows. The bungalow is set in from the shared boundary by approximately 1m to provide a walkway. The property does not follow the same building line as number 2 Glenwood Grove, with the side wall of the bungalow projecting over 4m beyond the original rear elevation of the application property. The proposed extension, with a depth of 3m, would not extend as far into the garden as the side wall of the adjoining bungalow; the rear building line of 2 Glenwood Grove would be approximately 1m set back from the side wall of 62 Dunster Drive.

Due to the change in ground levels, the extension when viewed from the adjoining property at 62 Dunster Drive would appear as 3.2m to the eaves and 3.9m to the ridge (average height 3.55m). Whilst the elevated height of the proposal would result in the impact of the rear extension being more acute than normal, it is considered that given the unusual relationship with 62 Dunster Drive, where the extension is screened by the existing bungalow and where there are no habitable windows the elevation facing the application property, the proposal would not have a significant impact on the residential amenities of the occupiers in terms of loss of light, outlook or privacy.

The planning application for a proposed rear extension to the dwellinghouse is assessed on the basis that it is a domestic extension the private dwellinghouse. The application does not propose to increase the number of bedrooms and given its residential use, there is no justification that the proposal would give rise to noise concerns.

Outbuildings

Matters relating to the outbuilding at the of the rear garden and the use of the garage to the rear of 62 Dunster Drive are subject to current enforcement investigation. This does not preclude the issuing of a decision on this application for a residential extension.

Conclusion

The proposal is considered to comply with the Council's policies BE2 and BE9 of Brent Unitary Development Plan 2004 and in compliance with the objectives of SPG5. As such, the extension is accordingly recommended for approval subject to relevant conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

2Glwenwoodgrove/2011/01/KG;
2Glwenwoodgrove/2011/02/KG
2Glwenwoodgrove/2011/03/KG
2Glwenwoodgrove/2011/04/KG

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

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

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

- (4) No windows or glazed doors shall be constructed in the side walls of the building as extended without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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



Planning Committee Map

Site address: 2 Glenwood Grove, London, NW9 8HJ

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Committee Report Planning Committee on 6 April, 2011

Case No. 11/0023

RECEIVED: 24 January, 2011

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Garages rear of 55 Mount Pleasant Road, Henley Road, London

PROPOSAL: Details pursuant to condition 3 (landscaping), condition 8 (details of ventilation and extraction), condition 9 (materials) and condition 10 (tree survey) of full planning permission 10/0932 dated 13/07/10 for demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

APPLICANT: Mr Nick Rayburn

CONTACT: Ambo Architects

PLAN NO'S:

425/21

425/22A

425/23

425/24

425/46

Arboricultural implications assessment

ambo architects accompanying letter dated 4th January 2011

RECOMMENDATION

Approval

EXISTING

The application refers to the site at the rear of No 55 Mount Pleasant Road which sites a detached double garage.

PROPOSAL

See above

HISTORY

10/0932 Granted subject to legal agreement

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

POLICY CONSIDERATIONS
Adopted Brent Unitary Development Plan 2004

BE2: Townscape

BE9: Architectural Quality

SPG17: Design Guide for New Development

CONSULTATION

No external consultation was undertaken as this is a details pursuant submission and applications of this nature are not normally consulted on. They normally consider technical matters that were not assessed in full in the original application. In this case, however, 2 neighbours were advised of the submission for their information as they had requested following the original granting of permission. 3 comments have been received which officers consider to be objections, the following comments are made:

- Neighbours have not been asked for access to their gardens to assess trees
- Trees which border the boundary line are well in excess of 7cm.
- The neighbour would like to view the proposed ventilation information

In relation to the last point the the plans and technical details of the ventilation were made available on the website.

REMARKS

Application reference 10/0932 for a single storey dwellinghouse with basement was approved at planning committee on 9th July 2010 on the understanding that further details would be submitted in relation to a number of conditions.

Condition 3 reads as:

The area so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

The scheme shall include species, sizes and numbers as well as details of hardstanding materials.

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

The relevant plans for this condition are the ground floor plan and roof plan. The garden area is proposed as lawn and 5 silver birch trees are proposed to be planted along the fence at the southern corner. The hardstanding material proposed is natural yorkstone while pebbles are proposed around the building between it and the boundary treatment. In addition the roof is proposed to be largely sedum details of which have been provided as well as detail of a maintenance regime.

Following advice from landscape officers it has been confirmed that a weedstop geotextile layer will be used beneath the pebbles to prevent weed growth and the lawn will be provided with a minimum of 150mm topsoil, in order to ensure the planting is successful. The submitted information is considered to be satisfactory for the approval of the condition.

Condition 8 reads as:

Details of ventilation and extraction systems 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: In order to allow the Local Planning Authority to exercise proper control over the development and to safeguard the amenities of the adjoining occupiers.

An Xpelair Xcell unit is proposed for ventilation and also includes heat recovery, the unit is to be situated in the basement and the ducting would run up through the ground floor and emit just below the roof level.

The submitted detail has been reviewed by Environmental Health officers and it has been confirmed that in terms of siting and noise the proposed plant is acceptable, it would not be detrimental to the amenity of either future occupants or neighbouring occupants and is sufficient for the condition.

Condition 9 reads as:

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

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

The agents accompanying letter lists the proposed materials and some samples have also been submitted. Where timber cladding is proposed to the elevations it will be Siberian Larch, the elevations would otherwise be rendered and coloured light grey (RAL 7035), both of which are considered to be acceptable and as envisaged in the original application.

The roof as discussed above is largely sedum with rooflights where approved and aluminium capping in grey (RAL 7004 which is slightly darker than the render). Velfac aluminium windows are proposed again in grey and rainwater goods are proposed in either grey or black. The detail and specification is of a good standard.

The proposed material for the fencing is european oak with steel posts, this will result in a street appearance of good quality.

Condition 10 reads as:

A full tree survey and tree protection statement complying with BS5837:2005 'Trees in relation to construction' shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the work shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in the damage or death of nearby trees which would result in the loss of amenity and biodiversity.

While neighbours have disputed some of the detail in the report the Council's tree officer is satisfied with the report and recommendations. The height and diameter of the relevant trees is

included in the spreadsheet attached to the report, this is discussed further below. The report includes 12 trees.

The Council's tree protection officer considers the tree protection information to be acceptable to protect all surrounding trees of importance identified for protection.

The Leyland Cypress' at the end of the rear garden of no. 55 Mount Pleasant have not been included in the category for specific protection due to their low category in terms of tree quality and value in conservation or cultural benefits. These trees are rated C2/3 and as juvenile trees have an estimated remaining life of 10-20 years, at present their height is approximately up to 3m. Trees categorised as C are not of sufficient value in terms of landscape or conservation to be able to prevent development taking place. The assessed size stated in the arboricultural report, which is the measurement of trunk diameter at a height of 1.5m, has been disputed by the neighbour who advises that the trunks are greater than suggested. Officers have been advised that the assessment was carried out a number of months ago and as these trees grow rapidly it may be the case that the recorded sizes have increased, or as direct access to the trees was not obtained for the assessment an under estimation may have been made. Officers are clear however that this would not affect the value category in which they fall as juvenile Cypress trees.

Due to proximity and the envisaged root area of these trees it is inevitable that their roots will be encountered whilst constructing the basement and foundations, nevertheless, the Council's tree protection officer considers that there is enough vitality in the hedge of leylandii and that this species generally is vigorous enough to withstand the proposed development adjacent to it.

The following steps are suggested as ways in which to support the hedge:

- Root growth can be encouraged with a light application of tree and shrub fertilizer, spread at manufacturers recommended rates.
- A mulch such as wood or bark chip can be applied to the base of the trees at a depth of approximately 80mm, this will aid water retention and control weed growth, eventually breaking down to help condition the soil.
- The hedge should be watered during prolonged dry spells.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

CONDITIONS/REASONS:

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: Garages rear of 55 Mount Pleasant Road, Henley Road, London

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Committee Report Planning Committee on 6 April, 2011

Case No. 10/2913

RECEIVED: 9 November, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 62A Wrentham Avenue, London, NW10 3HG

PROPOSAL: The erection of a single storey side and rear extension to ground floor flat

APPLICANT: Mr Gooding

CONTACT: Mr Kevin D'Austin

PLAN NO'S:
Please See condition 2

RECOMMENDATION

Grant Consent

EXISTING

The site is occupied by a three storey end of terrace property located on the Eastern side of Wrentham Avenue. In Areas Of Distinctive Residential Character (ADRC) particular attention will be paid to the design, height and space between buildings in order to protect their individual qualities and character.

Neighbouring property No 64 has a single storey extension insitu without the benefit of planning permission. For the avoidance of doubt, as this development does not benefit from express planning consent the assessment of the proposal must be assessed as if the extension at No 64 were not present.

PROPOSAL

The proposed development involves the removal of the dilapidated infill extension and the erection of a single-storey side infill extension built along the original rear projection. The extension links with a proposed 3m deep and 3m high rear extension. The extension would have a glazed mono-pitched roof sloping upwards from a height of 2m on the boundary with 64 Wrentham Avenue to a maximum height of 2.7m against the flank wall of the outrigger.

HISTORY

N/A

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004 - Adopted Policies

BE2 – Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Account should be taken of the need to respect or improve the quality of existing urban spaces, materials, townscape or historical features which contribute favourably to the character of the area

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

BE29 - Areas of Distinctive Residential Character. Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities

The Council also produces a series of Supplementary Planning Guidance (SPG) Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. Government advice in relation to notes of this nature are contained within PPG12 "Development Plans" and most recently PPS12 "Local Development Frameworks". SPG5 "Altering and Extending Your Home" was adopted by the Council in July 2002 and was subject to widespread public consultation at the time, before adoption. The Planning Authority places considerable weight the contents of SPG5.

CONSULTATION

Neighbouring properties were consulted on 1 December 2010 for a 21 day period and further consulted on 24 February 2011 for 14 days when revised drawings were received . The Local Authority has received four letters of objection. The objections are:

- The size and depth of the extension is considered to be excessive
- The extension will create an overbearing impact on directly adjoining property No 64
- The plans are inaccurate in that the extension is actually built up to the boundary
- The glass roof over the front elevation is not buildable
- The window on the flank wall is considered to be intrusive
- The window on the boundary is a fire hazard
- The 2m high extension is not practical as the ground slopes
- The 2m height is not measured to the top of the extension
- The eaves detail will be ugly when viewed from No 64.
- The large extent of the glazed roof will produce light pollution
- Building up to the boundary is not practical as No 64 will form a part of the building site.
- The courtyard is too small
- The extension will create a tunnel effect on the living room window of No 64
- Infill extensions are not characteristic of the area
- Flawed consultation as a site notice was not placed outside the property.

Response to Objectors Concerns:

Matters relating to principle of the development, size, mass and siting of the extension are discussed in the remarks section of this report.

As the window on the flank wall is to be obscure glazed , officers are not of the view this feature will cause planning harm

Details of the glazed roof will be secured by condition

The requirements concerning maintenance, construction, fire safety and building regulations are not covered by Planning legislation. As a result, it would be difficult to support a reason for refusal on these non-planning grounds. However the development will be required to comply with Building Regulations. The applicant will be reminded of their responsibilities by way of an informative

Consultation has been carried out in accordance with guidance set out in Supplementary Planning Guidance 2: Commenting on a Planning Application. For the information of Members, a site notice would only be required on an extension of this nature if the property was located in a Conservation Area.

REMARKS

Introduction

As mentioned above, the existing infill extension is in a dilapidated state. It is sited on the boundary with No.64 and has a sloping roof. It has a length of 4.1 metres and has a maximum height of 2.9 metres (minimum 2.3 metres). The neighbouring property is impacted upon by the existing extension in terms of their outlook, more than if a 2m high wall or fence was in place, which as Members will be aware is something that could be erected as permitted development. This is obviously a material consideration here, given that it is proposed to remove this structure and replace it with something less high. The matter is discussed further below.

In this case, the main issues relevant to the determination of the current application are the impacts of the proposed development on the outlook of neighbouring occupiers, as well as the impact on the character and appearance of the property and surrounding Area

Principle of the development

The Councils adopted Supplementary Planning Guidance SPG5 "Altering and Extending Your Home" states that infill extensions to terraced properties with side returns will not normally be allowed as they cause problems for neighbours who already suffer from restricted light into their homes. This position, however, has been granted some flexibility, reflected in a number of decisions made by the Councils' Planning Committee and by the Planning Inspectorate. Certain types of infill extensions have been decided not to cause harm to neighbouring amenity, subject to a number of considerations.

Impact on Neighbouring properties

To the side of the outtrigger a side extension is proposed. This would begin at a distance of 1m from the back of the building along the side passage way helping to prevent any restriction of light and outlook to windows which rely on the space. At the boundary, measured from the neighbouring ground level the extension would be a brick structure that is proposed to be 2m in height. A sloping glass roof is proposed that rises up to a height of 2.7m where the extension meets the main house. The rear portion of the side extension will have one window in its flank which will be set off the boundary by approx. 0.4 metres and will be obscure glazed. This will be secured by condition.

The new side extension will fill the gap between house and boundary with a width of 2.5m. No issue is raised with the proposed width as the property has a similar extension at present in a similar location, albeit not as long. When viewed from the front of the site it is considered that the design changes proposed will result in a visual improvement to the appearance of the property.

The proposed side extension is 5.2m in length along the boundary and it projects beyond the existing rear elevation by 3m. It aligns with the proposed rear extension, is lower in height and a portion of the extension will be set away from the common boundary by 0.5m preventing the formation of a large and bulky 'wrap around' extension. The proposed height and materials should mean that the extension has a minimal impact at the boundary and does not harm neighbouring amenity.

Members will be aware that in many cases extensions that are 3m deep and 3m high would be

permitted development. That is the situation here as far as the proposed relationship with No.60 is concerned and in those circumstances it is not considered that there would be detrimental harm to the neighbouring property.

Impact on the Character of the Area

Officers consider the infill extension to be in character with the existing building, as it is finished in light materials, in particular the glazed roof, and is also subservient to the existing dwelling. These characteristics for infill extensions were highlighted at appeal by an Inspector as reasons for approval for 39 Hopefield Road (09/1247) in Queens Park Conservation Area, stating the infill:

".....would be subservient in height, width and bulk to the existing two storey extension and the original 'L' form of the present dwelling would be retained. With its glazed, monopitch roof, it would represent a contemporary approach to design, but not one that would be inappropriate in this context."

Your officers consider therefore that the infill responds to the aims of UDP policy BE9 through being sympathetic to the original design of the dwelling.

Conclusion

The impacts of the proposed development on the outlook of neighbouring occupiers, as well as the impact on the character and appearance of the property and surrounding Area are considered to be acceptable as discussed above and the recommendation is to approve consent.

Members will note that there is an issue regarding the existing extension at No.64 which, although the owner has claimed has been built as permitted development, exceeds the thresholds set down in the Permitted Development Order and needs formal planning permission. That issue will need to be resolved, one way or another, regardless of the outcome of this application, but it is worth noting that it may well be that the chances of retaining the structure at No.64 as it is, are probably greater in the event that the application proposal is implemented, as the relationship between the two buildings would become less of an issue. Notwithstanding this, it falls to determine this submission on its own individual merits.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

62WA/PO2
62WA/PO1 REV F

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

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

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

- (4) The window in the flank wall of the proposed extension shall be glazed with obscure glass and be non-opening. This shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (5) Details of glazed roof shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

INFORMATIVES:

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (2) The applicant is advised to contact Brent Building Control regarding fire safety on 020 8937 5499.

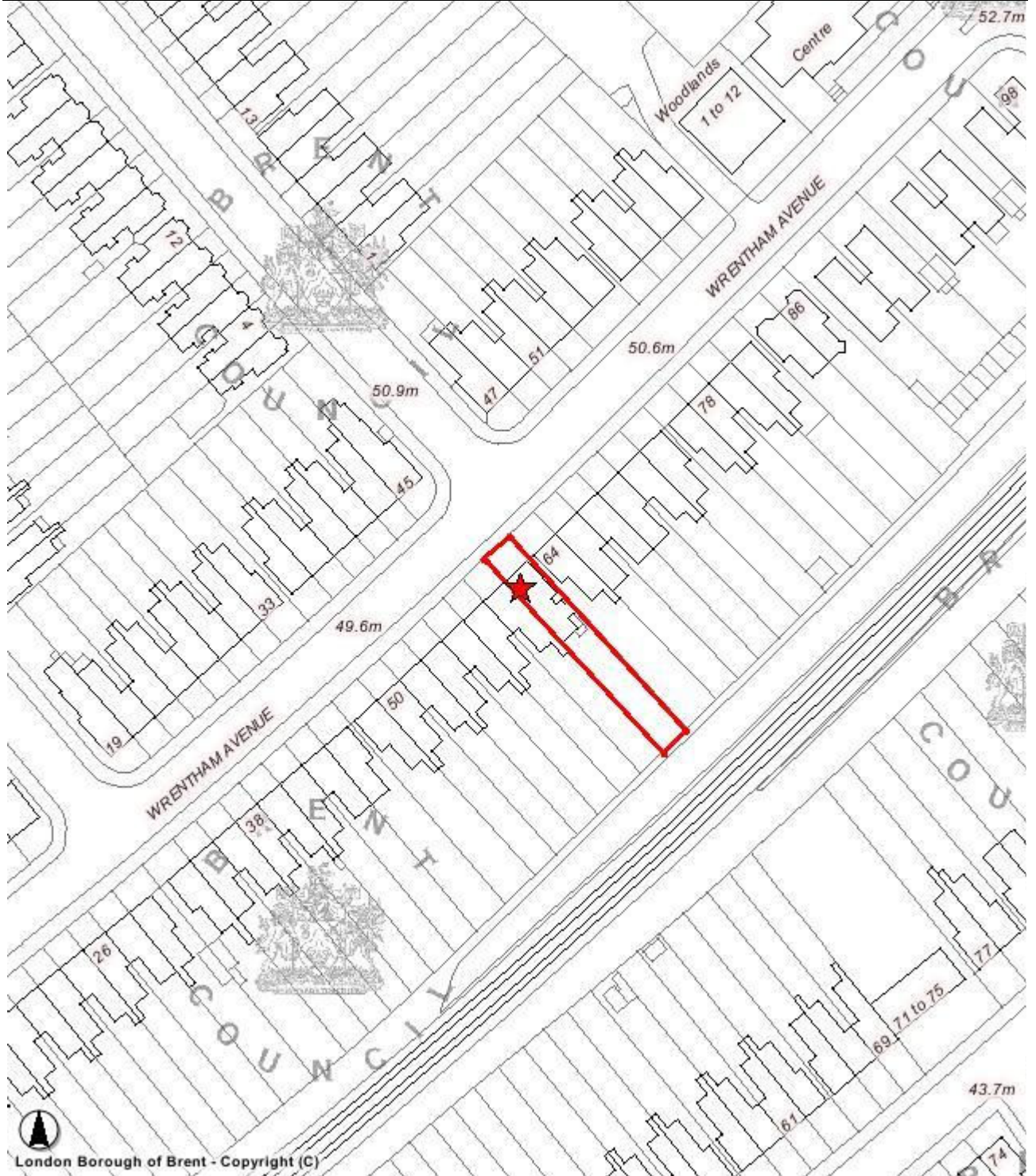
Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: 62A Wrentham Avenue, London, NW10 3HG

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Committee Report Planning Committee on 6 April, 2011

Case No. 11/0179

RECEIVED: 25 January, 2011

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 1-3, Canterbury House, Canterbury Road, London, NW6 5ST

PROPOSAL: Extension of time limit for planning permission 07/2234 (Change of use from office premises (B1) to residential (C3) on the first floor to create 2 one-bedroom and 3 two-bedroom flats, 3-storey side extension to provide staircase and lift, erection of additional storey to form 4 two-bedroom flats with associated landscaping to front and car parking to side of Canterbury House, as accompanied by Design & Access Statement dated July 2007 ("car-free" development), subject to a Deed of Agreement dated 15/02/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended).

APPLICANT: Crossier Properties (Canterbury) Ltd

CONTACT: PAD Consultancy Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area 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.
- A contribution of £48,000 (£3,000 per bed unit), index-linked from the date of committee for Education, Sustainable Transportation, Air Quality, Public and Open Space, Sports in the local area.
- "Car free" housing, the residents can not apply for residents parking permits.
- Join and adhere to the Considerate Contractors scheme.

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

This is the former PCHA headquarters on the northern side of Canterbury Road and is in the South Kilburn Regeneration area. It is a locally listed building. Further information about Canterbury House, and specifically what is intended for it through the South Kilburn SPD, can be found elsewhere in this report.

PROPOSAL

See above

HISTORY

No relevant history

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

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

- H1 Additional Housing
- H2 Requirement for Affordable Housing
- H3 Proportion of Affordable Housing
- H7 Major Estate Regeneration Area.
- H9 Dwelling Mix
- H11 Housing on Brownfield Sites
- H12 Residential Quality – Layout Considerations
- H13 Residential Density

EMPLOYMENT

- EMP9 Local Employment Sites.

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

SITE SPECIFIC PROPOSAL

HP21 Relates to Canterbury Works (excluding the application site) and indicates that this car breaker site would be suitable for affordable housing or live-work scheme. For the information of Members, in the LDF Site Specific Allocations DPD site 100 has been expanded to include both Canterbury Works and Canterbury House. The "preferred option" is for mixed use development, including new office space, community facilities and residential development. At the rear of the site, proposals should have regard for required access to the railway line for statutory undertakers.

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.

South Kilburn Supplementary Planning Document (SPD) Adopted April 2005

Provides comprehensive and detailed design guidance for new development within the South Kilburn Regeneration Area area. Produced following the adoption of the original SKNDC Masterplan. The SPD provides general guidance on how the aspirations of the Masterplan are to be implemented across the area, but also makes reference to specific sites. It indicates that the application site should form part of a wider comprehensive approach to the Canterbury Works site. This is expanded upon in the "Remarks" section below.

SUSTAINABILITY ASSESSMENT

Not relevant

CONSULTATION

Neighbouring occupiers were consulted on 16th February 2011, 5 objections have been received raising the following concerns:

- Additional storey would impact on light to courtyard and to other flats
- No need to further increase the density of the area, it is overpopulated - application 10/3247 (redevelopment of Cambridge, Wells and Ely Court - last planning committee) is for the construction of 144 residential units
- More green areas are needed not more flats
- Increase in congestion in terms of people and vehicles and existing lack of parking spaces
- The problem with rats will only get more with more people
- Noise and dust from construction

REMARKS

Introduction

This application is for extension of the time limit on the original permission granted in 2008.

The recession has had a significant impact on the development industry over the past two years. The ability for developers to raise finance to purchase and construct schemes has been restricted as bank lending has contracted. Demand for new properties has declined in the face of reduced household income and the ability of potential homeowners to secure mortgage finance has been severely limited, although house prices have remained surprisingly resilient.

As a result a number of consented schemes are at risk of not being commenced within three years of the permission being issued. The need for homes remains, however, and it is expected that the construction sector, which makes a significant contribution to the economy, will recover when the recession eases and liquidity returns to the credit markets.

Government response

In 2009 the Government recognised the difficulties facing the industry and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able to apply to their Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the

economic downturn so that they can more quickly be implemented when economic conditions improve.

Procedural matters

The process is referred to as extension for convenience. More formally, a new permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes.

The Department of Communities and Local Government stresses that, although this is not a 'rubber-stamp' exercise, "development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date"

Brents Approach

Guidance titled 'Greater Flexibility for Planning Permissions: Guidance' has been published by the Government and this document informs how LPAs are to approach these types of applications (Communities and Local Government, 2009). LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly. The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) "which may have changed significantly since the original grant of permission"

Policy changes since April 2008

Below is a summary of the main policy changes to have occurred since planning permission was granted. Not all policy changes affect the scheme and of those that do, not all would make the scheme unacceptable. If any policy is now at odds with the scheme, its significance should be balanced against the guidance from the Government that LPAs take a positive and constructive approach to deciding these applications, which should be given substantial weight.

National policy changes

In terms of national policy statements, none of the changes are considered relevant to this application.

Regional policy changes

Draft London Plan 2009

The Mayor has recently concluded (October 2010) consultation on the Draft London Plan.

Local policy changes

Brent Core Strategy

The process to replace Brent's Unitary Development Plan (2004) with a Local Development Framework (LDF) had begun prior to the decision to grant planning permission in 2008. The Core Strategy DPD was submitted to the Secretary of State on 30 September 2009. The Core Strategy has been adopted.

Substantial physical changes to the area since 2008

The Council produced a Supplementary Planning Document (SPD) for the area in 2005 to provide detailed guidance on the redevelopment of large parts of the South Kilburn estate. Around that time the Council had procured a consortium of housebuilders and Housing Associations to bring forward a comprehensive proposal, rebuilding approximately 1400 new socially rented homes by building and selling around 1500 private ones. This relied on government funding that was insufficient to complete the wider development, and then the downturn in economic conditions effectively halted the proposals. At the moment the Council itself is bringing forward a number of developments and new social rented homes will be ring-fenced to residents of South Kilburn as such significant development has commenced in the wider area as part of the regeneration of South Kilburn.

Changes to the scheme

No changes are proposed to the scheme approved in 2008.

South Kilburn SPD

Canterbury Works is located within the Historic Quarter and is a locally listed building. It is specifically mentioned at para 4.1.2 of the SPD within the “private sites” section.

The SPD states amongst other things that:

“The Canterbury Works site is occupied by a number of businesses, including a garage, automotive engineers, a painting and decorating contractor and offices in Canterbury House.

Part of the site, 8 Canterbury Road, was allocated in the UDP (HP21) for an affordable housing or work-live development but this policy was deleted in September 2007. The Borough wide policy on the protection of employment uses applies to the remainder of the site (policy EMP9).

The Council requires a comprehensive approach to the site. Applicants must therefore consider the site as a whole when preparing designs and considering the distribution of appropriate uses.

The design of the site and any new buildings must consider:

1. The characteristics of the historic quarter.
2. Canterbury House should be retained. (A detailed analysis of the building is contained within the SPD).
3. Form, scale and massing of surrounding residential blocks, particularly Carlton House, west of the site and buildings and spaces within the neighbouring South Kilburn C.Area.”

Residential Amenity

Members will be aware that the internal space standards for new residential properties set down in the South Kilburn SPD exceed those in SPG17. The standards are shown below, with SPG17 minimum unit sizes for flats indicated first and the SPD in brackets;

Studios – 33 square metres ---(**not allowed**)

1 bedroom flat – 45 square metres ---- (53 square metres).

2 bedroom (3 person) flat – 55 square metres ---- (80 square metres).

2 bedroom (4 person) flat - 65 square metres ---- (80 square metres).

3 bedroom flat - 80 square metres ---- (98 square metres).

In the case of this planning application, at first floor level the 1 bed units are all 53 sq.m in terms of internal floor area, with the 2 bed units being 83 sq.m. At second floor level, the 2 beds range in size from 75 to 85 sq.m.

The flats proposed all meet the SPG17 guidance and most of the units meet the SPD standard and it is your Officers views that the proposal would afford future occupants of the flats an acceptable level of accommodation.

The SPD also contains policies relating to the fact that any external balcony areas should have a minimum size of 4 square metres although officers try to secure more than this wherever possible. In terms of external amenity space for this application, this takes the form of outside decking at first floor level and a smaller sitting out area at second floor level. In addition, although not providing sitting out space, there are fairly generous boxes adjacent to rear facing windows and a sedum roof is also proposed.

As the adopted policy of the Council seeks the retention, and conversion of this locally listed building, it is inevitable that the form of development likely to be submitted to comply with this would be of this nature, with opportunities for large areas of external space limited. It is considered

that the provision of external space is, on balance, acceptable.

Highway Considerations

As indicated above, the site is currently occupied by a two-storey office building with 16 car parking spaces on its eastern side. The car parking area also serves as an access route to a number of workshops (largely used for car repairs) to the side and rear of the premises.

The site is located within South Kilburn Controlled Parking Zone KC, with parking along the site frontage restricted to residents' permit holders only between 8.30am and 6.30pm Mondays to Fridays. Public transport access to the site is very good (PTAL 5), with Kilburn Park (Bakerloo line) and Kilburn High Road (Silverlink Metro line) stations and ten bus services within 640 metres (8 minutes' walk).

The car parking allowances for the existing and proposed uses of the site are set out in standards PS6 and PS14 of the adopted UDP 2004. As the site has very good access to public transport services and is located within a CPZ, a reduced allowance of 0.7 spaces per 1/-2-bed flat applies to the residential use.

The existing office building is permitted up to one space per 150m², giving an allowance of seven spaces and with 16 spaces currently available, standards are exceeded. With the proposed reduction in the office floor space, the allowance for this use will fall to 3.6 spaces, whilst the nine new flats will be permitted up to 6.3 spaces. The proposed reduction in car parking provision within the site to seven standard width spaces would, therefore, bring the site into line with standards, so is welcomed. Standard PS15 requires at least one space to be widened and marked for disabled persons and the provision of two such spaces is sufficient to satisfy this requirement.

A car-free agreement will also be made ensuring that there is no overspill parking from the residential units onto the public highway.

Similarly, standard PS16 is more than adequately catered for through the provision of 16 bicycle lockers and 12 bicycle racks, providing more than the required one secure space per flat and one space per 125m² office space. With regard to servicing, refuse stores are sited within 9m of the public highway, allowing refuse to be collected from Canterbury Road. Servicing for the offices can continue to take place from within the car park by 8m rigid lorries, subject to a rear access door being retained as at present.

Design Considerations

There is no objection to the erection of an additional storey to this locally listed building, and it is considered that the architectural approach adopted, following Officer advice, is acceptable. The provision of a predominantly glass structure is now welcomed and it has also been possible to get the design and appearance of the side lift tower amended so as to represent an acceptable addition to the building. The rear elevation of the main building will also be significantly improved by removing existing structures and replacing fairly ordinary brickwork with a variety of render. This proposal allows the locally listed building to be retained, whilst at the same time extended, in such a way that the quality of the existing building will be unaffected by the intensification in the use of the site.

Comprehensive Approach

Although the SPD (and although not so explicitly, the LDF) requires a comprehensive approach to the development of this, and adjoining, sites partly due to the fact that the adjacent site is in motor repair/car breaking use, attempts by the previous applicant to enlarge the application site were not successful. As set out above, it is considered that this application is acceptable, but what needs to be understood is that if this site were to be developed independently, the amenity of future residents would not be prejudiced by non-residential uses, and it would also not compromise the future development of the rest of this site, as referred to in the SPD.

The specific reference in the SPD states that *"The Council requires a comprehensive approach to the site. Applicants must therefore consider the site as a whole when preparing designs and considering the distribution of appropriate uses"*.

In 2007 applicants were asked to demonstrate that the approval of this scheme would not prejudice future developments of the adjoining site. They produced a strategy and indicative plan showing a way of looking at the site comprehensively, so as to satisfy the SPD, whilst acknowledging that the scheme can only be indicative. The applicants are different this time but as this application is for an extension to time limit it is considered that the information remains relevant in 2011. On this basis Officers considered that it would be difficult to withhold consent from the scheme for the reason that it had not been possible to assemble the various sites at the time and remain of this point of view.

Objections

As discussed in the *Consultation* section, above, most of the objections raised were addressed in the original committee report and given due weight and consideration by Members before planning permission was granted at the time. In the circumstances set out it would be difficult for points now made to justify the refusal of 'Extension of time', given that there have been no significant changes in planning policy since 2008.

One letter of objection was received against the original application while 5 have now been received, one prominent point of concern is about the cumulative impact of developments which as discussed above are being undertaken as part of the regeneration of South Kilburn. The proposal will not have adverse highways implications and in securing a s106 agreement other impacts of the occupation of the development will be mitigated against.

Objections have been received from occupants of 111 Canterbury Road which is opposite the subject site relating to the impact of the proposed additional floor on their access to light. There is a gap of about 17m between the facing front elevations across Canterbury Road and the subject site is to the north/northeast of 111 Canterbury Road, it would therefore not be the case that the additional storey would impact on direct light to the facing windows.

Conclusion

Your officers are of the opinion that there are no planning policy changes which mean permission should not be given to extend the planning permission. In reaching this decision, your officers have attached substantial weight to the Government's guidance on how to approach these applications.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan
Central Government Guidance
Council's Supplementary Planning Guidance
South Kilburn SPD

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
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

CP20-00, 01, 02, 03, 04, CP20-05A, 06A, 07A, CP20-08, CP20-09B, 10B, 11B, CP20-12

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

- (3) All areas shown on the approved plans, including balcony areas, shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work shall be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

- (4) No water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure shall be erected above the level of the roof hereby approved, without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the area.

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

Vehicular access to adjoining and opposite premises shall not be impeded; machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;

No waste or other material shall be burnt on the application site;

A barrier shall be constructed around the site, to be erected prior to work commencing and a suitable and sufficient means of suppressing dust must be provided and maintained.

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

- (6) The ground-floor commercial floorspace shall be used only for the purpose of B1(a) and for no other purposes of Use Class B1 specified in the Schedule to the Town and

Country Planning (Use Classes) Order 2004, as amended, nor for any other purpose without the prior written permission of the Local Planning Authority.

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

- (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) Further details of car-parking arrangements, in terms of a mechanism to secure the allocation spaces within the car park between occupiers of the ground-floor B1 floorspace and occupiers of the residential flats above, 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. Furthermore, the disabled parking spaces shall be marked out for such use and be permanently maintained.

Reason: To ensure an appropriate provision parking on the site.

- (9) Further details of bicycle parking provision to include the type of secure cycle storage facilities to be installed, and of the refuse/recycling provision (for both commercial and residential occupiers) on site, 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.

Reason: To ensure an appropriate provision for cycles and refuse/recycling facilities to meet the likely future needs of occupiers.

- (10) Adequate noise insulation shall be provided to walls and floors between units in separate occupation, in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, and the insulation shall be carried out, installed and completed, prior to occupation of the units hereby approved.

Reason: In the interests of neighbouring occupiers.

- (11) Further details of the proposed new pedestrian access from Canterbury Road, along with details of how the pedestrian route within the site shall be protected, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter maintained, prior to the first occupation of the building.

Reason: To ensure an adequate standard of design and pedestrian safety.

- (12) Before building works commence on the site, a scheme providing for the insulation of the proposed dwelling units against the transmission of external noise and vibration from the adjacent commercial premises shall be submitted to and approved in writing

by the Local Planning Authority. Any works which form part of the scheme shall be completed in accordance with the approved scheme before any of the dwelling units are occupied.

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

INFORMATIVES:

None Specified

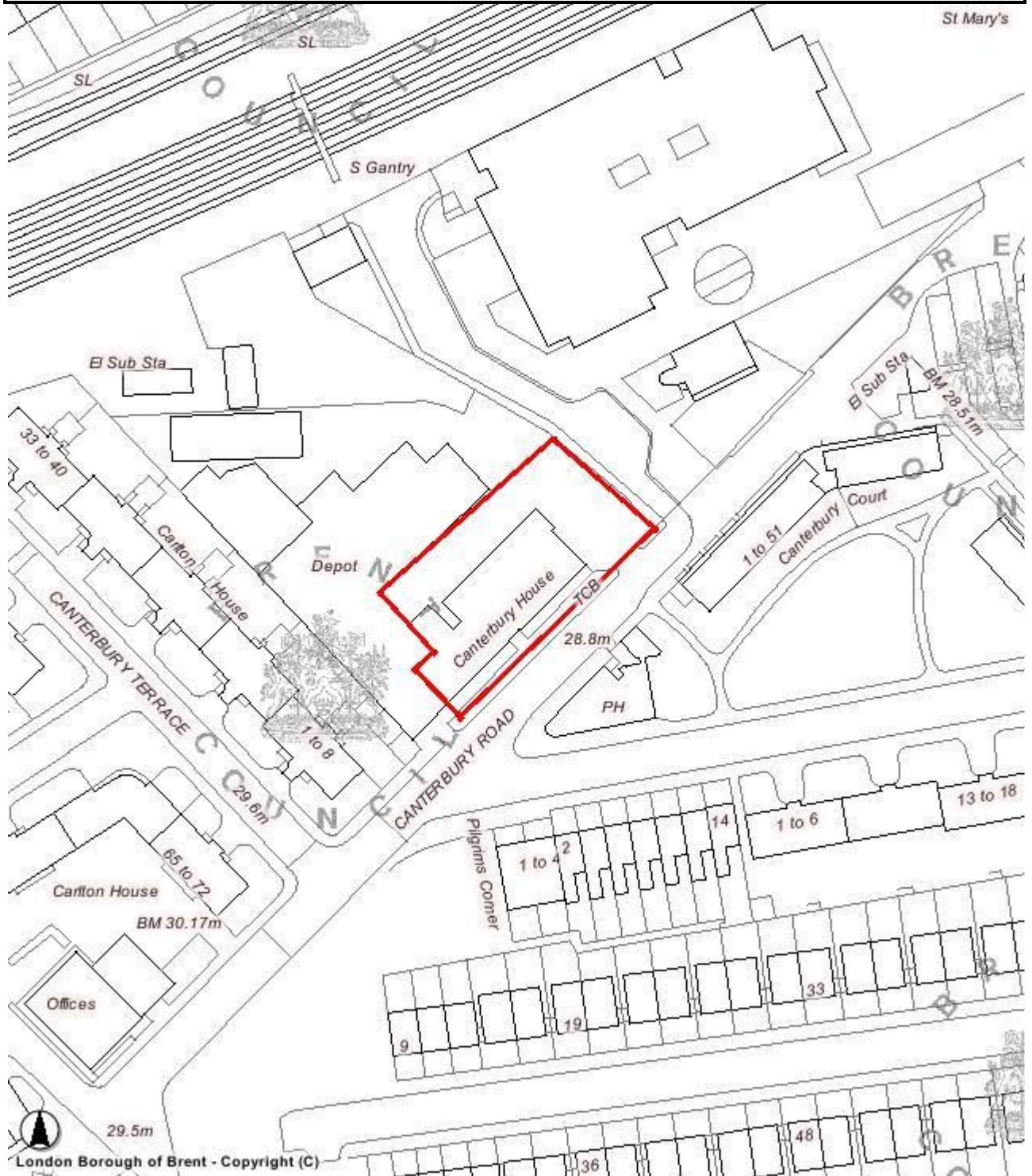
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: 1-3, Canterbury House, Canterbury Road, London, NW6 5ST

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This map is indicative only.

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Committee Report Planning Committee on 6 April, 2011

Case No. 10/3149

RECEIVED: 8 December, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Unit 16, The Tay Building, 2A Wrentham Avenue, London, NW10 3HA

PROPOSAL: Conversion of first floor Yoga Centre (Use Class D2) to 5 self-contained flats (3 x 2 bed & 2 x 3 bed) with the erection of a first floor extension.

APPLICANT: Matbran Ltd

CONTACT: KR Planning

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area 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
- Car Free agreement
- £3000 per additional habitable room (£36000)
- Join and adhere to the Considerate Contractors Scheme

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 application relates to a backland site to the rear of Chamberlayne Road, although it is accessed off Wrentham Avenue. The site is occupied by a two-storey building in use as 16 office units at ground and first floor, with a yoga centre also at first floor. The property is currently under construction in accordance with a scheme that has been allowed at appeal. The construction works include a second storey extension to accommodate 4 residential units and a further two storey extension to accommodate offices.

The site is not designated as an industrial or major employment site, but is considered to be a local employment site. It is not within any conservation area, but adjoins an Area of Distinctive Residential Character. It is not within any designated centre, although the buildings on

Chamberlayne Road that back onto the site are within the secondary shopping frontage of the Kensal Rise District Centre.

PROPOSAL

This application seeks to convert the first-floor of the building from a yoga centre to five self-contained flats (3 x 2-bed and 2 x 3-bed), taking the overall accommodation within the building once the extension is completed to nine flats (2 x 1-bed, 5 x 2-bed & 2 x 3-bed) and 20 small business units. No changes to the latest approved parking, servicing and access arrangements are proposed.

HISTORY

The property has an extensive site history of particular relevance is the assessment of the development are the following applications that were allowed at appeal.

Full planning permission (Ref No: 08/2280) for a two-storey side extension to create 4 business units (Use Class B1/B8) and second-floor extension to existing building to create 4 self contained flats, refuse store, bike storage, scooter parking and creation of 1 disabled parking space, allowed at appeal on 1 October 2009.

Full planning permission (Ref No: 08/0668) for two-storey side extension and second-floor extension to existing building to allow additional B1/B8 units was allowed at appeal on 1 October 2009.

POLICY CONSIDERATIONS

Brent Core strategy 2010

CP21 - A balanced Housing Stock

Brent Unitary Development Plan 2004

STR11 – The quality and character of the Borough's built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

STR14 – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE5 - Development should be understandable, free from physical hazards and to reduce opportunities for crime, with a clear relationship between existing and proposed urban features outside and within the site. Public, semi-private and private spaces are clearly defined in terms of

use and control, informal surveillance of public and semi-private spaces through the positioning of fenestration, entrances etc., front elevations should address the street with, where possible, habitable rooms and entrances, with private areas to the rear and significant areas of blank wall and parking should be avoided on back edge of pavement locations, entrances should be overlooked by development with good lighting and visible from the street, rear gardens should not adjoin public space, parking spaces are provided within view and if not made safe in other ways and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

BE7 – A high quality of design and materials will be required.

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

TRN11 – Developments should comply with the plan's minimum Cycle Parking Standard (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

TRN34 – The provision of servicing facilities is required in all development covered by the Plan's standards in Appendix TRN2, and the loss of such facilities will be resisted.

TRN35 – Access to parking areas and public transport within development should facilitate access for disabled people and others with mobility difficulties. Designated car parking spaces should be set aside for the exclusive use of holders of disabled persons parking permits. The number and layout of spaces is to comply with the Plan's standard PS15.

Supplementary Planning Guidance

SPG17 – Design Guide for New Development

CONSULTATION

46 Neighbouring properties were consulted on 12 January 2011 for a 21 day period, with a further consultation period being carried out on 11 February 2011 once amended plans were submitted. The Planning Service has received 8 objections. These are summarised as:

- Existing building work
 - obstructing parking bays
 - Theft of Bins
- The new units will result in additional strain on parking demand
- Loss of privacy, light, outlook and privacy of neighbouring commercial properties
- No external amenity space
- Over development of the site

Internal

Transportation Engineer: No objection, Subject to a Section 106 "car-free" Agreement to remove the right of future residents of these flats to on-street parking permits in the area and a condition

requiring the applicant to submit for approval a plan of proposed bicycle parking showing at least one secure space for each residential unit within the building, there would be no objections on transportation grounds to this proposal

Environmental Health Officer: No objection, subject to sound insulation as detailed in condition 3

REMARKS

Introduction

As detailed in the history section of this report two previous applications for a B1/B8 scheme and residential were allowed at appeal. As such the Inspectors views will need to be considered in officers assessment of the development.

The main issues relevant in the determination of the current application are:

- Principle of Development
- Impacts on neighbouring occupiers
- Quality of occupation to future occupiers
- Transportation Impact
- Design

Principle of Development

The proposal seeks to replace the existing (D2) Yoga centre with 5 residential units (3 x 2-bed and 2 x 3-bed). CP21 is clear in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. Neither the UDP nor the newly adopted Core Strategy contain policies that protect D2 uses. Whilst the contribution of the Yoga Centre seems to be well known to the community, owing to the identified need for residential units and there being no policy to protect D2 uses, your officers raise no objection with the principle of the development.

Impact on Neighbouring properties

The Council's SPG17: "Design Guide for New Development" will be used alongside the Inspectors decision notice in the assessment of this residential development. One of the key sections in the SPG covers the standards that would be applied relating to the required distances between habitable-room windows and other windows, as well as site boundaries.

In the case of the application proposal, it seems evident that the applicant has had some regard to SPG17 and the appeal decision in putting the proposal together. The proposed first floor extension that would be located on the Eastern end of the building has been designed so as to have no habitable room windows in any of the elevations that would directly conflict with people living nearby. Two elevations are of particular concern i.e. the North West elevation (i.e. Fronting gardens on Wrentham Avenue) and the South West elevation (i.e. Properties on Chamberlayne Road).

The applicant has amended the North Western elevation by blocking up an existing window (adjacent to No 8 Wrentham Avenue) and will obscure glaze one other window (Adjacent to No 2 Wrentham Avenue), in an attempt to protect neighbouring amenity. The previously proposed balcony has been amended to be a recessed area without any useable access. The existing balcony will be retained and screened to a height of 2m. The screening is considered to improve the existing situation. The existing window which is located approximately 4.2m from the boundary will be retained and will serve as a secondary window to a bedroom and a sole window to a hall of proposed unit 5. Whilst not an ideal situation, having considered the suburban character of the area (as identified by the Inspector) which has given rise to the closest neighbouring window being located approximately 10m away, with a tree obstructing direct views and the window in question being secondary in nature, on balance officers do not consider this arrangement could warrant a reason for refusal in itself.

The existing windows on the South West elevation will be obscure glazed and the proposed balcony to unit 9 will be screened so to protect the amenity of directly adjoining properties. Officers find this arrangement to be acceptable

A first floor extension is proposed to the North East elevation. This extension will be located adjacent to a neighbouring garden (No 10) and does not seek to increase the footprint of the building. The extension will have a rear terrace and a flank window that will be screened to protect neighbouring amenity. The new extension will be set back from the flank of the original building with height far lower than that of the original. The set back, relatively low roof and materials help to minimise the impact of the extension. Furthermore, the neighbouring properties have large gardens with dense vegetation. Given the character of the area. the dense vegetation, long neighbouring gardens and materials to be secured by condition, Officers are satisfied that , on balance, neighbouring amenity will be not be detrimentally harmed.

Quality of Accommodation

SPG17 sets out the minimum unit sizes for flats having different numbers of bedrooms. The Council's current standards seek the following flat sizes as a minimum:

- 2-bedroom (4-person) flat – 65 square metres.
- 3-bedroom flat – 80 square metres.

An assessment of the current proposal indicates that the proposed flats shown on the plans do exceed the Council's guidelines, in quantitative terms.

SPG17 requires 20 square metres of external amenity space for each flat, meaning that a total of 100 square metres should be proposed here. Each unit will have a small balcony which is smaller than requirements set out in SPG17. In this regard it is important to note the Inspector in considering the additional storey saw fit not to insist on full compliance the Councils requirements in stating:

"I accept that suburban gardens are not essential in busy urban locations, such as the vicinity of the appeal site , and that potential occupiers could be entirely content with this more limited balcony provision"

Whilst the Inspector found the relationship between habitable space and balconies to be appropriate thus preventing the Local Authority taking issue as a matter of principle there remains a responsibility to ensure the quality of accommodation provided is of an appropriate standard. Further given the ground floor is in use as offices and there being a valid permission for the upper to be used as B1/B8 units (albeit the upper floor is being constructed for residential purposes) officers suggest robust insulation to all proposed residential units. As such a condition requiring adequate ambient noise levels at different times of the day and measures necessary to achieve the relevant internal ambient noise levels for the building (Condition 3) is proposed to be attached.

The proposed flats will be accessed via a lift and an external staircase. The lift, suitable for disabled access is located in the lobby which is also used to access the ground floor offices. The new external staircase will be shared with the new offices located on the South West corner of the property (I.e. To the rear of properties on Chamberlayne Road). Whilst the shared access is not ideal, officers are mindful this arrangement is similar to that allowed at appeal.

All units exceed the Councils internal floor area requirements, have adequate outlook and levels of light. Given the Inspectors views officers are satisfied the proposed units will provide an appropriate standard of accommodation to future occupiers.

Transportation

Car parking allowances for the existing and proposed uses of the first floor of the building are set

out in adopted UDP 2004. The site is located within a Controlled Parking Zone with very good access to public transport services

The existing yoga centre would be permitted just one space, which would increase to 4.5 spaces for the five proposed flats. Added to the existing allowance of 22.8 spaces for the other existing and approved flats and business units within the site, the overall allowance for the site would increase to 27.3 spaces. With just one disabled parking space proposed within the site, standards would therefore be complied with.

One of the issues raised previously was the amount of development being proposed for the site. This was not a concern supported by the Inspector and in any event, the proposed flats will replace a Yoga Centre. As before though, Policies TRN23 and TRN24 require the impact of any over spill parking on local roads to be assessed. To this end, the surrounding streets are already heavily parked, so cannot safely accommodate any over spill parking from the site. As such, a 'car-free' agreement was secured for the existing extensions to the building and this should also be applied to the five residential units proposed in this application. This has been accepted by the applicant in the Design & Access Statement and will be duly secured by a legal agreement.

The previously approved disabled parking space would be sufficient to satisfy standard PS15 for the additional flats, whilst bicycle parking requirements remain unaltered with this change of use. An additional secure cycle storage per unit is recommended

No alterations to the access arrangements (to the site itself) are proposed, with a Servicing Management Plan being secured for the building extension, which the Inspector supported.

Officers are mindful a number of concerns have been raised relating to parking congestion during the construction works. As such your officers recommend any further building works to comply with requirements set out in Considerate Contractors Scheme. Details of which shall be secured by legal agreement.

Design

The footprint of the building has not been altered. A proposed first floor extension is proposed to the North East elevation. The elevational treatment of the building has been selected to complement the existing contemporary approach on the previously approved extensions. Details of materials will be secured by condition. The flank wall of the extension will contain a 'V' shaped feature that adds some interest to the otherwise blank facade. The first floor extension will be 4.3m deep and 2.2m wide and will not bring the existing building closer to any boundary. All proposed windows and terrace detail appear to match those insitu, which is considered to be acceptable.

Conclusion

Objectors concerns have been addressed in the body of this report. The proposed development, for the reasons above, in particular the Inspectors Decision, is considered to comply with the policies contained in Brent's Unitary Development Plan 2004 and the guidance contained in SPG 17. As such approval subject to a legal agreement is recommended

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17: Design Guide for new
Development

CONDITIONS/REASONS:

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

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

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

A(SO)P401
A(SO)P400
A(SO)P120
A(SO)P110
A(SO)P100
A(GA)P100 REV A
A(GA)P110 REV D
A(GA)P120 REV A
A(GA)P400 REV A
A(GA)P401 REV B

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

- (3) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels: Good Resting conditions at 30dB (day: T = 16 hours 07:00-23:00) and good sleeping conditions bedrooms at 30dB (night: T = 8 hours 23:00 – 07:00) L_{Amax} 45 dB (night 23:00 – 07:00). Prior to the occupation of the development, tests shall be carried out to demonstrate that these standards have been met and the results submitted to the Local Planning Authority for approval. These measures should be retained unless otherwise agreed in writing by the Local Authority

Reason: To obtain required sound insulation and prevent noise nuisance

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

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

- (5) Details of adequate arrangements for the 1 secure cycle storage per additional unit shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (6) Details of obscure glazed glass and screening/louvres to windows, 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 and maintained unless otherwise agreed in writing by the Local Authority

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

INFORMATIVES:

None Specified

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



Planning Committee Map

Site address: Unit 16, The Tay Building, 2A Wrentham Avenue, London, NW10 3HA

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Committee Report Planning Committee on 6 April, 2011

Case No. 10/3088

RECEIVED: 29 December, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 758 & 760, Harrow Road, London, NW10

PROPOSAL: Erection of 2 four storey buildings comprising 2 retail units and 1 office unit at ground floor level with 14 self-contained flats with roof terraces above, associated car-parking, bicycle storage, refuse storage and alterations to existing pedestrian and vehicular accesses (amendments and Deed of Variation to planning permission 06/3514)

APPLICANT: Abercorn Place Ltd

CONTACT: Salisbury Jones Planning

PLAN NO'S:
See Condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

The application requires a Deed of Variation to the Section 106 Agreement, secured in connection with planning permission 06/3514, in order to secure the following additional benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the variation and (b) monitoring and enforcing its performance
- Payment of £34,000 towards off site play and open space provision with 50% to be paid on completion of the agreement and 50% to be paid within 6 months of the permission, index linked from the date of Committee.
- 10% on site renewable energy provision, or a contribution to off-site provision if it is not feasible

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.

The following terms have already been secured under the previous s106 agreement

- The dedication of a 500mm strip width of footway along the Regent Street frontage of the site

as public highway and the reinstatement of all redundant crossovers to the site at the developers expense prior to occupation of the development;

- A “Car Free” agreement , whereby residents are not to be issued with parking permits for the Controlled Parking Zones in the area, thereby maintaining the restrained parking provision for the site and the applicants to inform residents of this restriction;
- Payment of £15,000 towards non-car access or highway safety or parking controls in the area; £73,950 towards education, £24,000 towards open space improvements; £5,000 towards the monitoring of air quality in the area. The variation will alter the payment schedule to 50% on completion of the variation and 50% within 6 months.
- Sustainability Measures approved by the Council, including compensatory payments if such measures are not in fact implemented

EXISTING

The subject site has an area of 0.08h and is located between the northern side of Harrow Road and the southern side of Regent Street. The site has been part developed in connection with planning permission 06/3514 to provide two 4-storey buildings comprising of two retail units and an office unit at ground floor level and 14 self-contained flats on the site. The site had previously been occupied by a single-storey and a two-storey building fronting the northern side of Harrow Road comprising of two ground floor commercial units and a Stonemason’s retail shop.

Along Harrow Road, towards the east of the site lie a number of commercial and retail uses. Towards the west lies the recently completed mixed-used development on the corner of Harrow Road and Wellington Road. Where it fronts Harrow Road, the site lies opposite the main entrance to Kensal Green Cemetery which lies within the Royal Borough of Kensington and Chelsea. To the rear of the site, fronting Regent Street, the site is adjoined by a car wash/repair garage to the west and The Regent public house to the east.

PROPOSAL

Whilst the current application seeks full planning permission for the development as described above, it effectively seeks to agree a number of changes to the development approved under planning application 06/3514. The main changes include:-

- The omission of a first floor amenity deck
- Alterations to the unit mix. Unit numbers remain unchanged,
- The omission of the lift to the block fronting Regent Street
- Alterations to the layout of the central courtyard/parking area.

HISTORY

Planning permission (06/3514) was granted on the site on the 21st September 2007 for the demolition of the existing buildings on site and the erection of a four storey building comprising two retail units and an office unit at ground floor level and 14 self-contained flats (3 x 1 bed, 7 x 2 bed and 4 x 3 bed) with communal roof terraces above, together with associated car parking, bicycle storage, refuse storage and alterations to the pedestrian and vehicular accesses. This permission has been substantially implemented and is of particular relevance to the current application. Other applications (08/1059, 08/1907 & 08/2072) seeking the discharge of conditions 5, 9 & 10 of planning permission 06/3514 have been approved on the site.

Other site history includes:-

An outline planning application (05/0482) for the erection of a part three-storey and part four-storey building, comprising two ground-floor shop units with rear servicing area, 10 x two-bedroom and 4 x one-bedroom flats and basement-level car-parking (matters to be determined: siting and means of access) was refused on 8 June 2005 due to its excessive footprint, scale and siting which would be detrimental to the character of the area and adjoining residents, artificial under utilisation of the site failing to provide an appropriate level of affordable housing and inappropriate access to the basement level parking.

An application (05/0662) submitted on 7 March 2005 for the erection of a part four and five storey building, consisting of 14 self-contained flats (4 x 1 bed and 10 x 2 bed), two B1 units to the ground floor, bicycle storage area, recycling area, communal terrace and associated landscaping. The scheme was forwarded to the Planning Committee of 28 June 2005 and was refused due to the unacceptable form, scale, mass and appearance of the premises which was deemed harmful within the streetscene and harmful to the views out of the adjacent Conservation Area and the setting of a Grade II Listed Building.

An Application (04/2660) for the clearance of the site and erection of a four storey building comprising A1 retail space on the ground floor and 12 self contained flats on the upper three floors. This application was withdrawn by the applicant after being recommended for refusal. The proposed reasons for refusal centred on the development's failure to demonstrate the sequential approach for retail development, lack of a high quality design approach, inadequate levels of amenity space and car parking for the proposed residential units, and insufficient servicing for the proposed retail units.

An application (02/0204) for erection of a 4-storey, B1-use building, comprising a ground-floor printing workshop with offices above was submitted in February 2002, approved in August 2002 pending a legal agreement, which was subsequently completed in April 2005.

POLICY CONSIDERATIONS

London Borough of Brent LDF Core Strategy 2010

CP2 Population & Housing Growth

Defines the minimum housing targets required to meet the expected population growth and housing demand within the Borough. 85% of housing growth is expected to be provided within Growth Areas, including 2400 new homes in South Kilburn by 2026.

CP15 Infrastructure to Support Development

The council has set out, in an Infrastructure and Investment Framework, the infrastructure requirements necessary to support new development in the growth areas. Appropriate contributions will be sought to ensure that the necessary infrastructure to support development is provided.

CP18 Protection and Enhancement of Open Space, Sports and Biodiversity

Support will be given to the enhancement and management of open space for recreational, sporting and amenity use and the improvement of both open space and the built environment for biodiversity and nature conservation. This will include improvements to existing open spaces in South Kilburn.

CP19 Brent Strategic Climate Mitigation and Adaptation Measures

All development should contribute towards achieving sustainable development, including climate change mitigation and adaptation.

CP21 A Balanced Housing Stock

The Plan seeks to maintain and provide a balanced housing stock in Brent in support of Policy CP2 by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs

London Borough of Brent Unitary Development Plan 2004

Within the adopted Unitary Development Plan 2004 plan the following list of 'saved' policies are considered to be the most pertinent to the application.

- BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.
- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE12 Proposals should embody sustainable design principles, taking account of sustainable design, sustainable construction and pollution control
- EP2 Noise & vibration
- EP3 Local air quality management

H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.

H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.

TRN3 Environmental Impact of Traffic

TRN4 Set out measures to make transport impacts acceptable

TRN10 Walkable Environments

TRN11 The London Cycle Network

TRN23 Parking Standards – Residential Developments

TRN34 Servicing in New Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

London Borough of Brent Supplementary Planning Guidance

Supplementary Planning Guidance 17:- Design Guide For New Development

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

Supplementary Planning Document s106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The sustainability requirements for the development have been secured under the s106 agreement attached to the previous permission which has been implemented. In order to bring the proposal more in line with current requirements it is recommended that permission be subject to a Deed of Variation to the previous s106 agreement replacing the requirement for the development to sign up for a Green Tariff, where 10% of the energy is from renewable sources, with a requirement to provide 10% of the developments energy through on-site renewable sources.

CONSULTATION

EXTERNAL

Consultation letters, dated 17th January 2011, were sent to Ward Councillors and 77 neighbouring owner/occupiers. The application was also advertised as being "In Public Interest" by way of site notices, dated 25th January 2011, and a press notice, published on the 20th January 2011. Two letters of objection have been received in response. The concerns of objectors relate to:-

- The development is ugly and shoddily put together
- The development would cause parking problems within the vicinity of the site
- Disturbance that has been caused by the building works
- The development provides insufficient noise attenuation for potential occupiers which could cause issues of unreasonable noise transmission with the adjoining public house

Given the proximity of the site to the Borough boundary the Royal Borough of Kensington & Chelsea have been consulted. It has been confirmed that they raise no objection to the proposal.

INTERNAL

Transportation Unit - Have raised no objection to the proposed development subject to compliance with the relevant Heads of Terms set out in the s106 agreement secured as part of planning permission 06/3514.

Environmental Health - Have raised no objection to the proposal although a condition is recommended requiring the submission of post-completion testing ensuring that reasonable noise levels would not be exceeded.

Landscape Design Team - Have raised concerns regarding the removal of the approved amenity deck from the development. However, these concerns could be satisfied through suitably worded landscape conditions and a substantial s106 contribution towards off-site amenity provision.

s106 Officer - Has recommended that any permission should be subject to a Deed of Variation securing a contribution of £34,000 towards play/open space improvements within the locality in order to off-set the loss of the amenity deck and an amendment to the previous sustainability requirements in order to secure 10% on-site renewable energy.

REMARKS

BACKGROUND

Planning permission (06/3514) was approved in September 2007 for the demolition of the existing buildings on site and the erection of a new four-storey courtyard development comprising of 14 self-contained flats. Following permission, the development was commenced and works were undertaken to an advanced stage. However, prior to completion the developer was forced to abandon the scheme due to a lack of funds. The partially completed development was then sold on to the current applicant who now seeks permission to make a number of changes to the approved development prior to completion. Officers advised the applicant that due to the significant nature of the changes proposed, that the scheme could not be amended under the minor amendments procedure and that a full application for the development would be required. This is why the current application seeks planning permission for the amended development in its entirety although the assessment of the application has largely been based around the impacts of the proposed changes. For the sake of completeness, Members have been provided with a copy of the Officers Committee Report for the previous planning approval has been appended to this report. The previous Committee Report addresses many of the issues associated with the development and the appended report should be read in conjunction with the content of the current report.

OMISSION OF AMENITY DECK

The approved development included the provision of an amenity deck at first floor level which would cover the ground floor car-parking area. The amenity deck would provide four private terraces to four first floor units, having a total area of approximately 340m² (approximately 85m² per unit). The current proposal would see the omission of this amenity deck, which has not yet been constructed, from the scheme although balconies, with areas of 22.6m² and 16.8m², would be retained to those units within the block fronting Regent Street. Overall, the omission of the amenity deck would result in a net reduction of approximately 300m² of amenity space.

The principal reason given by the current applicant for the removal of the amenity deck from the scheme is that the previous developer had failed to provide the necessary sub-structure to support the deck during the initial construction phase. The applicant states that it would not be practical to retrospectively provide the necessary sub-structure as access to the site is not sufficient to allow the necessary piling equipment to enter the site without the substantial part demolition of the existing structures on site. The only means of vehicular access to the site is along Regent Street, a single carriage way road, and through a single-storey passage 4.5m in width and 2.4m in height.

The applicant also argues that the removal of the deck would expose the car-parking area improving the security and environment of the courtyard.

The loss of amenity space in this instance is considered significant as the site is located within an Open Space Deficiency Area. The omission of the amenity deck would result in one 1-bedroom unit losing all of its private amenity space, a three other units, one 3-bedroom and two 2-bedroom, having a reduced provision. The proposal would increase the number of units within the scheme without private amenity space from two to three, as compared to the previous application, although all units would have access to some amenity space as each block would have a communal roof terrace.

SPG17 sets out a number of measures that can be adopted where developments would fail to meet the minimum amenity spaces standards. These measures can include s106 payments towards the local public realm and open space. The applicant has agreed in principle to make a contribution of £34,000 towards the provision of play/open space within the locality in order to off-set the loss of the amenity deck. This is on top of the contribution of £24,000 secured as part of the previous permission for open space improvements. On balance, given the specific circumstances of this case, it is considered that such a contribution may be considered as an adequate and practical means of overcoming the resulting shortfall in amenity space suffered by those units that would have been served by the amenity deck.

AMENDMENTS TO UNIT MIX

The current proposal would alter the mix of dwellings within the development although the number of units provided would remain unchanged at 14. The development previously approved comprised of three 1-bedroom, seven 2-bedroom and four 3-bedroom units. The current proposal would alter the mix to provide six 1-bedroom, six 2-bedroom and two 3-bedroom units. Although the proposed development would provide less 3-bedroom units than the scheme previously approved, it is noted that the two 3-bedroom units, which would now be two bedroom units, would only have had an internal floor area of approximately 75m², below the minimum standard of 80m² suggested in SPG17. As such, the proposed scheme would seek to provide more generous two-bedroom accommodation as opposed to under-sized three-bedroom accommodation. This is considered appropriate given these units would have a lower than normal provision of private amenity space having single balconies with an area of approximately 4.5m². The two remaining 3-bedroom units would have more generous private amenity spaces.

Overall, it is considered that the proposed development would provide an appropriate mix of dwellings, including an element of 3-bedroom units, within the context of the site.

AMENDMENTS TO COURTYARD/CAR-PARKING LAYOUT

As discussed above, the proposed development would involve the removal of the amenity deck, which would expose the ground floor parking/courtyard area, and an amendment to the dwelling mix. The original ground floor car-parking area comprised of 12 parking spaces, including one disabled space. As a result of the revised unit mix, the maximum car-parking standard for the site would be reduced for the proposed development. The proposed development would involve the removal of two parking spaces from the courtyard, retaining 10 spaces including one disabled space, which will allow the introduction of additional soft-landscaping to the area. Officers consider it is important for soft-landscaping to be provided as the area is now exposed and will have a direct impact on the visual amenity of the scheme. The Council's Transportation Unit have confirmed that they are satisfied with the proposed parking provision for the development, particularly given that the scheme will continue to be 'permit-free', whereby future occupiers will not be entitled to on-street parking permits. Detailed landscaping proposals for the areas within the courtyard/parking area should be secured by way of condition should planning permission be granted.

OMISSION OF LIFT

The proposal would also involve the omission of a lift shaft from the four-storey block fronting Regent Street which would contain five of the fourteen flats. The lift to the block fronting Harrow Road, containing the remaining nine units, would remain included in the scheme. The reason for requesting the omission is that the previous developer constructed the block without a lift shaft and that it would not be practical to provide this retrospectively.

The omission of the lift from the Regent Street block would not affect the ability of the units to be Lifetime Homes compliant nor would it prevent 10% of the units in the development being wheelchair accessible.

The omission of the lift shaft would not significantly affect the external appearance of the development. As such, the proposed omission of the lift shaft from the Regent Street block is considered acceptable in planning terms.

AFFORDABLE HOUSING

For clarification, the scheme comprises of 100% private units as at the time of the previous permission, which has been implemented, the affordable housing threshold was set at 15 units and affordable housing was not required. As the essence of the current application is to seek amendments to the implemented permission Officers do not consider that there are reasonable grounds to retrospectively apply the current 10 unit thresholds to the scheme.

CONSIDERATION OF OBJECTIONS

Concerns regarding the external appearance have already been considered under the previous planning application which was approved in 2008. The changes proposed under the current application would not significantly alter the appearance of the development from the public realm and therefore it is still considered that the development would have an acceptable impact on the character and appearance of the surrounding area. The quality of the building works will be subject to compliance with Building Regulations

As discussed above, the scheme would be unlikely to have a significant impact on existing parking pressures within the vicinity of the site as the scheme would be 'permit-free'.

Whilst it is unfortunate that the on-going building works have caused some disturbance to neighbouring occupiers it is noted from a recent site visit that the works are now nearing completion. If works are deemed to be causing a statutory nuisance to neighbouring occupiers then this can be reported to the Council's Environmental Health Unit

Concerns have been raised that the development has not been constructed to incorporate sufficient noise attenuation measures to ensure that potential occupiers would not suffer from unreasonable noise transmission from the surrounding area, and particularly the adjoining public house. It should be noted that the original permission (06/3514) that has been implemented was subject to the following condition:-

"A sound insulation scheme between walls and floors and between units in separate occupation shall be installed in accordance with The Building Act 1984 and The Building Regulations 2000 (as amended 2001 and 2002). Sound insulation shall be in accordance with Approved Document E.

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

However, in order to ensure that potential occupiers would experience unreasonable noise disturbance from activity and traffic in the surrounding area, it is recommended, on the advice of Environmental Health, that a condition should be placed on any permission requiring the undertaking of post-completion testing to ensure that noise attenuation levels are met.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent LDF Core Strategy 2010

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17:- Design Guide For New Development

Council's Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control

Council's Supplementary Planning Document s106 Planning Obligations

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

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

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

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

100 Rev A

110 Rev A

120 Rev A

130 Rev B

140 Rev A

150 Rev A

200 Rev E

220

230

231

240 Rev A

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

- (3) All parking spaces, turning areas, access roads and footways shall be constructed and permanently marked-out prior to commencement of use of any part of the approved development. Such works shall be carried out in accordance with the approved plans and shall, thereafter, be retained and used solely in connection with the development hereby approved.

Reason: To ensure that the proposed development does not prejudice the free flow

of traffic, or the conditions of general safety, within the site and along the neighbouring highway.

- (4) All areas shown on the approved plans shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The approved landscaping work shall be completed prior to occupation of the development hereby approved or in accordance with a schedule to be agreed in writing with the Local Planning Authority.

The submitted scheme shall include details of:

- (a) proposed walls and fencing, indicating materials and heights;
- (b) all planting in terms of species and density
- (c) adequate physical separation such as protective walls and fencing, between landscaped and paved areas;
- (d) treatment, including details of materials, of areas of hardstanding
- (e) details of two trees to be planted within the courtyard

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 to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- (5) All windows, doors and balconies shall be constructed in accordance with those details approved under discharge of condition application 08/1907 (LPA reference) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory development which does not prejudice the amenity of the locality

- (6) During construction on site:-

The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.

The operation of site equipment generating noise at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.

Access to adjoining premises shall not be impeded and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.

No waste or other material shall be burnt on the application site.

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

- (7) The development shall be carried out using those external materials approved under discharge of condition application 08/2072 (LPA reference) unless otherwise agreed in writing with the Local Planning Authority.

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

- (8) The residential dwellings within the development shall attain the following internal noise levels

Rooms	Maximum Level, LAeq, T
Living Rooms	40dB (day: T =16 hours 07:00 - 23:00)
Bedrooms	30dB (night: T = 8 hours 23.00 - 07.00)

Following practical completion of the development, hereby approved, results of a study, confirming that the above noise levels have been achieved under reasonable conditions, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the residential units hereby approved.

Reason: To verify that reasonable internal noise levels will not be exceeded in the interests of the amenity of future occupiers.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent LDF Core Strategy 2010
London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control
Supplementary Planning Document s106 Planning Obligations
Two letters of objection
Planning Application 06/3514

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



Planning Committee Map

Site address: 758 & 760, Harrow Road, London, NW10

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This map is indicative only.

Appendix 1

Committee Report Planning Committee on 7 March, 2007

Item No. 2/02
Case No. 06/3514

RECEIVED: 19 December, 2006

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 758 & 760, Harrow Road, London, NW10

PROPOSAL: Demolition of existing buildings and erection of a four storey building comprising two retail units and an office unit at ground floor level and 14 self-contained flats (3 x 1 bed, 7 x 2 bed and 4 x 3 bed) with communal roof terraces above, together with associated car parking, bicycle storage, refuse storage and alterations to the pedestrian and vehicular accesses (as accompanied by photographs, incorporating a Sustainable Development Checklist, Planning Statement dated December 2006, revised by plans received on 12 February 2007 and clarified by letters dated 13 February 2007 and 19 February 2007).

APPLICANT: Finan Wentworth Andersen

CONTACT: Hunter Page Planning

PLAN NO'S: 884-01
884-02
884-10 RevD
884-11 RevD
884-22
884-23 RevC
884-24 RevB
884-25 RevC
884-26 RevC
884-27 RevC
One un-numbered plan

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the

agreement and (b) monitoring and enforcing its performance;

- The dedication of a 500mm strip width of footway along the Regent Street frontage of the site as public highway and the reinstatement of all redundant crossovers to the site at the developers expense prior to occupation of the development;
- A “Car Free” agreement , whereby residents are not to be issued with parking permits for the Controlled Parking Zones in the area, thereby maintaining the restrained parking provision for the site and the applicants to inform residents of this restriction;
- Payment of £15,000 towards non-car access or highway safety or parking controls in the area;
- Payment of £73,950 towards the provision and/or improvement of education facilities in the borough;
- Payment of £24,000 towards environmental and/or open space improvements in the local area as the site lies within an Open Space Deficiency Area as defined within the Unitary Development Plan 2004;
- Payment of £5000 towards the monitoring of air quality in the area (the site lies within an Air Quality Management Area).
- 10% of the development's energy demand shall be met through a Green Tariff (renewable energy supply) or an equivalent agreed by the Council, to be maintained for the lifetime of the development.
- Sustainability Measures approved by the Council, including compensatory payments if such measures are not in fact implemented

EXISTING

The application site, of 0.08, hectares is occupied by one single-storey and one two-storey building fronting the northern side of Harrow Road. Rear access to the site is provided via Regent Street. The two existing buildings on the site contain two ground floor commercial units, presently occupied by a motor vehicle goods shop and a stonemason’s retail shop. The neighbouring site to the west is currently vacant, and has previously been used by a vehicle hire company and as a petrol filling station. Members resolved to grant planning permission at this site at the Planning Committee of 8 November 2006 subject to a Legal Agreement for a part four/five and six storey building consisting of 14 self-contained flats and two B1 units to the ground floor (ref: 05/2509). The decision notice was issued on 9 February 2006 and works have commenced on site.

To the rear of the site on Regent Street is a car wash/repair garage to the west and Astons public house to the east. A number of commercial and retail uses are immediately to the east on the Harrow Road. Kensal Green Cemetery, on the opposite side of Harrow Road, situated within the Royal Borough of Kensington and Chelsea, is designated as a Conservation Area.

PROPOSAL

Planning permission is sought for the demolition of existing buildings and erection of a four storey building comprising two retail units and an office unit at ground floor level and 14 self-contained flats (3 x 1 bed, 7 x 2 bed and 4 x 3 bed) with communal roof terraces above, together with associated car parking, bicycle storage, refuse storage and alterations to the pedestrian and vehicular accesses.

HISTORY

The site has an extensive planning history.

A recent application 06/1887 was submitted for the demolition of the existing building and erection of a 4-storey building comprising Use Class A1 (retail) and B1 (office), with associated car-parking, on the ground floor, and 14 self-contained flats (Use Class C3) on the 1st, 2nd and 3rd floors to be considered at the Planning Committee of 5 September 2006. The applicant withdrew the application but had Members been minded to make a decision on the proposal it would have been refused on the following grounds:

- The scale and siting of the proposal would be detrimental to the character and appearance of the area and would result in a sub-standard form of accommodation;
- Failure of the proposal to provide useable external amenity space would be detrimental to the amenities of future occupiers;
- Loss of privacy and outlook for nearby adjacent occupiers due to close proximity of windows and balconies to habitable room windows;
- Inadequate width of vehicular access would lead to conditions detrimental to highway and pedestrian safety
- The proposal lies within an Open Space Deficiency Area and the inadequate amenity provision and failure to off-set the shortfall by increased unit floor sizes, balconies or financial contributions would be contrary to council policies;
- Failure of the development to provide any Section 106 Benefits in terms of education and non-car access to meet the needs of the community;
- Failure of the proposal to demonstrate the principles of sustainable development.

The current scheme has been submitted following the withdrawal of the above application.

An outline planning application 05/0482 for erection of a part three-storey and part four-storey building, comprising two ground-floor shop units with rear servicing area, 10 x two-bedroom and 4 x one-bedroom flats and basement-level car-parking (matters to be determined: siting and means of access) was refused on 8 June 2005 due to its excessive footprint, scale and siting which would be detrimental to the character of the area and adjoining residents, artificial under utilisation of the site failing to provide an appropriate level of affordable housing and inappropriate access to the basement level parking.

Application 05/0662 was submitted on 7 March 2005 for the erection of a part four and five storey building, consisting of 14 self-contained flats (4 x 1 bed and 10 x 2 bed), two B1 units to the ground floor, bicycle storage area, recycling area, communal terrace and associated landscaping. The scheme was forwarded to the Planning Committee of 28 June 2005 and was refused due to the unacceptable form, scale, mass and appearance of the premises which was deemed harmful within the streetscene and harmful to the views out of the adjacent Conservation Area and the setting of a Grade II Listed Building.

Application 04/2660 sought approval for the clearance of the site and erection of a four storey building comprising A1 retail space on the ground floor and 12 self contained flats on the upper three floors. This application was withdrawn by the applicant after being recommended for refusal. The proposed reasons for refusal centred on the development's failure to demonstrate the sequential approach for retail development, lack of a high quality design approach, inadequate levels of amenity space and car parking for the proposed residential units, and insufficient servicing

for the proposed retail units.

Prior to the withdrawn application in 2004, an application (02/0204) for erection of a 4-storey, B1-use building, comprising a ground-floor printing workshop with offices above was submitted in February 2002, approved in August 2002 pending a legal agreement, which was subsequently completed in April 2005. The proposed development within the 2002 application had a strikingly modern design that represented an alternative approach to the architectural style of those buildings nearby, many of which, to the north are largely Victorian/Edwardian. The Planning Service was of the opinion that the modern architectural style employed would provide a good quality, distinctive development, contrasting with the traditional architecture of the locality. In advance of the approved application, an application (01/1752) for the erection of a part two-storey and part three-storey building with a B1 workshop at ground floor level and offices above was withdrawn prior to determination.

Earlier applications included the refusal of planning permission in 1999 (99/2230) for the continued use of the yard for vehicle hire purposes, due to inadequate off-street provision for the parking and storage of the hire vehicles or parking for customers, to the detriment of highway and pedestrian safety.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

- BE1 requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE5 on urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE7 on public realm and streetscape requires a high quality of design and materials.
- BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 states that proposals should embody sustainable design principles commensurate with the scale and type of development.
- BE23 states that development which would adversely affect the setting of a listed building will not be permitted.
- BE24 on development proposals in Conservation Areas, or outside them but affecting their setting or views into or out of the area, states that planning applications shall pay special attention to the preservation or enhancement of the character or appearance of the area.
- CF6 outlines requirements for contributions to build new school classrooms and other facilities where a new housing development may impact upon the number of available school places.
- EP3 requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.
- H1 on additional housing outlines the borough's requirements for provision of additional housing between 1997 and 2016.
- H2 on affordable housing provision states that developments capable of providing 15 or more housing units should include provision for affordable housing on-site.
- H3 discusses the proportion of affordable housing which should be sought in relation to specific

site constraints.

- H9 requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.
- H12 states that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 states that planning permission will be refused where development would under-utilise a site.
- SH5 outlines the borough's approach to out of centre retail development.
- SH18 discusses the appropriateness of development within other shopping parades.
- STR 11 which seeks to protect and enhance the quality and character of the Borough's built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- STR14 states that new development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR15 requires that major development enhance the public realm, by creating or contributing to attractive and successful outdoor areas.
- TRN1 notes that planning applications will be assessed as appropriate for their transport impact, including cumulative impacts on the road network, and all transport modes including public transport, walking and cycling.
- TRN11 requires that developments shall comply with the Council's minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.
- TRN14 outlines that new highway layouts, visibility splays and accesses to and within developments; should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN15 on forming an access to a road states that new accesses should be located at safe points with adequate visibility.
- TRN22 on parking standards for non-residential developments requires that non-residential developments should provide no more parking than the levels listed in PS12 for that type of development.
- TRN23 on parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN35 on transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- OS7 The provision of new or extended open space will be sought on appropriate sites in local public open space deficiency areas when redevelopment takes place.

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London Borough of Brent Supplementary Planning Guidance

- London Borough of Brent Supplementary Planning Guidance Note 17 on New Development
- London Borough of Brent Supplementary Planning Guidance Note 19 on Sustainable Design, Construction & Pollution Control

SUSTAINABILITY ASSESSMENT

A Council Sustainable Checklist has been included as part of the planning submission. The proposal's indicative sustainability rating from this list is 32%. This is considered to lie within the "fairly positive" category. Following further information and clarification from the applicants, officers assessment of the checklist gives a rating of 38.5% which also falls within the same category and would be acceptable on a development of this size.

The applicants within their checklist make reference to the use of all hardwood being FSC certified, a proportion of the energy supplied being from renewable sources, water conservation measures and the development fully utilizing the ICE Demolition Protocol to ascertain that all efforts are made to reuse/recycle materials and minimise construction waste.

The Section 106 Heads of Terms include sustainability measures that will be legally binding and ensure a commitment from the applicants of their intentions in this regard.

CONSULTATION

Letters of notification were sent on 28 December 2006 to properties on the Harrow Road, Wellington Road and Regent Street, while the Royal Borough of Kensington & Chelsea was consulted as a neighbouring Borough. Letters of notification were sent to Ward Councillors and the development was also advertised in the local press.

Three letters have been received and includes anonymous correspondence.

One objector c/o 615A Harrow Road is concerned that two Victorian buildings of repute are to be demolished and that the site is of great historical significance, these issues are also raised by the anonymous correspondent.

The occupier at 750 Harrow Road is slightly concerned about the impact of the lightwell abutting his commercial premises.

The Royal Borough of Kensington & Chelsea

The Royal Borough of Kensington and Chelsea have confirmed that they have no objections to the development.

Environmental Health

Environmental Health Unit have noted that the site lies within an Air Quality Management Area and require a financial contribution of £5,000 towards the monitoring of air quality in the area. In addition a condition is to be attached to any approval requiring a contaminated land assessment and associated remediation strategy, together with a timetable of works, and general control over works on site.

REMARKS

The proposal is for the demolition of 758 and 760 Harrow Road and the erection of a new four storey building comprising A1 (retail) and B1 (offices) on the ground floor and 14 self-contained flats on the first, second and third floors (3 x 1 bed, 7 x 2 bed and 4 x 3 bed). The two A1 units will have floor areas of 95sqm and 140sqm respectively whilst the offices will measure 60sqm. 12 car parking spaces (including one disabled space) and two transit sized loading bays and a bicycle parking area for eight cycles are now indicated within the central covered courtyard. Four further publicly accessible bicycle stands are proposed along the Regent Street and Harrow Road frontages of the site. The archway access is to be a minimum width of 4.7m, with the height of the

arch being 2.6m and the position of the gates set 3.3m from the existing highway boundary. Refuse storage is indicated alongside the access, close to Regent Street and the footway of Regent Street is shown widened to 3m.

The present scheme is a resubmission of a similar proposal which was withdrawn by the applicants at the Planning Committee of 5 September 2006 (See site history).

The withdrawn application proposed the demolition of the existing building and erection of a 4-storey building comprising Use Class A1 (retail) and B1 (office), with associated car-parking, on the ground floor, and 14 self-contained flats (11 x 2 bed and 3 x 3 bed) on the 1st, 2nd and 3rd floors.

The proposal currently being considered by Members seeks to redress the concerns previously raised.

Principle of Development

The Brent Unitary Development Plan 2004 identifies the site as being in retail use. The site does not, however, lie within a designated shopping frontage. Policy SH18, which applies to those shopping parades which are not designated as primary, secondary or as local centres, states that a flexible approach will be taken towards development of these premises. With regard to the site's suitability for retail use of approximately 200sqm, the relatively minimum amount of 60sqm of office use and the principle of residential development, it is your officers view that the principle of retail and office development at ground floor level with residential development above is acceptable as the existing use of the premises is retail, whilst there is also a high level of residential accommodation in the area.

Siting, Design and Layout of the Site

In order to properly assess the proposal it needs to be considered in its context within the existing streetscape. The townscape quality of the area is of relatively narrow streets to the rear (Regent Street) and a busy main road (Harrow Road) with a strong landmark opposite, the entrance to Kensal Green Cemetery.

Planning permission was granted under reference 02/2536 at the former Wellington House, Wellington Road site which lies directly opposite the application site to the north, for a 5 storey building comprising 12 x 2 bed and 1 x 1 bed flats and B1 offices on the ground floor. A two storey Public House is located adjacent to the application site to the east and to the immediate west of the application premises at land adjacent to 760 Harrow Road consent has been granted (ref: 05/2509) for a part 4, 5 and 6 storey building consisting of 14 self contained flats and two B1 units on the ground floor. Works for this development have commenced on site.

The current application relating to 758 and 760 Harrow Road shows a new contemporary 4 storey premises occupying the majority of the site. Its Regent Street frontage set back at a distance of 1.5m on the ground floor aligning with the Public House building, with the residential accommodation on the floors above, including balconies aligning with the back edge of the pavement extending beyond the Public House, providing a covered service and parking area with a raised landscaped terrace between the two blocks at first floor level.

The withdrawn scheme also showed a similar linkage, the difference in this instance being the absence of a void in the centre of the site but the introduction of lightwells within the terrace area.

Policy BE9 of the Brent Unitary Development Plan refers to the architectural quality, scale, massing and height of new development and requires that new buildings should embody a creative and appropriate solution specific to the site's shape, size and location. In addition the policy stipulates that development should respect, while not necessarily replicating, the positive local

design and landscape characteristics of adjoining development and satisfactorily relate to them. Officers are now satisfied that given the recent planning approvals for part 4, 5 and 6 storeys, on nearby sites already referred to and the existence of some 3/4 storey buildings opposite, the combination of the development's Regent Street elevation set back on the third floor and the siting of the building so that it is set back on the ground floor to align with the adjoining pub will result in a satisfactory relationship with the public house, an attractive Victorian building in itself, and an acceptable visual impact in the street.

The height of the building fronting Harrow Road also fits comfortably with the proposed part 4, 5 and 6 storey development at land adjacent to 760 and a satisfactory relationship with the 2 storey No. 756 Harrow Road.

Quality of Amenity for Future Residents

The Council's Supplementary Guidance Note 17 provides guidance on minimum standards for residential development and seeks to promote high quality amenity for occupiers, providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents. The minimum required floor space for a one bedroom (2 person) flat is 45sqm, two bedroom (3 person) flat is 55sqm as specified in Supplementary Planning Guidance Note 17 and for a two bedroom (4 person) flat is 65sqm and three bedroom (5/6 person) flat is 80sqm. The fourteen residential units comply with floor space standards as set out in the aforementioned guidance note.

With regard to the stacking arrangement all the proposed residential units would result in an acceptable configuration of properties with living rooms and kitchens arranged above main habitable rooms and bedrooms above bedrooms of separate flats. Given the room sizes, there is no suggestion that the applicants are providing overly large units in order to under-utilise a site which is capable of providing affordable housing. The density for the area as set out within the SPG17 is between 240-450 hrh and although the site proposes a density of 537 hrh which is higher than guidance, an exception to the normal standards in this instance is considered to be acceptable given the dense nature of other approved schemes already referred to within the vicinity of the development.

With reference to the impact of the development upon the privacy and amenity of nearby residential properties, Supplementary Planning Guidance Note 17 highlights that new developments in more intense inner urban areas may be considered differently from those in less dense areas, but it is still necessary to make an assessment of the possible impact of the new building. It is not considered however that the scheme would lead to problems associated with overlooking.

There is a distance of 20m between habitable room windows facing each other between the new units and this accords with SPG17 standards in terms of privacy and outlook and overcomes previous concerns on the withdrawn application which indicated these distances to be only between 13-17m.

Landscaping and Amenity Space

Supplementary Planning Guidance Note 17 requires that 20sqm of communal amenity space is provided for each flat, while 50sqm is provided for family units. As such, a total of approximately 280sqm would be required in order to provide future occupants with the required standard of space.

The site is located within an Area of Open Space Deficiency, as identified within the London Borough of Brent Unitary Development Plan 2004 and amenity space is therefore critical in the assessment of any residential scheme. The scheme shows the external amenity space arranged into several spaces indicated as terraces, or balconies. The total amenity space provided is approximately 476sqm square metres.

Whilst this amenity space meets the requirements of the Council's Supplementary Planning Guidance Note 17, a number of the proposed units have no access to the terrace areas or have balconies ranging from some 5sqm to 19sqm in area. The development precludes any meaningful landscaping and as a consequence the Council has requested financial contributions of £24,000 towards the provision of and/or open space and sporting facilities within the locality through a Section 106 Agreement.

Access, Parking and Servicing

This site is located on the northern side of Harrow Road (a London Distributor Road), approximately 60 metres west of the signalised junction of Harrow Road with Kilburn Lane and Ladbroke Grove. Vehicular access is available to both the front and rear of the site, in the form of a 3.5 metre crossover onto Harrow Road and two further crossovers of 3 metre and 3.5 metre width onto Regent Street.

The site is located within a Controlled Parking Zone, with parking on Wellington Road and the north side of Regent Street restricted to permit holders/pay and display bays between 8.30am and 6.30pm Mondays to Fridays. On-street parking in Harrow Road is prohibited between 7am and 7pm Mondays to Saturdays (loading prohibited at peak hours), with a bus lane in place along the site frontage. Surveys show the area to be heavily parked at night, although spaces are generally available in the residential side roads during the day.

Public transport access to the site is very good (PTAL 6), with Kensal Green (British Rail and Bakerloo line) and Kensal Rise (British Rail) stations within 800 metres and seven bus services within 400 metres.

Twelve car parking spaces (including one disabled), two transit sized loading bays and a bicycle parking area for eight cycles are now indicated within the central covered courtyard. Four further publicly accessible bicycle stands are proposed along the Regent Street and Harrow Road frontages of the site. The archway access is now shown widened to a minimum width of 4.7m, with the height of the arch being 2.6m and the position of the gates being set back 3.3m from the existing highway boundary. Again the refuse storage is indicated alongside the access, close to Regent Street within 9m of the public highway, as with the withdrawn scheme, and will comply with the maximum refuse carrying distance.

The footway of Regent Street is once more shown widened to 3m.

Pedestrian access arrangements are satisfactory, with the proposed widening of the Regent Street footway being particularly welcome. The Transportation Unit also recommend adopting half a metre of this additional footway as publicly maintainable highway under a Section 38 Agreement, in order to bring it up to the standard 2m width.

Finally, the Highway Engineer has recommended that a standard financial contribution of £1,000 per 1 and 2-bed flats and £1,500 per 3-bed flats, plus £2,500 for the shop and office units is sought towards non-car access/highway safety improvements and/or parking controls in the area, giving a total of £18,500. However, this has been reduced to £15,000 as part of the Regent Street frontage has been offered for adoption as footway.

The Council's Highway Engineer considers that the application may be supported on transportation grounds subject to the above.

Education

The scheme will necessitate the requirement for education contributions (nursery, primary and secondary schools) under the provisions of policy CF6 of the adopted UDP. A financial payment of

£73,950 towards the provision and/or improvement of education facilities in the borough has therefore been secured through a Section 106 Agreement.

Environmental Health

The application site lies within an Air Quality Management Area and as stipulated within policy EP3 of the Brent Unitary Development Plan 2004 will therefore require a financial contribution of £5,000 towards the monitoring of air quality within the vicinity of the site. This payment has also been secured through a Section 106 legal agreement.

Conclusion

Concerns have been raised from local objectors regarding the loss of the application premises to development. Officers consider that notwithstanding references to the premises historical value, the existing buildings on the site are not statutorily protected nor do they contain any listed structures. It is considered that the design proposed is sensitive to its existing context and has been designed to provide attractive frontages in addition to enhancing the streetscene on both the Harrow Road and Regent Street elevations.

Officers are also satisfied that the proposed lightwells of the development will have no adverse impact on the occupier of No. 750 Harrow Road and that unless the site has been allocated for a specific development project or a development proposal has been submitted to the Council, the potential development of adjacent sites cannot be a material consideration to the application proposal.

The current proposal unlike the previous withdrawn application includes the introduction of roof terraces, the omission of the courtyard void to the car park, changes to the design of the new building in order to reduce its adverse impact in the street and the adjacent public house, a change in the mix of the residential units and a compliance with privacy and outlook standards.

Officers consider that the present scheme complies with national and local guidance and policy and has been designed to be compatible with the surrounding area taking account of the setting of the Kensal Green Conservation Area and the listed entrance gateway of the Kensal Green Cemetery. The development will therefore provide interest and contribute positively to the local streetscene and provides a stronger architectural presence with a lessening of the bulk and massing of the new premises than was previously shown under the withdrawn application.

The proposal is thus recommended for approval.

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
SPG17 "Design Guide For New Development"
SPG19 "Sustainable Design, Construction & Pollution Control"

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

Environmental Protection: in terms of protecting specific features of the environment

and protecting the public

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

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

Design and Regeneration: in terms of guiding new development and extensions

CONDITIONS/REASONS:

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

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

- (2) The 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 prior to occupation of the building(s).

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) All parking spaces, turning areas, access roads and footways shall be constructed and permanently marked-out prior to commencement of use of any part of the approved development, or upon further application within such longer period as may be approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved plan(s). They shall, thereafter, be retained and used solely in connection with the development hereby approved.

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

- (4) All areas shown on the approved plans shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site, such landscaping work shall be completed during the first available planting season following completion of the development hereby approved.

The submitted scheme shall include details of:

- (a) proposed walls and fencing, indicating materials and heights;
- (b) any screen planting on the boundary;
- (c) adequate physical separation such as protective walls and fencing, between landscaped and paved areas;
- (d) treatment of areas of hardstanding.

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 to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- (5) Further detailed plans of windows, doors and balconies shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site, and work shall be carried out in accordance with the details thus approved.

Reason: In order to ensure a satisfactory development which does not prejudice the amenity of the locality.

- (6) During demolition and construction on site:-

The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.

The operation of site equipment generating noise and other nuisance-causing activities, at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.

Access to adjoining premises shall not be impeded and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.

No waste or other material shall be burnt on the application site.

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

- (7) The residential units hereby approved shall only be used and occupied as single residential units and shall not be used for any other purpose.

Reason: To ensure that no separate use commences and that the Local Planning Authority is able to exercise proper control over the development.

- (8) A sound insulation scheme between walls and floors and between units in separate occupation shall be installed in accordance with The Building Act 1984 and The Building Regulations 2000 (as amended 2001 and 2002). Sound insulation shall be in accordance with Approved Document E.

Reason: To protect the amenities of adjoining residential occupiers.

- (9) 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 and the development shall be carried out in accordance with the details approved..

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

- (10) Prior to commencement of the development hereby approved:

(a) A site investigation shall be carried out by a person approved by the Local Planning Authority to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be

submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found; and

(b) Remediation work shall be carried out in accordance with a scheme approved in writing by the Local Planning Authority.

(c) a completion report and certification of completion shall be provided to the Local Planning Authority by a person approved by 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.

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

(11) Lighting, the details of which have been approved by the Local Planning Authority, shall be provided so as to ensure adequate safety and convenience on roads, footpaths and other pedestrian and vehicular routes within the site and the development shall be carried out in accordance with the details approved.

Reason: In the interests of safety, amenity and convenience.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- London Borough of Brent Unitary Development Plan 2004
- London Borough of Brent Supplementary Planning Guidance Note 17 on New Development
- London Borough of Brent Supplementary Planning Guidance Note 19 on Sustainable Design, Construction & Pollution Control
- Three letters of objection.

Any person wishing to inspect the above papers should contact Mrs L Sowah, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232

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Committee Report Planning Committee on 6 April, 2011

Case No. 10/3072

RECEIVED: 31 December, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 103-107, 103A, 109-119 odds, 121-123 Kilburn High Road, 110-118 inc Kilburn Square and all units and stalls at Kilburn Square Market, London, NW6

PROPOSAL: Erection of a single storey front extension, ground and first floor side extension, infill of existing first floor walkway and terraces to create additional commercial floor space, creation of a green roof and associated landscaping to front forecourt area

APPLICANT: Sandpiper Securities Ltd

CONTACT: Michael George Design Ltd

PLAN NO'S:
See condition 2.

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution due on Material Start and index linked from the date of Committee of £23,348, broken down as:
 - £18,348 towards employment & training in the local area
 - £5,000 towards tree planting and local landscape improvement
- A payment of £112,500 toward community provision in the local area.
- Public access and enhancement of the area marked X on the plans, which adjoining Kilburn High Road and leads to Kilburn Square. (The Highway Authority envisaged that the area to the front of the building would be put forward for adoption).
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM "very good", in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Provide at least 20% of the site's carbon emissions through onsite renewable generation, which has no detrimental effect on local Air Quality.

- Join and adhere to the "Considerate Contractors Scheme".
- A framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation.
- To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building, with a target of employing 1:10 local people in construction and 1:100 in the retail.

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 Square is within the Kilburn Town Centre. It is on a corner site with the main frontage facing Kilburn High Road and the side on the return to Brondesbury Road.

Kilburn Square was constructed in the early 1970s on the site of an original London Square. Fronting the High Road the Square consists of eight retail/commercial units with vacant office/storage above. At the rear are nine three-bed maisonettes. These have one entrance and share their circulation area with the retail units. There is an existing market which was refurbished a good number of years ago. The market stalls are occupied and represent the last of this kind of market in the area. This extends onto the footpath but is separated by metal railings restricting access.

The site currently comprises 8 no. smaller retail premises (ranging from 90sqm to 400sqm) and 1 no. larger retail premises (Argos, circa 1,370sqm), and an open-air market area (circa 1000sqm), with 9 no. 3-bed self-contained maisonettes on the upper floors to the rear. The development has an existing two storey underground basement with ramped vehicular access from Victoria Road. This provides 103 car parking spaces and a lorry delivery area. The car park is managed by a private operator and is currently used by shoppers.

There is a public right of way between the market and the Argos retail unit measuring 5m in width. There is a 14.5m wide public footpath in front of the Square with a number of existing trees, as well as other street furniture.

Kilburn High Road is a London Distributor Road and, at this point, forms the boundary between Brent and Camden Councils.

PROPOSAL

See above.

HISTORY

Application 04/3559 proposed the partial demolition and refurbishment of existing building; extensions and alterations to 7 existing retail units; change of use of first floor retail to health club and serviced offices; construction of 69 flats (including 22 affordable units); re siting of existing market and enclosure with permanent stalls; formation of cycle parking bays and ancillary works including new entrance, CCTV cameras and street furniture. It was refused consent in February 2005 and an appeal against this refusal was dismissed on 15 December 2005.

A similar previous proposal (LPA ref: 00/1953) proposing a total of 72 flats on the site was also dismissed at appeal by the Planning Inspectorate in April 2004.

The appeal proposal (04/3559) involved the provision of a centralised market square, with the width of the Kilburn High Road frontage being reduced from 14.5m to 8.5m from the front façade of

the retail units and the edge of the footway, given the proposed 6m forward projection of the retail units.

In the Inspectors' decision letter in April 2004 on 00/1953 he concluded that the appeal proposal was unacceptable for a number of reasons. These included a failure to make the proposed communal amenity area available to all residents; loss of trees; loss of sunlight and daylight to occupants of Kilburn Tower; concerns over the method of disposal of refuse; loss of High Road footway width; and the loss of views through to the trees and retained 'green' area of Kilburn Square.

The second appeal Inspector made a number of key statements in deciding to dismiss the scheme which also need to be taken into account in any future considerations.

1. positive attributes of the scheme included "the provision of mixed uses at an appropriate urban density in an accessible location and the achievement of investment that would aid local regeneration."
2. forward projection of the building by the distance shown completely unacceptable. Would result in overdevelopment leading to a loss of quality in the publicly accessible public realm.
3. less than 50% affordable housing would be acceptable, given case made by the appellant.
4. sustainability of the design and its subsequent construction very important. More discussion would be needed before this could be achieved.
5. Problems with the S106 legal agreement. There had been a failure to agree the contents of the agreement between the parties.

06/3094 proposed the demolition of existing market structures, first-floor office units, second-floor roof structures and bridge over, erection of 3-storey side extension, single-storey front extension with new shopfronts, 3-storey and single-storey side extension with 6 rooflights, formation of 14 self-contained flats at first-floor and second-floor level, provision of waste and recycling store, new lift and new pedestrian access, refurbishment of existing ground-floor retail and provision of replacement market structures, 2-storey side extension to 121-123 Kilburn High Road, new shopfront, hard landscaping with new walkway entrance structure, market sign, lamp standards and tree planting. It was approved subject to a Section 106 legal agreement at Planning Committee in May 2007 and this agreement was eventually signed in May 2008, which was when the formal decision was issued.

09/0410 envisaged re-modelling the existing 9 second and third-floor maisonettes that are located to the rear of the current application site into 18 new self-contained flats. The application included a two-storey front extension with new bridge, walkway and ramps to provide access, third-floor extension on top of stairs at front, new entrance and bin store doors at side with new glass canopy. It was approved subject to a Section 106 legal agreement at the Planning Committee on 4 November 2009, but the agreement has not yet been signed so the consent has not yet been issued.

POLICY CONSIDERATIONS

- STR13 - Environmentally sensitive forms of development will be sought.
- STR14 - New development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR15 - Major development should enhance the public realm, by creating or contributing to attractive and successful outdoor areas.
- BE1 - Outlines the need for a submission of an Urban Design Statement for any sites likely to have a significant impact on the public realm, indicating important features, existing and potential links to the site, important views, relationship with surrounding properties, how the

design relates to and enhances its urban context, and contribution of the design towards sustainability and regeneration.

- BE2 - Proposals should be designed with regard to their local context, making a positive contribution to the area, taking account of existing landform, and the need to improve existing urban spaces and townscape.
- BE3 - Proposals should have regard for the existing urban grain, development patterns and density and should be designed so that spaces between and around buildings should be functional and attractive to their users, layout defined by pedestrian circulation, with particular emphasis on entrance points and creating vistas, it respects the form of the street by building to the established line of the frontage, unless there is a clear urban design justification.
- BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, boundary treatments to complement the development and enhance the streetscene.
- BE7 - A high quality of design and materials will be required for the street environment.
- BE9 - New buildings should be designed to embody a creative and high quality design solution specific to the sites shape, size, location and development opportunity and be of a scale, massing and height appropriate to their setting, civic function and location.
- BE12 - Expects proposals to embody sustainable design principles, commensurate with the scale and type of development, including taking account of sustainable design, sustainable construction and pollution control criteria, etc. Regard will be had to the SPG in assessing the sustainability of schemes.
- BE24 – The special character of buildings on the local list will be protected and enhanced.
- SH6 - Non-retail uses appropriate to primary shopping frontages.
- SH26 – The retention of existing retail markets will be encouraged.
- MOS4 - Site specific policy seeking enhanced retailing, comprehensive approach, improvements to public domain, retention of adequate footway width and trees where possible, replacement trees, no loss of open space, servicing from rear, retain shoppers car park, housing and small business units on upper floors acceptable subject to quality design.

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 Development." Adopted April 2003

Seeks to ensure a sustainable environment with the needs of the future, as well as the present, in mind. Sustainability needs to be a part of the design from the start of any development project. Sets out the principles of sustainable development.

Kilburn Square Supplementary Planning Document (SPD).

The Council produced an SPD for this site following the recommendations of the Planning Inspector in dismissing the 2004 appeal on the site.

The purpose of the SPD is:

- To promote the redevelopment of 103 - 123 Kilburn High Road whilst ensuring the highest standards of urban and architectural design;
- To provide a framework for an integrated and comprehensive development of the site and for improvement to the environment;
- To provide clear and usable guidance in the form of a supplementary planning document (SPD) that will be used to assess any planning application(s) for the site.

The SPD was prepared following extensive consultation with local residents and groups during winter 2004/2005 and adopted by the Council in April 2005.

SUSTAINABILITY ASSESSMENT

See "Remarks" section below.

CONSULTATION

A total of 322 consultation letters were sent out on 20 January 2011. In addition, a press notice was published on 27 January 2011 and a site notice was posted on 25 January 2011 advertising the proposal as being of public interest.

A total of 5 letters of objection have been received along with 2 letters of support.

OBJECTIONS

- opposed to any front or side extension. This is the square of the community.
- the building has allowed to be run down and this is the fault of the landowner.
- ugly design, especially at upper floor level.
- want to hold onto the existing shops.
- proposal will affect jobs and livelihoods of local people.
- it will cause a great deal of disruption to businesses.
- concern about people having to use the route through to Kilburn Square and also gates shown at the back of the market area. Landowners have failed to maintain these areas.
- trees should be kept and if they are lost, replaced.
- signage should be erected discouraging feeding the pigeons and also informing that the route through is only for access to the clinic and housing co-op.

SUPPORT

- excellent design.
- community space is good. Don't lose the benches, trees and landscaping.
- fabulous scheme-about time.

In addition, Ward Councillor Arnold and Councillor Crane have indicated that they feel this application could play an important role in regenerating Kilburn Town Centre and support it, in principle.

CAMDEN COUNCIL

Raise no objections to the proposal.

TRANSPORTATION ENGINEER

No objections, subject a Section 106 Agreement securing highway improvements within the vicinity of the site.

LANDSCAPE DESIGNER

Subject to further details of tree protection, tree planting and soft/hard landscaping there are no objections to the application. They have confirmed that the submitted tree survey is accurate and that it is critical that the large plane tree within Kilburn Square and the one adjacent to the Cock public house are unaffected by the development. The specimens would stay in spite of the building hereby proposed.

ENVIRONMENTAL HEALTH OFFICER

Initially requested further information about how the development would relate to the existing residents to the rear. Such details have now been provided and no objections are raised to the application, subject to conditions relating to noise levels and works taking place during demolition and construction.

METROPOLITAN POLICE CRIME PREVENTION OFFICER

Have met the applicants' agent and have made a number of comments on the form of the proposal. Subsequently, the co-chair of the Safer Neighbourhood Kilburn Panel (Belinda Harward) has also expressed the view that they wish the area in front of the new building to be safe and hospitable, used by all.

KILBURN TOWN CENTRE MANAGER (CAMDEN)

No comments received.

REMARKS

INTRODUCTION

Members may be aware that this site has had an extensive planning history, including a number of dismissed appeals, which eventually culminated in the Council's Planning Committee in 2007 agreeing a mixed retail/residential/reconfigured market proposal. This consent has not been implemented and this application seeks a further development on the site, effectively replacing the previously proposed residential accommodation with additional retail floorspace and altering the existing market in a less significant way than previously. Previous proposals on this site have been fairly controversial with a large number of letters of objection to them being received. However, this time around there has been far fewer representations received and these are outlined above.

One of the key issues previously, certainly for residents of Kilburn Square to the rear, was the proposed change to the right of way that exists through the site. In terms of the right of way this is currently provided by way of a 5m wide path adjoining the existing Argos building and this latest submission does not alter this arrangement. The 2007 proposal involved the access being moved and provided between two areas of permanent stalls in the market either side of Kilburn Walk. Although the width would be increased compared to as it is now and the right of way would be protected by way of a S106 agreement, a number of people continued to express fundamental concern about the proposals.

As far as the continued existence of a market on this site is concerned, over time it seems that opinion about its merits have been split. However, from the planning policy point of view, it is the case that both the 2004 UDP (policy SH26) and the adopted SPD for Kilburn Square protect markets and on this basis it is envisaged that the continuation of such a use here is required. The UDP states that "it is an integral part of Kilburn Town Centre, adding to its character and vitality."

POLICY CONSIDERATIONS / LAND USE

This is Kilburn Square on the west side of Kilburn High Road. The Council has produced an SPD specifically for this site in an effort to encourage, and guide, development given the problems experienced in the past of securing an acceptable proposal for this important site. In addition, Policy MOS4 of the adopted UDP designates this site as a 'Major Opportunities Site', seeking enhanced retailing, improvements to the public domain, retention of adequate footway width, no loss of open space, retention of car park, with housing and small business units on the upper floors.

As a result, this submission follows the broad principles of MOS4 by proposing a development with enhanced retail facilities on the upper floors. The scheme also continues to attempt to address issues relating to the public realm and the width of the footway, transportation matters, landscaping and design. However, as with the 2007 scheme that proposed a total of 14 flats at upper floor level, it contemplates a different, less intensive, development of the site than what the Council has considered before (see History section above) and than what was contemplated at the time the SPD was prepared. What this change in approach has meant is that the problems identified previously and the Council's refusals of consent (which were supported on two occasions at appeal) are now either resolved or are not relevant to this application.

For Members information, the 2000 scheme at appeal had failed to provide the desired set back from the Kilburn High Road frontage to the front elevation of the new development which would have resulted in a detrimental impact upon this part of Kilburn, the removal of a number of mature trees, have an adverse impact on the setting of the Cock Tavern building, and would have failed to provide the required level of affordable housing. The applicant had also crucially failed to address the issue of sustainability. In the 2004 appeal the Inspector once again found the forward projection of the built form to be unacceptable, and considered that the applicant again failed to have regard to sustainable development principles.

As with the 2007 mixed-use application, this latest iteration, following on from two dismissed appeals, has had regard to the views expressed on those occasions by Inspectors, as well as the guidance set down in the Council's adopted SPD document. As a result, this is a scheme that can, in principle, be supported by Officers. Having said that, Officers are of the view, as they were in 2007, that this town centre site could be suitable for a more intensive, higher density, scheme than the one before the Council at this time. However, the applicants have decided that the quantum of development proposed within this application is what they wish to pursue and they have decided not to progress the opportunities that might exist here. The application, therefore, falls to be determined on its individual merits.

As explained above, the previously proposed residential units no longer form part of this proposal, meaning that the Council is been asked to effectively consider a retail development. In terms of the merits of the proposal, the additional retail floorspace proposed would enable the existing retail units to be expanded and this could assist in retaining existing tenants, who are currently short of space, and could also provide for larger units which are under-represented within Kilburn Town Centre, particularly scarce on the Brent side of the street. As with other schemes, improvements to the current retail floorspace are welcomed within this Primary Shopping Frontage, and supports the Council's policies and aims for Kilburn High Road.

IMPACT ON THE MARKET

UDP policy SH26 states that the retention of existing retail markets will be encouraged and, where affected by development proposals and where feasible, their replacement in

town centre locations will be sought. The improvement of environmental conditions associated with existing retail markets will also be sought, including storage and preparation space for traders to meet public health requirements. In this case, the application proposes 19 “larger” market stalls compared to the existing 42 stalls. It is noted that there are currently only 18 traders, with three traders expected to cease within the next quarter. In this respect, and considering the lower proportion of market space proposed in approved planning application 06/3094, this is considered acceptable. The removal of the existing railings would be welcomed in terms of the negative impact that they have on the streetscene.

SUSTAINABILITY ISSUES

Officers have considered the submitted Checklist, which is required as this application is classified as a “Major” development. The checklist scores a value of 46%, which is considered “fairly positive” in sustainability terms. Further sustainability measures will need to be awarded to ensure that the proposal meets the 50% checklist requirement. Assessment of the submission does indicate a range of measures that could be taken to allow the required threshold to be reached and in these circumstances it would be appropriate to include this in the proposed Heads of Terms.

In terms of renewable energy proposals, no details have been submitted which show that the PV panels will achieve CO2 reduction of 10%. A basic estimate of the overall energy demand should be provided to show how the 10% target can be met, including the number of PV panels proposed and a manufacturers specification to achieve the 10% reduction. The locations of the panels should be provided on the roof plan, and should make allowances for the green roof and the provision of providing frames to ensure the panels are oriented 35 degrees south. This will be subject of a condition in the event that permission is granted. The application should attempt to achieve BREEAM “very good” and further work would be needed in connection with this as it has not been demonstrated within the terms of the application.

BUILDING DESIGN, SCALE AND MATERIALS

The proposal provides an additional storey of retail floorspace above a level of existing ground floor commercial floorspace to the south of the site. It also includes an extension to the existing Argos building that would be built upon the existing unattractive open bridge that currently is located above the market. This bridge would have been demolished through the 2007 proposal, a move that was welcomed. This new Argos extension would be orientated so as to be parallel to Kilburn High Road. All extensions would be flat roofed, although the first floor retail extension includes a stepped roof feature at its edge. There would be some reorientation of the market area, with the existing front railings that project out into the High Road frontage being removed, and the new area being covered by two tensile material canopies. As with the 2007 approval, there would be a two storey side extension projecting out towards Brondesbury Road by 6.5 metres. It would line up with the front of the new retail units and be a total of 20 metres in length.

There has been some discussion about the materials proposed for this building. The frontages on most elevations would be predominantly glazed, giving both access and light into the retail spaces. Whilst this is considered to be an acceptable approach, some of the other choices of material (eg: timber on ground floor Brondesbury Road elevation and large areas of white cladding) have raised questions with Officers as to whether they are appropriate here. A condition is suggested to be attached to any permission so as to allow further consideration of the proposed materials.

There is a 4 storey Victorian terrace to the south of the site, and across the road in Camden, as well as the 4 storey locally listed Cock Tavern immediately to the north. The general scale of the proposed building is considered to be acceptable, given the simple,

contemporary design approach and its location within the primary frontage of Kilburn High Road. As explained above, providing that the details of materials to be used, along with further information relating to features such as shopfronts, advertisements, etc, are conditioned, it is considered that this proposal would be capable of representing a new building of some design quality, enhancing the appearance of this important part of Kilburn High Road, as well as the wider area.

PUBLIC REALM

On the Kilburn High Road frontage, the space available to the public is currently 14.5 m and comprises 2.5m width of pavement and 3.4 - 12m width of private forecourt. Whereas previously in appeal submissions the pavement width and the forecourt width would have been reduced to a figure of 8.5m to the ground floor retail units, this latest proposal indicates that the relatively small front projections proposed (1.2 metres) would still leave a minimum of 12 metres as required by the adopted Kilburn Square SPD. This continues to be a critical consideration in the determination of this application and is considered to overcome one of the key problems identified by both the Council and appeal Inspectors, given the importance of this uniquely wide forecourt along the High Road and its contribution to the character, vitality and viability of Kilburn Town Centre as a focal shopping and amenity area within this part of the Borough.

Existing trees are currently planted within the forecourt with the proposed scheme resulting in the removal of 1 of the trees, namely an apple tree. As explained, the felling of the mature Plane tree adjacent to the Cock Tavern was a specific reason for refusal in the past and the tree will be unaffected by this application. Replacement planting is proposed for the forecourt and the Council's Tree Protection Officer has confirmed that the specimens proposed are appropriate for this busy High Road location.

IMPACT ON NEIGHBOURS

The scale and location of the proposal means that physical impacts on existing residential or commercial neighbours are limited. There is, however, a block of residential maisonettes to the rear of the application site. This block benefits from an extant consent to convert the 9 units into 18. As a result, it is important to consider the relationship between existing and proposed. Previously, in 2007 the erection of new residential accommodation towards the front of the site inevitably resulted in a fairly tight relationship with the maisonettes. In spite of this, permission was, on balance, granted partly because the constraints on the overall depth of the site meant that some impact was inevitable. This scheme avoids the tightness of 2007 by proposing a frontage building that is no higher than the lowest part of the maisonettes. Therefore, whilst residents will be looking out (and down) across a fairly large flat roofed area it is considered that this would not so unacceptable so as to justify refusing consent. The proposal does include some fairly large pyramidal rooflights at the back of the roof and Officers have sought confirmation from the applicants that these features will not result in disturbance or nuisance to existing residents. In the event that 09/0410 (maisonettes conversion) were to be implemented these outside areas would become balcony areas and, partly because of this, a condition is suggested to be attached to any consent requiring further details of the rooflights, with a possible view to relocate them further away from the rear boundary with the flats or possibly reducing their scale.

Although for the reasons explained above, impact on neighbours is not considered to be a fundamental issue here, for information, back in 2004, appeal scheme 04/3559 was refused partly because of concern about the level of residential amenity likely to be enjoyed. In considering this point, the Inspector concluded that the lower amenity levels likely to be enjoyed by a number of residents would be balanced by the fact that the development would achieve regeneration on this important site.

CAR PARKING/ HIGHWAYS ISSUES

This application seeks to redevelop the retail elements of the site, in order to provide a total of 6 no. retail units, and provide general refurbishment to the existing retail market area. The retail units will be extended forwards by 1.2m from the existing building line, and first-floor extensions added. No alterations to the car parking arrangements have been submitted.

The application site is located to the western side of Kilburn High Road, a London Distributor road. The site lies within CPZ "KB" which operates 08:30 – 18:30 Monday to Friday, and has excellent accessibility with a PTAL rating of level 6. Kilburn Park Station (Bakerloo tube) and Kilburn High Road Station (Overground rail) are both within easy walking distance of the site, and eight bus routes are locally available.

With regard to the existing development on site, under Parking Standards PS6 and PS7 of the UDP-2004 the 8 no. smaller units can each be permitted a maximum of 1 no. car parking space. The Argos unit can be permitted 1 space per 100sqm over the 400sqm threshold, meaning that this unit can be permitted a total of 10 no. car spaces (PS7 again). Lastly the retail market floor area of 1000sqm can be permitted a further 5 no. car spaces. This gives a combined maximum parking standard of 23 car parking spaces. The proposed development will lead to the establishment of 5 new retail premises, identified as units A – E. Their floor areas will be as follows: Unit A = 630sqm, Unit B = 750sqm, Unit C = as existing 250sqm, Unit D = as existing 350sqm, Unit E = 1,440sqm. The impact of the proposed development on the car parking standards will mean an increase from the existing site maximum of 23 car spaces to 38. This is a significant increase in the standard, however as mentioned above there is a large basement car park below the Kilburn Square development, while surrounding residential roads will not be affected due to the operation of a number of CPZs which protect residential parking capacity.

The existing units attract servicing standards set out in PS17 of the UDP-2004, whereby a full sized lorry bay should be provided per 1000sqm. A single 16.5m long bay would suffice for the eight smaller shops. The Argos retail unit also requires its own full sized bay. In addition to these "Transit" sized bays should be provided for every two of the smaller retail units, which gives a requirement of a further 4 no. 6m long bays. This gives a total provision of 2 no. full sized bays and 4 no. "Transit" sized bays.

The six proposed retail units resulting from the development have a combined floorspace of approximately 4,000sqm, and so 4 no. full-sized bays would be an appropriate provision. The application documents specify that the basement car park is currently used and will continue to be used for all deliveries, as well as refuse and recycling storage and collection. The Highway Engineer is confident that the large underground space is capable of meeting the increasing servicing demands, but would wish to see a Delivery & Servicing Plan controlled by way of condition, in line with the advice from TfL. For information, an electric charging point will be provided in the basement area in line with the previous approval.

Twenty new cycle parking spaces are proposed as part of this scheme, which are welcomed. The spaces will be positioned "adjacent to the market area" and although this is acceptable in principle Highway Engineers will require drawings showing the location and type of cycle parking to be provided. The preference is for "Sheffield" type stands.

As before, the proposed footway works and associated street furniture along Kilburn High Road will need to be covered by a joint Section 38/278 Agreement (to be secured through the Section 106 Agreement), allowing the existing 3 metre wide public footway along Kilburn High Road to be increased in width to about 13 metres. These agreements will require the submission and approval of detailed construction drawings for the footway by the Highway Authority (including the provision of suitable street furniture (seats, litter bins, cycle stands etc.) and materials (incl. raised kerbs at the bus stop)). In the meantime, the Highway Engineer has confirmed that the suggested layout of trees, benches and cycle stands is acceptable, in principle. Although there have been some

comments about the importance of selecting the correct street furniture for the area, the matter of the precise details will be conditioned and so can be agreed at a later date. It is considered that these works can be acceptable in lieu of the standard contribution towards non-car access improvements that would normally be sought in all developments of this nature under policy TRN4. For information, the £23,384 mentioned below is 50% of the 25 per m² standard charge normally sought, allowing the remainder to be used to go towards the various transportation works.

SECTION 106 BENEFITS

The application development proposed here has wider implications for the locality that cannot, or are unlikely to, be addressed within the application site. As a result, a Section 106 agreement controlling the benefits and financial contributions that might be required in relation to the proposed development would be required. As these are fundamental issues, the scheme would be rendered unacceptable if they were not adequately dealt with.

- A contribution due on Material Start and index linked from the date of Committee of £23,348, broken down as:
 - £18,348 towards employment & training in the local area
 - £5,000 towards tree planting and local landscape improvement
- A payment of £112,500 toward community provision in the local area.
- Public access and enhancement of the area marked X on the plans, which adjoining Kilburn High Road and leads to Kilburn Square. (The Highway Authority envisaged that the area to the front of the building would be put forward for adoption).
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM "very good", in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Provide at least 20% of the site's carbon emissions through onsite renewable generation, which has no detrimental effect on local Air Quality.
- Join and adhere to the "Considerate Contractors Scheme".
- A framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation.
- To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building, with a target of employing 1:10 local people in construction and 1:100 in the retail.

OTHER ISSUES

The need for community accommodation on this site has arisen in the past out of public consultation and has previously been supported, in principle, by local Councillors. The location of the site within the heart of Kilburn High Road has rendered it an ideal location for a community facility and in the past the applicant has considered providing accommodation for community use within the various developments.

However, when the 2007 scheme was considered it transpired that the feeling within the area was that a community facility on site would no longer be welcomed and, on this basis, it has been deleted from the scheme. This omission allowed the applicants to provide additional accommodation and in order to take account of this fact it was, and continues to be, considered that a financial contribution should be sought. The figure of £112,500 referred to above to go towards community provision in the local area is half the value (£225,000) of the 150sqm of community space that is no longer being provided, having taken valuation advice and is considered to be an acceptable and reasonable approach.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
- Brent Unitary Development Plan 2004
 - Council's Supplementary Planning Guidance
 - Kilburn Square SPD

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
- 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
- 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):

KHR/10/201, 202, 203, 204, 205, 206, 207, 208A, 209, 210, 211, 212, 213, 214, 215, 216A, 217, 218, 219.

Sustainability Statement, Energy statement, Design & Access Statement, Planning Statement, Arboricultural Impact Assessment Report and Visualisations.

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

- (3) No water tank, air-conditioning plant, lift-motor room or other roof structure shall be erected above the level of any roof hereby approved without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the locality.

- (4) The market shall not operate except between 0800 hours and 1730 hours on Mondays to Saturdays and at no time on Sundays or Bank Holidays.

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

- (5) Any tree or shrub required to be retained or planted as part of a landscaping scheme approved either as part of this decision or in relation to a condition imposed by this decision, that is found to be dead, dying, seriously damaged or diseased within five years of completion of the building or within two years of completion of the landscaping scheme (whichever is the later), shall be replaced by a specimen of a similar nature in the next available planting season.

Reason: In the interests of the visual amenity of the area.

- (6) No security grills or shutters shall be provided to the shopfronts, including the market stalls, without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the streetscene.

- (7) No music, public-address system or any other amplified sound shall be audible within any noise-sensitive premises either attached to or in the vicinity of the subject premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (8) Details of any air-conditioning, ventilation and flue extraction systems, including particulars of the associated noise levels, shall be submitted to and approved in writing by the Local Planning Authority prior to the systems being installed.

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

- (9) During demolition and construction on site:-

(a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.

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

(c) Vehicular access to adjoining and opposite premises shall not be impeded.

(d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.

(e) No waste or other material shall be burnt on the application site.

(f) A barrier shall be constructed around the site, to be erected prior to demolition.

(h) A suitable and sufficient means of suppressing dust must be provided and maintained.

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

- (10) This consent does not extend to any shopfront or advertisement proposed for the site that would need to be the subject of a separate application for planning or advertisement consent in its own right, and which would need to acknowledge the site's location.

Reason: For the avoidance of doubt and in order to allow the Local Planning Authority to exercise proper control over the development.

- (11) The gates to the rear of the market area shall be locked at all times in order to ensure that the route is not used as thoroughfare from Kilburn High Road to Kilburn Square and the clinic behind.

Reason: In order to minimise opportunities for crime and antisocial behaviour.

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

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

- (13) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

- (a) the landscaping proposals for the site (including the identification of all trees which are to be retained or removed, proposed new tree and shrub planting and surface treatments);
- (b) the provision of refuse and waste storage and disposal facilities;
- (c) Kilburn Market signage;
- (d) the provision of lighting to ensure safety and convenience on roads, footpaths and accesses to buildings;
- (e) Lighting of public areas and common parts;
- (f) Shopfronts;
- (g) Fixed market-stall designs;
- (h) Bicycle-storage facilities;

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

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

- (14) Details of CCTV and 24-hour security arrangements throughout all publicly accessible areas and common parts shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site, and shall thereafter be implemented and retained.

Reason: In the interests of security for the occupiers of the scheme and for the general public.

- (15) Further details of the green roof hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of this feature. Once installed, it shall be maintained in a healthy condition and any planting that is part of the approved scheme that, within 5 years of being planted, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season with other planting of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

Reason: To ensure a high standard of landscape design.

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

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.

- (17) Details of a scheme showing those areas to be treated by means of hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development and shall thereafter be implemented in accordance with the agreed timing. Such details shall include detailed drawings of those areas to be so treated, the public realm, including footway, materials, planting, benches, litter bins, cycle stands, bus shelter, raised kerbs, tree grilles and directional signs, with a schedule of exact materials and samples, if appropriate.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (18) Details of car-parking spaces along with details of charging points for electric vehicles, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to occupation of the development hereby approved.

Reason: In order to provide satisfactory facilities for reduced car usage.

- (19) Prior to the commencement of demolition/construction work, the trees to be retained on the site, as well as the London Plane tree within Kilburn Square itself, shall be protected by chestnut paling fences 1.5 metres high, erected to the full extent of their canopies, or such lesser extent as may be approved in writing by the Local Planning Authority. The fencing shall be removed only when the development (including pipelines and other underground works) has been completed. The enclosed areas shall at all times be kept clear of excavated soil, materials, contractors' plant and machinery. The existing soil levels under tree canopies shall not be altered at any time.

Detailed drawings of all underground works and additional precautions to prevent damage to tree roots, if any, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced; such details shall include the location, extent and depth of all excavations for drainage and other services, in relation to the trees to be retained on site, and these works shall be carried out and completed in all respects in accordance with the drawings so approved.

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

- (20) A delivery and servicing plan must be submitted to, and approved in writing by, the Local Planning Authority prior to the development hereby approved commencing (save for demolition works).

Reason: In the interests of highway and pedestrian safety.

(21) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) additional PV panels;

(b) pyramidal rooflights, (with a view to making them smaller or relocate them);

(c) internal access arrangements off Brondesbury Road, indicating separation of commercial and residential users;

(d) treatment of the proposed roof feature detail, particularly when viewed east along Brondesbury Road and from within Kilburn Square to the rear.

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

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent UDP 2004
- SPG17 and SPG19
- Kilburn Square SPD

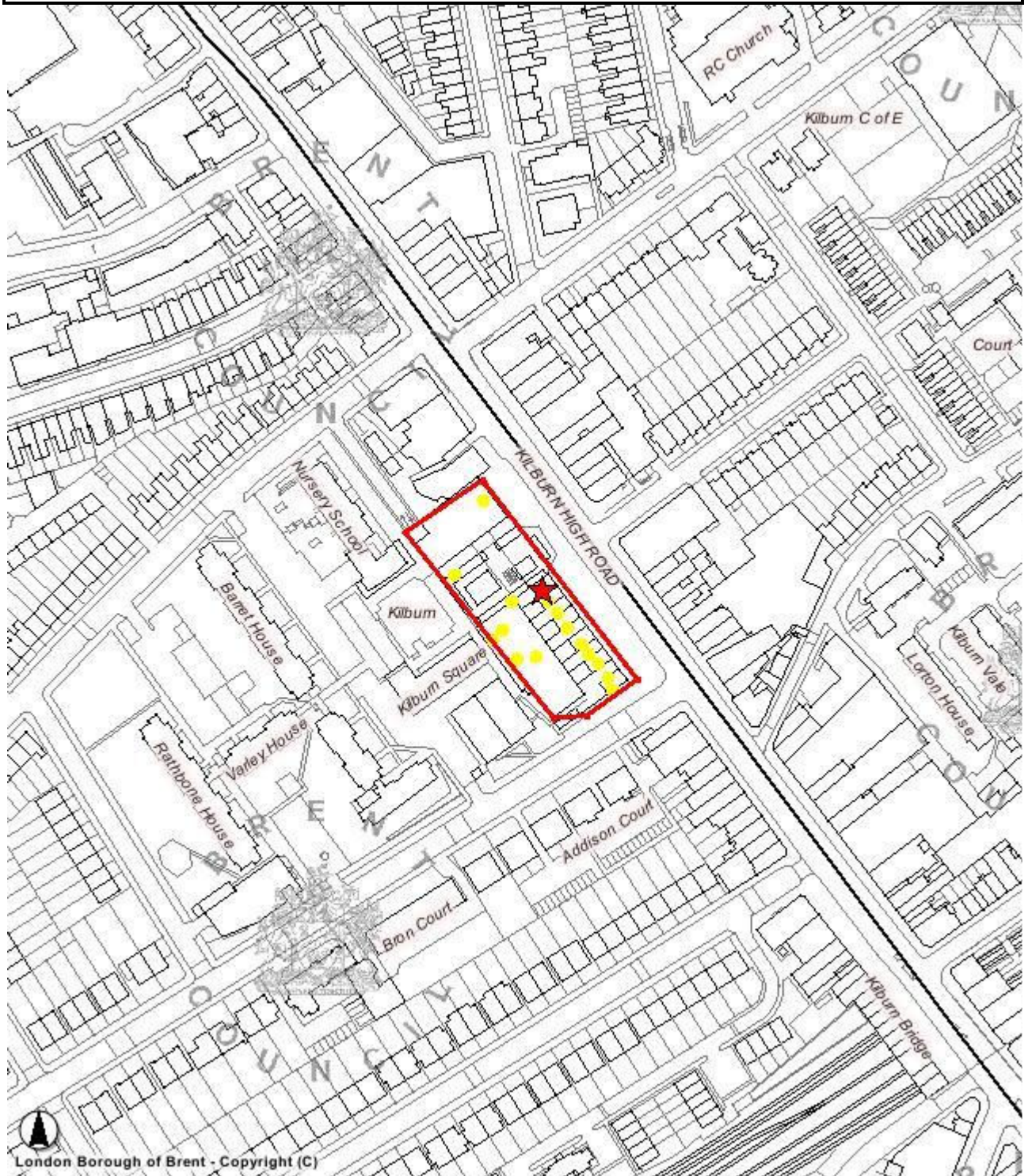
Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228



Planning Committee Map

Site address: 103-107, 103A, 109-119 odds, 121-123 Kilburn High Road, 110-118 inc Kilburn Square and all units and stalls at Kilburn Square Market, London, NW6

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Committee Report Planning Committee on 6 April, 2011

Case No. 11/0181

RECEIVED: 25 January, 2011

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: 1 Fernbank Avenue, Wembley, HA0 2TT

PROPOSAL: Erection of a part single-storey, part two-storey rear extension and installation of two front rooflights and two rear rooflights to dwellinghouse

APPLICANT: Mr Attamohamed

CONTACT: HmdK Consultancy Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant consent

EXISTING

The subject site contains a two storey, end of terrace property situated on Fernbank Avenue. Surrounding uses are predominantly residential. The property is not situated within a conservation area nor is it a listed building.

PROPOSAL

Erection of a part single-storey, part two-storey rear extension and installation of two front rooflights and two rear rooflights to dwellinghouse

HISTORY

E/09/0815 - Without planning permission, the erection of a two storey rear extension, a rear dormer window and the increase in height of the parapet wall of the premises.

("The unauthorised development")

Enforcement Notice Served - Appeal Dismissed

This notice was due to be complied with by 24 February 2011. No works have been undertaken as yet to rectify the breach to the knowledge of the case officer.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE2 - Townscape: Local Context & Character

BE9 - Architectural Quality

SPG5 "*Altering and Extending your Home*"

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 04 February 2011 and 25 February 2011 in which 8 properties were notified.

One letter of objection has been received regarding the application which raises the following concerns:

- Overdevelopment of the site
- Overcrowding within the property
- Lack of parking facilities
- Noise pollution - especially at night time
- Out of keeping with the character of the area

In addition a petition has been received with 14 signatures strongly objecting to the application.

A further petition has been received with 20 signatures which indicates 20 supporters for the proposal however 1 of the individuals on this petition has also signed the petition objecting to the scheme. The agent has also suggested that one of the petitioner's has requested signatures from local residents without informing the signatories of the reason for the petition however this accusation appears to be without supporting evidence as both petitions do clearly state that they are in relation to the proposed extensions at 1 Fernbank Avenue.

Consultees

London Borough of Harrow - Raise No Objection

REMARKS

Background

This application seeks to obtain planning permission for the retention of some of the unauthorised extensions at the property. The original revised scheme submitted has been amended following discussions with the case officer which have highlighted the need to comply with Supplementary Planning Guidance Note 5 "*Altering and Extending your Home*".

The amendments which have been secured since the original scheme being submitted are as follows:

- A reduction in the depth of the first floor rear extension to a depth of 2.8m.
- A removal of the rear dormer and replacement with a traditional pitched roof over the first floor extension and rooflights.

The main material considerations relevant to the proposal are the impact on neighbouring residential amenity and the scale and design of the proposal and its impact on the character of the area.

Impact on neighbouring residential amenity

The revised proposal has redesigned the existing unauthorised extensions in a way which is considered to have a reasonable impact on neighbouring residential amenities. The proposed amendments to the first floor comply with the 1:2 guideline set out within SPG5. This is the relevant test to assess the impact of any two storey rear extension. The distance between the side wall of the extension and the midpoint of the neighbour's nearest habitable room window (in this case, a first floor bedroom window belonging to number 3 Fernbank Avenue), is 5.6m. This would allow an

extension which has a depth of 2.8m which the scheme proposes. The ground floor of number 3 which adjoins the application property, has an extension which matches that which is to be retained at number 1 and accordingly would not receive any significant adverse impact from the extensions proposed.

The reduction in the scale of the unauthorised extension from one which appears to be three storeys when viewed from neighbouring properties and gardens to a more traditional two storey extension is welcomed and is considered to overcome the concerns raised by the Inspector considering the enforcement appeal. In view of the amendments secured, the proposal is now considered to comply with policy BE9 and SPG5 and is therefore considered to respect the amenities of neighbouring properties.

Scale and Design of the Proposal and Impact on the Character of the Area

As previously stated the revised proposal amends the existing unauthorised structures to comply with SPG5 which seeks to secure domestic extensions which respect the character of the original property and have a satisfactory relationship with neighbouring properties. The alterations to the roof of the first floor element to a more traditional roof form and the removal of the dormer are welcomed and are considered to address officer concerns regarding the impact of the unauthorised extensions on the character of the dwelling and the area. Accordingly, the proposal is now considered to comply with policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004 and associated Supplementary Planning Guidance Note 5 "*Altering and Extending your Home*" and is no longer considered overdevelopment or out of character in the area as suggested by objectors who reviewed the original submission and not the amended scheme.

Response to objectors

Concerns have been raised by objectors regarding a lack of parking facilities, overcrowding and noise pollution. Given the age of the properties in 1 Fernbank Avenue, only on-street parking is available for the majority of houses. As a result, Fernbank Avenue is designated as a heavily parked street. Nevertheless the application proposes a domestic extension to a dwellinghouse which should not significantly increase parking demand at the property. Accordingly this concern is not considered to warrant a refusal of this application.

With regards to overcrowding, the layout of the dwelling is shown to provide 5 bedrooms with shared living/dining accommodation and a shared kitchen. An informative is recommended reminding the applicant that the property is classed as a dwellinghouse and should be occupied as such. At this stage however, there is no evidence that the use of the property has changed and accordingly this cannot form a reason for refusal.

The final concern noted is regarding noise pollution. Given the use of the property is believed to remain within the C3 use class, the resulting property is not considered to raise concerns regarding the transfer of excessive noise to neighbours. It is noted that some noise will arise from the works needed to remedy the existing breach in planning control however this is similar to that which would be experienced in the event of the extensions being demolished which is the current requirement of the enforcement notice.

Summary

The proposal is considered to significantly alter the existing unauthorised extensions to provide an extension which is more inkeeping with the character of the dwelling and the area whilst also respecting the amenities of neighbouring properties. The revisions are therefore considered sufficient to comply with policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004 and associated Supplementary Planning Guidance Note 5 "*Altering and Extending your Home*" and address concerns raised by the Inspector in the enforcement appeal. Accordingly it is recommended that planning permission be **granted, subject to conditions**.

REASONS FOR CONDITIONS

n/a

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

Location Plan	130
121	131a
122	132c
123	133c
124	134
125	135c
126	136
127	137c
128	138c

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

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

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

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

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

INFORMATIVES:

- (1) The applicant is reminded that this property is within planning Use Class C3, whereby up to 6 unrelated residents may live together as a single household. Any increase in residents above 6 people living together, other than as a single family, is likely to constitute a material change of use which would require the grant of a further planning permission from the Local Planning Authority.

- (2) The applicant is reminded that the compliance period to amend the unauthorised extensions has expired and is advised that the alterations to the existing extensions to comply with the approved plans should be undertaken promptly in order to avoid any further action being taken by the Council's Planning Enforcement Team.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004
SPG5 *"Altering and Extending your Home"*

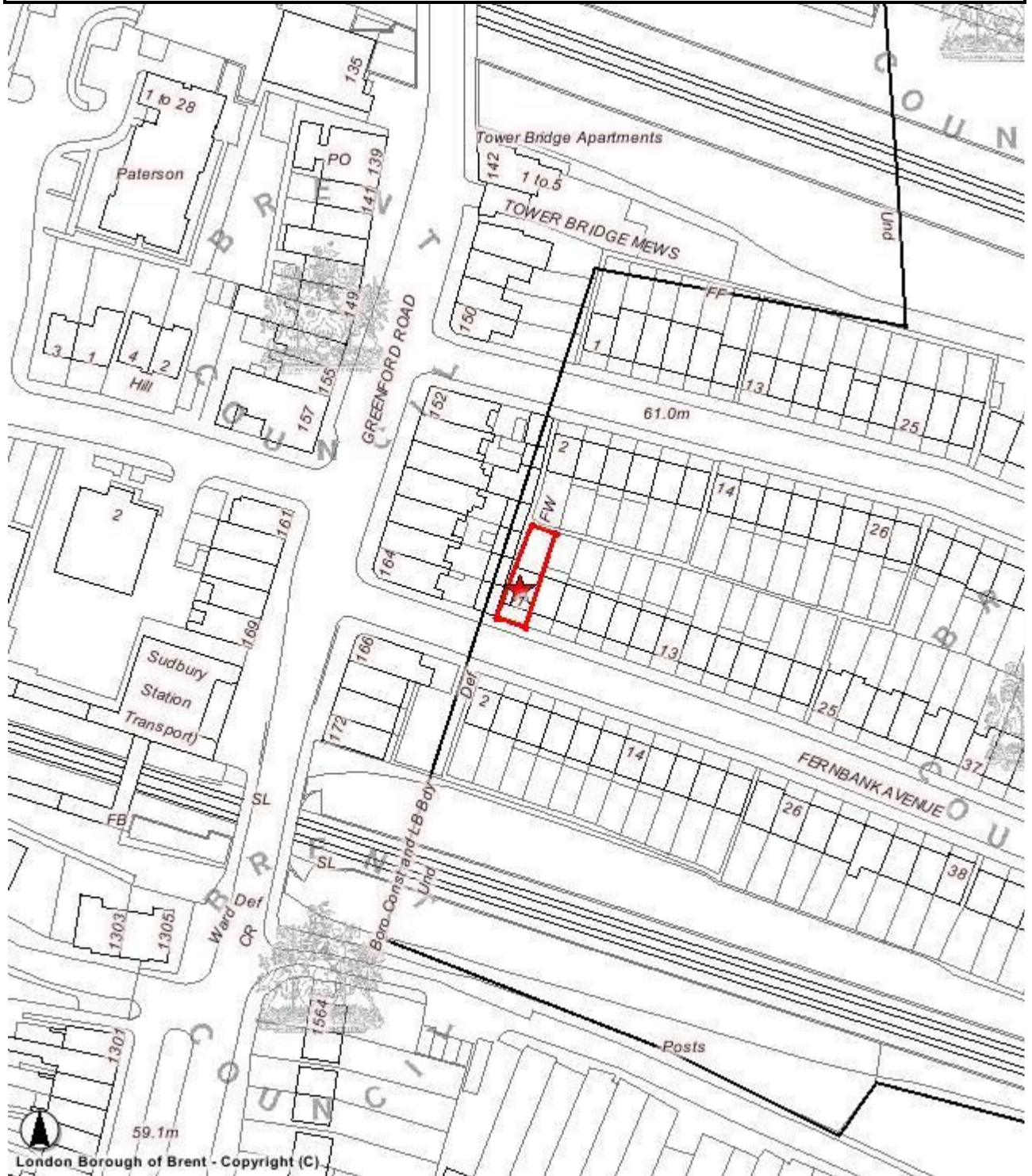
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 1 Fernbank Avenue, Wembley, HA0 2TT

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Committee Report Planning Committee on 6 April, 2011

Case No. 11/0142

RECEIVED: 21 January, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Dexion House, Empire Way, Wembley, HA9 0EF

PROPOSAL: Demolition of the existing building and erection of a building ranging in height from 9 - 18 storeys and including a basement, consisting of 19,667sqm of student accommodation (providing 661 bed spaces) with associated common-room space (Use Class: sui generis); 2,499sqm of community swimming-pool and fitness facilities (Use Class D2); 530sqm commercial units: retail / financial & professional services/ restaurants / public house / takeaway (Use Class A1, A2, A3, A4, A5); with parking, cycle spaces, rooftop plant and associated landscaping

APPLICANT: Peaceridge Limited

CONTACT: DP9

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

- (a) To resolve to Grant Consent, subject to the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Borough Solicitor; but
- (b) if the legal agreement has not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 22/04/11, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission; and
- (c) if the application is refused or withdrawn for the reason in (b) above to delegate authority to the Head of Area Planning or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that (b) has been satisfied

SECTION 106 DETAILS

The application requires a Section 106 legal agreement in order 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 any construction of the student units to enter into a contract for the provision of and prior to Occupation of any units to provide for not less than 23 years, one Swimming Pool,

reasonable specification to be approved by the Council but not to be unreasonably withheld and comprising not less than 2090sqm of floorspace within the Development including not less than:

- (i) A minimum 6 lane x 25 metre long swimming pool capable of meeting “Community +” requirements in accordance with the Sport England Design Guidance Note for Swimming Pools dated March 2008 (R001), excluding spectator seating, including at least:
 - (ii) One pool hoist for disabled access
 - (iii) First Aid Room
 - (iv) Provision of changing rooms for men, women and disabled people with both single gender and mixed gender changing, as shown on plan X.
 - (v) The public to have access to the Swimming which is open for a comparable number of hours per week as the current Council owned / run swimming pools (As per the Base Line in Appendix). Prices should be comparable to borough swimming prices. These will be agreed annually between the Council and the operator. Should the Council extend or limit pool hours or increase above the Base Level plus RPIX or decrease swimming prices the operator will be obliged to track these changes unless the operator can produce evidence that it will have a negative impact on swimming income. The Council may consider at its discretion to compensate the operator in order to allow them to track the changes. If evidence is provided indicating a negative impact of an obligation and the Council chooses at its discretion not to compensate the operator, the operator is relieved from the obligation to provide more or less than the Base Line.
 - (vi) The Borough’s Leisure discount card is accepted for the swimming pool and an agreement to work with the Council to set up a process to enable Leisure Cards to be honoured at this site and other Council controlled facilities. If evidence is provided indicating a negative impact of an obligation and the Council chooses at its discretion not to compensate the operator, the operator is relieved from the obligation to provide the additional swimming access at a discount.
 - (vii) Refurbishment of the swimming pool at the appropriate period
- (c) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM rating Excellent for the proposed retail, student accommodation and leisure uses (subject to BRE reasonable criteria), in addition to adhering to the Demolition Protocol.
- (d) Prior to any Occupation, provision for 20% onsite renewable generation or a CHP system covering the residential and pool and an overall CO2 reduction over current building regulations of 64%, either to be provided over the lifetime of the development.
- (e) The removal of the rights of students, leisure centre employees and commercial unit workers to apply for parking permits on Event Days and from any future CPZ.
- (f) Prior to any Occupation, the provision of a Public Right of Access west-east across the northern boundary of the site at all times, save for emergencies/ maintenance etc.
- (g) Prior to any Occupation, the provision of a Council approved landscaping scheme for the public realm on the west-east across the northern boundary of the site, including new trees along Empire Way.
- (h) Join and adhere to the Considerate Constructors scheme.
- (i) Prior to Occupation, submit, gain approval of and adherence to separate Travel Plans of sufficient quality to score a PASS rating using TfL’s ATTrBuTE program for the student accommodation and the health & fitness centre/swimming pool;
- (j) To notify “Brent In2 Work” of all job vacancies, including those during construction of the development and the retail units for Brent Residents

(k) Prior to Material Start enter into a s278 to cover the Highways Works to Empire Way, including the cross overs, to be approved by the Council.

(l) In the event a local access road to the rear of the development is constructed and adopted and the Council serves notice on the owner within 20 years of Practical Completion, the owner shall:

- (i) offer a 1.5m strip of land running on the eastern boundary for public adoption as footway/ highway
- (ii) remove any temporary security measure to the eastern rear of the site (officer note - this includes the removal of the eastern boundary treatment/ hoardings)
- (iii) provide an alternative soft landscaping scheme for the eastern end of the site

(m) Prior to Material Start provide to the Council a Tenants Relocation Strategy detailing where and how existing tenants are being relocated to.

(n) A contribution of £10,000 index-linked, due prior to any residential Occupation, for the provision of a Car Club in the local area.

(o) Prior to any Occupation provide a community waste system link from the communal area of the development to the development boundary.

(p) In the event that a district wide heating system is constructed and becomes operational in the area to undertake works to connect the development to the district wide heating system.

(q) Prior to Occupation agree and adhere to a service management plan for the student accommodation and leisure elements of the site.

(r) The accommodation can only be occupied by full time students enrolled on UK accredited and based further education courses for not less at 80% of the time.

(s) Prior to Occupation agree to shower use by the 3 retail unit's staff (to encourage cycling to work)

(t) Prior to Commencement of Development submission and approval of a Delivery & Servicing Plan

(u) Prior to Commencement of Development submission and approval of a Construction Logistics Plan

(v) widening of the Empire Way footway to the front of the site by a minimum of 0.5m which increases to 1.1m on the northern boundary of the site, in accordance with plan X and construction of a new footway to the rear of the site (between the building and the site boundary) to adoptable standards and dedication of these areas of footway as highway maintainable at public expense upon the serving of a notice by Brent Council;

(w) a financial contribution of £110,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site;

Appendix 1 (Base line)

Generally, the opening hours are:

- Monday to Friday, 6.30am to 10pm
- Saturday to Sunday 8am to 8pm

Current Charges

These are the full price charges there are then discounted rates for those people holding B.Active cards (40% for those with a concessionary B.Active card and 25% for those with a resident or non resident card)

- Adult swim (peak): £3.70
- Adult swim (off peak): £2.45
- Junior (16 and under) swim (peak and off peak): £1.55
- Under 5's: Free
- Over 60's: Free
- Disabled person: Free
- Juniors (16 and under) during school holidays, Monday to Friday for 5 hours each day

(i.e. 11am to 4pm): free

Peak times: Monday – Friday, 17.00 – 22.00 and Saturday and Sunday, 08.00 – 17.00.

Off peak: all other times

We currently also control the price of swimming lessons at these two pools. I can't remember if we only referred to the price of casual swimming or all swimming.

Charges are:

- Juniors: £4.40 per session
- Adults: £5.00 per session

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, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

The Local Planning Authority supports in principle the provision of a pool that meets an identified need in the Borough, and the value of the pool's creation has been recognised resulting in the removal of the standard charge normally levied as a result of the Council's SPD on s106 Planning Obligations.

EXISTING

The site is on the eastern side of Empire Way, a London distributor road, within Wembley Regeneration Area, National Stadium Policy Area and the Wembley Masterplan SPD 2009. The site has a good public transport accessibility with a PTAL rating of 4. The site currently consists of a part-4, part 9 storey office building. Two restaurants operate from within the building. The rest of the building is commercial B1 floorspace although temporary permission has been granted for some parts of the building to be used as educational establishments, (Use Class D1.)

The building dates from the 1960s and is set back from the highway. The frontage is occupied by a car park, with a few trees separating it from Empire Way.

The site lies between Malcolm/ Fulton House to the north, which was previously a 3-storey building, that has now been demolished to make way for a 7-11 storey hotel, (see reference application 08/2633.). The 9-storey Quality Hotel is located to the south. To the east of the site lie the remaining Palace of Industry Warehouses, which are likely to be redeveloped as part of the Masterplan. To the west lies Empire Way that separates the site from Raglan Court and Imperial Court which are 3-4 storey high residential blocks on the opposite side of Empire Way from the application site.

The application site is within or adjoins the sight lines relating to one protected view, namely Long Distance View 8 (Honey Pot Lane, Harrow, UDP Map WEM1) as defined within UDP Policy WEM19. The proposal falls within Flood Zone 1 (Low probability of flooding). The site slopes gently down to the rear with a fall of approximately 0.5m.

PROPOSAL

Demolition of the existing building and erection of a building ranging in height from 9 - 18 storeys and including a basement, consisting of 19,667sqm of student accommodation (providing 661

bed spaces) with associated common-room space (Use Class: sui generis); 2,499sqm of community swimming-pool and fitness facilities (Use Class D2); 530sqm commercial units: retail / financial & professional services/ restaurants / public house / takeaway (Use Class A1, A2, A3, A4, A5); with parking, cycle spaces, rooftop plant and associated landscaping

HISTORY

The most recent application consists of:

24/09/10 - 10/1857 – granted on a temporary basis

Change of use of the ground floor of Howarine House from offices (Use Class B1) to non-residential educational use (Use Class D1)

09/04/10 – 09/2291 – granted subject to s106

The application proposes to demolish the existing building and to erect a new building ranging in height from 7- 15 storeys consisting of 2509sqm basement parking and plant, 129 residential flats (37- one-bed, 73- two-bed, 19- three bed,) a 5837sqm 125-bed hotel (use class C1) 1983sqm of community swimming pool and fitness facilities, (use class D2) and associated landscaping

06/0462 - Withdrawn

Erection of 2 floors (9th and 10th) to central part of building and one floor (4th) to remainder of building, for use as B1 office accommodation

Other planning history is viewable on acolaid

POLICY CONSIDERATIONS

NATIONAL

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

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

Planning Policy Statement 3 – Housing (2006)

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

Planning Policy Statement 4 – Planning for Sustainable Development (2010)

This sets out planning policies for economic development from a strategic policy and development management perspective

Planning Policy Guidance 13 – Transport (2001)

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

Planning Policy Guidance: Planning for Open space, sport and recreation (2006)

This assists Local Planning Authorities deciding where to locate facilities in order to ensure that local facilities are brought forward

Planning Policy Statement 25 – Development and Flood Risk (2006)

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

REGIONAL

The London Plan

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

Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces

Objective 2: To make London a healthier and better city for people to live in;

Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth

Objective 4: To promote social inclusion and tackle deprivation and discrimination;

Objective 5: To improve London's accessibility;

Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

The Plan recognises Wembley as an Opportunity Area for leisure related development and the provision of new homes and employment opportunities. It identifies an additional employment capacity of 5,500 jobs and the provision of minimum of 5000 new homes between 2001 and 2026, and specifies the "realization of the potential of Wembley as a nationally and internationally significant sports, leisure and business location, co-ordinated with town centre regeneration and new housing". The plan specifies that the Mayor will work with strategic partners to implement his Tourism Vision and to achieve 40,000 net additional hotel bedrooms by 2026.

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

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

Mayor SPG: Accessible London: Achieving an inclusive environment

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

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

The seven objectives are as follows:

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

LOCAL

Brent Core Strategy 2010

CP2 – Population

CP3 – Commercial Regeneration

CP5- Placemaking

CP6- Design and Density in Placemaking.

CP7 – Wembley Growth area

CP15 – Infrastructure to Support Development

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 and Biodiversity

CP19 - Brent Strategic Climate Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

CP23 – Protection of Existing and Provision of New Community and Cultural Facilities

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR1-4 (prioritising locations and land-uses to achieve sustainable development), STR5, 6 and 10 (reducing the need to travel), STR11-17 (protecting and enhancing the environment), STR19-21 (meeting housing needs), STR25 (meeting employment need), STR27 (regeneration of Wembley as a regional sport, entertainment, leisure and shopping destination), STR32 (promoting tourism and the arts), STR35 (Protecting open space and promoting sports), STR37 and STR38 (meeting community needs).

Policies

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

BE13 Areas of Low Townscape Quality

BE17 Building services Equipment

BE34 Views and Landmarks

EP2 Noise and Vibration

EP3 Local air quality management

EP4 Potentially polluting development

EP6 Contaminated land

EP12 Flood protection

EP15 Infrastructure

- H9** Dwelling mix
- H10** Containment of Dwellings
- H12** Residential Quality – Layout Considerations
- H13** Residential Density
- H14** Minimum Residential Density
- H22** Protection of Residential Amenity
- TRN1** Transport assessment
- TRN2** Public transport integration
- TRN3** Environmental Impact of Traffic
- TRN4** Measures to make transport impact acceptable
- TRN9** Bus Priority
- 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
- TRN22** Parking Standards – non-residential developments
- TRN23** Parking Standards – Residential Developments
- TRN34** Servicing in new developments
- TRN35** Transport access for disabled people & others with mobility difficulties
- EMP4** Access to Employment Opportunities
- EMP9** Development of Local Employment Sites
- TEA1** Location of large-scale Tourist, Visitor and ACE uses
- TEA4** Public Art
- TEA6** Large-scale hotel developments
- OS7** Provision of public open space
- OS19** Location of indoor sports facilities
- CF6** School places
- WEM1** Regeneration of Wembley
- WEM2** Pedestrian Route/Promenade
- WEM4** Residential Development within the Wembley Regeneration Area
- WEM5** Relocation of existing businesses
- WEM7** Access to development – the National Stadium Policy Area
- WEM11** On-street parking controls for Wembley
- WEM16** Urban design quality – Wembley Regeneration Area
- WEM17** The public realm – Wembley Regeneration Area
- WEM18** The design of buildings along Olympic Way
- WEM19** Views of the Stadium

Brent Council Supplementary Planning Guidance and Documents

- SPG3** Forming an access to a road
- SPG4** Design Statements
- 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

Infrastructure and Investment Framework

The Infrastructure and Investment Framework is the LDF's evidence base for the Core Strategy, identifying the infrastructure that is required to enable development in the growth areas. In the Wembley growth area a community swimming pool is identified on the main list of required infrastructure.

Destination Wembley – A framework for development (2003) Supplementary Planning Guidance

This guidance set out the Council's key principles regarding the redevelopment of Wembley:

- A comprehensive approach which properly addresses the setting of the stadium, producing a development where all the different elements relate well together.
- An accessible part of town, which offers a choice of routes into and through the area that are easy to grasp.
- A high quality development with comfortable public streets and civic spaces lined by modern, exciting buildings.
- A rich mix of uses combining leisure, retail, entertainment and other commercial uses to create a active, interesting and attractive urban environment throughout the year.
- One of the most accessible locations in the capital because of improvements to the existing rail and underground stations and the highway infrastructure with improved links to the North Circular.
- A well integrated and connected place which links into the High Road and surrounding community, allowing people to move safely and easily through the area.
- A development which promotes sustainability through adopting best practice.
- An engaged community that benefits from the new jobs, new services and facilities for local people stemming from the physical, economic and social regeneration of the area.

Wembley Masterplan 2004

The Wembley Masterplan, approved by Brent's Executive Committee on 29th March 2004, illustrates how the vision for land surrounding the Stadium and the wider area may be realised in the future. It interprets the policies contained within the Unitary Development Plan and the guidance in Wembley Development Framework, which was approved as supplementary planning guidance in September 2003.

The subject site falls within the "North-East District" for which the guidance suggests should be characterised by a linear park, and potentially accommodating approximately 164,600 to 203,600sqm of leisure/ entertainment, retail, commercial, civic, educational and residential uses. The Masterplan specifies that building heights should typically be between 6 and 10 storeys, and may rise to 10 storeys along Olympic Way but be 6-7 Storeys along Fulton Road with an emphasis on the corners.

Some design principles specified in the Masterplan also include consideration of the views to the Stadium, a strong development edge to Olympic Way and the provision of active frontages to Olympic Way.

Wembley Masterplan 2009

The site lies within the North-West District of the Masterplan, one of the principal aims of this area is to improve the landscape quality on Empire Way with a "gradual and comfortable change in building scale." Empire Way has historically been considered to have a poor environment and the SPD seeks a consistent street frontage with wide footpaths and a landscaped setting. Ground-floor uses should activate the streetscene.

The Masterplan suggests that the appropriate uses within the subject site itself could include a hotel. The Masterplan also identifies that the area would be suitable for modern leisure and sports facilities. To the east of the site an indicative local access road is demarcated, which is known by the land owner as Willesden Road. To the east of this road, the land parcel is identified as a possible leisure use, with a potential pocket park to the north of this. The district is expected to provide a vertical split of uses, where the active uses occupy ground floor locations with residential properties above.

The Masterplan identifies that there is a need for more publicly accessible swimming pools in the northern part of the Borough. This is supported by the Council's Sport's Facilities Strategy. The Masterplan states that the Council requires a 25m, 6-lane pool available to the community at prices

comparable to other community pools, and the Masterplan area would be an appropriate location for such a facility.

The Masterplan also identifies the Council's aspiration for a local energy network through a community-based combined cooling, heat and power system within the Masterplan area and a linked waste disposal system. There is an expectation that sites within this area will have the capability to link up to such a system. In addition sites within the Masterplan area need to consider waste management and recycling and therefore applicants are encouraged to facilitate community vacuum systems. The SPD guides that sites within this growth area will achieve BREEAM Excellent.

The Masterplan also sets out guidelines on the indicative footprints of development in the area. Building heights on the application site are guided to be up to 14 storeys towards the eastern side of the site.

Other Council Publications

Wembley Vision (2002)

Wembley From Vision to Reality (2007)

These two non-planning related documents set out the Council's Vision for Wembley, with the core principles of New Wembley, Destination Wembley, Multicultural Wembley, Quality Wembley, Quality Wembley, Exciting Wembley, Sustainable Wembley, Brent's Wembley.

Brent Council's Planning for Sport and Active Recreation Facilities Strategy 2008-2021

This document has informed the Council's Infrastructure and Investment Framework. The Strategy identifies a deficit in swimming pool provision through the central and northern parts of the Borough, where walking distance time to pools are in excess of 40 minutes. The Facilities Planning Model has identified that there is a need for two 6-lane 25m pools within the Borough to stop people going outside the Borough, particularly residents in the north of the borough. The proposal has the potential to partly meet this need.

SUSTAINABILITY ASSESSMENT

The applicants have submitted a TP6 "Sustainability Checklist" an Energy Statement, and a BREEAM Document.

They aim to score a Sustainability check-list of at least 50% and BREEAM rating Excellent for the proposed retail and student accommodation, (subject to BRE reasonable criteria), in addition to adhering to the Demolition Protocol. They indicate that they may have difficulties achieving Excellent for the leisure element of the proposal, but will achieve a minimum of Very good. A bespoke assessment is required, and BRE have been consulted to determine the assessment criterion.

The applicants scored their own checklist at 58% which is over the minimum level expected of such applications. Your officers have scored the proposal as 52%. The discrepancy relates to the absence of information to demonstrate that the indicated measures will be implemented in particular, the use of heat recovery for the mechanical ventilation of the leisure centre, details of landscaping including paving, green roofs, and hard surface materials, the use of specified materials within the D&A. If the application is recommended for approval, such issues can be resolved through the Section 106 process.

An Energy Statement has been submitted in accordance with the requirements of policy 4A.4 of the London Plan, demonstrating how the proposal will comply with the London Plan objectives to using less energy, supplying energy efficiently and using renewable energy as set out within Policies 4A.1 to 7. The proposal has incorporated a number of passive design measures to minimise energy consumption. A series of energy efficiency measures are also proposed which will reduce carbon emissions.

Passive design and energy efficiency measures proposed include:

- Heavyweight performance structure
- Improved fabric U-values beyond Part L
- Improved air tightness beyond Part L
- Energy efficient lighting
- Improved lighting controls
- Whole house heat recovery ventilation in residential units
- Efficient heat recovery in other systems such as leisure facilities
- low energy motors in fan coils, air handling units and whole building ventilation units
- Smart metres in student rooms
- Presence detector & daylight sensor communal lighting systems

These measures are expected to reduce carbon emissions by 15%. The GLA has requested that the Carbon saving for specifically energy efficiency be specified.

The GLA has requested the use of conditions to secure the sustainable urban drainage systems, proposed water conservation measures and green roofs. A head of term of the s106 will ensure that the development is capable of linking with the proposed centralised district-wide Masterplan energy system, (Wembley District Heating.) The applicants have provided an indicative layout demonstrating how appropriately sized pipes could link from the on-site plate heat exchanger to the off-site system. The applicants hope to link to cluster 2/3 of the Wembley District Heating demonstrated in the NW lands Wembley Energy Statement Nov 2010.

The design includes a series of renewable energy measures. A 630KW thermal / 420KW energy gas-fired CHP is proposed to supply student residential & leisure uses. The CHP will generate 3795MWh of heat. The CHP is expected to meet 80% of the site's energy demand, with back up gas boilers initially, and the Wembley District Heat Network in the longer-run. PV panels are proposed on the lift overruns, which are supported in principle by officers. The GLA have asked that this been augmented. The applicants feel that they have proposed the right balance between green roofs and amenity spaces, and renewable technologies that rely on roofspace.

In order to cool the development, Combined Cooling and Heat Power (CCHP) has been evaluated. The relatively small cooling demand (70kW) of the leisure centre was considered insufficient to support CCHP however. It was originally proposed that waste heat from the mechanical cooling system would be discharged via ducts ending at the raised podiums. Officers requested that waste heat should be recovered and reused. The applicants have commented in response, that the scheme could use air source heating for cooling and heating the leisure centre. This would incorporate more renewables into the scheme. Since March 2009 the UK Energy White Paper has accepted air source heat pumps as a source of renewable energy to heat in winter or cool in summer. The GLA previously rejected ASHP on site. The leisure heating will be connected to the centralised energy centre, with separate cooling to selected rooms, such as gym and fitness. The applicants still prefer the use of Air Source Heat Pumps. The GLA have asked for details on how the student accommodation may be cooled.

The applicants comment that they have considered Sustainable Urban Drainage Systems, (SUDs) and have managed the surface water runoff from hard and soft landscaped features. They have incorporated rainwater re-use features to irrigate soft landscapes and an underground tank to suppress the building discharge loads on the sewer. The Strategy has been revised during the course of the application. Thames Water as the sewage undertaker, have confirmed that they are satisfied with the revised approach.

CONSULTATION

Site notice was erected on 25/01/11; and reposted on 04/03/11

Press date 10/02/11

Consultation letters were original send out on 01/02/11. The application was re-advertised on 04/03/11 and letters were sent to 298 properties.

Third party comments:

No comments from third parties have been received.

The Wembley National Stadium has however indicated that they will submit an objection to the proposal. Any comments received prior to the committee will be reported in the Supplementary.

Internal comments

Environmental Health

No objections subject to conditions to address the following issues:

Noise insulation measures to the student accommodation.

- Controls over emissions from the CHP plant in order to safeguard air quality.
- Details of an appropriate extraction system to any future A3/A4/A5 units.

Require a commitment in the s106 to join the Considerate Contractors Scheme in order to ensure that appropriate measures are taken to control dust, noise and other environmental impacts during construction.

Highways –

No objections subject to confirmation from Building Control and Streetcare Services that the temporary fire and refuse access arrangements are acceptable and a Section 106 Agreement to secure:- (i) Travel Plans of sufficient quality to score a PASS rating using TfL's ATTrBuTE program for the student accommodation and the health & fitness centre/swimming pool; (ii) submission and approval of a Delivery & Servicing Plan and a Construction Logistics Plan; (iii) a financial contribution of £110,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site; (iv) widening of the Empire Way footway to the front of the site to a minimum width of 3.5m and construction of a new footway to the rear of the site (between the building and the site boundary) to adoptable standards and dedication of these areas of footway as highway maintainable at public expense upon the serving of a notice by Brent Council; together with:-

conditions requiring:- (i) marking of the five proposed parking spaces along the front of the site to provide four dedicated disabled car parking spaces and a transit van loading space; (ii) amendments to the doors to the building (except for fire escape doors) so as not to open outwards from the building; and (ii) prohibition on the use of the car parking for private visitor parking for Wembley Stadium on Stadium event.

Landscape Designers –

Agreed in principle to the submitted landscape scheme however more detail is required particularly in respect of the planting schedule, materials to be used and root/planting systems to be used.

External Consultees_

Greater London Authority

Suggested the following changes and clarifications to ensure compliance with the London Plan:

- **Land use:** The local planning authority should be satisfied that not including housing on this site would not impact on housing targets. In addition, further detail as to how the proposed community centre would be secured is required.
- **Design:** Further work on the ground floor elevation treatment, the new pedestrian route along the southern side of the site and the proposed overhang are needed.
- **Access:** 10% of student rooms should be designed as wheelchair accessible, or easily adaptable units. The plan should include a mechanism to allow disabled users to easily access the pool.
- **Energy:** Further information on the proposed energy strategy is required, in particular on the building regulation modelling, the ability to connect to a wider district heating system and the cooling provision for the leisure space. The proposed green roofs should be secured by condition. The applicant should provide further detail on the potential to use sustainable urban

drainage systems on site, and where appropriate these should be secured by condition.

- **Transport:** The applicant must provide further information trip generation analysis, a reduction in the level of car parking and an increase in the level of cycle parking, further analysis on coach access, a revised travel plan inclusive of the operator's student accommodation strategy and finally a construction logistics plan and a delivery and servicing plan are required before the application can be deemed to be acceptable in transport terms.

The applicants have responded to these comments. We will not formally know that this response has satisfied the GLA until the application has been referred back to them for the Mayor's Stage II response.

Transport for London

In addition to the transport issues raised in the GLA's Stage I response TfL are maintaining a objection to the proposal on the grounds that it will increase demand for bus travel on routes through Wembley.

Thames Water- recommend informatives and a condition requiring the approval of drainage strategy.

Environment Agency- no objection or conditions. Suggest an informative.

REMARKS

Introduction

The proposal is for the demolition of the existing building and the erection of a building ranging in height from 9 to 18 storeys and including a basement, consisting of 19,667sqm of student accommodation (providing 661 bed spaces) with associated common-room space; 2,499sqm of community swimming-pool and fitness facilities (Use Class D2); 530sqm commercial units: retail / financial & professional services/ restaurants / public house / takeaway (Use Class A1, A2, A3, A4, A5); with parking, cycle spaces, rooftop plant and associated landscaping.

The building form has 2 distinct elements, a front building parallel to Empire Way, with a podium garden at first floor level that links to the rear block, which is stepped up to 18 storeys. Elevated amenity areas are also provided at the sixteenth and seventeenth floors, with green roofs on top of the ninth storey front block and eighteenth storey tower. A community swimming pool is at ground-level and linked to associated fitness facilities.

Access to the site is primarily from Empire Way, but there is an aspiration that the site may link to a new road proposed as part of the Wembley Masterplan to the east, which is referred to as Willesden Road in Quintain's 'North West Lands' masterplan application.

Application 09/2291

A material consideration of determining this application is the fact that the Council has previously approved a major development on this site in 2010. Application 09/2291 proposed to demolish the existing building and to erect a new building ranging in height from 7- 15 storeys consisting of 2509sqm basement parking and plant, 129 residential flats (37- one-bed, 73- two-bed, 19- three bed,) a 5837sqm 125-bed hotel (use class C1) 1983sqm of community swimming pool and fitness facilities, (use class D2) and associated landscaping.

The form of the building within the current application is similar to that previously approved. However the current application building parameters differ from the previous application in the following ways:

- The first floor podium garden, (between the 2 building stacks,) has been enlarged by increasing the distance between the front and rear blocks to 21.2m, when previously it was only 18m.
- The floor to ceiling heights have been reduced to 2.7m high, when the previous approves

scheme was 3.1m high. This enables the development to add floors to the scheme and still remain largely within the previously approved building envelope. The approved development reached a maximum of 15 storeys, 49.2m above ground level. The current application proposes up to 18 storeys, but will reach up to 51.4m. This is a net increase in the buildings height of approximately 2.2m.

- The building line has been set back from the southern boundary of the site which enhances pedestrian permeability and links through to the Masterplan area. The approved scheme previously had an angled footprint towards the south side of the site, and at its closest was up to 1m from the boundary. The current application building is set 3.5m from the southern boundary.
- The building line on the eastern and western boundaries has also been set back compared to previously approved scheme. On the approved application, the building was 8.2m from the western site boundary and on the eastern elevation the building was largely 1.4m from the edge of the site at upper levels. The proposed building currently under consideration is at the front 8.8m from the western edge of the site on Empire Way. On the rear, eastern elevation the building is set 2.2m from the boundary edge. This provides a more spacious setting to the building than previously approved.
- The removal of the basement parking area will decrease the number of vehicular movements associated with the site.

Officers consider that all of the changes set out above represent improvements upon the planning application 09/2291 that was previously approved.

Policy issues arising from Proposed Uses

Student accommodation

The site lies within Wembley Opportunity Area, and according to the UDP is within Wembley Regeneration Area, the National Stadium Policy area and the north-western part of Wembley Masterplan area. Being within the Wembley Opportunity Area it therefore needs to meet housing and employment guidelines. Brent's Core Strategy seeks the provision of 11,500 homes in Wembley (22,000 in Brent) to 2026 with over half of the housing target already in consented schemes or schemes under construction. The Council is confident that it has sufficient land to comfortably accommodate the Wembley housing target as part of the Borough wide London plan target. Quintain's current application for a further 1300 homes on the NW Lands is another indication of the Council's confidence in achieving housing targets as housing markets slowly improve. The Dexion House site was not allocated as a Site Specific Allocation in the Council's DPD and the Council has no specific reliance on it to meet housing targets.

The London Plan policies 3A.5, 3A.13 and 3A.25 considers that student accommodation meets a demonstrable strategic housing need. This is reinforced by policy CP21 of Brent's Core Strategy. This seeks a balanced housing stock including specific and special housing needs such as student accommodation. It must also be remembered that Wembley is a Visitor Destination that needs a mix of attractions and a mix of communities to exploit them. The Council has welcomed student accommodation as part of this mix, supporting the vibrant destination theme and as part of a balanced community. To this end the s106 will restrict the use of the accommodation so that it can only be occupied by full time students enrolled on UK accredited and based further education courses for not less at 80% of the time. The other 20%, (outside term time,) the Council is content that the units may be rented out on short-term lets, perhaps assisting tourism within the summer vacation period.

The Council is currently undertaking a study at the moment upon the impacts of students on the local area. Unfortunately this is not yet advanced enough to consider its findings for this application. However the applicants have submitted two reports in support of the principle of student housing, a Student Accommodation Report and an assessment of their Socio-Economic impacts. These raise a number of issues. Current demand for student accommodation is for more geographically widespread locations in accessible sites compared with early centrally located schemes. It has been assumed that students at Dexion House could study at the following

universities/institutions: Imperial College London, University of Westminster, University of London, and Russell Square institutions such as Kings College, University College London, SOAS, London School of Economics and Political Science. Only the University of Westminster Harrow Campus (Northwick Hospital) has been identified to be accessible directly by bus service. The remaining sites are accessible by underground/ overground services. There are approximately 140,000 full time students studying within a 35 minute travel time of the subject site. There is a trend of increasing student numbers in recent years.

London students spend £8bn on goods and services each year, accounting for 1% of UK and 4% of London GDP. Demand for student accommodation remains robust despite the current economic climate. The applicant's consider that there is an undersupply of student accommodation. The Report finds that c223,811 (81%) of full-time London based Higher Education students are unable to access purpose-built accommodation.

Within Brent by 2012, 1,095 new student rooms will be completed as set out in the table below. Further student accommodation proposals are currently under consideration.

Victoria Hall (by Wembley Park Station) will be completed by Sept 11	435
Quintain iQ (W05) : under construction completed by 2012	660
Subtotal under construction	1,095
Quintain North West Lands, up to 880 rooms	880
Dexion House	661
Subtotal applications under consideration	1,541
Total	2,636

There is demand and investment interest for more student accommodation in Wembley. The Student Accommodation Report finds that Brent is under supplied compared to other London boroughs.

Higher education centres are vital to increase London's high skill, value added sectors. The Coalition Government is currently acknowledging the importance of participation in higher and further education and have commissioned a review into fees and university funding. The London Plan acknowledges the role of universities in contributing to the labour market. Competition from overseas institutions is increasing, but London remains a draw for international students. Post-graduate and research student numbers continue to rise. Privately operated halls are increasing in popularity particularly after the HMO regulations came into force in 2006. The five private market leaders include UNITE plc, UPP, Opal, Liberty Living and Victoria Halls. Opal is the preferred partners for the applicants, and have a proven track record in this field. Demand for student accommodation remains buoyant despite economic uncertainties in the wider market. The provision of purpose built accommodation will make the other accommodation occupied by students available to alternative occupants. The Student Accommodation Report finds that the proposed scheme will result in high-specification bespoke development that contributes to the Masterplan vision and provides a range of accommodation choices for different types of students.

The application site lies within Tokyngton ward, which in the 2001 census had 11,800 people. The wards as a whole has a lower than average educational qualification attainment and a working population with a lower than mean average "higher-level" occupation such as managerial positions. Nearly 20% of all housing is private rented, which is in line with the figure for Brent as a whole. Levels of overall Multiple Deprivation are not severe. At the time of the 2001 Census students accounted for 6% of the total population of Brent, spread across the borough. Within Tokyngton ward in 2001 there were no students living in purpose- built accommodation. This is in the process

of changing with the Victoria Halls and Quintain W05 developments near completion. Demand for student accommodation is not yet met by supply. The Socio-Economic report considers that the provision of more purpose-built accommodation will assist the Borough in creating a Wembley destination.

Student spending locally can have an important local economic impact. The average student spends approximately £6500 a year on living costs, a significant proportion of which will take place close to their accommodation. The plans for Wembley Growth Area will assist local consumption opportunities. On the basis of the average £6500/ year, the Dexion development could generate approximately £4 million of living costs spending/ year. Often graduates stay in the area that they study in beyond the duration of their course, so the local community may gain their skills and spending power, in addition to their presence boosting investor confidence in the area. In addition to spending power, students often undertake voluntary work within the local community. As an established student accommodation provider Opal manage the behaviour of their residents within the vicinity of the site.

Policy EMP9 permits the redevelopment of a site in employment use when “there is no effective demand for the premises and there is no reasonable prospect in the medium term of re-use.” The applicants have stated that the building is under-occupied at present and evidenced this. A Tenants Relocation Strategy is proposed as part of the s106 ensuring that any remaining businesses are appropriately relocated in accordance with planning policy WEM5 prior to the site development. The Masterplan area is considered an appropriate location for residential development. Indeed, Policy WEM4 states that higher density development is appropriate in the Regeneration Area. The site is considered acceptable for residential use as part of an overall mixed use scheme. The Council does not consider that the student population has reached a critical mass or that it is using land that is better suited and needed for permanent general residential accommodation.

Mix of units

The scheme proposes 661 student rooms. There are different types of rooms proposed. The applicants divide these into 250 standard rooms, 320 standard + rooms, 56 studio rooms, 3 accessible studio rooms and 31 accessible rooms. These are formatted in different layouts, for example cluster flats of up to 5 bedrooms, (13-15sqm) with a communal kitchen/ living areas (24sqm) or individual student rooms incorporating a bathroom/ kitchen area (18sqm.)

Currently 5% of the units are classified as being wheelchair accessible. The GLA has requested that 10% of the units be wheelchair accessible, or wheelchair adaptable. They have requested that a proposed Accessibility Management Plan address the need for adaptations for disabled students given the short time that many students have when resolving their accommodation needs in their first year of university. The applicants raise objections that the proposal is not for standard residential accommodation and therefore should not be bench marked against London Plan residential standards. They have discussed the scheme with the GLA access officer. The applicants have provided details of research they have undertaken on the provision of wheelchair accessible rooms. They conclude that the information shows that by providing 5% wheelchair accessible rooms, (of which they now propose 1% will be fitted from the outset,) the development provides a level of wheelchair accessible rooms in excess of the current occupation rate for student accommodation.

The applicant has committed to providing an Accessibility Management Plan as a condition of approval. The plan will outline the management strategy for the development with regards to the treatment of the accessible features within the student accommodation. This will include (but is not limited to) the following: details for the process of adapting rooms, how this is achieved and the time frame taken; details on how rooms will be advertised so potential disabled residents are aware of the features and facilities offered in this development; details of how rooms that are not spatially designed for occupation by a wheelchair user can be adapted to suit a range of users with disabilities other than those requiring the use of a wheelchair; and details of how communal areas

will be accessible to disabled people and additional adaptations that could be included to further improve access. To mitigate any concerns that the current occupation rate is a reflection of the lack of accessible rooms rather than the number of residents wanting them, the proposed Access Management Plan will outline how the rooms will be clearly marketed. The applicants have committed to undertaking meaningful consultation with experienced user groups/disabled residents in the formation of the Accessibility Management Plan. This process will be used to inform the creation of the plan and the detailed design of the development. This consultation should ensure that the level of access offered through the plan best reflects the actual needs of likely end-users. The LPA considers that this will address local planning policies that require an inclusive, accessible development.

The Swimming pool and sports facilities

The 2009 Masterplan states that Wembley requires a 25m, 6-lane pool available to the community at prices comparable to other community pools. These findings are supported by the Council's Sport's Facilities Strategy. Policy OS19 guides that a sequential approach should be used for the siting of new sports facilities. Whilst not within a designated centre, the site is highly accessible, with good PTAL4. The Masterplan states that the Wembley Growth Area would be an appropriate location for a pool facility to meet the identified deficit. This is reinforced by Policy CP7 that specifies that a new community swimming pool should be provided within Wembley Growth Area, as the need for such a facility is evidenced in the Infrastructure and Investment Framework, which is a supporting document within Brent's LDF. The provision of a pool on site is therefore policy compliant.

The proposed s106 intends to secure a pool that is of an appropriate size to meet the deficit identified in the Council's Sport's Facilities Strategy. It needs to be at least 6 lanes and 25m long, and the s106 legal agreement ensures that the pool and supporting infrastructure will be provided and made available at prices and times comparable to other Brent-run facilities. This will ensure that the facility is accessible and affordable to the community. The applicants will be required to provide a swimming pool compliant with the above dimensions and ensure that it meets "Sport England Community+" standards for at least 23 years. The s106 will require the applicants to enter into a contract for the provision of the pool prior to commencing any construction on the student accommodation. The swimming pool is supplemented by fitness facilities, including a 222sqm dance studio and at least 2 gym/ fitness rooms of 227sqm and 316sqm of ancillary front of house and changing facilities. These are considered to complement the pool and are therefore in principle supported. Overall, the proposed uses appear in accordance with the London Plan, Brent's UDP and Wembley Masterplan SPD. The applicant proposes that the pool and fitness facilities on site be managed and operated by GLL. GLL oversees the management of over 90 leisure centres including swimming pools and gyms within London and South East England. The proposal therefore brings the private sector and social enterprise together for a public scheme at no capital cost to the public sector. GLL states that their experience and business model will assist the scheme's provision of a key regeneration project with community benefits.

The Council's Sports Service supports the proposal that includes the provision of a 2,499sqm of community swimming-pool and fitness facilities. They consider that this provision would help the Borough achieve its strategic need as set out in its Planning for Sport and Active Recreation Facilities Strategy 2008-2021. Over 50% of the Borough's residents live more than 20mins walk away from a public swimming pool and in order to meet current and future demand from a growing population the Borough should be providing 2 additional swimming pools, one which serves the north of the Borough and one which serves the centre of the Borough. The provision of a six lane 25m long swimming pool with full, affordable community access on this

Commercial Units at ground floor: proposed use classes A1/ A2/ A3/ A4/ A5

The office building currently on site also includes two café/ restaurant/ takeaways. One of which, is also a community facility. The applicants want the scope to re provide this business within the proposed development. The proposal incorporates 530sqm for A1/ A2/ A3/ A4/ A5 uses. This is larger than the existing commercial units floorspace on site and sequentially the site is not currently

within a designated Town Centre. However the Council has produced an SPD on the Wembley Link, (which is currently just out of the consultation period,) which seeks to expand the town centre and retail offer eastwards towards the Stadium. Whilst the application site does not lie within the SPD area, it is within the wider Wembley Growth Area.. The Brent Retail Need and Capacity Study 2006 found that there was scope, after taking account of existing commitments, for 27,000sqm gross of comparison floorspace (with an overall 3% increased market share scenario) and 5,200sqm gross of convenience floorspace (based on a static market share prediction) by 2016. Brent's Core Strategy Policies CP1 and CP16 specify that the majority of the Borough's retail growth will be within Wembley, and will form part of the Masterplan offer. The provision of up to 530sqm floorspace for A1/ A2/A3/A4/ or A5 uses would contribute towards this.

The incorporation of commercial units that could be used as use class A3 - restaurant/ use class A4 – public house/ use class A5 - takeaway units at ground floor generates the potential for noise and fume nuisance if vented at low-level. The Borough generally resists low-level extraction systems because of this potential to create a nuisance to habitable room windows above. There are many sensitive receptors in the local area. On site there are windows serving the student accommodation directly above the commercial units, adjoining the site are hotel rooms, and to the west on the other side of Empire Way are residential units within windows serving Raglan Court and Imperial Court. As details of flues have not been provided up front, officers have requested that further details be submitted. The applicants have therefore proposed a revised detail extraction system incorporating an electromagnetic precipitator/ filter which will work alongside a carbon filter, to clean the air before extracting at low-level. Officers remain concerned that this would not suffice to clean the extracted air to a sufficient level not to cause nuisance from odour or smoke or noise. The applicants have been asked to liaise directly with the Council's Environmental Health officers in order to work towards a resolution. If a satisfactory extraction methodology cannot be agreed in principle, officers consider that the proposed use classes A3, A4 or A5 would have the potential to harm local amenities and air quality and therefore cannot be supported. The proposed A1- retail or A2 – financial & professional services would not generate the same level of noise/ emissions and therefore can be supported on site with low-level extraction/ ventilation systems.

An update will be provided in the Supplementary.

Design, layout and landscaping

Increased height

Development within the Wembley Regeneration/ Growth Area is expected to contribute towards a world-class environment. Policy BE10 of the Unitary Development Plan allows high buildings within the Wembley Regeneration Area. The proposal results in a building with two distinct elements running north-south parallel to Empire Way. The front block is up to 9 storeys high, and this is linked via a first floor podium garden, (above the swimming pool,) to a rear block that has 3 towers at 16, 17 and 18 storeys.

The proposed built-form is higher than indicative Wembley Masterplan 2009 guidelines, which state 4-6 storeys onto Empire Way and 11-14 to the rear as maximums. However, the Masterplan is indicative only. The previous application 09/2291 approved a 7 storey front block and an eastern building that stepped between 11, 13 and 15 storeys high. As previously stated, the applicants have devised a reduced floor-ceiling height so that each storey within the current application is reduced compared to the residential units previously proposed. This device has ensured that the proposed building's overall height has at its highest only grown by 2.2m. This is not sufficiently high to contain an additional floor. In summary the applicants have managed to increase the building capacity up 18 storeys high without significantly increasing the building's height from the level previously considered acceptable. The building previously approved reached up to 49.2m high, and the current building is up to 51.4m. This would not be sufficiently high to encompass the pool/ leisure development at ground-floor with standard residential accommodation up to 16 storeys high.

Overall comments

The site has been set out to maximise the potential of the scheme. The applicants have set the building away from all boundaries, which allows an increased landscaped setting. This responds to both Empire Way and future open space to the east of the site, within the Masterplan. The site will deliver well-designed and interpretive access routes to the north and south of the building. The accommodation block that faces Empire Way has been carefully designed to minimise the impact of its height on residential developments across Empire Way. Although 9 storeys of accommodation are now sought with a height of 27.4m, this is the equivalent of 7 storeys previously, (the approved height was 26.8m.) Malcolm/ Fulton House to the north of the site was approved with parts of the development at 7 storeys. The adjoining Malcolm/ Fulton development will partly screen the site from the north. The splitting of the site into 2 blocks with podium courtyard between also reduces the impact of the front block on Empire Way, making it appear a self-contained element. Quality Hotel to the south is angled away from the site, so that it is more exposed from this aspect. The applicants have therefore been asked to propose an architectural feature on the southern elevation of the building to provide a visual focal point to break-up the visual massing of this elevation. Officers consider that this undoubtedly high quality elevation could still be more expressive with a simple intervention. This will be considered as a condition of approval.

Overall the scale, height and massing of the proposal have been developed through negotiation with officers and now co-ordinates with the aspirations of the Masterplan. The elevations have been kept simple, geometric and composed, to reduce the scale of what would otherwise be very large facades. It is considered that the proposed stepped built-form towards the eastern side of the site reduces the visual massing of the proposal compared with a 14-storey residential development of uniform height. The previous application stepped the development up at 2 storey intervals. The current scheme reduces this to a step per floor, at the 16th to 18th storeys. This is less impressive than the interventions previously approved, particularly as the storey height has been reduced. Notwithstanding this, the eastern elevation has 3 principal bays which have been defined by the application of recessed cores in a light brick. This helps the building to read as 3 sections, rather than one mass. Each of the 3 bay elements have been reduced in scale by the application of a random, modular fenestration and brick panel finish. The use of muted colour themes for each vertical element has also contributed to the reduction in overall scale. The access cores have been highlighted to emphasise the 3 separate elements of the eastern student accommodation blocks. The 3 elements are distinctly individual but have a cohesive character. The scheme previously used balconies to further articulate the building. These features are not considered desirable by the student accommodation provider, and therefore have unfortunately been omitted from the current application. Nevertheless other devices have been used to assist articulation of the visual massing of the scheme. The application of brise soleil will add further to light and shade, creating further interest in the elevation. The materials have been carefully chosen to co-ordinate and have blended a high quality brick slip cladding system to a proprietary laminated cladding system. Overall, officers consider that the interventions discussed above are sufficient to articulate the large building within its Growth Area context resulting in a high-quality structure, which is anticipated to create a future landmark of the Masterplan area.

The applicants have submitted rectified drawings/photo montages that demonstrate that the proposal's height and massing will not detrimentally affect the nearest identified view of the National Stadium. In accordance with policies BE34 and WEM19 the drawings demonstrate that the proposal will not impinge onto Long View 8- Honeypot Lane, Harrow, (see D&A Statement Appendix C.)

Empire Way front (west) elevation

The main entrance to the student accommodation and leisure centre is on the western elevation. It is recessed and oversailed from first floor upwards, allowing 4.7m height clearance, which is considered sufficient space for large vehicles. Canopies demarcate the entrances on the submitted drawings, but it is expected that signage and lights will also play a part, and details of this will be

subject to condition. The GLA mention that this could be overbearing for users, but officers consider that suitable signage and lights will maintain a pedestrian scale at the front, and prevent this area from appearing oppressive. The two commercial “retail” units at the corners of the building assist the provision of active frontage. The building reads in 3 sections with the use of 2 vertical recesses and gaps to the fenestration pattern. These methods help to break up the building’s visual massing.

The proposal will result in a predominately hard surfaced frontage between the proposed building and Empire Way. This does not accord with the design principles set out within the Wembley Masterplan. The proposal will result in the loss 3 existing birch trees. However these are to be replaced, and the principle of this reprovision is supported by the Council’s Tree Officer. The applicants have detailed 8 trees to be planted within the application site, bordering the edge of the public highway. The s106 seeks the provision of these trees if permissible by the Highway Authority, but the applicants have not demonstrated through details of services route plans that the new trees are an entirely viable proposition. Nevertheless the positioning of the trees within the application site makes the deliverability of the proposed trees more likely. A high-quality shared surface would help to improve the development’s assimilation and improve the safety of different site users such as cyclists, pedestrians and drivers. The applicants have agreed to provide more details of indicative high quality materials as a condition of approval. This is also important in order to ensure an accessible development. The area alongside the proposed trees provides the only parking on site, which is for disabled users and deliveries only.

Pedestrian Access & Side Elevation on northern elevation of the site

The northern elevation of the building provides glazed panels to the front retail unit and gym. Only fire escape accesses are provided on this side of the proposed building. The applicants propose that the site edge be demarked by a “Access Wall.” The applicants hope that this will provide a feature in the future, and possibly will contain special lighting effects. The treatment of such a wall and signage will form the subject of a condition. It is anticipated that in the future, when the Palace of Industries site to the east has been developed, this area of the application site will provide pedestrian access to the public wishing to move east-west across the site. This Public Right of Access west-east will be across the northern boundary of the site at all times, save for emergencies/ maintenance access route and secured as an obligation of the s106. This is considered to accord with Masterplan accessibility enhancements and provides a thoroughfare link to a future pocket park to the east. The right of way option will not be available immediately until it is possible to access lands to the east, and instead the eastern part of the site will be secured by hoardings until such time as the proposed access road, (known by the land owner as Willesden Road,) is adopted as a public highway. There will be an opportunity to open up the access route if/when the indicative road to the east of the site is developed. It is notable that the northern elevation also includes devices to safeguard future student residents’ amenities such as the use of obscure glazing. The development proposed on the adjacent Malcolm/ Fulton House scheme approved under application 08/2633 only has secondary windows within the south-facing elevation, which do not require the same level of safeguarding as habitable rooms.

Until the rear (eastern) Willesden road is developed, the northern area of the site will be shored up at the eastern end of the building. Members of the public and building users will be able to use the space to the north of the building up to the hoarding edge. There are no access routes into the building on the north elevation, but the building itself on this elevation is proposed to be predominately glazed, which will assist activating this frontage. The GLA consider that animation of this elevation is vital, and should form a condition of approval.

Towards the east of the site, there will be trees and undercover cycle stands. As this is a public realm the area is expected to include street furniture such as seating, rubbish bins, and lighting. An appropriate management strategy and location would make the presence of the proposed trees viable. There is some concerns raised about the retained pedestrian access width and proximity of tree planting to the proposed building. However, further details of the exact layout incorporating the proposed benches and soft landscaping will be conditioned.

Towards the west of the site this northern pedestrianism area is required to remain clear in order to allow access to fire tenders in the event of an emergency. The fire truck will be required to reverse along this area, to a point 21m along the building, where the nearest dry riser is sited. Alternatively the fire tender will be required to drive along the private access road to the east of the site. This is outside land under the applicant's control and is discussed in more detail in the Highway section of this report.

Pedestrian access & side elevation to the south of the site

A large difference between the current application and the scheme previously approved was that the previous proposal intended the area to the south of the building to be a private area. The current proposal pulls the building footprint away from the site edge, so that a wider area is provided to the south of the site. At its narrowest, the gap between the building and boundary is more than 3.5m wide. The building has emergency exits for the retail unit and swimming pool, in addition to pedestrian access to the substation, cycle and waste store areas. This provides limited opportunities to activate the frontage, but the applicants do offer glazing to the pool areas at ground floor. The GLA have requested that this area be made more private, which makes sense in terms of the proposed ground floor uses on this façade of the building. Nevertheless Officers support the principle of a public pedestrian access along this side of the site, which complies with Masterplan principles to enhance the permeability of the Growth Area.

The refuse store is sited towards the rear (eastern) side of the site. This is greater than the maximum carry distances for Council collection operatives. The applicants therefore propose a temporary holding store towards the front (south-western) corner of the site. This is in a very prominent location, and its appearance will therefore require a high-specification treatment, which will form the subject of a condition of approval. Once the rear access road is constructed and adopted, the applicants intend to rely on this to service the bin store from the east. Officers have requested alterations to the store location in order to comply with the Council's Collection Guidelines, and this is discussed further in the Highway section of this report.

The applicants have indicatively shown how a temporary bin storage area could be laid out, and further details of the layout of this constrained area may be conditioned. Until the rear access road is delivered, the temporary bin store area will be in use twice a week for collections. This is set 0.3m off the southern boundary of the site, and allows 2m clearance between the temporary store and the building. This is considered sufficient to allow safe pedestrian passage.

Rear Secondary Road Frontage (eastern boundary)

As set out above, the current application relocates the proposed building further into the site, resulting in a the building being 2.2m from the eastern boundary. The previous application approved the ground-floor up to second floor the main building set back from the boundary approximately 3.2m to a height in excess of 8.5m. Above this the building stepped out to allow a 1.4m separation to the boundary, but balconies protruded beyond this within the confines of the site. The current application therefore has a better relationship to the eastern boundary, with a more spacious setting at all floors, particularly as balconies are no-longer proposed. The applicants have confirmed that the development is not predicated on the delivery of the rear road, (called Willesden Road by the land owners.) The applicants propose a layout that they believe will ensure that the proposal is deliverable even if the rear access road is not brought forward. Initially, until the access road is constructed and adopted, which make take years, the applicants propose that this side of the site be hoarded up.

Fire escape accesses are proposed within the east facing elevation. These serve the gym leisure facilities and student units on upper floors. The means of escape will be provided within the proposed hoardings, to be considered by condition. Once the rear road is adopted, the temporary security hoardings indicated will be removed, and the proposed building will form part of the future road frontage. The applicants have agreed, that if notice is served on them by the Council they will offer up for adoption a strip of land up to 1.5m deep along the eastern side of the site that will form

part of the future public highway footpath.

This current application also proposes the third “retail” unit within this eastern elevation. The commercial unit could be used as A1/A2/A3/A4/A5. Its sole access is onto this elevation. In the eventuality that the rear access road is not delivered, hoardings will prevent access to this area except in an emergency. The commercial unit will therefore not be occupied until such time as the access arrangements alter, which is outside of the applicant’s control. At such time as the road is delivered, (which is likely given the current outline planning application 10/3032 indicates a road in this location,) the presence of the commercial unit will be vital to activate this part of the building frontage and provide natural surveillance. The applicants have agreed that until the road is developed, the eastern boundary will have identity graphics that enhance the quality of the area on-site. There are limited opportunities for planting within the site area, as the building lies so close to the eastern extent of the applicant’s ownership. The applicants have indicated street trees but more landscaping can be developed if the site boundary is ever removed in the future and will be secured through s106.

Quality of Student accommodation

Daylight, sunlight and outlook,

The applicants submitted Daylight and Sunlight Report refers to the previously approved application on site, which was on balance supported by officers. The report finds that student accommodation has a lower requirement for daylight and sunlight amenity than residential accommodation. This is due to the transitory nature of student accommodation, which correspondingly has a lesser requirement for daylight and sunlight compared with permanent residential accommodation. The current proposal removes the balconies that previously hindered the daylight and sunlight potential of many of the lower floors of the proposal. This means that the proposal will result in some improvements to the lower floors than the scheme previously approved on site. Overall the applicants find that the proposal will accordingly provide satisfactory level of accommodation for the proposed student occupants.

Student rooms occupy the space from the 1st to 18th floors of the building. Glazed openings are proposed in both the northern and southern elevations of the building. The openings are within 3.8m of the southern boundary and within 6.8m of the northern boundary. In all cases these openings serve lounge/ kitchen spaces for the students, which are considered as habitable rooms. As these windows provide secondary fenestration to the rooms, which are also served by either west or east facing windows, it is considered appropriate to condition that these glazed openings be constructed of obscure glazing. SPG17 guides that habitable windows within a main (rear) elevation should be more than 10m from the boundary, and although these are side boundaries, the heavy use of these habitable, communal areas, and lesser separation distances are such that obscure glazing is considered necessary to safeguard the amenities of future student occupants. Particularly on the northern elevation as the proposed hotel to the north has south facing windows that directly overlook this application site. Quality Hotel to the south is set some way from the proposal and at an angle within its plot. It is therefore not considered to impinge upon the residential amenities as existing.

The scheme proposes 661 student rooms. There are different types of rooms proposed. The applicants divide these into 250 standard rooms, 320 standard + rooms, 56 studio rooms, 3 accessible studio rooms and 31 accessible rooms. No supplementary planning guidelines currently govern the acceptable size of the student accommodation in Brent. The pattern of use of student units does not fit in with permanent dwellings. The student accommodation under construction at North End Road application 07/2772 included units with bathrooms at 12sqm. The current proposal at Dexion house has varied room sizes with the smallest being the standard rooms, the minimum size of which is 13sqm. The applicant has demonstrated that this can accommodate a bathroom with toilet, shower and sink in addition to space for a desk and bed.

The student units benefit from a front outlook to the west across Empire Way. The outlook across the podium roof garden has now increased to over 20m, and suitable landscaping will safeguard

the privacy/ outlook of rooms with windows directly onto this space. To the east, the windows at upper floors are 2.2m from the side boundary. This represents an improvement upon the application that was previously found to be acceptable. The site currently borders land occupied by the Palace of Industries. However, the Wembley Masterplan 2009 indicates that there is an expectation that the area immediately adjacent to the site will be occupied by a new road, and this is reflected in the outline application 10/3032 currently under consideration.

Amenity space

Amenity space

The students are provided with amenity space at the first, 16th and 17th floors. The applicants have modelled the effect of the proposed building form on the first floor amenity space in terms of overshadowing. Less than 5% of the area is in permanent shadow. As students enter the building from the west, those with rooms in the eastern accommodation blocks will be required to enter their relevant access cores across the podium garden at first floor. These thoroughfares will diminish the quality of the space, but overall this will provide a valuable external amenity space for the students. The provision of amenity areas on the 16th and 17th floors is also in principle supported by officers.

Green roofs

The application indicates green roofs for the entire western building, (apart from PV panels on the lift overrun,) and the highest residential block on the top of the eighteenth storey. The provision of green roofs is in principle supported from sustainability and drainage perspectives and such provision will be conditioned. The applicant has confirmed that there will be hatched access to the green roofs to enable maintenance.

Impacts on adjoining development

Daylight/ sunlight

The applicants have submitted a Sunlight/Daylight Report. A material consideration is the previous application on site, 09/2291. This proposed a building of similar form to that currently proposed, which therefore will have similar impacts on the surrounding built-forms. Planning permission was granted for the previous proposal on the basis that the impacts of the proposal on adjoining daylight/ sunlight received, was not sufficiently harmful to the amenities of adjoining occupiers to result in a refusal. On balance, officers supported the previous application. The Sunlight/ Daylight Report submitted in support of the previous application cannot be directly compared to the assessment of the new proposal on site, as it assume a different baseline, because at that time, the outline application for the lands to the east of the site had not been received and therefore could not be readily extrapolated by the applicants.

Commercial properties adjacent

Commercial properties have lower daylight/ sunlight requirements than residential properties. Adjoining the site to the north, is Malcolm/ Fulton House. The original office building has been demolished, and building works on the extant permission for the proposed hotel use has yet to commence. The proposed development lies to the south of Malcolm/Fulton House, (which as a hotel will be primarily artificially lit.) The applicants have assessed the proposal against the approved neighbouring scheme, which they refer to as the Ica Architects consent 2008 proposal.

To the south is the Quality Hotel. Quality Hotel is set at an angle within its plot meaning that its sunlight and daylight is unlikely to be significantly affected by the proposal, which is to the north of it in any case.

The applicants have also considered the impact of the proposal on land to the east of the site, formerly the Palace of Arts & Industries. They refer to it within the Daylight and Sunlight Report as the Make Architects massing proposal for the site, which they state received outline consent at the end of 2010. This is not correct. There is an outline planning application currently under consideration, 10/3032. This application has yet to be determined, but follows a similar to form to

the scheme that the applicants refer to within the Daylight and Sunlight Report, (which was a pre-application building form.) The architects of the application under consideration are still Make.

Land to the east

The previous planning permission 09/2291 considered the impact of the proposed massing on site upon lands to the east. The applicants' addendum previously concluded that over half of the rooms within the southern façade of the development site will fail the ADF (Average Daylight Factor) level within BRE guidelines. The applicants were able to previously demonstrate a site layout for lands to the east, which created a satisfactory relationship in terms of daylight and sunlight received for both the adjacent and application site developments. This illustrated that the height and massing of the proposed building on the application site will have an impact upon the land to the east but does not prevent a form of development.

Within the current application the applicants have now modelled the proposed building indicated under outline application 10/3032. However as this is an outline application, it only considers development parameters. The parameters do show that the maximum building height would be 41m high set 10m away from the south-eastern corner of the current site. This equates to a development approximately 13 storeys high 10m from the site. The proposed building on site is set 4m in from the south-eastern corner. The buildings result in a development up to 13 storeys high, 14m from the building on site, which at this corner will be 16 storeys high. The position of rooms and associated windows within the neighbouring development are not yet known and therefore cannot be assessed. However it is known that the neighbouring site will include residential development. The orientation of this building to the south-east of the application site is such that the building form will not be parallel to that proposed on site. This means that although the indicative separation distance between window to window on the adjacent sites will be less than 20m guides by SPG17 for privacy, the orientation of the proposed building is such that no harm to privacy will arise. Furthermore the windows within the site to the east will front onto the streetscene, and therefore would not be afforded with the privacy levels normally expected within a rear elevation.

Residential properties adjacent

The applicants have considered the impact of the proposed development on nearby residential properties in terms of guidelines within BRE 209 Sunlight and Daylight received. In conclusion none of the properties are affected by more than 0.1% ADF, (Average Daylight Factor,) by the proposal. This is so small a change to daylight that the applicants consider that it will not be perceivable in real terms. Most windows retain acceptable levels of sunlight throughout the year. The only windows that are affected by the proposal experience small losses to the sunlight received in winter. In terms of overshadowing no sensitive areas are significantly affected by the proposal.

Within Raglan Court,

- 64- 72, Raglan Court –all windows will continue to meet the VSC (vertical sky component) criteria. All rooms meet BRE sunlight analysis.
- 73-81 and 82-90 Raglan Court – each have 2 windows that fail the VSC (Vertical Sky Component.) One of these on both blocks, is a doorway, and therefore does not serve a habitable room. The other in both blocks is already recessed under an overhang and therefore already experiences a low level of daylight. An assessment of ADF (Average Daylight Factor,) reveals a fall of 0.1%, which is minimal. 73-81 meets sunlight analysis. One room in 82-90 Raglan Court fails the winter sunlight levels. In absolute terms the applicants find that the proposal is within sunlight guidelines, with a similar impact to the previously approves scheme on the Dexion site.
- 91-99 Raglan Court 4 windows fail the VSC. One serves a door, one is under an existing overhang and 2 are only just beyond the recommended 20%. Of these 4 windows, 2/4

remain the same ADF, (Average Daylight Factor) but 2/4 drop by 0.1. This is not significant enough to warrant refusal. 3 windows do not meet BRE sunlight guidelines, 2 only fail on winter sunlight amounts, the other window is overhung by massing projecting above it. The result of the approved scheme on the Dexion site is virtually the same.

- 100-108 Raglan Court - a few windows do not meet the BRE VSC (Vertical Sky Component) daylight recommendations by approximately 2%. Two of the windows are more severely affected, but these are already positioned under overhangs and therefore experience less than VSC as existing, and one serves a door. Overall the applicants conclude that the loss of daylight is not significant given the low existing readings for this window. This is substantiated by the small difference in readings between the current proposal and the previously approved scheme on site, and the similarity between this reading and the one arising from when the Malcolm/ Fulton House development and Lands to the east are factored into the model. Absolute daylight is considered within the ADF for 5 windows, comparing the previously approved application with that currently proposed. The applicants extrapolate no change in 2/5 readings, and a reduction of 0.1 ADF for 3/5 readings. This is not considered significant enough to warrant refusal. There are 2 windows with an absolute drop of sunlight, one of which serves a door, the other is recessed. The applicants note that there is little difference in daylight between the previously approved scheme and that currently proposed.
- 109-129 Raglan Court – this building is closer than the others to the proposed development and numerous windows fail the VSC (Vertical Sky Component.) The applicants have assessed these windows against the stronger test of ADF (Average Daylight Factor). They state that most of these windows retain an ADF score of at least 1%, (the minimum requirement for a bedroom.) The building's existing form, with 2 projections at either end reduces the daylight received. Of the 6 rooms that score below 1% ADF, 4/6 stay the same as previously consented, and 2 fall by 0.1%ADF. This is not considered significant enough to warrant refusal. The applicant considers that the daylight retained within the property will be virtually identical to the levels previously consented. The consented scheme's sunlight on site is slightly worse than the impact of the proposed scheme's.
- 1-36 Imperial Court, windows as existing are beneath recessed balconies and experience poor existing levels of daylight. 12 rooms do not meet VSC (Vertical Sky Component), which is because of their recessed nature. The applicants have assessed the proposal and find that if overhanging features such as balconies were removed, the proposal would meet VSC. ADF was assessed for these 12 rooms compared with the previously approved application on site. In 7/12 rooms the ADF falls by a minimal amount of 0.1 ADF, and in 5/12 rooms the ADF remains the same. The majority of windows in this property meet the BRE Guidelines for sunlight. Windows under balconies, or orientated away from the site will incur small losses of sunlight beyond BRE guidelines On balance the applicants conclude that the impact is acceptable. The Appeal decision relating to the Northway Garages Student Accommodation proposal (reference 07/2772) is a material consideration. The Inspector noted that the light to some windows was already affected by the presence of overhanging balconies and therefore the reduction below BRE target values was not considered as sufficient to warrant the dismissal of the appeal. There are rooms within 1-36 Imperial Court that will be affected by the proposal and will lose more than BRE recommended guidelines for Annual Probable Sunlight hours. Overall, the report finds that the losses are small in absolute terms.

Overshadowing

The proposal will have a greater overshadowing impact upon adjoining sites than the existing building on site. However the applicants have modelled this, and find that the only sensitive space, is the front lawn in front of the Raglan Court properties, for approximately an hour in early morning. This is not considered so significant to warrant refusal, given that this is not a private amenity space.

Overall, there are existing residential properties that will be affected by the proposal but it must be considered that they are in excess of 20m from the proposed building. Further, they adjoin a Growth Area, where there is an expectation of development. The proposed building is not anticipated to impinge on the outlook from Imperial Court or Raglan Court. The proposed development on the application site will be sited closer to residential properties opposite than the existing development. Nevertheless Empire Way at this point is greater than 10m wide and the proposed building will be further than 20m from the existing residential properties. Only a few windows are affected in daylight terms by the proposal and even less will experience changes to the sunlight received.

Air Quality

The applicants have submitted an Air Quality Assessment. This demonstrates that by 2012 appropriate air quality contaminant levels will not be exceeded for NO₂ or construction dust, and therefore air quality will not prevent the site for being redeveloped. The analysis of potential traffic impacts and the impacts of the CHP is satisfactory in terms of air quality. In light of the fact that the assessment of the impact of the CHP was conducted using the worst case scenario it is likely that the 'slight adverse' outcome could be reduced to neutral by reconfiguring some of the operational criteria. A condition for appropriate construction methodologies to safeguard the Air Quality Management Area is also recommended.

As the site is within an Air Quality Management Area (AQMA) the Council expects satisfactory ventilation and filtering of the proposed commercial units, which as proposed could operate as a restaurant/ public house/ takeaway. The applicants have proposed low-level flue outlets, which the Council's Environmental Health department has reservations over, as it has the potential to cause nuisance being directly sited below openable windows serving the student accommodation. An update will be provided in the supplementary.

Noise

The applicant's Noise Assessment states that the development is considered a "Category A- C" scheme. The front block is considered category C, and rear block is A for daytime and B for night time. PPG24 states that this level of noise category should be a consideration of any planning application in these circumstances in order to ensure an adequate level of protection against noise. The report concludes that a double-glazed system should be provided for all habitable room windows within the elevations of the front, (western) block, alongside a mechanical ventilation system, which will lead to satisfactory internal noise levels that have been guided by the Council's EH officers. An addendum demonstrates the level of glazing required to achieve this.

The Council's Environmental Health officer recommends the use of conditions to ensure that any plant proposed on site does not emit sound levels that are likely to cause a nuisance to local occupiers, by limiting noise output of units/ proposing mitigation measures in relation to existing background noise levels. A condition will limit any proposed plant noise to be at least 10dB below the site background noise level to limit complaints in accordance with policies EP2, BE17 of Brent's Unitary Development Plan.

Land Contamination

The applicants have submitted a Land contamination-preliminary risk assessment report. This concludes that a site investigation is required although it considers that as the potential risks from contamination are low. The Council's Environmental Health Officer concludes that the proposed development is largely hard standing at ground-floor, has a ground floor commercial use (retail units, pool and fitness centre) and the residential flats only start on the first floor. This means that potential pollution pathways between underlying contamination and site end users will be broken. Given this and the low risk from the historic desk study, officers considered that a site investigation is not necessary.

Parking and servicing

The building is recessed at the front up to first floor. This reduces the visual massing of the proposal and provides additional space for vehicle movements at the front and a pedestrian footpath at the rear. The applicants have confirmed that the proposed building soffit will allow a front (western) clearance of 4.5m, which is sufficient to accommodate larger vehicles. The proposal relies on Empire Way as submitted for access.

Parking – car & cycle

Car parking allowances for the proposed uses on the site are set out in standards PS7, PS10, PS13 of the adopted UDP 2004. This allows up to one space per 16 bedrooms for the student accommodation, giving a maximum allowance of 41 spaces. One additional space would be permitted for each of the retail units, whilst about six spaces would be permitted for the fitness centre (one per five staff and one per 60 visitors), giving a total allowance of about 50 spaces. With only 5 off-street parking spaces indicated within the site, standards are complied with. Any future Controlled Parking Zone in the area (as proposed to support wider redevelopment proposals) will help to prevent potential overspill parking on nearby residential streets, with students and visitors to the site being ineligible for permits. General visitors to the retail and health and fitness facilities would be able to make use of any future public car parks provided in the wider redevelopment proposals. In terms of disabled parking, standard PS15 requires 5% of spaces to be widened and marked for Blue Badge holders. The proposed provision of five such spaces along the site frontage would therefore more than satisfy requirements, although they should be widened and marked accordingly. A condition will also be placed on any permission prohibiting the use of the frontage area for commercial 'pirate' car parking by visitors to Wembley Stadium on event days. A Student Management Plan will manage arrivals and departures. Up to 2 coaches could be accommodated on site, if required for concurrent school party swimming pool drop-offs and collections.

In terms of bicycle parking, one secure space is required for every two students, giving a requirement for 329 spaces. At least four publicly accessible spaces are required for the retail units (more if A3 uses occupy the space), with further spaces required for the health and fitness centre (dependent on staffing numbers, which are not known). The total provision of 354 spaces is broadly in line with standards. Ideally, more of the spaces would be provided within the secure storeroom for students, but the provision of 75% of the required total within the building is considered a reasonable compromise by the Council's Highway Engineers, which will be complemented by proposals to operate a bicycle hire scheme on the site. TfL consider that more cycle parking is required. However officers will ensure that any external provision is appropriately weatherproofed. Showers, lockers and changing facilities will be available to fitness centre users as a matter of course and the applicant has confirmed that these will be available to retail staff too, if required.

Servicing

In terms of servicing, standard PS17 requires the retail units to be serviced by transit sized vans, with the two units at the front of the site requiring one shared transit sized bay. All five of the revised parking spaces are at least 9m in length, which will allow them to alternately be used for disabled parking, or servicing by transit van. This will ensure small delivery vans do not obstruct the service road. There are no particular servicing requirements set out in the UDP for the health and fitness centre or the student accommodation. The proposed service road itself will then be able to accommodate any occasional deliveries by larger vehicles such as box vans and rigid lorries, which would only block the road for short periods of time.

A Delivery and Servicing Management Plan (as well as a Construction Logistics Plan) is proposed to be submitted in future to address the management of deliveries to the site (including scheduling of deliveries outside of peak hours), which is welcomed and should be secured through the S106 Agreement for the site.

With regard to the rear retail unit, this will not be used until such time as the rear service road (Wealdstone Road) is open, from which servicing will be able to take place.

Until the rear service road is provided though, there is concern over access to the student block at the rear of the site by refuse and emergency vehicles, with the refuse store being sited some 32m from the site frontage (greatly exceeding the maximum 10m wheeling distance for Eurobins). To address this, it is proposed to bring the bins down to the front of the site on refuse collection days to a temporary bin storage area. The use of the temporary holding store is less than ideal, and it would be important that this was of a high specification in order to avoid an eyesore on this prominent corner of the site. High quality details will be sought by condition.

This means that the “permanent solution” for the refuse store once the Willesden Road, (east) of the site is eventually adopted as a public highway is more important. The annotation on the revised plan states that this is within 10m of the proposed access road. This is not the case, the residential store is 22m from the site edge at this point. Officers have suggested that this could be addressed by swapping the location of the bin stores and the cycle store. In the short term this would increase the distance between the temporary holding point and internal bin store, but in the long-term the location will comply with standards if revised. The applicants have commented that they will privately collect waste from the site. However the Council may in any case have a statutory duty to collect from the site, regardless of the private arrangements. Clarification from the Streetcare department is being sought and an update will be provided in the supplementary. Revised drawings do clearly demonstrate how the commercial and student refuse and recycling stores could be separated. It is noted that provision is to be made to link the site with any ENVAC system that is developed in the wider area in the future to overcome any need for refuse vehicles to visit the building, which is supported by officers.

For emergency access, it is intended that fire appliances reverse along the pedestrian route on the northern side of the building to gain closer access to a dry riser at the side of the site until such time as the rear service road is available. Given the long reversing distance, officers have been liaising with Building Control to ensure that a Fire Strategy that this will satisfy Building Regulations. The applicants will either arrange emergency access over private land to the east of the site, or a fire-engineered solution to utilise the northern and eastern risers.

The other vehicles requiring access to the site are coaches, with the proposed swimming pool being intended to be used by school parties, some of which are expected to arrive by bus and coach. The frontage service road and accesses onto Empire Way have therefore been designed to accommodate coaches, which is supported, with the road proposed to operate in a one-way direction southwards. Standard kerb radii are indicated that do not stray beyond the site boundaries and sight lines at the access are fine.

Access to the student accommodation will be available from both Empire Way and the rear service road via a first floor courtyard area, which is fine. A condition will require that all external doors for the building except fire-escapes open inwards. With regard to pedestrian access, it is noted that the footway of Empire Way is to be widened by about 500mm to provide a 3.5m width. This is supported by officers and the additional width should be offered for adoption as public highway under a joint S38/S278 Agreement that also covers the crossover works to the site. In addition, this will cover works to the north-western corner of the site, identified by an MVA study. This will allow a land-take of up to 1.1m for a small section of the site, to ease pedestrian highway access to a reconfigured Fulton Road junction in the future, as part of the required highway upgrades to support new development within the Masterplan area.

Transport Impact

Aside from the parking and layout issues, the Transport Assessment has considered the likely impact of the proposal on the local transport network, using the results of the traffic counts carried out in September 2009 for the previous application to give background flows. Trip data from two student halls of residence and eleven retail stores across London as held on the TRAVL database was then examined to provide an estimate of trip generation for this site, including vehicular trips. This exercise was not undertaken for the health and fitness centre though. Nevertheless, the

proposed provision of just five off-street disabled parking spaces within the site means that in reality, very little vehicular traffic is to be expected to actually enter and leave the site throughout the day and on this basis, the proposal is likely to result in a reduction in traffic flows to and from the site compared with the existing offices (and the approved residential/hotel scheme) and will certainly not be sufficient to have any significant impact on traffic conditions in Empire Way. It is likely that car-borne visitors to the site (particularly the health and fitness facilities) would make use of any nearby public car parks that are provided within any redevelopment of the wider area in the future though and this needs to be borne in mind. As before, the Transport Assessment then uses the above results to conclude that trips by other modes of transport would also fall and therefore these do not need to be assessed. This argument was considered flawed by the Council's Highway & Transport Delivery Unit and TfL.

Further analysis has therefore been undertaken and presented in a Technical Note dated 1st March. This has examined data obtained in the London Travel Report 2007 on trip rates and modal split by students in London. This showed 22% travelling by car, but as this site will have no off-street parking for students, those trips have been reassigned to other modes in proportion to modal share. The resultant estimated modal split is therefore 22% rail/tube, 37% bus, 38% walk, 3% bicycle and 1% taxi. This produces estimated daily two-way trips for each mode totalling 353 rail/tube trips, 594 bus trips, 610 walking trips, 48 bicycle trips and 16 taxi trips each way. The technical note then very crudely assumes that one third of these trips will be made in the morning peak period (7-10am) with trips spread evenly over that three-hour period (despite the availability of data on the TRAVL database that breaks trips down by half-hourly periods) and thus draws an unsubstantiated conclusion that the impact will be acceptable. However, no assessment has been made of the evening peak period (which the TRAVL database suggests is far busier) or of the other retail and health and fitness uses on the site, the latter of which could be particularly significant for the evening peak period. With no information provided on where students would be travelling to for their studies either, the assessment of the impact on non-car modes of transport is still considered by the Highway & Transport Delivery Unit to be incomplete.

The views of TfL (as the operator of most local public transport services) are critical in this respect though and in this regard they have accepted that there is sufficient capacity on nearby London Underground services to accommodate predicted movements. However, they have asked for more information on the impact on bus routes to assess the level of any mitigation that might be required. The applicants have later substantiated their technical note with further information and data regarding the possible universities that future students will attend, but TfL have continued to indicate that they still consider that this does not conclusively determine the impact of the scheme on the bus network. They therefore continue to request a contribution, which the applicants do not consider is justified as they have extrapolated as much information as possible from the highway data.

No update has been provided on the road accident history in the vicinity of the site, so previous conclusions remain unaltered (i.e. no particular accident problem is noted in the area that would be likely to be significantly worsened by this proposal).

Student Management Plan/Travel Plan

In order to help to minimise the traffic impact of the development, a framework Travel Plan has been prepared for the student accommodation, supplemented by a student management plan to deal specifically with traffic movements at the start and finish of term when students are moving into and out of the building. No plan has been put together for the fitness centre though, as would be required under the thresholds set out in TfL's Guidance for Workplace Travel Plans and it is suggested that a requirement for this to be submitted and approved prior to occupation of the centre be secured through the S106 Agreement for the site.

The proposed student Travel Plan sets out a number of measures to be overseen by a Travel Plan Co-ordinator and Steering Group to ensure that the student accommodation generates no vehicular traffic on a day-to-day basis, which are largely focused around providing information on

travel options and ensuring broadband facilities are installed. Given the absence of parking for the student accommodation, the targets will be based around making sure vehicular trips remain low, rather than achieving a modal shift, with the targets to be set following baseline surveys undertaken within the first year of occupation. Monitoring will be undertaken on a biennial basis using multi-modal travel surveys.

To help manage the process of moving students into and out of the building en masse at the beginning and end of the college terms, a Student Management Plan has been prepared to supplement the Travel Plan. This aims to provide information on the moving arrangements to assist the process, with pre-booked arrival slots being used to minimise the number of students arriving at any one time. Staff will also be employed to help with the process, unloading belongings into a secure storage area, after which the vehicle can be moved to off-site parking before goods are then moved up to the room. Whilst this will certainly help, there is no doubt that the process will be fraught, particularly at the start of a college year and whilst mention is made of spreading arrivals over a four-day period (avoiding Wembley Stadium event days), consideration also needs to be given to making the most of the opportunities offered by the weekend (esp. Sundays), when there is less traffic congestion in the area generally and parking restrictions are more relaxed. In the longer term, the future availability of the rear service road will also help during moving in periods.

Unfortunately though, the assessment of the submitted Travel Plan (and Student Management Plan) using TfL's ATTrBuTE program has scored a FAIL, largely due to the lack of baseline modal split information and targets (despite such information having been presented in the Transport Assessment), as well as lack of detail about the funding of the Travel Plan and inclusion of any proposed Action Plan. As such, further work is required to bring the document up to scratch and for the time being it is recommended that the S106 Agreement requires the resubmission and approval of a revised plan of sufficient quality to score a PASS under the ATTrBuTE assessment (or any future replacement thereof).

Finally, to help support the Travel Plan aims with regard to improving off-site transport infrastructure around this largely car-free development (particularly in terms of mitigating the likely – impact on local bus services and parking in the area), a financial contribution would ordinarily be sought towards non-car access/highway safety improvements and/or parking controls in the area. To this end, a sum of about £110,000 is considered appropriate in this case. A sum of £10,000 has been agreed towards the provision of a car club. However, the provision of a public swimming pool within the building has been considered acceptable in lieu of any S106 standard charge payments towards other off-site infrastructure

Flood Risk

The site is within Flood Zone 1 and is less than 1 hectare in size; therefore no detailed flood risk statement is required under PPS25. The applicants need to demonstrate compliance with the Environment Agency's Standing Advice including the consideration of Sustainable Urban Drainage Systems. Thames Water originally raised objections to the proposal on the sewerage network capacity, but on the submission of further details have amended their comments, to allow a condition based on the agreed revised details that demonstrate no increase from the existing outflow on site.

Conclusion

In conclusion the revised application brings forward a valuable piece of community infrastructure to the Masterplan area and wider Borough. The swimming pool and fitness facilities accessible to the public at reasonable rates meet a shortfall within Brent. The applicants have worked closely with officers in order to achieve a building that whilst large, will become an exemplar development in terms of facade treatment and building form. The proposed student accommodation is considered to be of a high standard and will meet with planning policies for the reasons set out above.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
Planning Policy Statement 1 – Creating Sustainable Communities (2005)
Planning Policy Statement 3 – Housing (2006)
Planning Policy Statement 4 – Planning for Sustainable Development (2010)
Planning Policy Guidance 13 – Transport (2001)
Planning Policy Guidance: Planning for Open space, sport and recreation (2006)
Planning Policy Statement 25 – Development and Flood Risk (2006)
The London Plan, 2004 as consolidated with amendments
Mayor SPG: Accessible London: Achieving an inclusive environment
Brent Core Strategy 2010
Brent Unitary Development Plan 2004
SPG3 Forming an access to a road
SPG4 Design Statements
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

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):

XXXXXX

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

- (3) The development and associated drainage works shall be undertaken strictly in accordance with the approved drainage strategy detailing on and/ or off site drainage works, reference J564_doc_03_P1 received 14/03/11 prior to the occupation of the building unless otherwise agreed in writing by the Local Planning Authority in conjunction with the sewerage undertaker

Reason: The development may lead to sewerage flooding, to ensure that efficient capacity is made available to cope with the new development, in order to avoid adverse environmental impact upon the community

- (4) The windows in the northern and southern flank walls of the student accommodation shall be glazed with obscure glass and thereafter maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To safeguard the amenities of future occupiers and in the interests of good neighbourliness.

- (5) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site (in particular the routes used by emergency vehicles) including the front forecourt and the northern access route, which shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority. All loading and unloading of goods and materials shall, where practicable, be carried out entirely within the curtilage of the property.

Reason: To ensure that materials or vehicles awaiting or being loaded or unloaded are parked in designated areas and do not interfere with the free passage of vehicles or pedestrians within the site and along the public highway and in the interests of the visual amenities of the area.

- (6) The proposed mechanical ventilation systems shall include heat recovery mechanisms unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to ensure sustainability measures are maximised

- (7) The building hereby approved shall not be occupied until the 5 parking spaces are marked out for use as only disabled parking or servicing vehicles. Thereafter they shall be maintained as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure an accessible development, with appropriate servicing provision on site.

- (8) Notwithstanding the submitted drawings, details of materials and colours for all external work with samples, (including choice of cladding, windows, doors, walls, roof, mortar and bonding detailing, brise soleil and fins) shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing unless agreed otherwise in writing by the Local Planning Authority, and those details, once approved, shall be fully implemented.

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

- (9) All areas shown on the plans shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscape works shall be completed prior to occupation of building(s) and commencement of the use, unless otherwise agreed in writing by the Local Planning Authority

Such details shall include but not be limited to:

- (a) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (b) Full details of hard-surfacing materials for all areas of hard surface within the site including paths, ramps, steps, parking areas, indications of the surfacing delineation of different users within the natural stone paving shared surface area fronting Empire Way, and consideration of sustainable urban drainage systems (SUDs)

- (c) The location of, details of materials, sizes and finishes of, all proposed street furniture, and external storage facilities,
- (d) treatment of roof terraces including (notwithstanding the details on the submitted drawings,) methods of screening and the screen heights/ planting outside the windows facing the podium garden
- (e) All planting including location, species, size, density and number with a soft landscaping planting schedule and layout plan. This shall include details of proposed break-out systems for all tree pit roots,
- (f) Any sustainable construction methods which are to be used.
- (g) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (j) Details of the planting of all elevated roof gardens and green roofs on site, their substrate depths and their associated maintenance schedule

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

- (10) a) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the provision of 8 *Betula papyrifera* "semi-mature" trees along the frontage with Empire Way unless otherwise agreed in writing by the Local Planning Authority
- b) The trees shall be planted in accordance with a planting methodology to be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - details of the tree pit design
 - internal dimensions of all proposed planting pits demonstrating rootable soil volume
 - soil type e.g Amsterdam/ Cornell
 - irrigation/ drainage systems
 - use of a specific tree pit system to be used, e.g. Silvacell
 - use of permeable resin bound macadam surfacing around the trees at surface-level

Thereafter the trees shall be planted in accordance with the details so approved prior to occupation of building(s) and commencement of the use. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of safeguarding local amenity and the character of the streetscene and safeguarding important landscape features

- (11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, finish, height, length and type of boundary treatments to be erected or

retained. The boundary treatments shall be completed before occupation of the buildings, and commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority.

The details shall include, but not be limited to:

- (a) Details of the eastern temporary boundary treatment including the use of graphics and consideration of fire-escape strategy
- (b) Details of any southern boundary and temporary bin storage area
- (c) Details of the northern feature wall including any proposed signage and lighting of the boundary if proposed, and where lighting of the boundary is proposed, details of the lux levels and hours of luminance, surface finishes, materials
- (d) Details of any proposed boundary onto Empire Way

Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development.

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

- (12) No works shall commence on the development hereby approved (excluding demolition) unless details of any external lighting and signage including the lux level, lighting contour map, dimensions and sections where relevant shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and to safeguard the visual amenities of the area

- (13) No works shall commence on the development hereby approved (excluding demolition) unless the applicant submits a Student Accommodation Plan, that shall consider accessibility and identify 1% of the student rooms that will be constructed as accessible accommodation, and 5% of the overall rooms that will be adaptable to wheelchair users. The development shall thereafter be implemented in accordance with the details so approved and thereafter maintained in accordance with these details

Reason: to ensure an accessible development

- (14) No works shall commence on the development hereby approved (excluding demolition) unless the applicant submits further details of the architectural feature on the southern elevation of the proposed front block of the development, at a scale of at least 1:50 indicating materials and treatment of the elevation details. These details shall be submitted and approved in writing by the Local Planning Authority prior to development commencing. The development shall be completed in accordance with the approved details

Reason: In order to ensure appropriate detailing in order to safeguard local amenity

- (15) The parking spaces on site shall not be used for Wembley Stadium event parking or any other parking for those who do not occupy or patronise the development.

Reason: In order to ensure a satisfactory development that makes appropriate parking provision.

- (16) No works shall commence on the development hereby approved (excluding

demolition) unless details of the provision of a minimum of 249 secure cycle parking spaces inside the building and 52 weatherproof surface-level cycle parking stands providing 104 surface level spaces, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include detailed drawings of a scale of at least 1:100 showing the configuration and layout of the spaces and the external appearance of the surface level cycle spaces. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (17) No works shall commence on the development hereby approved (excluding demolition) unless details of any CCTV cameras to be used on site are submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented in full. These details shall include the make, model, design and position of any external CCTV cameras

Reason: In the interests of safety, amenity and convenience.

- (18) No development shall commence until the applicant submits details and the location of site compound during construction to be approved in writing by the Local Planning Authority and thereafter the compound shall be constructed strictly in accordance with the approved details

Reason: in order to ensure that the compound does not detrimentally impact on local residential amenities or the highway network

- (19) No works shall commence on the development hereby approved (excluding demolition) unless a scheme providing for the insulation of the proposed building against the transmission of external noise (and vibration) has been submitted to and approved in writing by the Local Planning Authority and those details shall be in accordance with the levels specified within the documents so approved. Any works which form part of the scheme shall be completed in accordance with the approved scheme before any of the permitted units are occupied. The design levels for noise relating to Stadium music events should take account of a design noise level of 63dB(A) or the maximum possible levels unless the submitted details demonstrate to the satisfaction of the Local Planning Authority that a lower design level is acceptable. The approved strategy shall include consideration of glazing and ventilation strategies to ensure that "good" resting and sleeping conditions in accordance with BS8233:1999 are achieved.

Reason: To ensure satisfactory noise levels for the proposed student accommodation

- (20) No development shall commence until the applicant submits details to demonstrate that the CHP system will not result in any significant adverse air quality conditions locally. These operational criterion details shall be submitted to, and agreed in writing by the Local Planning Authority before development commences and thereafter the strategy shall be implemented in accordance with the details so approved.

Reason: In order to ensure air quality for future occupiers

- (21) a) No works shall commence on the development hereby approved (excluding demolition) unless details of any new plant machinery and equipment (including air conditioning, extraction equipment for the commercial units, CHP plant, and

ventilation systems) associated with the proposed development and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority and thereafter shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance
b) The noise level from this plant 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 and to safeguard the amenities of adjoining occupiers and future occupiers

- (22) No works shall commence on the development hereby approved (excluding demolition) unless details of the methodology to safeguard student accommodation at first floor, to ensure satisfactory electromagnetic frequencies are achieved in relation to the proposed electricity substation is submitted to and approved in writing by the Local Planning Authority. Thereafter the safeguarding measures outlined shall be implemented in accordance with the approved details

Reason: To safeguard the health and amenities of future site users/ occupiers

- (23) Detailed implementation measures identified in Appendix A of the ICE Demolition Protocol (2008) shall be completed and submitted to and approved in writing by the Local Planning Authority prior to any work commencing (including demolition) unless agreed otherwise by the Local Planning Authority, and the approved details shall be fully implemented. Details for approval will include, but will not be limited to, a pre-demolition audit with D-BOQ (Demolition Bill of Quantities) and DRI (Demolition Recovery Index) and design assessment with NB-BOQ (New Build Bill of Quantities) and NBRI (New Build Recovery Index).

Reason: In order to ensure sustainability measures are maximised

- (24) No works shall commence on the development hereby approved (excluding demolition) unless details of the mechanism to ensure that the majority of glazing on the northern and southern elevations at ground floor is not obscured by internal or external screening mechanisms, is submitted to and approved in writing by the Local Planning Authority. Thereafter the measures outlined shall be implemented in accordance with the approved details

Reason: To ensure an active frontage and safe development

- (25) No works shall commence on the development hereby approved (excluding demolition) unless details of an internal cycle hire scheme, is submitted to and approved in writing by the Local Planning Authority. Thereafter the measures outlined shall be implemented in accordance with the approved details

Reason: To ensure a sustainable development and encourage cycle use

INFORMATIVES:

- (1) The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the building works in the site. Unless otherwise agreed in writing by the Local Planning Authority this must include:
- damping down during demolition and construction, particularly in dry weather conditions,
 - minimising the drop height of materials by using chutes to discharge material
 - damping down the skips/ spoil tips as material is discharged,
 - sheeting of lorry loads during haulage and employing particulate traps on HGVs
 - ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
 - utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
 - the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation

REFERENCE DOCUMENTS:

Please refer to Policy section

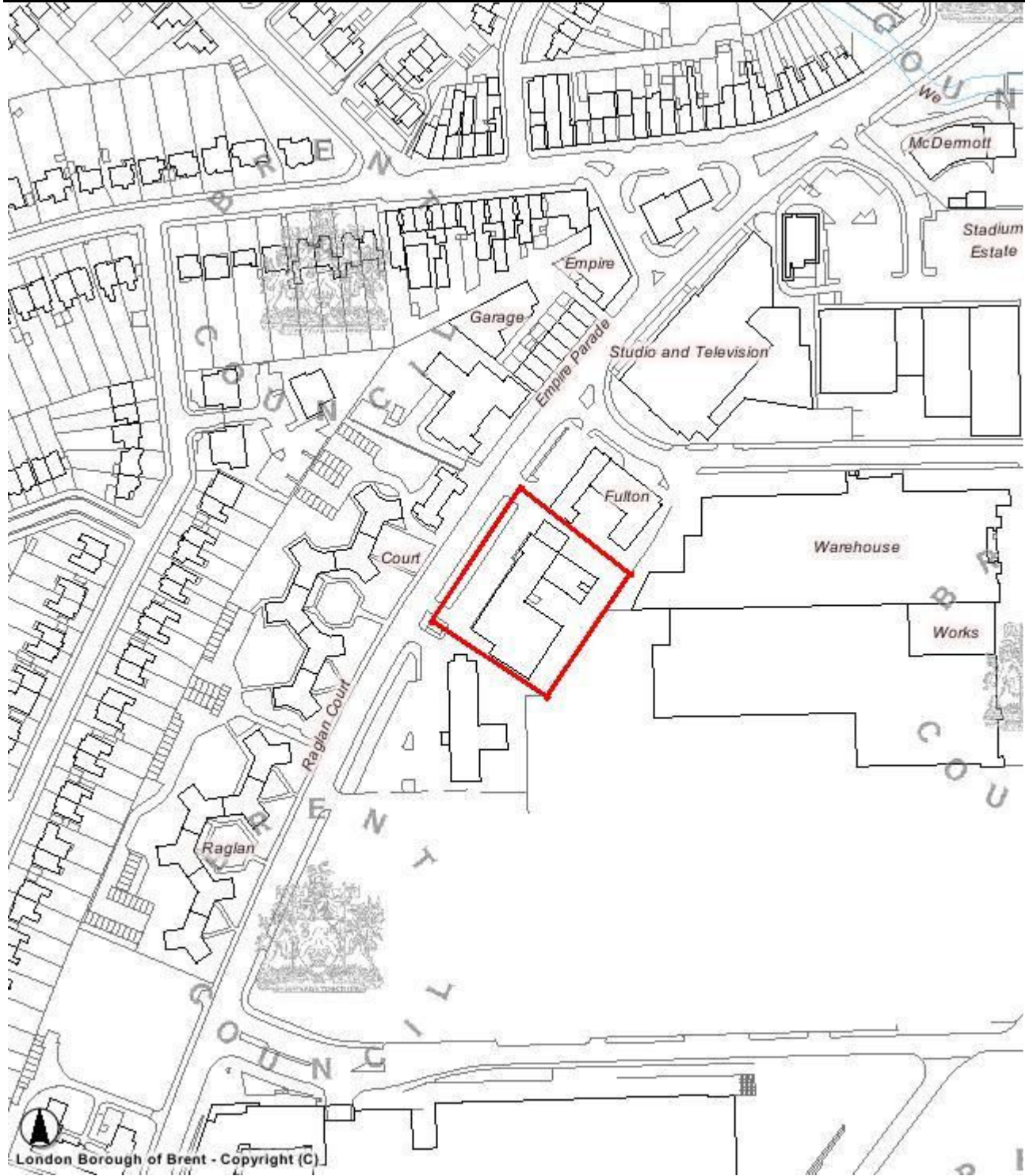
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: Dexion House, Empire Way, Wembley, HA9 0EF

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This map is indicative only.

Committee Report Planning Committee on 6 April, 2011

Case No. 11/0137

RECEIVED: 10 January, 2011

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Chequers, Managers Flat and Store, 149 Ealing Road, Wembley, HA0 4BY

PROPOSAL: Minor material amendment to planning permission 09/3013 granted 06/04/10 for *the Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and ancillary basement level and 30 self-contained flats (one 1-bedroom, nineteen 2-bedroom and ten 3-bedroom units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear and subject to a Deed of Agreement dated 6th April 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.* The amendment is for:

- The insertion of 2 obscured glazed windows within eastern elevation facing 2 Stanley Avenue.

APPLICANT: Network Housing Group

CONTACT: Forge Architects

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

Grant consent subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area 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:-

1. Payment of the Council's legal and other professional costs in
 - (a) preparing and completing the agreement and
 - (b) monitoring and enforcing its performance
2. Affordable Housing – 100% to be agreed with the council
3. A reduced RSL contribution of £2400 per bedroom index-linked from the date of committee for Education, Sustainable Transportation, including Car Clubs, Air Quality and Open Space & Sports in the local area.

4. Car Free, the residents can not apply for residents' parking permits.
5. Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved, Code for Sustainable Homes Level 3 and BREEAM Very Good, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
6. Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that this is unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
7. A contribution of £20,000, index-linked from the date of committee for improvements to local play and public amenity areas
8. Join and adhere to the Considerate Contractors scheme.

And to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission by the end of the 13-week application process or by another date if agreed in writing with the Local Planning Authority, 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 originally consisted of a vacant 3-storey public house with rear garden space, the adjacent manager's house and store building. The site is located on the corner of Ealing Road and Stanley Avenue and is adjacent to the Ealing Road Town Centre primary shopping frontage. The site is not within the designated Ealing Town Centre in Brent's Unitary Development Plan, but is in the Town Centre in the Core Strategy 2010. The development site is approximately 400m from Alperton Tube Station. The neighbouring properties on Ealing Road and Stanley Avenue are two storey semi-detached dwellings while Ealing Road town centre is characterised by two/three storey terraced properties and generally has town centre uses on the ground floor with residential above.

The pub has now been demolished and the development approved under reference 09/3013 is now under construction.

PROPOSAL

The applicants are seeking to amend their planning permission granted last year for the redevelopment of the former Chequers Public House. The amendment they request is for the insertion of 2 obscurely glazed windows within the eastern elevation facing the adjoining property at 2 Stanley Avenue. The redevelopment consisting of the erection of a 3 to 5 storey building providing 30 flats and commercial units on the ground floor is well under way. The proposed amendment arises from a request by the Metropolitan Police Design Team in order to improve natural surveillance.

HISTORY

Numerous details pursuant to condition applications and the following relevant other recent cases, for more information see acolaid

07/03/11 - 11/0281 – granted

Non-material amendment comprising:

- alterations to glazed balcony doors, to insert openable windows
- of full planning permission 09/3013 dated 06/04/10 for demolition of existing buildings and erection

of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and ancillary basement level and 30 self-contained flats (one 1-bedroom, nineteen 2-bedroom and ten 3-bedroom units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear and subject to a Deed of Agreement dated 6th April 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

06/04/10– 09/3013 – Granted subject to s106 and conditions

Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and ancillary basement level and 30 self-contained flats (one 1-bedroom, nineteen 2-bedroom and ten 3-bedroom units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear and subject to a Deed of Agreement dated 6th April 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

POLICY CONSIDERATIONS

s.73 Town & Country Planning Act 1990, as amended by s190 Planning Act 2008.
Greater flexibility for planning permissions

SUSTAINABILITY ASSESSMENT

Please refer to the details set out under the report for 09/3013

CONSULTATION

48 consultation letters sent on 01/02/11 to neighbouring properties
Site notice 23/02/11
Press Notice 03/03/11

No letters received

Secured by Design - Police Architectural Liaison Officer- obscure glazed windows are still valuable in reducing the fear of crime

REMARKS

Key considerations

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

- whether the proposed alterations would cause harm to the amenity of neighbouring residents
- whether the proposed alterations would harm the visual amenities of the area
- whether the proposed alterations would affect the standard of accommodation of future occupants

Background

This application is for some minor material amendments. Recent changes to Government policy recognises that some things matter more than others; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009). This means that planning permission 09/3013 remains extant, and the current application is merely to consider the differences between the previously approved scheme and the application now proposed, i.e. the insertion of two windows.

Proposal

The application seeks permission for a minor material amendment to allow:

- insertion of 2 obscured glazed windows within eastern elevation facing 2 Stanley Avenue

The windows proposed are requested for Secured by Design purposes. They are within the eastern elevation of the proposed development and will serve the living room of flat 1 on the first floor, and flat 10 on the second floor.

Impact on adjoining residential amenities

On the application site the proposed windows will look over the communal amenity area and detached cycle store. There is a gap of 8.7m between the boundary and the proposed windows. SPG17 guides that windows within a main elevation should have a separation distance of 10m to the boundary. The 8.7m separation falls short of this. It is noted however that the nearest adjoining neighbour, number 2 Stanley Avenue has a garage sited on the boundary, which is level with the location of the proposed windows, and that the 10m separation distance guided by SPG17, would fall within this building, rather than directly overlooking the neighbouring garden. This means that the proposal is less likely to harm the privacy of the nearest neighbouring habitable room, (the rear-facing dining room,) and private amenity area of 2 Stanley Avenue. However, in order to ensure that a satisfactory relationship is maintained, officers have required that the proposed windows be obscure glazed. The applicants have confirmed that this could be a condition of approval. While obscuring the windows will reduce their effectiveness in increasing natural surveillance the police have confirmed they still consider it worth doing as it will give the impression of increasing surveillance and help reduce the fear of crime. The area in question is a small part of the development's amenity space located behind the refuse/recycling store and that is currently not overlooked by any of the development's currently approved windows.

Impact on visual amenities of the area

The proposed windows are to be located mid-way along the eastern elevation of the proposed building. The 2 new windows help to articulate this elevation further and are in proportion with other windows on the building. Accordingly the proposal is considered in keeping with the new building and not out of keeping with the character of the area. In accordance with policies BE2, BE5 and BE9 of Brent's Unitary Development Plan 2004 and Policy CP17 of Brent's Core Strategy 2010.

Impact on the standard of accommodation of future occupants

The proposed windows will serve the living room of flat 1 on the first floor, and flat 10 on the second floor. They are secondary to the primary windows, which face north and as they will be obscure-glazed, will not significantly alter the outlook of the proposed living rooms, but will increase the daylight received, which is considered an improvement upon the approved development.

Conditions and s106

The conditions attached to original decision notice are repeated, although the standard time condition is amended to reflect the original decision date and where further details have been approved, these are included in the conditions. A new section 106 legal agreement will be issued to accompany the current proposal.

Conclusion

Accordingly on balance your officers consider that the proposed amendments can be treated as an acceptable material minor amendment to the drawings approved through planning consent reference 09/3013.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

PPG16 - Archaeology and Planning

PPG24 – Planning and Noise

The London Plan as consolidated with amendments since 2004

Mayor's SPG - Providing for Children and Young People's Play and Informal

Recreation – Mayor's Supplementary Planning Guidance (2008)

Brent's Unitary Development Plan 2004

Brent's Core Strategy 2010

Supplementary Planning Guidance - (SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance - (SPG) 19 - "Sustainable Design, Construction & Pollution Control".

Supplementary Planning Document - S106 Planning Obligations

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 06/04/10

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

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

LOCATION PLAN A1 1140_E_100	PROPOSED SECOND FLOOR PLAN A1 1140_P_203B
EXISTING SITE PLAN A1 1140_E_101	PROPOSED THIRD FLOOR PLAN A1 1140_P_204 A
EXISTING STREET ELEVATIONS A1 1140_E_102	PROPOSED FOURTH FLOOR PLAN A1 1140_P_205 A
Local play facilities diagram A3 1140_E_150	PROPOSED ROOF PLAN A1 1140_P_206 C
PROPOSED BASEMENT PLAN A1 1140_P_200 A	PROPOSED NORTH & WEST ELEVATIONS 1179_PC_01revC
PROPOSED GROUND FLOOR PLAN 1179_GA_250revF	PROPOSED SOUTH & EAST ELEVATIONS 1179_PC_02revC
PROPOSED FIRST FLOOR PLAN A1 1140_P_202 B	PROPOSED SECTIONS A1 1140_P_400 B

Design & access statement

Energy Demand and Sustainability Assessment for 20% Renewable Target
received 26/02/10

Scheme comparison letter

Affordable housing statement

Sustainability checklist

Tree survey report A4

Tree survey schedule

Mechanical ventilation strategy

Topographic survey

11/0053:

1179_GA_250revF

1268-001P04

10/2398:

1268-001 P03

BS 5837:2005 Tree Survey dated 18th December 2009

Noise Assessment, File reference number: 18248 (June 2010)

10/1915:

Letter from Forge Architects dated 23/08/10; 1179_GA_250RevD; Admiralplay sheets on swing set, bench seat, clover, see saw, information sheet on Broxap Centurian BX46 7007-BP

10/0996:

Archaeological Investigation Report by AOC dated May 2010

10/1465:

1179_PC-01rev A,

1179_PC-02rev A

Samples and letter dated 20/07/10

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

- (3) Prior to the commencement of the use of any part of the approved development the loading bay shall be constructed and permanently marked out in accordance with the approved plans. Thereafter it shall be retained and used solely for its designated use in connection with the development hereby approved and for no other purpose.

Reason: 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 along the neighbouring highway.

- (4) During demolition and construction on site:-
(a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site;
(b) - Construction/ refurbishment/ demolition works and ancillary operations that are audible at the site boundaries, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays,
0800 - 1300 Saturdays and At no time on Sundays or Bank Holidays; unless otherwise agreed in writing by the Local Planning Authority

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

- (5) No use of the ground-floor commercial premises shall take place until such time as the external doors for the ground-floor commercial uses have been fitted with self-closing devices and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard the amenities of adjoining occupiers and minimise emission of odours and/or noise to the neighbouring area

- (6) Deliveries/ unloading/ loading associated with the application site shall only be between the following hours:
08:00 – 18:00 - Monday to Saturday

Not at all - Sundays/Bank Holidays
Unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard local residential amenities

- (7) No additional windows, glazed doors or other openings (other than any shown in the approved drawings) shall be constructed above ground-level in the building, without the prior written consent of the Local Planning Authority.

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

- (8) All existing vehicular crossovers rendered redundant by the development hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development/ commencement of the use.

Reason: In the interests of highway and pedestrian safety.

- (9) Notwithstanding the submitted drawings this consent does not extend to any shopfront or advertisement proposed or indicated for the site which would need to be the subject of a separate planning, or advertisement consent.

Reason: For the avoidance of doubt and in order to allow the Local Planning Authority to exercise proper control over the development.

- (10) The proposed basement shall only be used to provide ancillary floor-space in conjunction with the ground-floor units and cannot be subdivided to provide self-contained units without the prior written consent of the Local Planning Authority. The use of the basement shall be restricted to storage, plant, sanitary accommodation, kitchens and preparation areas to serve the commercial units above unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the over-intensification of commercial use at the site

- (11) The rear access path between the servicing area and commercial unit 1 shall be provided prior to the occupation of the building/ commencement of the use and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to enable rear servicing and prevent servicing of the unit from Ealing Road, which would lead to highway obstructions, harmful to highway safety and the free-flow of traffic

- (12) The residential units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirms that lifetime homes standards and a minimum of 10% wheelchair residential accessible units have been provided within the development.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

- (13) The 2 proposed windows within the eastern elevation serving the living room of flat 1 on the first floor, and the living room of flat 10 on the second floor shall be obscure

glazed or fitted with a 80um matt polymeric translucent stabilized vinyl film as installed, and shall thereafter be retained as such and fixed shut unless otherwise agreed in writing by the Local Planning Authority

Reason: The windows are within 10m of the side boundary in a position that may overlook the neighbouring private amenity area: in order to safeguard reasonable neighbouring residential amenities

- (14) The development shall be carried out in accordance with the approved materials for all external work (including walls, doors, windows, balcony details), approved under application 10/1465 including drawings 1179_PC-01rev A, and 1179_PC-02rev A and submitted samples and letter dated 20/07/10

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

- (15) The approved hard and soft landscape works shall be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme under application 11/0053 including 1179_GA_250revF and 1268-001P04

Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and size to those originally planted.

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

- (16) The approved play spaces works shall be completed prior to occupation of the building in accordance with the details under 10/1915 including Letter from Forge Architects dated 23/08/10; 1179_GA_250RevD; Admiralplay sheets on swing set, bench seat, clover, see saw, information sheet on Broxap Centurian BX46 7007-BP

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 appearance and setting of development so that the facilities provide a benefit to the local community and residents.

- (17) The construction works shall only be undertaken in accordance with the tree protection measures set out within 10/2398 including 1268-001 P03, BS 5837:2005, Tree Survey dated 18th December 2009

Reason: To ensure that existing landscaping features are retained and protected from damage during the course of construction works.

- (18) The approved boundaries shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority, in accordance with application 11/0053 including 1179_GA_250revF and 268-001P04

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

- (19) The development shall only be undertaken with the approved programme of archaeological work, in accordance with the approved written scheme of investigation submitted under application 10/0996 including the Archaeological Investigation Report by AOC dated May 2010

Reason: To ensure that this site, in an Archaeological Priority Area, is properly investigated and, if necessary, excavated before development begins, in accordance with policy BE31 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of PPG16: *Archaeology and Planning*.

- (20) Development may only be undertaken in accordance with the approved programme of archaeological recording of the historic building according to the agreed details under application 10/0996 including Archaeological Investigation Report by AOC dated May 2010

Reason: The historic building is of archaeological interest and alterations should be recorded in accordance with policy BE31 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of PPG16: *Archaeology and Planning*.

- (21) The approved details including:
a) the proposed refuse and recycling facilities for commercial and residential units
b) the proposed publicly accessible bicycle parking spaces and
c) private secure bicycle storage facilities
shall be completed in all respects in accordance with the details approved under application 11/0053 including 1179_GA_250revF and 1268-001P04 before the buildings are occupied.

Reason: These details are required to ensure that a satisfactory development is achieved to prevent the accumulation of waste and in the interests of sustainable development.

- (22) Prior to the commencement of any A3/A4 use,
a) details of suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to commencement of the use and thereafter maintained.
b) any musical amplification systems that may be used in the commercial units shall be maintained at a level that is at least 10dB below the external background noise level of the nearest noise sensitive premises. Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

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

- (23) a) The Acoustic Measures specified in the approved Noise Report (to insulate the

proposed residential units to a noise level approved by the Local Planning Authority (including consideration of special glazing for proposed windows and the use of acoustic trickle vents or other equivalent ventilation equipment and insulation between floors where appropriate,)) shall be undertaken in accordance with the approved details under application 10/2393 including Noise Assessment, File reference number: 18248 (June 2010); prior to occupation.

b) Following completion of the building works a post-completion report demonstrating that "the approved" internal noise levels (in accordance with BS8233:1999 Sound insulation and noise reduction for buildings) have been achieved in 10% habitable rooms including units on the first floor, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units

c) Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: The site is subject to high noise levels, where planning permission may only be granted with appropriate conditions that provide commensurate protection against noise according to PPG24

- (24) No development shall commence unless the applicant employs a qualified asbestos contractor to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. Any asbestos-containing materials must be removed from the site and documentary evidence submitted to the Local Planning Authority for approval prior to the commencement of the demolition works proposed. Thereafter the asbestos removal shall be undertaken in accordance with the approved details

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

The London Plan 2004 as consolidated with amendments
Brent's Unitary Development Plan 2004
Brent's Core Strategy 2010
Greater Flexibility for planning permissions

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: Chequers, Managers Flat and Store, 149 Ealing Road, Wembley, HA0 4BY

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This map is indicative only.

Appendix 1

Committee Report

Planning Committee on 16 March, 2010

Item No.

3/03

Case No.

09/3013

RECEIVED: 5 January, 2010

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Chequers, Managers Flat and Store, 149 Ealing Road, Wembley, HA0 4BY

PROPOSAL: Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and ancillary basement level and 30 self-contained flats (one 1-bed, nineteen 2-beds and ten 3-bedroomed units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear

APPLICANT: Botwellears Ltd and Network Housing Group

CONTACT: Forge Architects

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

(a) To delegate authority to the Director of Planning to determine this planning application and to grant planning permission subject to the completion of a satisfactory Section 106 agreement on the heads of terms as set out below (or amended heads of terms as agreed by the Director of Environment and Culture or duly authorised person), the exact terms thereof agreed by the Director of Planning on advice from the Borough Solicitor; but

(b) if the legal agreement has not been entered into by the application's statutory expiry date of 06/04/10, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) if the application is refused or withdrawn for the reason in b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory section 106 has been entered into.

SECTION 106 DETAILS

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

1. Payment of the Council's legal and other professional costs in
 - (a) preparing and completing the agreement and
 - (b) monitoring and enforcing its performance
2. Affordable Housing – 100% to be agreed with the council
3. A reduced RSL contribution of £2400 per bedroom index-linked from the date of committee for Education, Sustainable Transportation, including Car Clubs, Air Quality and Open Space & Sports in the local area.
4. Car Free, the residents can not apply for residents' parking permits.

5. Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved, Code for Sustainable Homes Level 3 and BREEAM Very Good, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
6. Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that this is unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
7. A contribution of £20,000, index-linked from the date of committee for improvements to local play and public amenity areas
8. Join and adhere to the Considerate Contractors scheme.

And to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission by the end of the 13-week application process or by another date if agreed in writing with the Local Planning Authority, 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 currently consists of a vacant 3-storey public house with rear garden space, the adjacent manager's house and store building. The site is located on the corner of Ealing Road and Stanley Avenue and is adjacent to the Ealing Road Town Centre primary shopping frontage. The site is not within the designated Ealing Town Centre in Brent's Unitary Development Plan, but will be in the Town Centre in the revised forthcoming LDF. The development site is approximately 400m from Alperton Tube Station. The neighbouring properties on Ealing Road and Stanley Avenue are two storey semi-detached dwellings while Ealing Road town centre is characterised by two/three storey terraced properties and generally has town centre uses on the ground floor with residential above.

PROPOSAL

Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and basement level and 30 self-contained flats (one 1-bed, nineteen 2-beds and ten 3-bedroomed units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear

HISTORY

Members will be aware of several recent applications for similar developments on the site.

09/06/09- (Ref: 09/0355) - Refused

Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, consisting of 2 commercial units (Use Classes A1, A2, A3 or A4) at ground floor with an ancillary basement level and 32 flats on upper-floor levels, formation of new vehicular and pedestrian accesses, provision of 2 disabled car-parking spaces to front, cycle and refuse store to side, communal amenity space to rear and associated hard and soft landscaping

This application was similar to those previously submitted and incorporated a basement. Members were minded to grant at planning committee but the s106 legal agreement was not signed before the statutory expiry date resulting in the application being refused under delegated powers.

30/10/2008 - (Ref: 08/2194) – Refused

Demolition of existing buildings and erection of a 3-, 4- and 5-storey building consisting of 32 flats (comprising 5 x one-bedroom, 19 x two-bedroom and 8 x three-bedroom flats) at first-floor to fourth-floor level and 2 commercial units at ground-floor level (Use Classes A1, A2, A3 & A4) plus ancillary basement support space (including storage, sanitary accommodation, kitchen and preparation areas to serve the two commercial units above), with formation of new vehicular and pedestrian accesses, provision of 2 disabled-parking spaces, storage for 40 bicycles, residential refuse & recycling store and 2 commercial refuse stores, communal amenity space to the rear, and hard and soft landscaping to the site (as

accompanied by Design and Accessibility Statement dated August 2008, Sustainability & Carbon Emission Reduction - Strategy, and Mechanical Ventilation Strategy)

This application was very similar to application 08/0822 in that it proposed a basement, (in addition to the development above-ground that was minded to be approved under 07/2368,) which provided space for associated plant and an additional 497sqm of floor space for the two proposed commercial units, raising the total commercial floor space in the scheme to 987sqm. Other minor changes were also proposed such as an enlargement to the service bay in order to overcome the previous refusal reason of 08/0822.

Officers recommended that this application was approved subject to s106 and conditions. At Planning Committee on 07/10/08 Members were also minded to approve the application. However since the end of 2007 the Local Planning Authority had altered its policy for dealing with Major applications subject to a s106 legal agreement. In the interests of maintaining the Planning Service's performance measured against the government's national indicator's (NIs) it has become general practice for officers to make a dual recommendation to approve applications subject to the completion of a section 106 agreement within the statutory 13 week period or if the applicant fails to do this, to give the Director of Environment & Culture, or any other duly authorised person, the delegated authority to refuse the application.

18/07/2008 - (Ref: 08/0822) – Refused

This was a revision to the earlier minded to approve scheme (07/2368). This was refused by planning committee.

Demolition of existing buildings and erection of a 3-, 4-, and 5-storey building consisting of 32 self-contained flats and 4 commercial units, comprising 2 units at ground-floor level, occupying 570m² of commercial floor space, and 2 units at basement level, occupying 560m² of commercial floor space (with Use Classes A1, A2, A3 & A4); 5 x one-bedroom flats, 19 x two-bedroom flats and 8 x three-bedroom flats at first-floor to fourth-floor level, formation of new vehicular and pedestrian accesses, provision of 2 disabled parking spaces, cycle store with 40 cycle spaces, refuse and recycling store, communal amenity space to rear, and hard and soft landscaping to the site (Revised Application including basement extension to proposed ground-floor commercial units).

This revised application sought to create a substantial basement area in addition to the development above ground that Members were minded to approve under proposal 07/2368. The proposed basement aimed to provide an additional 417sqm of floor space for the commercial units, which raised the total commercial floor space in the scheme to 987sqm. Other minor changes were proposed including alterations to the access arrangements to the residential element of the scheme.

Although officers considered the additional floor space would not increase the servicing requirements for the scheme, Members felt that the additional basement floor space had the capacity to provide an additional two separate commercial units which would require additional servicing space that the applicant was not providing. This revised scheme was therefore refused by Planning Committee on 18/07/08.

06/11/07 - (Ref: 07/2368) - Pending

Members were minded to approve this application at Planning Committee on 06/11/07 subject to a s106, which has yet to be signed.

Demolition of existing buildings, erection of 3-, 4-, and 5-storey building comprising 32 self-contained flats and 2 retail units, consisting of 570m² retail floor space at ground-floor level, 5 x one-bedroom flats, 19 x two-bedroom flats and 8 x three-bedroom flats at first-floor to fourth-floor level, formation of new vehicular and pedestrian accesses, provision of 2 disabled parking spaces, cycle store with 39 cycle spaces, refuse and recycling store, communal amenity space to rear and hard and soft landscaping to site (as amended by plans received 23/10/2007) subject to a signed deed of agreement under section 106 of the town and country planning act 1990, as amended.

21/06/07 - (Ref: 07/0741)- Withdrawn

This application was withdrawn by the applicant.

Demolition of existing building and erection of a 3-, 4- and 5-storey building consisting of 471m² retail floorspace at ground-floor level and 34 residential flats on upper floors (comprising 6 x one-bedroom flats, 20x two-bedroom flats and 8 x three-bedroom flats), formation of new vehicular and pedestrian access, provision of 2 disabled car-parking spaces, cycle store, commercial and residential refuse and recycling stores, provision of communal amenity space to rear and landscaping to site.

POLICY CONSIDERATIONS
PPG16 - Archaeology and Planning
PPG24 – Planning and Noise

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

Unitary Development Plan 2004

BE1 - requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

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

BE3 - relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE4 - states that developments shall include suitable access for people with disabilities.

BE5 - Proposals should, amongst other things, clearly defined public, private and semi-private spaces in terms of their use and control.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, boundary treatments to complement the development and enhance the streetscene.

BE7 – A high quality of design and materials will be required.

BE9 - Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality materials.

BE12 - states that proposals should embody sustainable design principles commensurate with the scale and type of development.

EP2 - Noise & Vibration -noise generating development will be permitted unless it would create noise above acceptable levels

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

H11 - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking ,where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility.

surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

H14 - States that planning permission will be refused where development would under-utilise a site.

H15 - States that the density and height of any buildings should be subsidiary to the street fronting development.

TRN3 - Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where:

(a) The anticipated level of car generation/attraction is greater than the parking to be provided on site in accordance with the Plan's standards and any resulting on-street parking would cause unacceptable traffic management problems; and/or

(b) The proposal would have unacceptable environmental problems such as noise or air quality (especially affecting air quality management areas); and/or

(c) The development would not be easily and safely accessible to pedestrians and/or cyclists; and/or

(d) Additional traffic generated would have unacceptable consequences in terms of access/convenience for pedestrians and/or cyclists; and/or

(e) The proposals would produce unacceptable road safety problems; and/or

(f) The capacity of the highway network is unable to cope with additional traffic without producing unacceptable levels of traffic congestion – especially where this would hinder the ability of the Strategic Road Network and/or London Distributor Roads to cope with through trips, or would introduce through traffic onto local roads; and/or

(g) The proposal would cause a significant increase in the number and/or the length of journeys made by the private car.

TRN11 - Developments shall comply with the Councils minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

TRN23 - Parking standards for residential developments require that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.

TRN35 - On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

SH10 - A3 uses are acceptable providing they comply with policies SH7 or SH9. In considering proposals account will be taken of proximity to residential, the nature and size of proposed use, the concentration of such uses in the area, hours of operation and practicality of providing extract ducting.

SH31 - Further expansion of Ealing Town Centre beyond the defined boundaries will be resisted.

Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction & Pollution Control".

Supplementary Planning Document - S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The initial sustainability strategy was not considered satisfactory, and a revised strategy has been submitted. On the submitted Sustainable Development Checklist the applicants score themselves at 56%. Officers have assessed the checklist and score the applicants 23%, which is fairly detrimental. The main issue to overcome is that the applicants have not signed up to the demolition protocol. However, if they do, their score will significantly increase. This is considered resolvable through the s106.

The applicant has considered energy efficiency, with appropriate insulation and monitoring. They will achieve Code for Sustainable Homes 3, with an aspiration of level 4, and BREEAM Very good. This will be secured through s106.

The applicant has undertaken a revised Energy Strategy using the correct methodology and has evaluated potential onsite renewable options to meet the 20% requirement. Officer agrees with the assessment, 3 forms of onsite renewable (PV, PV & Air Source Heat Pumps (ASHP) or biomass boiler) are considered feasible to provide the required 20% offset carbon on site.

The other renewable energy sources that have been evaluated are set out below:

- District Heating – no proposals nearby currently
- 1. CHP - Not considered feasible due to small site, small number of units and low heat demand during summer months
- 2. Cooling measures – natural ventilation is proposed
- 3. Renewables
Ground Source Heat Pumps were previously considered however due to lack of available space this option has now been ruled out.

PV with ASHP or Biomass are considered to be feasible onsite. Officer agrees these options are the most suitable for the site. Due to the restricted space and impact of deliveries, the applicant considers biomass may not be the most effective solution. No details of plant room or storage have been provided. Also an air quality assessment should be undertaken if biomass boiler is pursued as the site is in AQMA.

There is roughly 820m² flat roof space available, officer's assessment is that although there is limited roof space, it still be possible to meet the 20% target through use of PV panels only.

Proposed Energy Strategy: Summary Table

		% reduction
Baseline CO2 emissions Residential - 78,871kgCO2 Commercial – 34,294kgCO2	113,165 kgCO2	
Design CO2 emissions	103,433 kgCO2	8.9%
CO2 savings from proposed renewables – 3 options considered:		
• PV panels & ASHP	29,012	28%
• PV only	21,507	20.7%
• Biomass boiler	23,474	22%

Therefore all 3 proposed strategies would meet the London Plan requirement of 20% carbon reductions onsite through renewables. It is considered that the final approach may be agreed through s106, particularly given the past history of planning applications on this site.

CONSULTATION

The consultation process included notification letters sent on 11/01/10 148 residents, 4 members, Transportation, Landscape Design, Urban Design, Environmental Health, Thames Water and Crime Prevention adviser. A press notice has been published on 14/01/10, and site notices erected on 15/01/10. The following comments have been received:

Housing department- support the application

Environmental Health –

Seeks further details of ventilation and effluvia treatments, proposed ducting should terminate at least 1m above the roof ridge height. Recommends post-completion noise tests to demonstrate adequate noise insulation. Consider servicing hours to prevent noise nuisance, limit plant noise levels, limit hours of servicing, self-closing doors for the commercial units. Other conditions should require construction/ demolition works and deliveries to be undertaken within set hours. The development is within an Air Quality Management Area and therefore is likely to contribute to background pollution levels and/ or introduce new receptors to an AQMA. To mitigate against such effects the applicant should consider measures to prevent dust entrainment. The Environmental Health officer also comments that there may be asbestos present and therefore require a new condition regarding safe asbestos removal.

Landscape Designer

The landscape scheme should be of high quality. Raises objection to the loss of existing screening landscape features, hard surfacing should be fully detailed, play equipment should be detailed, tree planting should be enhanced, and sustainable drainage should be considered in addition to new planting.

Highways Engineer

Transportation have no objections, subject to the application scheme being "car-free" and a contribution being paid towards non-car access improvements in the vicinity of the site, in addition to conditions regarding surfacing crossovers, servicing area restrictions and boundary treatments.

English Heritage

English Heritage notes that the site of the proposal has potential for archaeological remains. The present public house replaces an earlier one, which is thought to have been built in 1751. However the site lies at the centre of a medieval hamlet known as Alperton and being at the junction of two medieval roads there may have been earlier occupation of the land. The proposed development may, therefore, affect remains of archaeological importance. They recommend that a condition be attached securing the implementation of a programme of archaeological work prior to the redevelopment of the site and a further condition regarding the archaeological recording of the historical building.

Thames Water- suggested informatives

Local

7 letters of objection have been received. The objections raised include:

- Object to height of proposal, 5 storeys is not appropriate to the area, and will dominate the sky-line
- The higher development will make the area less safe, blocking views
- Object to congestion caused by 30 flats and associated residents, there are already problems including traffic congestion, parking issues and fumes/air quality particularly with the local temple and schools. The development will harm local streets
- Rented accommodation is spoiling the character of the area, with old furniture etc on display
- The cycle and refuse stores appear untidy
- Reserved disabled parking spaces on Stanley Road is unfair on existing residents, such parking should be near a GP surgery
- The proposal will harm local privacy and daylight received by local residential properties.
- Existing on-site trees should be protected, virtually all are to be removed- could they be saved with good husbandry?
- It will change the character of the area from residential to commercial.
- The proposed design should be in keeping with its surroundings, it appears like an unsightly block of flats
- There are already casualties on Ealing Road
- There are already local thefts, drug dealing, mugging and violence
- There are sufficient drinking establishments in the area already, drunks may concentrate here in the future, especially with proposed basement
- Loss of historic building (pre-1930s)
- The side of the flats lead onto Stanley Avenue
- The development will lead to increased litter and graffiti, local pollution
- The current site is not 3 storeys, but 2 storeys
- The basement is too large and may be used as a night club
- The existing garden is likely to benefit from a range of species including mammals, birds, and insects, and the development will lead to the loss/ harm of these species
- The scheme will devalue local properties (officer note- this is not a material planning consideration)

14 letters of support/ no objections have been received and 4 petitions in support from 80 properties including dwellings in Station Grove, Alperton Mini Market, Lyon Park Avenue, Eagle Road, Ealing Road, Jesmond Avenue, Clifton Avenue, Jordan Road, Sunleigh Road, Mount Pleasant, Stanley Avenue, Quanton Road, Barons Avenue, Beresford Avenue, Brentford Avenue, Burnside Crescent, Hillfield Avenue, Crabtree Avenue, Valley Gardens, Maybank Avenue, Park Chase, Portland Crescent, Pleasant Way, and Clayton Avenue.

The correspondence comments:

- The proposal will add to local character and viability
- The proposal will be a visual improvement on the existing building

- A modernised building will add to local residential value
- The new facilities will be good for people living in the local area
- Basements for storage are common for commercial units along Ealing Road and should be supported
- The proposal provides much-needed homes for first-time buyers

REMARKS

The site has a detailed planning history and is similar in many ways to previous proposals. Past applications have been reported to planning committee and Members have previously supported officers' recommendations to be minded to approve the application subject to the completion of the agreed legal agreement (s106) and conditions. The applicants were previously unable to sign the within the statutory time limit for several previous proposals including the most recent applications 08/2194 and 09/0355. These applications were refused under delegated powers and all 4 reasons related to the failure of the applicant to complete the legal agreement. This is in accordance with the dual recommendation protocol that delegates authority to officers to refuse applications should an applicant fail to complete a satisfactory legal agreement. This specifically aims to ensure that all Major Cases are determined within their statutory timeframe. Officers are therefore minded to make a further dual recommendation to approve the application subject to the s106 being signed before the statutory time limit of 06/04/10. If the s106 is not agreed in this period, then the application should again be refused in accordance with the adopted Development Plan for the failure to agree to the s106.

Principle of Development

Proposed commercial uses

This application proposes to demolish the existing on-site buildings and erect a 3-5 storey building incorporating a basement. This will consist of two commercial units at ground and basement levels, with a proposed range of uses A1, A2, A3 or A4. This is the same in principle as previously proposed, (and supported by officers and members,) but overall there is a small overall reduction (35sqm) to the proposed commercial floor space now proposed.

The existing Unitary Development Plan policy suggests the proposed site is outside the Ealing Road Town Centre boundary and should be subject to the sequential approach in relation to the commercial units. However, the emerging Development Policy Document is proposing to include the site in the revised Ealing Road town centre boundary as the site is indeed immediately adjacent to the town centre and is therefore considered appropriate for town centre uses. Thus this aspect of the development is considered in conformity to the emerging development plan designation. The Core Strategy now has greater weight as the document has been through an Examination in Public recently. It is considered that a mixed use development is in principle acceptable subject to conditions that ensure that there is no noise nuisance arising from the proximate uses.

As previously within applications 08/2194 and 09/355 the basement layout has been altered from that which caused Members concern under the proposal 08/0822. The revised basement layout makes it unlikely that this area could be used to provide separate commercial units. There is no external access to the basement from the front of the proposed building and the basement plan now demonstrates that the space is divided into spaces clearly identified as being ancillary to the main commercial uses on the ground-floor above, in addition to providing plant room space for the residential units. The use of the basement will be restricted by condition.

Proposed residential uses/ mix of units

The principle of new residential development in this area is accepted and also in conformance with planning policy guidelines. The applicants have confirmed that 100% of the units meet Lifetime Homes standard. Furthermore, the applicants have demonstrated 3 adaptable units within the development. The proposal incorporates 30 units and therefore the 3 units represent 10% wheelchair accessible units in line with London Plan requirements. Evidence of this will be required as a new condition. It should be noted that these units are entirely within the shared ownership part of the development, whereas ideally the units should be spread between tenures. Nevertheless the building will be under the control of an RSL and this was not a pre-requisite to past planning applications. Therefore in this instance the Local Planning Authority has adopted a pragmatic approach and finds this provision acceptable in these circumstances.

Previously 32 units with a mixture of 1,2, 3 bedrooms were proposed on site. Of these, a total of 14 units (44% by number, 49.5% by habitable room) were to be affordable. The current proposal is for 100%

affordable housing. This consists of one 1-bed, nineteen 2- beds and ten 3-bedroomed units. These are split between different tenures with 12 intermediate units on upper floors and 18 shared ownership units on the first and second floor. By unit number this is a 40%: 60% tenure split between the intermediate: shared ownership units. The 3-bedroom units are all within shared ownership tenure. The Council's Housing department supports the proposed unit mix and tenures and notes that one of the applicants are Network Housing, with whom they have an established relationship.

Design of Buildings, Impact on the Street scene and neighbouring properties

The current application adopts the same approach as previous applications to the design concept of the development. The main difference is the specific materials details have not been supplied in the current application, but the applicants have been asked to provide this. The following comments have therefore been largely reported to Members previously. The proposal site is a corner site on the junction of Ealing Road with Stanley Avenue. Ealing Road is classified as a London Distributor Road. Within the LDF the site is inside Ealing Road Town centre's boundary. The surrounding area is predominantly classified in the Unitary Development Plan as an area of low townscape quality although directly adjacent to the site there are some buildings which previously formed part of a Conservation Area.

The proposed building, which is modern in design, is in block form 3-5 storeys in height with recessed third and fourth floors. The massing of the building is such that it is concentrated towards the corner of Ealing Road with Stanley Avenue. The proposed fourth floor is set back to reduce the impact of the development on the street scene. Furthermore the use of cladding panels distinguishes this floor from lower storeys. The building is then stepped down so that the three storey sections are legible with the two storey dwellings adjacent to the site both on Ealing Road and Stanley Avenue. At the corner, the first to third floors partly cantilever over the ground-floor, visible from the eastern elevation, which serves to punctuate the massing further.

There has been some attempt to replicate the vertical rhythms characteristic of the neighbouring buildings. On the north and west elevations facing the public realm, dark facing brickwork provides relief from the pale buff brickwork. The cantilever approach on the corner creates interest whilst reducing the massing of the development. Projecting balconies and terraces assist the articulation of the building. Windows are provided on all elevations that further help to refine the design.

In line with guidelines within SPG17 the main entrances to the residential units are from the front of the development: from Stanley Avenue for the shared ownership housing and from Ealing Road for the rented entrance. Both entrances are well overlooked providing natural surveillance from the commercial units on the ground-floor and residential above. The shopfronts supply active frontages on Ealing Road and Stanley Avenue at ground floor. To the rear, upper residential floors overlook the private amenity space.

The applicants have provided a roof plan and sections that demonstrate that the flues and photovoltaic panels on the roof will not be visible to the streetscene and in long views of the site. This roof equipment will therefore not detract from the overall appearance of the site.

The proposed flank walls on Stanley Avenue are set 9.7m from the side wall of the neighbouring dwellinghouse at No. 2 Stanley Avenue and project 4m in front of the main front wall of this dwelling and 2.8m to the rear. It is considered that this will not result in an overbearing detrimental impact on this property given the distance of the higher development to the boundary. A 2.2m high cycle store also separates the neighbouring property from the main building proposed. There are east facing terraces on the third floor but this relationship has previously been accepted on past applications. This will create a satisfactory relationship subject to appropriate screening. The majority of east facing windows are over 20m from the shared boundary.

On Ealing Road there is a distance of 6.4m between the flank walls of the proposed building and No. 151 Ealing Road. The habitable room windows on the rear elevation of the proposed building are predominantly a distance 20m or more from the rear boundaries of the site. This will ensure the privacy is not detrimentally affected by the proposed development. Terraces at the third floor and fourth floor are largely in alignment with the neighbouring building, and so will not raise overlooking issues in relation to the neighbouring rear garden area. This relationship too has been previously accepted in principle within past planning applications. Balcony screens will form the subject of a condition.

The siting and footprint of the proposal does not appear to vary from previous proposals and therefore in

principle has been accepted by officers and members within past applications reported to committee.

Quality of residential accommodation

Internal spaces

The proposed 30 self-contained flats are a mixture of 1, 2 and 3 bedrooms. All of the proposed units exceed the minimum floorspace guidelines within SPG17 "Design Guide for New Development." The building configuration is largely the same as in previous applications, so that the quality of outlook/ daylight/ sunlight for proposed units has already been agreed in principle. Therefore although there are units that have a solely north-easterly aspect, the number of windows facing north-easterly has not significantly increased and this type of layout has previously been agreed on this site. No daylight/ sunlight report accompanies the application. The Local Planning Authority has become stricter on ensuring adequate levels of sun/daylight in new applications, but on this site the precedent has already been established. All habitable rooms have been provided with a degree of outlook as amended drawings have demonstrated that even kitchens will have access to windows/ daylight. It is noted that some of the combined living rooms/ dining rooms/ kitchens are deep, reducing the internal natural light levels but the provision of external windows to all of these living spaces is supported.

External amenity space/ playspace

The existing public house has an area of garden space to the rear which is currently overgrown with low levels of usage. The proposed development includes an area of shared amenity space to the rear of the building. This area remains the same as previously submitted in past applications. It represents a shortfall in provision compared with guidelines within SPG17 that seek 20sqm for flats not considered as family dwellings. The area is approximately 400sqm, which equates to 13.33sqm per flat proposed. The exact details of the proposed area layout will be dealt with by conditions. This is expected to demonstrate the quality of the area. Usually further information is sought upfront, but given the planning history of the site, conditioning further details is considered appropriate.

Unlike the previous applications all of the proposed residential units have been provided with either a private balcony/ terrace area. Although some balconies are small, the average balcony size is 6sqm. The terraces reach up to 27sqm. It is considered that this proposal is a significant improvement upon previous iterations, where there were units with no external balcony provision. The fact that all of the proposed units are above minimum floorspace guidelines with SPG17 has also been considered. Furthermore the site of the proposed development is within 320m of One Tree Hill recreation space which is over 2ha in size

Applying the Mayor's SPG on playspace methodology, the scheme could accommodate 32 children. The SPG guides that under-5s provision should be on site and in this instance equates to 110sqm. The applicant has demonstrated this "playspace" area within the proposed amenity area. Full details of the layout will be submitted at condition stage in addition to boundary treatments in order to safeguard the amenities of neighbouring occupiers. Older children may have off-site provision depending on distances to local established play areas. The applicant has provided drawing 1140-E-150 that demonstrates 500m from the site to Mount Pleasant open space and 305m to One Tree Hill recreation ground, but an overall walking distance from the site to the One Tree Hill play area of 522m. The Mayor's SPG requires playspace for 5-11 year olds within 400m. Therefore there is no appropriate play space within this distance. 11-16 year olds require playspace within 800m. The applicants have demonstrated this existing provision. Therefore there is a shortfall of playspace on-site/ in the vicinity for 5-11 year olds, which fails to meet the Mayor's SPG

Officers have therefore sought an additional £20,000 on top of the standard charges normally sought through Brent's Planning obligation SPD in order to compensate for the low level of provision of amenity space and playspace on-site to enhance local parks/ playspaces. The applicants have informally indicated their agreement to this.

Noise

The Council's Environmental Health department have raised concerns regarding whether there will be sufficient insulation between the ground-floor commercial units and first floor residential flats to prevent the transmission of sound. There is also some stacking of habitable and non-habitable rooms in between different floors of residential accommodation. The site is in an area known to have high background traffic noise levels. On other developments in the area, "category C" readings have been monitored according to PPG24. In Category C areas, planning permission should not normally be granted unless conditions are used in order to ensure that adequate attenuation measures are used in the proposal to protect the proposed residential amenities against external noise levels to an adequate level. The applicants have not submitted an acoustic report, but given the history and precedent of accepting residential uses on this site, in this instance it is considered appropriate for a condition to secure a Noise Report to measure the existing noise

levels and propose commensurate attenuation measures in order to safeguard the residential amenities of future occupiers. The applicants have agreed to this, and it is known that this is reasonably achieved by conditions in other developments in the area.

In order to limit noise nuisance to residential properties on site and adjacent arising from servicing, hours of servicing shall be restricted as within previous applications from 8am to 6pm by a proposed condition. Proposed plant noise will also be limited by condition to safeguard residential amenities.

Parking and Servicing

The site is partly within an area with a PTAL rating of 4 (at its Southern end) and partly within an area with a rating of 3, with Alperton Underground station (Piccadilly line) and six bus services within 640m (8 minutes walk), and is also within Controlled Parking Zone E, thus the proposed location is suitable for a car-free agreement. The applicants have indicated their agreement to this as a head of term in a legal agreement associated with the application.

The Highway comments remain largely the same as within earlier applications. Parking spaces on Stanley Avenue are not heavily parked. The Council's Highway Engineer has commented that disabled people would be exempt from the car-free development and therefore able to use the existing spaces outside the development on Stanley Road where there is capacity for such parking. Previous applications also proposed this solution, which is accepted.

The proposal provides up to 40 secure, (enclosed) cycle spaces for the residential units on site, which complies with policy guidelines. The free-standing cycle store has a maximum height of 2.25m. It is designed with a green roof, which is considered appropriate and will be conditioned. The other cycle store is integral to the building, accessed from the rear. 8 stands in front of the development provide up to 16 publicly accessible cycle spaces for the commercial units.

The applicants have provided an appropriately sized shared servicing bay for the 2 commercial units, which can accommodate 2 transit sized vans, or a 10 m rigid lorry. The commercial floor space falls below the 1000sqm threshold, above which the Council would consider seeking additional space for the parking of servicing vehicles. Despite the proposals falling below the indicative trigger, during a previous application, 08/0822 Members refused the application on servicing grounds. Therefore (as before in applications 08/2194, 09/0355) the applicants have demonstrated that the proposed servicing area can accommodate simultaneously one full size rigid lorry and a transit sized delivery vehicle. The amount of proposed servicing now significantly exceeds the minimum generally considered acceptable for the amount and type of commercial space being provided according to adopted Unitary Development Plan guidelines. Members were minded to approve the proposal with the revised layout during applications 08/2194 and 09/0355.

Revised plans show an indicative access route through to the rear of Unit 1, which will prevent front servicing from Ealing Road with appropriate conditions. A condition requiring the submission of further details of the boundary treatment around the service bay, to ensure it is not misused, together with a condition limiting its only use to the loading and unloading of goods will be attached to any forthcoming planning permission. This was previously proposed on earlier submissions.

As within earlier schemes on site, the parking bays along Stanley Avenue will need to be amended to facilitate access to the service bay, whilst the two existing crossovers to Ealing Road will also need to be re-instated to footway at the developer's expense prior to occupation of the development. A condition requiring this will be attached to any planning approval. The repaving of the footway around the frontage would be welcomed by the Council's Highway Engineers. They comment that a detailed scheme should be submitted for approval showing the surfacing treatment around the boundary with the public/ private highway.

Therefore as submitted the only difference between the current proposal and previous applications was the lack of provision of a rear access path to allow rear servicing of unit 1. This has now been addressed and the proposal is therefore considered satisfactory from a highway perspective.

Flood Risk

The site is within Flood Zone 1 and is less than 1 hectare in size; therefore no detailed flood risk statement is required. The applicants will consider Sustainable Urban Drainage Systems by condition and have proposed a green roof for the detached cycle store.

Density

Unitary Development Plan policies relevant to density include BE3, BE11 and H13. These policies are reinforced by Policy 3A.3 of the London Plan as consolidated with alterations since 2004 that sets out an indicative density matrix, taking into account the “setting” and PTAL rating of a site. The proposal is sited within an urban area with PTAL 4. The proposed density of the development equates to 153 units per hectare within the London Plan tolerances (55-225u/ha;) and 530.61 habitable rooms per hectare, which is also within the tolerances normally permitted within the London Plan (200 – 700 hr/ha.)

Other matters

Environmental Health recommends a condition regarding on-site asbestos removal, which is now proposed to safeguard site users and adjoining residential developments. The site is within an Air Quality Management area and accordingly informatives to limit dust spread from the construction works have been proposed. It is not considered necessary to condition this as the information is covered by other legislation.

Response to Objections

Objectors have raised concerns that there will be problems with increased traffic in this location as a result of the lack of parking within the proposed development site. While there is no parking provided as part of this proposal the site has a PTAL rating sufficient to allow for a car-free scheme, which will be secured through s106. There is also a contribution agreed as part of the s106 towards non-car access/highway safety improvements and parking controls in the local area. This complies with adopted Unitary Development Plan guidelines.

In response to the loss of the existing building, English Heritage notes that this site has been the location of a public house dating back to 1751. The present building, although old, is not considered to have any historic or architectural features in need of protection and is not worthy of being listed. A condition has been attached to ensure that a programme of archaeological work is implemented prior to the construction of the proposed building in order to safeguard features of archaeological importance. Whilst 1-4 Stanley Avenue are registered on the local list, this relates to the buildings' own character and since they are not statutorily listed, their setting does not need to be safeguarded by preventing development on the opposite side of the road.

In relation to concerns about noise and air pollution during construction a condition has been attached to limit the detrimental effect of construction works on adjoining residential occupiers. Furthermore the noise generated by any proposed plant/ ventilation/ extraction units as part of the development will also be subject to restrictions in a condition to prevent future noise nuisance to adjoining properties. The residential parts of the development will be managed by Network Housing and so is not anticipated to have problem refuse stored in front of the site.

The proposal if approved, would lead to s106 contributions towards facilities likely to be used by future residents in the area, including monies towards education, sustainable transport and open space & sports. It should also be noted that the proposed 2 commercial units may be occupied by a restaurant/ public house, which will compensate for the loss of the existing facility.

Further concerns raised by third parties include the proposed building being out of character with the surrounding area. In response to this the existing public house has a pitched roof with a ridgeline height of 12m and an eaves height of 6.4m. The existing building is setback from Stanley Avenue and Ealing Road and does not address the streetscape. The proposed stepped 3-5 storey building varies from 9.6m- 15.8m high, it follows the build-line of the dwellings on Ealing Road and will provide a more active frontage within the primary shopping frontage of Ealing Road Town Centre. While the proposed height is higher than that of the existing building as it is within a town centre location and is close to tube and bus links, it is considered to be an appropriate site for higher density development.

The Council's Highway Engineer has commented that dedicated disabled spaces do not need to be provided on street, as Stanley Avenue is not considered busy enough to warrant this. Therefore existing local residents are unlikely to be prejudiced by the development.

The proposed development will provide an increase in informal surveillance of Ealing Road and Stanley Avenue as a result of the active frontages and residential windows overlooking both streets. Therefore there it is considered that there will not be an associated increase in crime and vandalism as a result of the proposed development. Furthermore the basement will not encourage crime as it cannot be accessed from the front and will be conditioned to be strictly ancillary to the ground-floor commercial units. It could not form a nightclub, which has a different planning use class to those proposed. The proposed development is considered to be of a size and scale appropriate for the site's location within a future town centre and is stepped down towards the neighbouring two storey residential dwellings on Ealing Road and Stanley

Avenue. It is not considered to cause a significant loss of light, outlook and privacy for the residents of neighbouring properties, as set out above.

The proposal will only lead to a small reduction in the garden area, this is not considered significant to warrant refusal on the loss of the existing garden. The existing trees on site are not considered of sufficient quality to warrant preservation through a TPO, but 2 will be retained. A BS 5837:2005 compliant tree survey accompanying the application justifies this, as the majority of "trees" on site are Leyland Cypress, classified as an overgrown hedge. The only deciduous trees to be lost are a suppressed lime and sycamore. A pollarded street lime street tree will be retained, and so will a leaning pear, which although has some decay, has sufficient merit to keep. The proposal will result in the introduction of additional trees around the site, which in turn should provide a better habitat for wildlife. Full landscaping details will be the subject of a condition, as will a tree protection scheme during construction works, to ensure the 2 trees that are to be retained are not harmed during the construction period.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

- PPG16 - Archaeology and Planning
- PPG24 – Planning and Noise
- The London Plan as consolidated with amendments since 2004
- Mayor’s SPG - Providing for Children and Young People’s Play and Informal Recreation – Mayor’s Supplementary Planning Guidance (2008)
- Brent’s Unitary Development Plan 2004
- Supplementary Planning Guidance - (SPG) 17 - "Design Guide for New Developments".
- Supplementary Planning Guidance - (SPG) 19 - "Sustainable Design, Construction & Pollution Control".
- Supplementary Planning Document - S106 Planning Obligations

CONDITIONS/REASONS:

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

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

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

- | | |
|---------------------------------------------|--------------------------------------------------|
| LOCATION PLAN A1 1140_E_100 | PROPOSED SECOND FLOOR PLAN A1 1140_P_203 A |
| EXISTING SITE PLAN A1 1140_E_101 | PROPOSED THIRD FLOOR PLAN A1 1140_P_204 A |
| EXISTING STREET ELEVATIONS A1 1140_E_102 | PROPOSED FOURTH FLOOR PLAN A1 1140_P_205 A |
| Local play facilities diagram A3 1140_E_150 | PROPOSED ROOF PLAN A1 1140_P_206 C |
| PROPOSED BASEMENT PLAN A1 1140_P_200 A | PROPOSED NORTH & WEST ELEVATIONS A1 1140_P_300 B |
| PROPOSED GROUND FLOOR PLAN A1 1140_P_201 A | PROPOSED SOUTH & EAST ELEVATIONS A1 1140_P_301 A |
| PROPOSED FIRST FLOOR PLAN A1 1140_P_202 A | PROPOSED SECTIONS A1 1140_P_400 B |

Design & access statement
Energy Demand and Sustainability Assessment for 20% Renewable Target received
26/02/10
Scheme comparison letter
Affordable housing statement
Sustainability checklist
Tree survey report A4
Tree survey schedule
Mechanical ventilation strategy
Topographic survey

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

- (3) Prior to the commencement of the use of any part of the approved development the loading bay shall be constructed and permanently marked out in accordance with the approved plans. Thereafter it shall be retained and used solely for its designated use in connection with the development hereby approved and for no other purpose.

Reason: 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 along the neighbouring highway.

- (4) During demolition and construction on site:-
(a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site;
(b) - Construction/ refurbishment/ demolition works and ancillary operations that are audible at the site boundaries, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays,
0800 - 1300 Saturdays and At no time on Sundays or Bank Holidays; unless otherwise agreed in writing by the Local Planning Authority

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

- (5) No use of the ground-floor commercial premises shall take place until such time as the external doors for the ground-floor commercial uses have been fitted with self-closing devices and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard the amenities of adjoining occupiers and minimise emission of odours and/or noise to the neighbouring area

- (6) Deliveries/ unloading/ loading associated with the application site shall only be between the following hours:
08:00 – 18:00 - Monday to Saturday
Not at all - Sundays/Bank Holidays
Unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard local residential amenities

- (7) No additional windows, glazed doors or other openings (other than any shown in the approved drawings) shall be constructed above ground-level in the building, without the prior written consent of the Local Planning Authority.

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

- (8) All existing vehicular crossovers rendered redundant by the development hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development/ commencement of the use.

Reason: In the interests of highway and pedestrian safety.

- (9) Notwithstanding the submitted drawings this consent does not extend to any shopfront or advertisement proposed or indicated for the site which would need to be the subject of a separate planning, or advertisement consent.

Reason: For the avoidance of doubt and in order to allow the Local Planning Authority to exercise proper control over the development.

- (10) The proposed basement shall only be used to provide ancillary floor-space in conjunction with the ground-floor units and cannot be subdivided to provide self-contained units without the prior written consent of the Local Planning Authority. The use of the basement shall be restricted to storage, plant, sanitary accommodation, kitchens and preparation areas to serve the commercial units above unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the over-intensification of commercial use at the site

- (11) The rear access path between the servicing area and commercial unit 1 shall be provided prior to the occupation of the building/ commencement of the use and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to enable rear servicing and prevent servicing of the unit from Ealing Road, which would lead to highway obstructions, harmful to highway safety and the free-flow of traffic

- (12) The residential units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirms that lifetime homes standards and a minimum of 10% wheelchair residential accessible units have been provided within the development.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

- (13) Notwithstanding details annotated on the submitted drawings, no development shall commence unless details of materials for all external work (including walls, doors, windows, balcony details), with samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development carried out in accordance with the approved details.

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

- (14) No development shall commence unless all areas indicated for hard and soft landscape works on the approved plan including the communal amenity area shall be suitably landscaped with trees/shrubs/plants and hard surfacing in accordance with a detailed scheme, which shall to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any construction work on the site, and such landscaping work shall be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme.

The scheme shall also detail but not be limited to:-

- a) other appropriate matters within the context of a landscaping scheme, such as details of seating, external lighting;
- b) planting plan and schedule
- c) details of the proposed green roof of the secure cycle store and its future maintenance schedule
- d) hard surfacing of public and private footpaths including how the site is to be delineated from the public highway and consideration of permeable materials

Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and size to those originally planted.

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

- (15) Details of all (appropriately aged) play spaces shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such playspace works shall be completed prior to occupation of the building(s). Such scheme shall indicate but not be limited to:
- (a) Any proposed boundary treatments including walls and fencing, indicating materials and heights.
 - (b) Details of types of equipment to be installed.
 - (c) Surfaces including details of materials and finishes.
 - (d) Existing contours and levels and any alteration of the ground levels, such as earth mounding.
 - (e) All planting including location, species, size, number and density.
 - (f) The location of any proposed signage linked to the play areas

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 appearance and setting of development so that the facilities provide a benefit to the local community and residents.

- (16) No development shall commence unless a scheme for the protection during construction of the retained pear and lime trees on the site (identified in the Tree Survey accompanying the application,) which shall make reference to guidelines within BS 5837:2005 – Trees in relation to Construction; shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the scheme shall be implemented in accordance with the approved details.

Reason: To ensure that existing landscaping features are retained and protected from damage during the course of construction works.

- (17) No development shall take place unless there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected or retained. The boundary treatment shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development. Boundary details shall include but not be limited to:
- a) All external boundaries of the site
 - b) treatment of the balconies/ terraces, including methods of screening the areas to limit overlooking and safeguard future occupiers' privacy
 - c) a method of bounding the edge of the proposed servicing area to ensure that it remains unobstructed

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

- (18) No development may be undertaken, unless the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation

which has been submitted by the applicant and approved in writing by the Local Planning Authority. This should be in the form of an archaeological project design in accordance with English Heritage guidelines. Thereafter works/ development should only be undertaken in accordance with the agreed details

Reason: To ensure that this site, in an Archaeological Priority Area, is properly investigated and, if necessary, excavated before development begins, in accordance with policy BE31 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of PPG16: *Archaeology and Planning*.

- (19) No development may be undertaken, until the applicant has secured the implementation of a programme of archaeological recording of the historic building, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Thereafter works/ development should only be undertaken in accordance with the agreed details

Reason: The historic building is of archaeological interest and alterations should be recorded in accordance with policy BE31 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of PPG16: *Archaeology and Planning*.

- (20) Prior to development commencing, further details of
- a) the proposed refuse and recycling facilities for commercial and residential units
 - b) the proposed publicly accessible bicycle parking spaces and
 - c) private secure bicycle storage facilities
- 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 to prevent the accumulation of waste and in the interests of sustainable development.

- (21) Prior to the commencement of any A3/A4 use,
- a) details of suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to commencement of the use and thereafter maintained.
 - b) any musical amplification systems that may be used in the commercial units shall be maintained at a level that is at least 10dB below the external background noise level of the nearest noise sensitive premises. Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

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

- (22) a) No development shall commence unless agreed otherwise in writing by the Local Planning Authority, the applicants shall submit a Noise Report that shall detail the background noise level of the site and provide precise details (and drawings where necessary,) of Acoustic Measures to be used to insulate the proposed residential units to a noise level approved by the Local Planning Authority (including consideration of special glazing for proposed windows and the use of acoustic trickle vents or other equivalent ventilation equipment and insulation between floors where appropriate.) This shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter the works shall only be undertaken in accordance with the approved details.
- b) Following completion of the building works a post-completion report demonstrating that "the approved" internal noise levels (in accordance with BS8233:1999 Sound insulation and noise reduction for buildings) have been achieved in 10% habitable rooms including units on the first floor, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units
- c) Should the predicted noise levels exceed those required by this condition, a scheme of

insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: The site is subject to high noise levels, where planning permission may only be granted with appropriate conditions that provide commensurate protection against noise according to PPG24

- (23) No development shall commence unless the applicant employs a qualified asbestos contractor to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. Any asbestos-containing materials must be removed from the site and documentary evidence submitted to the Local Planning Authority for approval prior to the commencement of the demolition works proposed. Thereafter the asbestos removal shall be undertaken in accordance with the approved details

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

INFORMATIVES:

- (1) With regard to the surface water drainage it is the responsibility of the developer to make proper provision for drainage. It is recommended that the applicant should ensure that storms flows are attenuated or regulated into the receiving public network through on/ 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 Groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Development Services will be required. They can be contacted on 0845 850 2777.
- (2) Thames Water do not object to the sewerage infrastructure
- (3) Water supply is covered by the Veolia Water Company. Their address is Veolia Water Company, The Hub, Tamlin Way, Hatfield. Herts, AL10 9EZ
- (4) The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the building works in the site, to minimise dust arising from the operation in an Air Quality Management Area. Unless otherwise agreed in writing by the Local Planning Authority this should include:
- damping down during demolition and construction, particularly in dry weather conditions,
 - minimising the drop height of materials by using chutes to discharge material
 - damping down the skips/ spoil tips as material is discharged,
 - sheeting of lorry loads during haulage and employing particulate traps on HGVs
 - ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
 - utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
 - the use of demolition equipment that minimises the creation of dust.

REFERENCE DOCUMENTS:

PPG16 - Archaeology and Planning

PPG24 – Planning and Noise

The London Plan as consolidated with amendments since 2004

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

Brent's Unitary Development Plan 2004

Supplementary Planning Guidance - (SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance - (SPG) 19 - "Sustainable Design, Construction & Pollution Control".

Supplementary Planning Document - S106 Planning Obligations

Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222