



Planning Committee

Wednesday, 6 July 2011 at 7.00 pm

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

Membership:

Members

Councillors:

Sheth (Chair)
Daly (Vice-Chair)
Baker
Cummins
Hashmi
Kabir
McLennan
Mitchell Murray
CJ Patel
RS Patel
Singh

First alternates

Councillors:

Thomas
Long
Kansagra
Cheese
Castle
Oladapo
J Moher
Van Kalwala
Lorber
Gladbaum
Hossain

Second alternates

Councillors:

R Moher
Naheerathan
HB Patel
Allie
Beck
Powney
Moloney
Butt
Castle
Harrison
Mashari

For further information contact: Joe Kwateng, Democratic Services Officer
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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		1 - 14
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
NORTHERN AREA		
3. 2A Preston Way & 283-287 odd, Preston Road, Harrow, HA3 (Ref. 11/1042)	Barnhill;	19 - 32
4. Melrose House, 201 Melrose Avenue, London, NW2 4NA (Ref. 11/0807)	Dudden Hill;	33 - 40
5. 67 Dartmouth Road, London, NW2 4EP (Ref. 11/0800)	Mapesbury;	41 - 46
6. 66A Springfield Mount, London, NW9 0SB (Ref. 11/0488)	Fryent;	47 - 54
SOUTHERN AREA		
7. Hawthorn Road And Litchfield Gardens Corner Site, Hawthorn Road, London, NW10 (Ref.	Willesden Green;	55 - 66
8. 16 Kingswood Avenue, London, NW6 6LG (Ref. 11/0797)	Queens Park;	67 - 72
WESTERN AREA		
9. Karma House, 575 North End Road, Wembley, HA9 0UU	Tokynghon;	73 - 78
10. Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9 (Ref. 11/1030)	Wembley Central;	79 - 92
11. All units, The Junction & Pacific Plaza, land between 12 &14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, (Ref. 11/2675)	Tokynghon;	93 - 109
PLANNING APPEALS May 2011		
12. 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 Visit Details - 2 July 2011

SITE VISITS – SATURDAY 2 JULY 2011**Members are reminded that the coach leaves Brent House at 9.30am**

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
11/1030	Storage rear of 397 High Road rear part of 397A Rosemead Avenue, Wembley HA9	10	Wembley Central	9:35	89 - 98
11/1042	2A Preston Waye & 283-287 (odd) Preston Road, Harrow HA3	3	Barnhill	10:00	141 - 154
11/0480	66A Springfield Mount, London NW9 0SB	6	Fryent	10:30	119 - 132
11/0952	Hawthorn Road & Litchfield Gardens corner site, Hawthorn Road, London NW10	7	Queens Park	11:15	71 - 82

Date of the next meeting: Tuesday, 12 July 2011

As that meeting will consider reports on planning policy issues, there will be no site visits.

The next meeting that will consider planning applications will take place on Tuesday 2 August 2011



- 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

Tuesday, 7 June 2011 at 7.00 pm

PRESENT: Councillors Sheth (Chair), Daly (Vice-Chair), Cummins, Hashmi, Kabir, McLennan, Mitchell Murray, CJ Patel, RS Patel and Singh

ALSO PRESENT: Councillor Mary Arnold, Councillor Bhagwanji Chohan, Councillor Simon Green and Councillor Kana Naheerathan

Apologies for absence were received from Baker

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

4. 475 Kenton Road Harrow, Middlesex HA3 0UN
Councillor McLennan declared a personal interest that she was a colleague of the applicant. She therefore withdrew from the meeting room and did not take part in the discussion or voting on this application.
11. 233 Willesden Lane, London NW2 5RP
Councillor Cummins declared a personal interest that he knew the applicant's architect.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 12 May 2011 be approved as an accurate record of the meeting.

3. **75 Bush Grove, Kingsbury, London NW9 8QX (Ref 11/0743)**

PROPOSAL:

Demolition of existing garage and erection of two-storey, three-bedroom detached house with basement in rear garden of 75 Bush Grove and associated hard and soft landscaping, bin store, new off-street parking space and crossover for No. 75 as amended by plans received 26/05/11.

Stephen Weeks, Head of Area Planning, informed members about some minor amendments to condition 2 (drawing numbers) and the Section 106 Heads of terms: add "Education" to the list of benefits. Subject to those he reiterated the recommendation for approval.

Mrs Theresa Ani in objecting to the application stated that it would compromise her privacy and lead to loss of sunlight and outlook. She added that the excavations required for the proposal would cause vibration and structural damage to her property. Mrs Ani continued that the building which would be out of character with the area would set a precedent for similar undesirable developments in the area. She therefore requested a site visit to enable members to assess the full impact of the proposed development.

Mrs Evelyn McLean an objector, speaking in a similar vein, stated that she concurred with the views expressed by the previous objector adding that the proposal would create an overshadowing effect, loss of privacy and outlook. Mrs McLean also requested a site visit which would allow members to fully assess the application and for her to understand what was being proposed. A petition signed by local residents opposing the application was also presented by the objectors.

In response to the Chairs' request for a summary of the proposal, the Head of Area Planning clarified that the distance between the site and the garden of the objector's property was about 23 metres and therefore no significant impact in terms of height, outlook, sunlight and privacy would result. He added that the proposal which had been designed to follow normal guidance complied with Supplementary Planning Guidance (SPG) 17. In response to further members questions he explained the above and the speaker's concern about level changes by referring to the plans of the proposal that were on display. He also recommended a further condition to control the use of the garage and an informative concerning the Party Wall Act reflecting Members queries about boundary issues.

RECOMMENDATION:

- (a) Grant planning permission, subject to conditions, informatives and 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.

DECISION:

- (a) Planning permission granted, subject to conditions as amended in condition 2, the addition of a further condition controlling the use of the garage, informatives including the party Wall Act and 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.

4. 475 Kenton Road, Harrow, Middlesex HA3 0UN (Ref. 11/0378)

PROPOSAL:

Installation of side dormer window, rear dormer window, 2 front rooflights, 2 ground floor flank wall windows, one roof level flank wall window and erection of a detached single-storey outbuilding to storage facilities in garden of doctor's surgery.

RECOMMENDATION:

Grant planning permission subject to conditions and informatives.

Dr Ajid Shah, the applicant clarified that the proposed building would be located in the rear quarter of the garden and would have a set in of 1 metre from each side boundary and 3 metres from the rear boundary. He confirmed that the building would be used for storage purposes only.

Councillor Cummins queried the location of the proposed outbuilding in relation to the normal approach to such buildings for housing and this was explained. Councillor Kabir also queried any security implications in terms of the storage use and was advised that the proposal was for record and materials.

The Head of Area Planning added that the proposed outbuilding would replace 2 smaller sheds located in the garden. In response to the security issue, he recommended a further condition to control external lighting to the outbuilding to be added.

DECISION: Planning permission granted subject to conditions and informatives and an additional condition to control external lighting to the outbuilding.

Note: Councillor McLennan having declared that the applicant was her colleague left the meeting room, took no part in the discussion or voting on the application.

5. 17 Brampton Grove, Wembley, Middlesex HA9 9QX (Ref. 11/0289)

PROPOSAL:

Retrospective application for development comprising a part single-storey, part two-storey side and rear extension to the dwellinghouse, with the following modifications:

- Replacement of the ground-floor and first-floor windows on the front elevation of the side extension
 - Removal of front rooflight and its relocation to the rear roof plane
 - Alterations to the pitch angle of the roof over the side extension
- Reduction in the depth of the first-floor rear extension.

RECOMMENDATION:

Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

6. Islamia School Centre, Salisbury Road, London, NW6 6PE (Ref. 10/2389)

PROPOSAL:

Erection of a part two-storey and part three-storey primary school building with a playground at roof level.

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.

Andy Bates, Area Planning Manager stated that although the issue about control over the potential to expand pupil numbers had been addressed in the main report, he clarified that any permission granted would be subject to conditions including limiting the number of pupils enrolled with each of the schools on the site as amplified in condition 3. He continued that if there were proposals to further increase pupil numbers in the future beyond those stated in the condition, the impact of this would be subject to proper consideration and a requirement to make a formal application to vary that condition.

Mr Tim Taylor objecting on behalf of a local community group, “We Love Queens Park” raised concerns about the application on grounds of uncertainties surrounding funding and delivery of the proposed development. He added that completion of the proposal depended on external funding including Partnership for Schools (PFS) and unless funding, viability and deliverability could be guaranteed planning permission should not be granted. Mr Taylor continued that in addition to funding issues, the application had been rushed through at a significant risk without proper regard to other material planning considerations such as daylight, accessibility.

In response to Councillor Sheth’s request for a clarification, Mr Taylor stated that in his view due regard to proper planning process had not been followed. He added that due to issues with funding and deliverability, local residents would consider a judicial review of the Committee decision if planning permission was granted.

Mr James Hope Acting Chairman of Queens Park Area Residents Association (QPARA) in objecting to the application stated that the Governors of Islamia School had shown a lack of business financial acumen to ensure deliverability of the proposed development. Mr Hope continued that the applicants had not signed a section 106 legal agreement to mitigate the impact of the proposal on the community nor submitted a full traffic management plan for approval. He added that there were few signs of local integration with the school and that community use of the building had not been established. In response to the Chair’s question on his comment about the soundness of the applicant’s business plan, Mr Hope cited as an example a nearby project associated with the governors of Islamia School which was still unfinished due to lack of funds.

Mrs Annalisa Baggio, a parent governor of the school stated that the proposal was to create a much needed facilities for the school in terms of a suitable playground, canteen and toilets for the pupils. She added that contrary to the claims by the objectors, the school had been designed to integrate the local community.

In accordance with the provisions of the Planning Code of Practice, Councillor Green ward member stated that he had been approached by “We Love Queens Park” and QPARA. Councillor Green objected to the proposed development on grounds of uncertainty about the funding required for deliverability and that it would contravene the Council’s Unitary Development Plan (UDP) policy BE2. In view of the above and the overwhelming local opposition to the project Councillor Green urged members to defer the application.

Ms Julia Barfield the applicant’s architect stated that the school would be two form entry with a cap of 560 pupils and that a modest design had been maintained so as to minimise impact on adjoining buildings. She continued that full consultation on the application including attendance at Area Consultative Forum (ACF) meetings, website publicity, open days and public meetings took place at which comments made by local residents formed the basis of further modifications to the scheme. Ms Barfield added that the resulting proposal would create a school environment fit for the 21st century in which Queens Park would take pride and stressed her view that the planning benefits outweighed concerns over funding issues

Councillor RS Patel enquired about funding for the project and steps that the school would take to ensure the safety of the children. Ms Barfield stated that as the applicant’s architect she was not qualified to comment on funding issues. In respect of the safety of the pupils, Andy Bates drew members’ attention to condition 6 which prohibited ball games or any other projectiles in the roof top play area unless agreed in writing with the Planning Authority.

Councillor Cummins noted that the amended boundary of the application site introduced scope for some control of pupil numbers and other members referred to the need to consider and balance all material considerations.

In commenting on funding issues, Tony Vincett, legal adviser to the Committee stated members needed to weigh its relevance to this particular application and whether in planning terms a potentially half built structure would be a consideration material to this decision of this application. Steve Weeks, Head of Area Planning added that although there was no clear indication that funding for the project had failed, approval of this application would not commit Brent Council to funding obligations. He advised that it would not be advantageous to defer the application and that the applications now sought a decision to an application that had been submitted in September 2010.

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DECISION: Planning permission granted subject to conditions as amended 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.

7. Units 1, 2, 11 & 12 100 Villiers Road and Villiers Motors Car Park, London, NW2 5PJ (Ref. 11/0193)

PROPOSAL:

Conversion of four commercial (Class B1) units for use as 5 residential apartments with associated amenity space in the form of terraces at ground and roof level and landscaped amenity area.

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.

Andy Bates, Area Planning Manager informed the Committee that the applicant had submitted an additional plan (drawing no. A152) confirming the appearance of alterations to the site frontage. The purpose of the plan was to provide greater certainty and would not in any way amend the proposals as set out in the main Committee report. He therefore recommended that condition 2 be amended to include plan number A152 under the list of approved documents. The Area Planning Manager continued that on the advice of the Director of Legal and Procurement conditions 3 (storage of 5 cycles), 4 (storage of refuse and recycling bins) and 5 (further details of the treatment of all external residential amenity to be submitted) should be amended as set out in the tabled supplementary report. In response to a concern about the operation of residential and commercial waste arrangements, Andy Bates confirmed that the condition would be amended to seek discreet storage.

Mr Sean Tickle, the applicant's architect clarified the proposal and added that the proposal would not prejudice the land as an employment site which had been vacant for over 4 years.

DECISION: Planning permission granted subject to an amended description and conditions 2, 3, 4 and 5 and 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.

8. 38 Dunster Gardens, London, NW6 7NH (Ref. 11/0886)

PROPOSAL: Erection of a single storey side extension.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

9. 66B Salusbury Road, London, NW6 6NR (Ref. 11/0653)

PROPOSAL: Installation of 2 front rooflights, 1 rear rooflight and 1 new window to side gable end of first floor flat.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

10. 2-8 Malvern Road, London NW6 5PP (Ref. 10/0047)

PROPOSAL: Demolition of single storey doctors' surgery and erection of 5 storey building comprising Use Class D1 floorspace on ground floor and 4 self contained flats (3 x 3 bedroom & 1 x 2 bedroom) on upper floors.

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.

Andy Bates, Area Planning Manager informed members that he had received 3 emails that could not be added to the supplementary on the grounds that the proposed development was bulky, out of character with the area and would impact on existing residents, adding that those issues had all been addressed in the main report.

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

11. 233 Willesden Lane, Willesden, London NW2 5RP (Ref. 10/0683)

PROPOSAL:

Second floor roof extension to form 9 additional bedrooms, conversion of gymnasium block into conference room on lower ground floor, 20 additional bedrooms on two upper floors, formation of external seating area and pedestrian access ramp to north elevation, provision of 19 car parking spaces and 1 coach space, bin store and various external alterations.

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.

In response to members' queries, Andy Bates the Area Planning Manager stated that the use of physical measures including obscure glazing which would be imposed as a condition would ensure that there would be no overlooking to into the neighbouring properties in Honeyman Close. Councillor Cummins raised an issue about the use of bunk beds in existing rooms within the building to which the Area Planning manager responded that the use of bunk beds did not give rise to loss of privacy and child protection issues. Andy Bates clarified that as a hotel/hostel the development was not self-contained flats and therefore a section 106 financial contribution could not be applied. The £20,000 contribution was secured by negotiation with the applicant.

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

12. 77 Kilburn High Road, London, NW6 6HY (Ref. 11/0464)

PROPOSAL: Erection of enclosed decking to front of public house.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

13. 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA (Ref. 11/0555)

PROPOSAL: Proposed change of use from offices to a mixed use Use Class A1 (retail) and Use Class A3 (cafe), including single storey rear extension, erection of rear extract duct, installation of new shopfront with external awning, formation of new front entrance and rear fire exit doors, along with the creation of an outside cafe seating area to the front surrounded by 1m high fence.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Neil McClellan, Area Planning Manager informed the Committee that he had received an additional representation from an earlier objector which reiterated previous objections without raising new issues. He added that an adequate distance existed between the commercial and residential properties to ensure that residents were not unduly affected by the proposed A1/A3 use of 3-7 Lincoln Parade. In addition there was an existing condition to control the hours of use of the premises 'Club 182' to no later than 23:30 hours and that any breach of this condition could result in enforcement action being taken.

DECISION: Planning permission granted subject to conditions and informatives.

14. 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA (Ref. 11/0556)

PROPOSAL: Proposed installation of 1 x internally illuminated fascia sign, and non-illuminated signage to be fixed to ground floor glazing panels (as amended by revised plans).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

15. 20 Stadium Business Centre, North End Road, Wembley, HA9 0AT (Ref. 10/2498)

PROPOSAL:

Outline application for erection of extensions to existing building to create a 3-storey building (Use Classes B2 & B8) entailing raising the roof, partial first floor extension, and new second floor with new windows to front and side elevations (matters to be determined access, appearance, layout and scale).

RECOMMENDATION:

Grant planning permission subject to conditions.

DECISION:

Planning permission granted subject to conditions.

16. 3C Ranelagh Road, Wembley, Middlesex HA0 4RW (Ref. 11/0345)

PROPOSAL: Demolition of existing temple and the erection of a new temple including an ancillary two storey accommodation block and landscaping.

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary, Neil McClellan Area Planning Manager responded to the following issues raised following a visit to the site.

S106

He clarified that as the redevelopment would be used solely for a community use and temporary living quarters for priests, it did not require any financial or infrastructure contributions and therefore would not be subject to a legal agreement.

Waste from Cooking

Existing waste storage and collection would be from the service road to the north. A condition had been included requiring further details of waste storage to be approved prior to the commencement of work.

Shoe Storage

The proposal included a dedicated shoe storage room attached to the side of the Temple.

Noise from Extract Equipment

There had been no recent approval of extract equipment within the vicinity of the site and that any new equipment would require planning permission and would be subject to standard noise conditions. Although this matter had been referred to Environmental Health for further investigation, he recommended that an additional condition be included requiring the approval of details of any mechanical ventilation or extraction systems required by the scheme.

He added that in response to a legal concerns condition 6 on public address system had been re-worded to be more precise and enforceable as set out in the tabled supplementary report.

Mr Sivaratnum the applicant in responding to concerns expressed by Councillor Mitchell-Murray about potential cooking smells and parking congestion, stated that the proposed development would not involve large scale cooking which would have required an extractor. He added that weddings would not take place at the temple. Mr Sivaratnum requested members to extend the hours of operation to 22:00 hours (summer) and 21:00 hours (winter).

Steve Weeks, the Head of Area Planning, responded to Members queries about the scope to relax the operation hours by stressing that this was an issue that would better be assessed when the new facility had been operating for a while.

During discussions Members felt it would be unfair on the local residents to suddenly agree an extension to the existing hours of operation.

DECISION:

Planning permission granted subject to conditions as amended in condition 6 and additional conditions as set out in the tabled supplementary.

17. 6 & 8 Queen Victoria Avenue, Wembley, Middlesex HA0 4RW (Ref. 11/0925)

PROPOSAL: Proposed single storey rear extensions to No's 6 & 8 Queen Victoria Avenue (joint application) (as amended).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

18. 14 Stapleford Road, Wembley, Middlesex HA0 4RN (Ref. 11/0588)

PROPOSAL: Erection of part-single, part-two storey side and rear extension, rear dormer and two front rooflights and alterations to existing porch of single family dwellinghouse.

RECOMMENDATION:

Grant planning permission subject to conditions and informatives.

DECISION:

Planning permission granted subject to conditions and informatives.

19. Garages rear of 84, Bowrons Avenue, Wembley, HA0 (Ref. 10/2288)

PROPOSAL:

Demolition of existing block of 6 garages and erection of a two storey detached dwellinghouse (4 bedrooms) with integral garage garden space to rear, formation of vehicular access to Norton Road, erection of external bin store to new house and external bin store for existing flats (as amended by plans).

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.

The Area Planning Manager in responding to queries raised by members about the proximity of the electricity sub-station and the lawn area to the rear of the block of flats submitted the following;

Environmental Health Officers had advised that the applicant would need to undertake a survey to demonstrate that electro-magnetic fields from the substation would not be a problem and that the environment would be safe for future residents. In order to secure this, a planning condition as set out in the tabled supplementary was recommended.

He continued that in order to prevent the parking of vehicles in the lawn area to the rear of the block he recommended a condition to require the installation of a low level boundary treatment to protect the lawned area. This would prevent any detrimental impact on residential and visual amenities of the area.

DECISION:

Planning permission granted subject to conditions, additional conditions on low level boundary treatment, an assessment of the potential exposure of site end users to the electromagnetic fields generated by the electric substation adjoining the site, 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.

20. Planning Appeals March to April 2011

RESOLVED:

that the planning appeals for March to April 2011 be noted.

21. Any Other Urgent Business

None.

The meeting ended at 9:45pm

K SHETH
Chair

Note: At 8:55pm the meeting was adjourned for 5 minutes.

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

Meetings of the Planning Committee


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

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the

public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

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

	Planning Committee Map
Site address: 2A Preston Way & 283-287 odd, Preston Road, Harrow, HA3	
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This map is indicative only.

RECEIVED: 21 April, 2011

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 2A Preston Way & 283-287 odd, Preston Road, Harrow, HA3

PROPOSAL: Demolition of 4 dwellinghouses and erection of a two/three storey building to provide 17 x self-contained flats (6 x 1-bedroom, 7 x 2-bedroom and 4 x 3-bedroom) with basement car park with vehicular access from Preston Way and associated landscaping.

APPLICANT: Ashmount Properties Ltd

CONTACT: Autor Architecture

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 Director of Legal and Procurement.

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 (£3000 **per bedroom**), for education, sustainable transportation and open space and sports in the local area.
- Prior to any occupation, the owner must submit to the Council an independent and revised financial appraisal of the scheme that includes the actual build and other costs accrued, as well as verified sales values. If this revised appraisal reveals that the development yields a residual value surplus when measured against the sites acquisition cost, admitting a developer return of 17%, on the build contract value the owner will either provide affordable housing on site to a level that eliminates that residual value or give the Council a commuted sum equal to that residual value for the provision of affordable housing in the borough.
- The construction adheres to the Demolition Protocol
- The Contractor joins and adheres 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 site for the proposed development is located on the western side of Preston Road and currently contains 2 detached dwellinghouses (2a Preston Way & 283 Preston Road) and 2 semi-detached dwellinghouses (285 & 287 Preston Road) dwellinghouses and associated gardens. The site is bounded by No. 281 Preston

Road and Preston Way to the south, the rear garden of 2 Preston Way to the west, a Council owned landscaping strip and access road to Tenterden sports ground to the North and Preston Road to the east.

The site has an area of 0.185ha and a level drop of approximately 2.9m from east to west towards 2 Preston Way. The site has a Public Transport Accessibility Level (PTAL) rating of 4 which is classified as good and it is within 150m of Preston Road tube station. The Planning Inspector for the 2009 appeal considered the site to be within an established suburban location (see 09/0136 below).

PROPOSAL

Demolition of 4 dwellinghouses and erection of a two/three storey building to provide 17 x self-contained flats (6 x 1-bedroom, 7 x 2-bedroom and 4 x 3-bedroom) with basement car park with vehicular access from Preston Way and associated landscaping.

HISTORY

11/0136. Full planning permission sought for the demolition of four dwellinghouse and the erection of a three storey building comprising 19 self-contained flats (9 x 1-bed, 8 x 2-bed, 2 x 3-bed), basement car park containing 16 parking spaces, new access road from Preston Way, with associated services and landscaping. Withdrawn.

09/2136. Demolition of 4 existing dwellings and erection of a two-, three- and four-storey building to provide 33 flats (17 one-bedroom, 10 two-bedroom and 6 three-bedroom) and a basement car-park, with formation of new vehicular access from Preston Way, associated services and landscaping.

This application was refused on 04/11/2009 for the following reasons:

1. *The proposed access route to Block B by reason of the excessive distance from the principal highways and lack of informal surveillance fails to provide a safe, convenient and attractive walking route to the entrance contrary to policies BE5, H12 and TRN 10 of Brent's UDP 2004 and SPG 17.*
2. *The proposed 3/4 storey building by reason of its excessive height in proximity to the rear garden of No. 2 Preston Road would have an overbearing detrimental impact on the visual amenities of the residents of this property contrary to policies BE9 and H15 of Bent's UDP 2004 and SPG17.*
3. *The proposed layout of the residential accommodation by reason of the excessive provision of single aspect north facing residential units and the positioning of habitable rooms on the north elevation for dwellings provides inadequate daylight and sunlight to a high proportion of the residential units and fails to maximise solar gain to the proposed habitable rooms contrary to policies BE9 of Brent's UDP 2004 and SPG 17.*
4. *The proposed residential development by reason of the inadequate area and quality of amenity space and the excessive distance from the flats to the bin store and is therefore considered to provide a substandard form of accommodation contrary to policies BE6, BE7, H12 and TRN10 of Brent's UDP 2004 and SPG 17.*
5. *The proposed groundfloor residential units adjacent to the access road to the public car park by reason of the siting of ground-floor, habitable-room windows in proximity to the site boundary, would fail to provide acceptable levels of outlook and privacy for prospective residents and would have an inadequate relationship with adjoining space, contrary to planning policy BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*
6. *The proposed design and layout of the access arrangements by reason of:*
 - (a) *the failure to provide adequate access for refuse vehicles,*
 - (b) *failure to provide a safe means for pedestrian egress and access,*
 - (c) *lack of control for overspill parking resulting in parking above maximum parking standards;*
 - (d) *failure to provide a means to secure access arrangements to facilitate access the neighbouring site thus prejudicing the ability for future development of No. 281 Preston Road, without necessitating an excess number and width of vehicle access points;*
 - (e) *provision of an excessive area of hard landscaping.*

is considered to be contrary to planning policies TRN3, TRN4, TRN10, TRN14, TRN 15, TRN 23, TRN 34 and BE7 of Brent's UDP 2004.

This application was dismissed on appeal. The Inspector's decision is discussed in the first paragraph of the remarks section of this report.

Prior to this there were 2 applications which were withdrawn, these were:

09/0136. A proposals for a four storey building containing 35 self-contained flats. withdrawn MAY 2009

07/2864. Full planning permission was sought for the demolition of four dwellings and erection of 3-, 4- and 5-storey building with basement level car park, comprising 42 self-contained dwellings, consisting of 21 x one bedroom flats, 18 x two-bedroom flats and 3 x three-bedroom flats, formation of new access onto Preston Way, provision of 30 car-parking spaces, including 5 disabled bays, refuse and recycling store, cycle store and landscaping to site. This application was withdrawn on 03/12/2007

There have been various other minor planning applications decided for alterations to the existing dwellinghouses on the site. Planning permission was refused for the change of use of No. 285 Preston Road from a dwellinghouse into a nursery in February 2004 (ref 03/3192). The dwellinghouse at No. 2A Preston Way that is proposed to be demolished was granted full planning permission in 1957 (ref 23123 5836).

Planning history of neighbouring sites

281 Preston Road

Planning permission was granted for for the erection of a two storey, three bedroom dwellinghouse in the rear gardens of 281 and 283 Preston Road which expired on 01/07/2009 (ref 03/2558). No details relating to any of the conditions requiring the submission of further details have been submitted and no material start has been made on the planning permission therefore it is considered to have expired.

There have also been a number of planning applications for the demolition and redevelopment of No. 281 Preston Road for a flatted development.. The most recent application for 15 flats was in 2008 and was withdrawn before being presented to committee with recommendation for refusal in June 2008.

POLICY CONSIDERATIONS

Core Strategy 2010

CP1	Spatial Development Strategy
CP2	Population and Housing Growth
CP5	Placemaking
CP6	Design & Density in Place Shaping
CP15	Infrastructure to Support Development
CP17	Protecting and Enhancing the Suburban Character of Brent
CP19	Brent Strategic Climate Change Mitigation and Adaptation Measure.
CP21	A Balanced Housing Stock

UDP 2004

BE2	Townscape: Local Context and Character
BE3	Urban Structure: Space and Movement
BE4	Access for Disabled People
BE5	Urban Clarity and Safety
BE6	Public Realm: Landscape Design
BE7	Public Realm: Streetscape
BE9	Architectural Quality
H12	Residential Quality - Layout Considerations
H13	Residential Density
TRN3	Environmental Impact of Traffic
TRN11	Cycle Network
TRN14	Highway Design
TRN23	Parking Standards - Residential Developments
TRN34	Servicing New Development

Supplementary Planning Guidance Note 17 - Design Guide for New Development

Supplementary Planning Guidance Note 19 – Sustainable Design, Construction & Pollution Control

SUSTAINABILITY ASSESSMENT

The applicants have submitted a sustainability checklist with a self-assessed rating of 68%. The Council's own sustainability officer has assessed the checklist and given the development a rating of 51%. This is in-line with the requirement for all major residential schemes.

The applicant has demonstrated that the proposed development could achieve Code 3 of the Code for Sustainable Homes and 20% of the energy supply could be secured from decentralised and renewable low carbon energy sources over the lifetime of the building. While this would normally be secured by clauses within the section 106 legal agreement the applicants have requested that these be secured by condition instead. This issue was discussed at the appeal hearing and the Inspector had the following comments:

"I am not convinced that this could not be secured by condition and I see no reason for the appeal to fail because this has not been included in the uni-lateral undertaking"

Following the consideration of the Inspector's decision the Council would not be in a position to refuse the application by reason of the failure to include the sustainability within the section 106 as the Inspector has found that this could be controlled by appropriately worded conditions.

CONSULTATION

87 residents within the local area were consulted by letter and site notices were put up outside the site on Preston Road and Preston Way..

Urban Design, Landscape Design, Transportation, Environmental Health, Thames Water, Housing, Preston Amenities Protection Association (PAPA), QARA group of Associations and the ward councillors were all consulted.

8 objections were received from local residents on the following grounds.

- Overdevelopment of garden site
- Out of character with the surrounding area.
- Detrimental impact on the amenity of neighbouring residents
- Over parking on surrounding streets
- Congestion on Preston Way
- Noise pollution
- Proposal results in a loss of family homes.
- Loss of garden will result in increased flooding
- Loss of trees along the boundary with No. 2 Preston Road and detrimental impact on security
- Detrimental impact on privacy for residents of flats on Preston Road

Also on behalf of local residents, PAPA have objected to the proposals on the following grounds:

- The excessive size, poor siting and design
- Overdevelopment and loss of garden space

Officer response to comments:

Overdevelopment of garden site:

The proposed development while it results in the redevelopment of rear garden space will also involve the provision of new amenity space with improvements in the provision of trees with the rear garden space. Notwithstanding this the majority of the built form fronts onto Preston Road and is within an area with good public transport links and close access to Preston Road Town Centre. This is further addressed in the *principle paragraph* in the remarks section of the report.

Out of character with the surrounding area:

The Planning Inspector had significant concerns with the scale and massing of the previous scheme as this was one of the main reasons for the appeal being dismissed. The current scheme has been significantly reduced in size and scale and is considered to be more appropriate given its context. This is addressed further in the *design paragraph* of the Remarks section.

Detrimental impact on amenity of neighbouring residents

The proposed development has been significantly reduced in scale from the previous appeal scheme. The Inspector found that the appeal scheme would have a detrimental impact on amenity of residents at 281 Preston Road and the residents of the properties to the North on Preston Road. The impact of the current proposal on these properties is considered in the main remarks section of this report.

Over-parking and Congestion on Preston Way:

The Inspector found that the transport impact of the proposed development would be acceptable. The current scheme proposes one for one parking and will have less vehicle movements than the previous scheme as such the transport impact is considered to be acceptable.

Noise pollution

It is recognised that noise and disruption may occur during the construction period of an approved development. To ensure that noisy works are undertaken at appropriate times a condition will be attached to ensure that works are undertaken between 0800-1800 Monday to Friday and 0800-1300 on Saturdays and at no time on Sundays or Bank Holidays.

Proposal results in a loss of family homes.

The proposal includes the provision of 4 family units to offset the loss of the existing family dwellinghouses.

Loss of garden will result in increased flooding

Details of foul water and surface water drainage will be sought by condition. Thames Water have not objected to the proposal.

Loss of trees along the boundary with No. 2 Preston Road and detrimental impact on security

The proposed development will be gated to ensure that access to the site is controlled. There is also additional planting along the boundaries with the neighbouring development. This is considered to provide adequate security for the neighbouring residential dwellings. Additional planting along the boundaries will also be provided.

Transportation - No objections subject to:

- a Section 106 Agreement to secure: (i) a financial contribution of £19,000 towards non-car access improvements in the vicinity of the site; and (ii) a right of vehicular access over the proposed car park access road into any redevelopment of No. 281 Preston Road; together with
- conditions requiring: (i) the reinstatement of all redundant crossovers onto Preston Road to footway at the developer's expense prior to occupation of the development; (ii) amendments to the basement car park to provide a minimum aisle width of 6m with supporting columns set back from the front of parking spaces to aid safe turning within the site; and (iii) the submission and approval of further details of the junction of the proposed vehicular access road with Preston Waye, including the provision of 4m kerb radii; and
- an informative advising the applicant to contact the Head of Transportation to arrange for the site access works (incl. the removal of an on-street parking bay) to be carried out,

Environmental Health - No objections to the proposal provided subject to conditions being attached to an approval.

Urban Design - No objections to the proposed development

Landscape Design - No objections to the amenity/landscape provisions subject to conditions requiring the submission of details of hard and soft landscaping

REMARKS

Inspector's Appeal Decision

The application reference 09/2136, for the demolition of the existing dwellings and erection of a 2, 3, 4 storey building containing 33 flats, was considered on appeal at a planning hearing in May 2010. The Inspector dismissed the appeal on 16/06/2010. In particular had the following concerns with the proposal:

- The design with its large scale, depth and massing, would make it a very dominant building, not easily assimilated into the street scene. As such it would appear out of context and detrimental to the distinct character and appearance of the area.
- The long flank walls containing a high number of habitable windows would reduce outlook and privacy detrimental to the amenity of neighbouring residents. The Inspector stated: "*The combined loss of outlook and privacy would be very un-neighbourly detracting from the living conditions of occupier of No. 281. Other residential gardens to the north along Preston Road would also be overlooked...*"

In response to the Council's other reasons for refusal and local objections she found that:

- Although there would be increased traffic the proposal would not have a detrimental impact on local highway conditions or pedestrian safety.
- While there would be a change in view for the residents of 2 Preston Waye there would not be a detrimental impact on the living conditions of the residents at this address
- The proposed access way onto Preston Waye would not result in noise and disturbance that would detract from the amenity of neighbouring residents.
- The secondary access way from Preston Road, the lack of setback from the north boundary, the proportion of north facing units and the small amenity space would not have a detrimental impact on the living conditions for prospective residents.

Amendments since appeal

The following amendments have been made since the appeal was dismissed last year. These are:

- The number of proposed residential units has been reduced from 33 to 17.
- The height of the extension has been reduced from a part 3/part 4 storey building to a part 2/part 3 storey building.
- Along the north boundary the depth of the extension has been reduced from 37.5m to 27.6m on the ground and first floor and from 37m to 15m on the second floor. The third floor has been removed.
- The number of windows facing towards neighbouring gardens has been significantly reduced from 17 to 2 facing south towards the rear garden of No. 281 Preston Road and 33 to 15 to facing north towards 289 Preston Road. The larger windows are covered by louvres to restrict overlooking.
- There is only 1 main pedestrian access to the block and this is from the site frontage onto Preston Road.
- The proportion of north facing single aspect units has been reduced from 8 units to 2 units.
- The area of communal amenity space has increased from approx 250sqm to approx 400sqm.
- There is an increased set in from the north boundary from 1.5m to 2.2m.

Principle of redevelopment

The principle of the re-development for housing is considered to be acceptable. The loss of four family dwellings is compensated for by the provision of four 3-bedroom family units within the proposed development. It will involve the redevelopment of land currently in use as garden space therefore it is important to consider the amendments made to PPS3 in relation to the redevelopment of garden space.

PPS3 (3rd edition) was published 9 June 2010 and defines previously developed land as follows:

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

Given that there has been no previous development on the site, the site does not fall within the definition of 'previously developed land'. This is not to say that development on the site can not be supported. Paragraph 49 of PPS3 relates to efficient use of land and intensification, stating that "careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate." (CLG, 2010). In the case of Brent, the recently adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17).

Whilst the site is not within a designated growth area, Council policy does not preclude development subject to compliance with relevant policy considerations, in particular to the protection of suburban character. As such, the principle of development of the site for residential purposes can be supported subject to compliance with policy.

Design

Layout

The site layout is arranged so that the L-shaped building fronts onto Preston Road and round the corner along the access road to the Tenterdene Sports Ground car park. The main pedestrian access is from Preston Road where existing crossovers will be removed and replaced with a landscaped area and front boundary treatment. There is a basement car park proposed with access from Preston Waye, along which there will also be a pedestrian access. A communal amenity space with a childrens play space is provided on a plinth to the rear. Landscape buffer zones will be provided along the boundaries with 281 Preston Road and 2 Preston Waye.

Scale, massing and bulk

The proposed replacement building will front onto Preston Road. It will have a width of 27.7m and will be 3 storeys in height with a recessed second floor. The proposal will have a flat roof with the height of this being equal to the height of the ridgeline of the neighbouring detached house and below the eaves line of the 3-storey building on the opposite side of Preston Road. The massing of the building is partly broken down by the two 2-storey front bays which project 1m forward of the main front wall.

The main part of the building fronting Preston Road will have a depth of 15.5m. There will be a further two-storey rear projection with an additional depth of 12m where it is set in 12m from the side boundary with No. 281 Preston Road and set in 2.4m from the boundary with the side access road to the car park. Variation in materials along with projection help to breakdown the scale and massing of the building. The projecting bay and the upper storey will be finished in white render while the recessed sections will finished with a dark coloured brick. These elements along with the window detailing linking the first and second floor provides a vertical emphasis in contrast to the dominant horizontal emphasis.

It is considered that the proposed development is of a scale and massing that can be comfortably accommodated within the site and is in keeping with the character and appearance of the surrounding area.

Density

The density of the proposed development at 238hrh is well within the density ranges of the London Plan (200-350hrh for sites with Ptal 4-6 in suburban locations) and SPG 17 (240-450hrh for sites with 600m of town centre and tube station). The proposal is considered to make an efficient use of the site.

Amenity

The impact of the proposed development on the amenity of neighbouring residents at 281 and 289 Preston Road was one of the reasons that the appeal was dismissed. The Inspector was particularly concerned with the impact of the habitable room windows on the privacy of neighbouring resident and stated the following:

"because of the large depth and scale [of the two storey rear projection], it would be very obtrusive to the occupiers of this property. Furthermore, a wide range of windows on three floors would look towards their garden and there would be no private area remaining."

The appeal scheme had 17 habitable room windows on the ground, first and second floor on the flank wall of the property facing towards the rear garden of 281 Preston Road. These windows were for living areas, kitchens and bedrooms. The current scheme has only two such windows both of which are bedroom windows and will have timber slats applied externally to restrict overlooking of the neighbouring garden. This significantly reduces overlooking of the rear garden and combined with the reduced depth and height of the projection it is considered that the impact on privacy and outlook of the 2-storey rear projection will not be adversely detrimental to the amenity of the residents of No. 281 Preston Road.

To the North of the site the proposed development faces towards the rear garden of No. 289 Preston Road approximately 12.7m from the proposed flank wall of the development. The appeal scheme had 33 habitable room windows facing towards and within 11.7m of the same gardens. 8 of the residential units within the appeal scheme were single aspect facing towards this space. The current proposal will have 12 windows facing this garden of 10 are bedrooms and 2 are living rooms, only 2 of the units are single aspect. The majority of these windows will face the flank wall of the neighbouring property while the larger windows will also have timber slats to restrict overlooking.

The proposed alterations have addressed the Inspector's concerns in relation to the privacy and outlook of neighbouring residents. The reduced scale of the proposed development has further addressed the previous negative impact of the proposal. Conditions will be sought to ensure that adequate boundary fences, planting and balcony screens are in place to protect the amenity of neighbouring residents. As such it is considered to have an acceptable impact on the amenity of neighbouring residents.

Residential Quality.

17 residential units are proposed. Four of these are 3-bed units, seven are 2-bed and six are 1-bed. All the units comply with the relevant SPG 17 recommended minimum internal floor space. 8 of the units are below the minimum standard set out in the Draft London Plan however only one of these is more than 2 sqm short and this is a 2-bedroom dwelling for 4 persons which to comply with the guidelines could be marked as a

2-bed 3-person unit. Furthermore the London Plan is only in draft form and given that it has not been adopted it cannot be given significant weight. The proposal fully complies with the Mayor and the Council's guidelines for amenity space provision. While the location of the habitable room windows within 2.5m to the boundary with the side access road is not considered to be an issue as the appeal scheme had more windows closer to the boundary and the Inspector found that prospective residents would have adequate privacy. The access arrangements for the residents are clear, secure and attractive. The proposed residential accommodation is considered to be in accordance with the relevant design standards and is considered to be acceptable.

Housing

No affordable housing is proposed as part of this scheme. The Council's policy on this is for 50% affordable housing or the most viable level as demonstrated in the toolkit. The applicants have submitted a toolkit which sets out that no affordable housing is viable for this proposal. This toolkit has been assessed by the Council's Housing Officer who has confirmed the findings. As the assessment is based on current values and build costs a financial review mechanism will be included in the section 106 requiring the submission of a revised financial appraisal of the scheme that includes the actual build and other costs accrued, as well as verified sales values. If this revised appraisal reveals that the development yields a residual value against the existing use value, admitting a developer return of 17%, the owner will either provide affordable housing on site to a level that eliminates that residual value or give the Council a commuted sum equal to that residual value for the provision of affordable housing in the borough.

Landscape Design

The proposal provides an adequate area of amenity space to accommodate the needs of prospective residents. A communal landscape area is provided on the platform above the basement car park. This has an area of approximately 400sqm. Additional private amenity spaces are provided in the form of private gardens and balconies. The Inspector found that the appeal scheme had an acceptable level of provision in terms of amenity despite less provision and almost double the number of units. Full details of the hard and soft landscaping details including the provision of trees will be sought by condition. The provision of increased trees and soft landscaping will help soften the visual impact of the proposed development from neighbouring gardens.

Highways

The proposal includes the provision of a basement car park with 15 parking spaces and two additional parking spaces to the rear. This will provide in total 17 parking spaces (with three disabled parking spaces). This is in accordance with Council Standards for parking in an area with good public transport accessibility. A bike store with space for over 17 parking spaces is also provided again in compliance with policy requirements. A Transport assessment with swept path analysis shows that servicing and refuse collection can be accommodated off-site and that the proposals will have an acceptable impact on local highway conditions and pedestrian safety. The Council's Highways officer has considered the highway implications of the proposal and has no objection to the proposed development.

Conclusion

The significantly reduce size and scale of the proposed development has addressed the main concerns of the planning inspector on the previous scheme in relation to the design and appearance of the proposed building and its impact on the amenity of neighbouring residents. The scaled back proposals also have addressed previous concerns raised by the Council in relation to amenity space, lack of sunlight to prospective residential units and poor quality access arrangements. As such the proposed development is considered to be in accordance with the relevant Council policies and guidelines and accordingly approval is recommended subject to the conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

0101RevB
0102RevB
0103RevB
1100RevB
1101RevB
1102RevB
1103RevB
1104RevB
1105RevB
3101RevB
3102RevB
3103RevB
3104RevB

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

- (3) The parking spaces detailed on the approved plans (including cycle storage spaces) shall be constructed in full prior to the occupation of the buildings and shall be permanently retained and used for the parking of private vehicles directly associated with the dwellings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (4) During construction on site:-
(a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
(b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
(c) Vehicular access to adjoining and opposite premises shall not be impeded.
(d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
(e) No waste or other material shall be burnt on the application site.
(f) 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.

- (5) Except as may be agreed in writing by the Local Planning Authority, there shall be no obstruction over 850mm in height within the site within a visibility splay either side of the vehicular access defined by lines joining points on the edge of the public highway at a distance of 2.4m from the edge of the access to a point on the centre line of the access way 2.4m back from the public highway.

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

- (6) Any part of the existing vehicular accesses onto Preston Road that will become redundant due to the new access for the flats shall be reinstated at the applicant's own expense.

Reason: In the interests of highway and pedestrian safety.

- (7) Notwithstanding any description of materials given in the application, further details of the materials, including samples, proposed for:

- (a) all external surfaces of the building
- (b) all areas of hard landscape works
- (c) boundary walls, fencing and any other means of enclosure (i.e. balconies) including materials

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with any such approval. Where appropriate, a schedule of the exact product references shall be provided.

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

- (8) All areas shown on the plan and such other areas as may be shown on the approved plan 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 prior to occupation of the building hereby approved.

Such scheme shall also indicate:-

- Walls and fences

Proposed walls and fencing, indicating materials and heights.

- Screen planting on boundary

Screen planting along the boundary with No. 281 Preston Road and No. 2 Preston Waye.

- Physical separation

Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.

- Signboards and seating

Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian and vehicle parking areas.

- Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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

- (9) Details of lighting, baffled so as to avoid glare, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development for the roads and footpaths within the site. The approved details shall be fully implemented.

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

- (10) The access road and gates shown on the approved plans shall be constructed in accordance with specifications to be submitted to and approved in writing by the Local Planning Authority. Thereafter the buildings shall not be occupied until the access road and gates have been constructed in accordance with the approved details. Such details shall include:-

(a) an indicative access point with no obstructive landscape features to the neighbouring site at No. 281 Preston Road to ensure an adequate access for any future development of this site.

(b) the mechanism by which the gates will open and close

(c) details of lighting and drainage.

Reason: To ensure a satisfactory design in the interests of the free-flow of traffic and the conditions of general safety along the neighbouring highway and to protect the amenity of neighbouring residents in terms of noise and disturbance.

- (11) Notwithstanding the approved plans, full details of the balconies, including side screening to restrict overlooking of neighbouring gardens, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be completed in accordance with the approved details.

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

- (12) Prior to the commencement of the development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority, outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The works will be carried in accordance with the approved statement.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (13) Development shall not commence until a drainage strategy detailing any on- and/or off-site drainage works has been submitted to and approved by the Local Planning Authority in consultation with the railway undertakers. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains. The works shall be carried out in accordance with the approved details.

Reason; To ensure that sufficient capacity is made available to cope with the new development.

- (14) Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3. Prior to commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority at the same time:-

a) details of a 'Design Stage' assessment and related certification, and,

b) details of how the development will reduce carbon dioxide emissions to a level 20% below the level of emissions that would result from the predicted total energy demand, through the use of on-site sustainable energy technologies such as renewable and/or low carbon technologies.

Following completion of the final dwelling, a Code for Sustainable Homes 'Post Construction Stage' assessment and related certification confirming the Code Level that has been

achieved, and stating the amount of residual carbon emissions, and how they are proposed to be dealt with to ensure that the development is carbon neutral (including any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved by the Local Planning Authority in writing.

The approved measures and technologies to achieve the minimum Code for Sustainable Homes Level 3 standard and to ensure that the development is carbon neutral shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

Reason: In order to ensure that energy efficiency through sustainable design and construction is achieved.

(15) Notwithstanding the plans hereby approved a revised plans shall be submitted to and approved in writing by the Local Planning Authority showing:

a) amendments to the basement car park to provide a minimum aisle width of 6m with supporting columns set back from the front of the parking spaces

b) further details of the proposed vehicular access road with Preston Waye, including the provision of 4m kerb radii.

The proposed development shall be implemented in full accordance with the revised details.


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

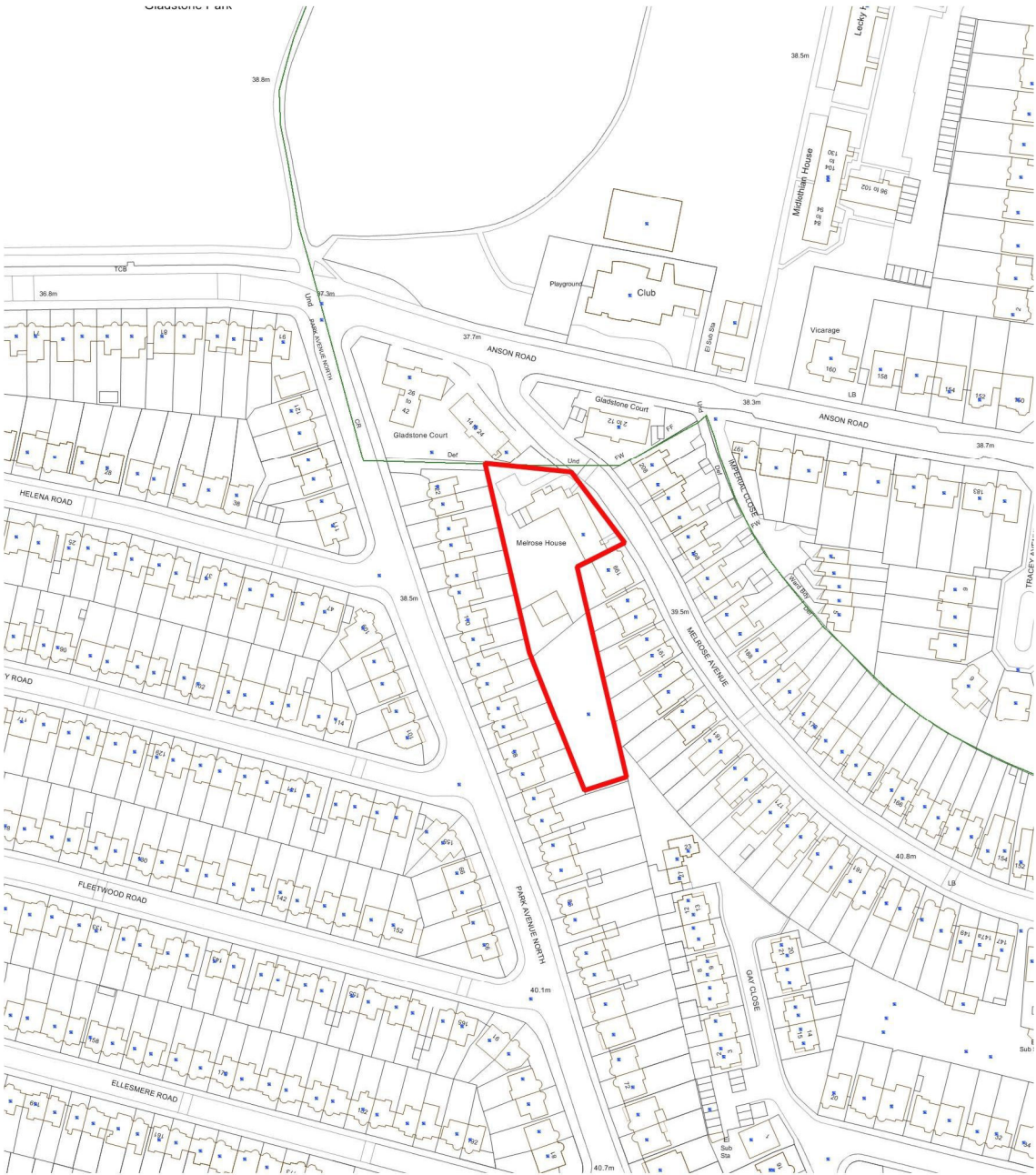
INFORMATIVES:

(1) If the development is carried out, it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road, Wembley, HA9 6BZ (tel: 020 8937 5050).

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

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 **Planning Committee Map**
Site address: Melrose House, 201 Melrose Avenue, London, NW2 4NA
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This map is indicative only.

RECEIVED: 12 April, 2011

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Melrose House, 201 Melrose Avenue, London, NW2 4NA

PROPOSAL: Variation of condition 2 (development to be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted) to allow minor material amendments, comprising:

- Enlargement of window on rear elevation to comply with smoke ventilation requirements
- Roof covering to the bicycle stores for compliance with the ECO Homes requirements.

of full planning permission reference 10/2142, dated 25/11/2010, for demolition of 3-storey care home and outbuilding to rear of site and erection of three-, four- and part five-storey building comprising 21 flats (9 three-bedroom, 9 two-bedroom and 3 one-bedroom with accessible units), new vehicular and pedestrian access onto Melrose Avenue NW2, provision of 17 car-parking spaces, bin store, bicycle store and associated landscaping (variation of planning permission 07/2019).

APPLICANT: Bouygues (UK) Ltd

CONTACT:

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant Consent

EXISTING

The application site comprised a former care home located on Melrose Avenue. Planning permission was granted on 04/10/2007 for the demolition of the care home and erection of three, four and part five storey building comprising 21 flats.

The site is not located within a conservation area nor is it a listed building. The surrounding uses are predominantly residential.

PROPOSAL

Minor material amendments to full planning permission reference 10/2142, comprising the following:

- Enlargement of windows on rear elevation to comply with smoke ventilation requirements
- Roof covering to the bicycle stores for compliance with the ECO Homes requirements.

HISTORY

10/2142: Variation of condition 3 (development to be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted) of full planning permission ref: 07/2019 to allow minor material amendments, comprising alterations to elevations including resizing, repositioning and removal of windows at all floors (ground to fifth); and replacement of boundary wall alongside 199 Melrose Avenue with Armco Barrier with Escallonia "Red Hedge" in front, extending rear garden of 199 Melrose Avenue and omitting some planting - Granted, 25/11/2010.

08/2586: Details Pursuant to condition 2 (external materials) of full planning permission ref: 07/2019 - Granted, 17/10/2008.

08/1722: Details Pursuant to condition 2 (external materials) of full planning permission ref: 07/2019 - Withdrawn, 06/08/2008.

08/0787: Details Pursuant to condition 4 (landscaping) of full planning permission ref: 07/2019 - Granted, 09/09/2008.

07/2019: Full Planning Permission sought for demolition of 3-storey care home and outbuilding to rear of site and erection of three-, four- and part five-storey building comprising 21 flats (9 three-bedroom, 9 two-bedroom and 3 one-bedroom with accessible units), new vehicular and pedestrian access onto Melrose Avenue NW2, provision of 17 car-parking spaces, bin store, bicycle store and associated landscaping, subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 - Granted, 04/10/2007.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE9: Architectural Quality
TRN11: The London Cycle Network

Supplementary Planning Guidance

SPG17 "Design Guide for New Development"

CONSULTATION

Consultation Period: 15/04/2011 - 06/05/2011

Site Notice Displayed: 24/05/2011 - 14/06/2011

Public Consultation

7 neighbours consulted - 3 letters of objection received objecting to the proposal on the following grounds:

- Overlooking from the rear of the new building to the rear gardens and rear windows of the properties on Park Avenue North. Enlargement of windows will make the situation worse
- Screen planting should be provided along the rear boundary to provide some screening to the residential properties on Park Avenue North
- Loss of value to surrounding residential properties
- Building works causing disturbance to surrounding residential properties
- Local residents did not fully understand the plans submitted as part of the original application and the impact that it would have on them

REMARKS

Introduction

Planning permission was granted at this site on 04/10/2007 for the demolition of the existing care home and its replacement with a three, four and part five storey building containing 21 flats, with new vehicular and pedestrian access onto Melrose Avenue, provision of 17 car-parking spaces, bin store, bicycle store and associated landscaping. The application was presented to the Planning Committee meeting on 25/09/2007 and was approved by members of the Planning Committee, subject to the completion of a satisfactory Section 106 Agreement.

The Section 106 Agreement proposed as part of this application secured a number of benefits including the provision of 100% affordable housing; financial contribution of £112,800, due on Material Start and index-linked from the date of committee, to be used for improvements to the education, sustainable transports, sports and open space in the local area; implement sustainability measures to achieve a "Very Good" BREEM rating; join and adhere to the Considerate Contractors scheme; and provide no less than 15 units for Adults with Learning Difficulties, including physical and sensory impairments and mental health needs in the Borough.

Work has commenced on implementing the 2007 planning permission.

Relevant planning history

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). These amendments are known as minor material amendments. The Council has already approved an application for minor material amendments to this scheme (LPA Ref: 10/2142). The application was reported to the Planning Committee on 24/11/2010 where members resolved to grant planning permission for the following amendments:

- alterations to elevations including resizing, repositioning and removal of windows at all floors (ground to fifth)
- replacement of boundary wall alongside 199 Melrose Avenue with Armco Barrier with Escallonia "Red Hedge" in front, extending rear garden of 199 Melrose Avenue and omitting some planting

An updated decision notice was issued to reflect the minor material amendments.

Current application

This application is also for minor material amendments. It involves two amendments to the scheme including:

- Enlargement of windows on rear elevation to comply with smoke ventilation requirements
- Roof covering to the bicycle stores for compliance with the ECO Homes requirements.

Proposed changes

The first of the proposed changes involve alterations to the size of the windows on the rear elevation (south west elevation). The three windows in question are marked on the plans as MEL-TF-W89, MEL-SF-W67 and MEL-FF-W42. These windows serve the communal lobby area and lift area for the new development. The windows will be increased in height and divided into two panes of glass. The alteration to these windows is required to comply with smoke ventilation requirements.

It is considered that the enlargement of these windows is acceptable in visual terms and does not substantially differ from the approved plans. Furthermore, the alterations will not have an adverse impact upon neighbouring occupiers as a result of overlooking or a loss of privacy. Windows were approved as part of the original application on the rear elevation facing the properties on Park Avenue North. The windows will not be closer to the properties on Park Avenue North than the approved scheme. The impact upon neighbouring properties was assessed as part of the original planning application and it was considered that the development would not adversely impact upon neighbouring properties as a result of overlooking and loss of privacy. Furthermore, these windows were originally designed to serve non habitable space and the internal layout has not been altered as part of this proposal.

Landscaping is to be provided along the rear boundary of the site in the form of a variety of hedge species. The landscaping was approved as part of condition 4 of the original planning permission ref: 07/2019. The approved species included "ligustrum ovalifolium", "cornus sanguinea", "corylus avellana", "viburnum opulus" and "ilex aquifolium" which grow in the region of around 3 - 5m high. The landscaping will assist in screening the development from the properties on Park Avenue North.

The second of the changes involves providing a roof over the bicycle stores. This amendment is required to comply with ECOHomes requirements. The roof of the bicycle store has a small pitch measuring 2.207m at its highest point. This alteration is not considered to be substantially different from the approved plans. It is considered to be visually acceptable and not adversely impact upon the amenities of the residential properties both within the site and to the rear of the site.

Conditions and s106

The conditions attached to updated decision notice (LPA Ref: 10/2142) are repeated.

The scale and nature of the amendments proposed as part of this application do not result in the Heads of Terms for the Section 106 Agreement to be varied. The Section 106 Agreement remains as per the approved

application.

Response to objectors

A number of objections have been received. These primarily relate to the development overlooking the rear gardens and properties to the rear on Park Avenue North. This issue has been discussed above and as part of the original application in 2007. Additional issues that have been raised and which have not been discussed above are addressed below:

- Loss of value to surrounding residential properties

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

- Building works causing disturbance to surrounding residential properties

The Section 106 Agreement for this development required the applicants to join and adhere to the Considerate Contractors scheme. Amongst other considerations, it requires the contractors to be considerate and good neighbours. Details of the construction company or site manager are required to be clearly displayed so that local residents can contact the relevant person in the event that any problems arise.

In addition noisy works are restricted to the hours of Monday to Friday 8am to 6pm and Saturday 8am to 1pm. No noisy works are allowed on Saturday afternoons, Sundays or Bank Holidays. If works are being carried out outside of these times, the matter needs to be referred to the Council's Environmental Health Team.

- Local residents did not fully understand the plans submitted as part of the original application and the impact that it would have on them

Your officers can advise that local residents were consulted on the original application. The impact of the development upon local residents was considered as part of the assessment of the original application and objections taken into account. Details are set out in the report that went to the planning committee on 25/09/2007.

Conclusion

The application complies with the relevant UDP policies and supplementary planning guidance; approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent's Unitary Development Plan 2004
Council's Supplementary Planning Guidance 3
Council's Supplementary Planning Guidance 17

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration

of three years beginning with the date of permission 07/2019, dated 4th October 2007.

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):

ALL-GND-A1 MELFLU-GA 000050 Rev H
ALL-GND-A1 MELFLU-GA 000060 Rev H
ALL-SL-A3 MELFLU-ELV 000142 Rev H
ALL-GND-A3 MELFLU-GA 000372 Rev D
ALL-GND-A3 MELFLU-GA 000374 Rev A

Please refer to 10/2142 for the following:

ALL-SL-A3 MELFLU-ELV 000140 Rev G
ALL-SL-A3 MELFLU-ELV ---141 Rev C
ALL-SL-A3 MELFLU-ELV ---143 Rev D
ALL-SL-A1 MELFLU-GA 000070 Rev H
ALLGND-A1 MELFLUGA 000105 Rev H
ALLFIR-A1 MELFLUGA 000110 Rev H
ALLSEC-A1 MELFLUGA 00115 Rev H
ALLTHR-A1 MELFLUGA 000120 Rev H
ALLFOR-A1 MELFLUGA 000125 Rev H

Please refer to 07/2019 for the following:

AHB-MELA SK (9) 4012E - refer to planning 07/201
AHB-MELA SK (9) 4013C
S07-219-100

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

- (3) The existing cross over shall be made redundant and the kerb reinstated prior to any occupation of the units hereby approved.

Reason: To ensure satisfactory highway safety

- (4) The proposed bin enclosure and cycle storage shall be constructed prior to occupation of the premises as self-contained flats.

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

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

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.

- (6) All external work, shall be carried out in accordance with the details approved as part of application ref: 08/2586 dated 17th October 2008. A list of the approved materials is listed below:

- Off-white render sample;
- Terca Aldbury Red Multi Stock brick sample;
- Aldus window sample.

Unless otherwise agreed in writing by the Local Planning Authority.

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

- (7) Notwithstanding the details of the hard and soft landscaping as set out in submitted Plan Ref: ALL-GND-A1 MELFLUGA ---060 Rev B, 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 writing by the Local Planning Authority within three months of the date of this approval. 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:-
- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained
 - (b) proposed walls and fences indicating materials and heights
 - (c) screen planting along the site boundaries
 - (d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas
 - (e) areas of hard landscape works and proposed materials
 - (f) details of the proposed arrangements for the maintenance of the landscape works.
 - (g) any installation of lighting

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species

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

INFORMATIVES:


- (1) The applicant is reminded that the Section 106 Agreement secured as part of the original application ref: 07/2019 is also applicable to this application.

REFERENCE DOCUMENTS:

Brent's UDP 2004
SPG17 "Design Guide for New Development"
Letters of objection

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

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	Planning Committee Map
Site address: 67 Dartmouth Road, London, NW2 4EP	
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This map is indicative only.

RECEIVED: 30 March, 2011

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 67 Dartmouth Road, London, NW2 4EP

PROPOSAL: Single storey rear extension to groundfloor flat and installation of rear spiral staircase to first floor flat.

APPLICANT: Mrs Catherine Rader

CONTACT: ADC PRACTICE LIMITED

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

Ground floor flat that forms part of a semi detached property that was purpose built as 2 flats. The groundfloor flat is referred to as 67 Dartmouth Road while the upper floor flat is known as 67a Dartmouth Road. It is within the Mapesbury Conservation Area. It is not a listed building.

PROPOSAL

Full planning permission sought for single storey rear extension to groundfloor flat and installation of rear spiral staircase to first floor flat.

HISTORY

05/1590. Full planning permission sought for the conversion of existing attached garage into a habitable room. Granted 2005.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE2 Townscape: Local Context & Character

BE7 Public Realm - Streetscape

BE9 Architectural Quality

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to buildings in Conservation Areas.

SPG5: 'Altering and Extending Your Home'

Mapesbury Design Guide

CONSULTATION

Neighbouring properties and Mapesbury Residents Association consulted. A site notice was also put up outside the site.

3 objections have been received from neighbouring residents on the following grounds:

1. Out of keeping with the character and appearance of the streetscene.
2. Noise and disturbance from residents using the stair.
3. Loss of daylight and sunlight to neighbouring property.
4. Precedent for spiral staircase could lead to others in the street.
5. The roof of the rear extension could be used as a roof terrace

Officer comments

1. This is covered in the character and appearance remarks section of the report.
2. The stairway is not the main access to the flat and therefore it is only likely to be used intermittently by residents as such any disturbance is likely to be intermittent and not significantly detrimental to the amenity of the neighbouring residents.
3. The proposed single storey rear extension is considered to be of a size and scale that will not have a detrimental impact on daylight and sunlight to neighbouring properties.
4. It is not considered that an approval for the external staircase would result in the creation of a precedent for others on the street. The main justification for the current proposal is that it is replacing an existing balcony and that it is discretely located in an inset section of the proposed extension.
5. A condition will be attached to ensure that the roof of the rear extension is not used as a roof terrace.

REMARKS

Extension Description

The proposed single storey rear extension will be onto the rear of the original outrigger. The existing outrigger does not have a level rear wall as there is a two storey 0.8m projection and a small store a further 0.4m beyond the projection on the side adjacent to the boundary with No.69 Dartmouth Road. These are all part of the original rear wall of the property.

The proposed extension will have a projection of 3.95m from the original rear wall of the outrigger, 3.15m beyond the projection and 2.75m beyond the rear store. It will have a flat roof with a maximum height of 2.8m. A spiral staircase is also proposed to provide access from the first floor flat to the rear garden. This is located in an inset section of the flank wall facing No. 69. This has the same projection as the existing first floor balcony.

Impact on amenity

The depth of the single storey rear extension is slightly beyond the recommended depth for single storey rear extensions as set out in SPG 5. This is considered acceptable as the flank walls of the proposed extension are set in 3.4m from the boundary with No. 65 to the east and 1m from the boundary with No. 69 to the west. The flat roof at 2.8m will also insure that the impact is limited (a maximum height of 3m is normally permitted). Both neighbouring gardens are large in depth and are well looked after with mature and semi-mature trees, shrubs and flowers (There are prominent shrubs to a height of approximately 2.5m directly next to the proposed site for the extension, in the garden of No. 69).

The proposed single storey rear extension is therefore considered to be of a size and scale that will not have a detrimental impact on the amenity of neighbouring residents.

The proposed external staircase will not project any further out than the existing balcony. The staircase is proposed to provide access from the first floor flat to the shared rear garden. At present the only access to the garden is from the front door and along the shared side passage. The applicant considers that this will provide a safer passage for the children in the upper flat to access the rear garden. As the balcony is currently used for sitting out on it is considered that the proposed stair will not result in any additional overlooking of the neighbouring properties and as it is to be used solely for access it will improve privacy for residents using the neighbouring gardens. To ensure that there is no overlooking of the neighbouring garden details of a screen for the proposed stair will be sought by condition.

Character and appearance

The proposed single storey rear extension is of a size and scale that is in keeping with the character and appearance of the dwelling and can be comfortably accommodated within the large rear garden without resulting in a significant loss of garden space or any prominent trees and shrubs. There are no specific guidelines in relation to the external staircase. As it will not project further into the garden than the existing balcony and is not visible from the streetscene it will not have a significant impact on the character of the area. The quality of the materials used and the detailed design of the stair will affect its appearance when viewed from other gardens as such a condition will be attached requiring further details of this to ensure that it is of a high quality.

The proposed single storey rear extension and external staircase is considered to be in keeping with the character and appearance of the building and conservation area.

Conclusion

For the reasons outlined above the proposed single storey rear extension and external staircase is considered to be in accordance with the relevant policy and design guidance. Accordingly approval is recommended subject to the conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Mapesbury Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

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

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

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

S/P001Rev C

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

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

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

- (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.

The details shall include:

- a) Details of the materials for the proposed single storey rear extension
- b) Detailed design and materials for the proposed external staircase.

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

- (5) Notwithstanding the plans hereby approved further details of the proposed screen for the external staircase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the development.


Reason: To protect the amenities of neighbouring residents.

INFORMATIVES:

None Specified

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

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	Planning Committee Map
Site address: 66A Springfield Mount, London, NW9 0SB	
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This map is indicative only.

RECEIVED: 19 May, 2011

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 66A Springfield Mount, London, NW9 0SB

PROPOSAL: Conversion of a garage (currently in use as living accommodation under a personal consent) to provide separate dwellinghouse to 66 Springfield Mount with associated works to divide curtilage

APPLICANT: Mr & Mrs McAteer

CONTACT: Mel-Pindi Constructional Services Ltd

PLAN NO'S:
66Spring-11
66Spring-12 Rev A
66Spring-13

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Jim Moher

Date and Reason for Request

9th June 2011. Further consideration of the merits of the scheme, including the impact upon the amenities of the residents and surrounding properties. Consideration should also be given to changes in planning regulations.

Details of any representations received

The applicants (Mr and Mrs McAteer)

Name of Councillor

George Crane

Date and Reason for Request

9th June 2011. Further consideration of the merits of the scheme, including the impact upon the amenities of the residents and surrounding properties. Consideration should also be given to changes in planning regulations.

Details of any representations received

The applicants (Mr and Mrs McAteer)

Name of Councillor

Ruth Moher

Date and Reason for Request

9th June 2011. Further consideration of the merits of the scheme, including the impact upon the amenities of the residents and surrounding properties. Consideration should also be given to changes in planning regulations.

Details of any representations received

The applicants (Mr and Mrs McAteer)

RECOMMENDATION

Refuse Consent

EXISTING

The application site comprises a garage within the side garden of No. 66 Springfield Mount. The garage is currently used as ancillary living accommodation to the main house (see details below). The main garden of this property lies to the side of the main house rather than to the rear.

The site is not located within a conservation area nor is it a listed building. The surrounding uses are predominantly residential.

PROPOSAL

Conversion of a garage (currently in use as living accommodation under a personal consent) to provide separate dwellinghouse to 66 Springfield Mount with associated works to divide curtilage

HISTORY

11/0501: Variation of condition 4 (personal consent for use of garage as living accommodation exclusively by Mr Teden or Mrs Teden) of full planning permission 99/1724, dated 24/04/2000, for conversion of a garage into living accommodation, in order to remove the restriction on this use by specific named individuals, to enable the garage to form living accommodation in conjunction with the main dwellinghouse - Refused, 26/04/2011. This application was refused for the following reason:

Without a special circumstance, the continued use of the garage as additional living accommodation to be used in connection with No. 66 Springfield Mount, represents a form of development that is out of keeping with the character of the surrounding area as it would appear from the streetscene as a separate dwellinghouse evident by its domestic appearance and result in an intensification of uses within the site harmful to the amenity of the surrounding area. As such it would be contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's Unitary Development Plan 2004.

10/1303: Variation of condition 4 (personal consent for use of garage as living accommodation exclusively by Mr Teden or Mrs Teden) of full planning permission 99/1724, dated 24/04/2000, for conversion of a garage into living accommodation, in order to remove the restriction on this use by specific named individuals, to enable the garage to form living accommodation in conjunction with the main dwellinghouse - Refused, 19/07/2010.

99/1724: Full Planning Permission sought for conversion of garage into living accommodation - Granted, 24/01/2000. This was a personal consent, where the living accommodation was required to be converted back to a garage once no longer required.

95/0773: Full Planning Permission sought for erection of detached double garage - Granted, 11/07/1995.

91/0824: Outline Planning Permission sought for erection of dwellinghouse in land adjacent to No. 66 Springfield Mount - Dismissed on Appeal, 19/09/1991.

POLICY CONSIDERATIONS

Brent's Core Strategy 2010

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

CP17: Protecting and Enhancing the Suburban Character of Brent

Brent UDP 2004

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

BE2: Townscape - Local Context & Character
BE7: Public Realm - Streetscape
BE9: Architectural Quality
TRN23: Parking Standards - Residential Developments

Supplementary Planning Guidance

Supplementary Planning Guidance 17 – “Design guide for new development”
Supplementary Planning Document: "S106: Planning Obligations"

CONSULTATION

Consultation Period: 20/06/2011 - 10/06/2011

Public Consultation

7 neighbours consulted - one letter of support received during the consultation period.

Internal Consultation

Transportation - Proposal can be supported on transportation grounds subject to the existing crossover and vehicular access to the site being removed and reinstated to footway at the applicant's expense, prior to occupation of the development.

Landscape Team - No objections raised on landscape grounds.

REMARKS

This application has been called in under the Members call-in procedure.

Background

The application relates to a garage within the garden of No. 66 Springfield Mount. The garden of No. 66 Springfield Mount is located to the side of the property (east of the property) fronting Springfield Mount.

The garage itself is a large structure that was granted planning permission in 1995 (LPA Ref: 95/0773). It is approx. 9m deep and 6m wide. When built, it was designed with a garage door fronting Springfield Mount and two dormer windows on the front roof slope and flank roof slope facing the garden of the application property. When planning permission was granted for its conversion to living accommodation in 2000 (LPA Ref: 99/1724), the garage door was replaced with a window and door, and a window on the flank elevation facing the rear garden of the application property was replaced with double sliding doors.

The planning permission to convert the garage into living accommodation in 2000 included a condition which restricted the use of the living accommodation for Mr or Mrs Teden only. Planning permission was only granted given the particular and special caring needs in this case. The permission was granted on a temporary basis, with the garage being required to be converted back to a garage for vehicles once the building was no longer required for the needs of Mr and Mrs Teden.

Recent planning history

Two recent applications have been refused which sought to vary condition 4 of planning permission ref: 99/1724 to remove the personal consent for use of the garage as living accommodation by Mr and Mrs Teden only and allow the unrestricted use of the garage as living accommodation to be used in connection with the main dwellinghouse (No. 66 Springfield Mount). The more recent of these applications (LPA Ref: 11/0501) was refused for the following reason:

Without a special circumstance, the continued use of the garage as additional living accommodation to be used in connection with No. 66 Springfield Mount, represents a form of development that is out of keeping with the character of the surrounding area as it would appear from the streetscene as a separate dwellinghouse evident by its domestic appearance and result in an intensification of uses within the site harmful to the amenity of the surrounding area. As such it would be contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's Unitary Development Plan 2004.

Site Context

It should be noted that there are significant changes in the land levels within the site. The main house and garden area is positioned at a higher level than the detached former garage. A site survey showing the changes in ground levels has not been submitted with the application. However, your officers have carried out basic measurements on site which reveal that the floor level of the main house is approximately 1.1m higher than the main garden level and the garden itself is approximately 0.6m higher than the ground level of the former garage. The changes in ground levels have implications for a scheme of this nature and are discussed in detail below.

Proposal

This application seeks to convert the garage which is currently in use as living accommodation under a personal consent (see details above) into a separate self contained dwellinghouse which is independent to No. 66 Springfield Mount. The proposal involves works to the curtilage of the site to subdivide the site into two separate planning units. Such works would appear to require excavation of the raised garden area to allow a gap of 3m to be maintained between the side elevation (western elevation) of the new dwelling and the site boundary - confirmation of this has been requested. The boundary will be divided by a 1.8m high boundary fence.

As the garage is now sought to be used as a self contained dwellinghouse, in addition to considering the impact of the character of the area, the proposal needs to be assessed in line with the Council's policies and guidance on new residential development. This is to ensure that the proposal provides a satisfactory standard of accommodation for both the new unit and the main house at No. 66 Springfield Mount.

Quality of accommodation for the new dwelling (former garage within the garden of No. 66 Springfield Mount)

The new self contained unit will comprise a one-bedroom bungalow with a shower room and living/kitchen area. It has an internal floorspace of 61.4sqm, which exceeds the Council's minimum guidance for a one bedroom dwelling.

Dual aspect is currently provided from the two habitable rooms (living/kitchen area and bedroom). The level of outlook is currently considered acceptable as outlook is not restricted across the garden from the western elevation windows and patio doors. To enable the building to be used as a self contained dwelling which is independent to the main house at No. 66 Springfield Mount, a boundary fence is required to separate the two units. In this case a 1.8m high boundary fence is to be located 3m away from the habitable room windows located on the western elevation of the building. This will significantly reduce outlook to the kitchen/living area, where the main source of outlook is provided from the patio doors. Outlook is already restricted on the northern elevation of the bedroom and the introduction of a 1.8m high boundary fence will worsen the situation by restricting outlook from both the windows on the northern and western elevations. The resulting level of outlook and restricting in light to these habitable rooms is considered to result in a substandard form of accommodation that will be harmful for the future occupiers.

Adequate levels of privacy will need to be provided for both dwellings. In the case for the new dwelling, a 1.8m high boundary fence is considered sufficient to prevent overlooking from the ground floor windows to the main house and garden of No. 66 Springfield Mount. It should also be noted that the building has two dormer windows, one on the front roof plane and one facing the garden of No. 66 Springfield Mount. However, the submitted plans do not indicate that accommodation is to be provided within the roof space and the application has been assessed on this basis. It should be noted the use of the roofspace could not be controlled as the dormer windows are existing and only internal access would be required to enable this to be used as further accommodation, resulting in overlooking between the buildings and further intensification of use.

SPG17 requires dwellings of this size to have a minimum of 20sqm of external amenity space. The UDP goes on to say amenity space should have some sunlight and that when calculating amenity space, the first 2m of space to the side of dwellings and the first 6m of front garden space are treated as landscaped areas

and not exclusively amenity space (page 287). In this case, a strip of land will be provided to the side and rear of the new dwelling, totalling approx. 54sqm. Whilst the total area exceeds SPG17, the external amenity space is required to be usable. It is considered that given the layout and narrow width of the land together with its orientation which will only provide sunlight to the area to the west of the house for a limited part of the day, results in an unsatisfactory quality of private amenity space for the occupiers of the new dwelling.

Quality of accommodation for the existing dwelling (No. 66 Springfield Mount)

The proposal will result in the reduction in the garden area for the main house at No. 66 Springfield Mount as a result of the garden being subdivided by the introduction of a 1.8m high boundary fence. Due to the house being sited at a higher level than the rear garden, outlook from the patio doors on the flank wall of the ground floor rear extension (which provide the main source of outlook from the kitchen area) is not considered to be adversely affected. However, the privacy of the new dwelling and its external amenity space is considered to be severely compromised by overlooking from the main house, balcony above the ground floor rear extension (unauthorised but now immune from enforcement action) and the external amenity space. This is due to the house and garden being positioned at a higher level than the ground level of the new dwelling by approximately 1.7m and 0.6m respectively. A boundary fence of 1.8m when measured from the ground level of the new dwelling serves limited benefit in screening the new dwelling from the main house and rear garden at No. 66 Springfield Mount. Whilst it is noted that this issue could be overcome by increasing the height of the boundary fence, this in turn would further impact upon light and outlook to the new dwelling.

As referred to above, the garden area for the existing dwellinghouse will be substantially reduced as a result of the subdivision of the site. The area to the rear of the single storey rear extension has not been included as part of the calculation for the external amenity space as it is not considered to be a usable space. This is because it is very narrow and does not receive sunlight due to its position to the north of the single storey rear extension. The remaining area of external amenity space for the main dwellinghouse is approximately 62sqm, meeting the minimum requirements as outlined in SPG17.

Impact upon the character of the area

Amongst other considerations, the previous application for the retention of the garage as ancillary living accommodation was refused on the grounds that the domestic appearance of the garage including a front door and windows fronting onto Springfield Mount appears from the streetscene as a separate dwellinghouse which is considered to be out of keeping with the character of the surrounding area. This is because the building does not reflect the scale and designs of other houses within the vicinity of the site.

Transportation considerations

The existing parking provision for the main dwellinghouse at No. 66 Springfield Mount will not be affected by this proposal. Officers in Highway and Transport Delivery have advised that no amendments are required to the existing provision.

The parking allowance for the new one-bedroom dwellinghouse is one space. Officers in Highway and Transport Delivery have advised that the depth of the forecourt falls short of standard dimensions for a parking space, which is likely to lead to vehicles illegally overhanging the pavement. Given that this road is not heavily parked and has sufficient width to safely accommodate parking along both sides, an on street parking space can be supported, subject to the reinstatement of the drop kerb. It should be noted that if the roofspace were used as additional accommodation, there may be a greater impact on parking provision in the locality from both the occupiers and possible visitors.

Section 106 Agreement

The following Heads of Terms will be sought for a one-bedroom dwelling:

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

(b) A contribution of £3,000, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area.

(c) Prior to Practical Completion enter into a s278/s35 requiring the reinstatement of the redundant crossover onto Springfield Mount to footway.

The applicant has confirmed their acceptance to the standard contributions as set out in the adopted SPD. In the event that the application is refused then a reason for refusal covering the failure to secure a legal agreement to provide education, sustainable transportation, open space and sport contributions together with highway improvements outside the application site would need to be attached to the decision.

Conclusions

It is important to note that the use of the garage as living accommodation was previously granted due to the exceptional circumstances of the case due to the care needs of Mr and Mrs Teden. The accommodation has allowed Mr and Mrs Teden to live with some independence but in close proximity to family members. The accommodation can continue to be used in this capacity in accordance with the conditions of the planning permission. This planning application does however highlight the difficulties of issuing a personal permission where physical works are required to reinstate a building back to its intended use when personal circumstances have changed, particularly when it has been used for a different purpose for some time.

Allowing the garage to be used as ancillary living accommodation which is not specially restricted to a named person(s) would lead to difficulties in the future with regard to the building potentially being used as independent accommodation (e.g. tenanted) and the enforceability without such clear restrictions to its use in place. Without these controls, the development may give rise to similar amenity issues being considered under this application. In addition, if independent use is established, it is often the case that occupiers seek to maximise accommodation on site using permitted development rights (both properties would benefit from these rights) which would result in further intensification of use of the site. The Council would however consider an application for continued use as ancillary living accommodation to the main house in the future if it was restricted to a named person(s) and where exceptional circumstances are demonstrated.

As detailed in the report, the subdivision of the site into two dwellings introduces new issues that would have not previously arisen. The site is not sufficient in size to adequately provide a satisfactory quality of accommodation for both the existing and new dwellings. The impact is exacerbated by the significant changes in land levels across the site. In addition the retention of the property as a separate dwelling is not considered to reflect the general character of properties in the locality and would result in an intensification of uses on the site.

For the reasons as discussed above and as outlined in the decision notice, the proposal is considered unacceptable and refusal is accordingly recommended.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The subdivision of the site to provide a new self contained dwelling, would result in a substandard form of accommodation detrimental to the amenities of future occupiers of the new dwelling, by reason of the sense of enclosure and severely restricted outlook from the bedroom and kitchen/living room; and the insufficient quality of external amenity space. As such the application is contrary to Brent's adopted Unitary Development Plan 2004 policy BE9 and the guidance as outlined in SPG17 "Design Guide for New Development".
- (2) The subdivision of the site to provide a new self contained dwelling, by reason of the significant changes in land levels across the site, result in significant overlooking from the existing dwellinghouse, first floor balcony and garden into the garden area and habitable room windows of the new dwelling. This is contrary to Brent's adopted Unitary Development Plan 2004 policy BE9 and the guidance as outlined in SPG17 "Design Guide for New Development".
- (3) The proposal involving a separate dwelling fronting Springfield Mount is considered to be out of keeping with the character of the surrounding, harmful to the amenities of the surrounding area. This is contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's Unitary Development Plan 2004.
- (4) In the absence of a legal agreement to control the matter, the development would result in an

increased demand for school places within the Borough, without providing any contribution to building new school classrooms or associated facilities; pressure on transport infrastructure, without any contribution to local highway improvements or sustainable transport improvements in the area; and increased pressure for the use of existing open space, without contributions to enhance that open space or make other contributions to improve the environment. Furthermore, a s278/s35 has not been secured through the legal agreement requiring the reinstatement of the redundant crossover onto Springfield Mount to footway. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010, policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Core Strategy 2010

Brent UDP 2004

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

Supplementary Planning Document: "S106: Planning Obligations"

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



Planning Committee Map

Site address: Hawthorn Road And Litchfield Gardens Corner Site, Hawthorn Road, London, NW10

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This map is indicative only.

RECEIVED: 12 April, 2011

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Hawthorn Road And Litchfield Gardens Corner Site, Hawthorn Road, London, NW10

PROPOSAL: Demolition of existing commercial buildings and erection of 10 x 2-storey terraced dwellinghouses (3-bedroom) and 10 flats (1 x one-bedroom, 7 x two-bedroom, 2 x four-bedroom) within a 3-storey building with associated landscaping

APPLICANT: Euros Steel Ltd

CONTACT: Nathaniel Lichfield and Partners

PLAN NO'S:
See condition 2

RECOMMENDATION

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

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 minimum of 20% Affordable Housing (See 'Remarks')
- A contribution of £153,000 (£3000 per additional private bedroom and £2400 per additional affordable bedroom) towards Education, Sustainable Transportation and Open Space & Sports in the local area, due on Material Start, and index linked from the date of Committee
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3 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 Constructors scheme.
- The development shall be part 'permit-free'

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 Core Strategy, Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The subject site is a broadly rectangular piece of land with an area of 0.2Ha located on the north-eastern corner of the junction between Litchfield Gardens and Hawthorn Road. The site is currently occupied by two large scale single-storey industrial buildings with pitched roofs.

PROPOSAL

See above

HISTORY

There have been three previous planning applications for the redevelopment of the site. In 2001 an outline planning application (01/1545) was submitted for the erection of 8 three-bedroom houses and 6 two-bed flats on the site. In 2002 an outline planning application (02/0279) was submitted for the erection of 11 two-bedroom houses, 4 studio flats and 4 one-bedroom maisonettes on the site. In 2007 a full planning application was submitted for the erection of a part 1-, 2- and 3-storey block comprising of 3 x 2-bedroom and 3 x 1-bedroom flats and the erection of two 2-storey blocks comprising of 11 x 3-bedroom terraced dwellings. All of the above planning applications were withdrawn prior to determination.

POLICY CONSIDERATIONS

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

- London Borough of Brent adopted LDF Core Strategy 2010
- London Borough of Brent LDF Site Specific Allocations DPD (Submission Version 2010)
- London Borough of Brent Unitary Development Plan 2004 (saved policies)
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
- Supplementary Planning Document:- s106 Planning Obligations
- The London Plan (Consolidated with Alterations since 2004)

London Borough of Brent adopted LDF Core Strategy 2010

Within the adopted LDF Core Strategy the following policies are considered to be the most pertinent to the application.

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.

- BE2** Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landform's 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
- 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.
- TRN3 Environmental Impact of Traffic
- TRN4 Set out measures to make transport impacts acceptable
- 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 LDF Site Specific Allocations DPD (Submission Version 2010)

The subject site has been identified for redevelopment within the Council's Site Specific Allocations DPD. Having been subject to an Examination in Public (EIP) this DPD has been found sound and will be reported to the Council's Executive Committee on the 11th July 2011 for approval to formally adopt the document as part of the Local Development Framework. The subject site had also previously been identified within the Unitary Development Plan 2004 as a Site Specific Proposal.

SUSTAINABILITY ASSESSMENT

SUSTAINABILITY CHECKLIST

The application is a Major Case proposing in excess of 10 residential units and consequently reference needs to be had to the Council's SPG19. As such, the applicant has completed the Council's Sustainability Checklist which, following review by the Council's Sustainability Officer, achieves a score of 52%, 2% above the required score of 50%. As such, Officers are satisfied that the proposed development would achieve a 'Very Positive' sustainability rating. However, it is recommended that compliance with the submitted sustainability checklist is secured by way of a s106 legal agreement in order to ensure that the development would realise the full sustainability benefits of the proposal if the development is implemented.

CODE FOR SUSTAINABLE HOMES

The applicants have stated that all affordable units would reach level 4 of the Code For Sustainable Homes whilst all private units would achieve level 3. As the subject site is not within a growth area this would be in accordance with the requirements of policy CP19 of the LDF Core Strategy. It is recommended that achievement of the stated code levels should be secured as part of a s106 agreement.

ENERGY ASSESSMENT

The London Plan adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible. The proposal puts forward two alternative proposals, to either provide renewable energy through the provision of pv solar panels or through the provision of air source heat pumps. The applicants preferred option for the development would be to seek to meet the 20% target through the provision of pv panels on the roof of the buildings and it is proposed to install 82 pv panels in total across the site. Having been assessed by the Sustainability Officer it has been calculated that these panels would be expected to generate levels of electricity that would result in a reduction of more than 20% in CO² emission on the site and it is recommended that compliance with this target is secured through a s106 agreement.

CONSULTATION

EXTERNAL CONSULTATION

Consultation letters, dated 27th April 2011, were sent to Ward Councillors and 115 local owner/occupiers. The application was also advertised as being "in the Public Interest" by way of a site notice, display from the 27th April 2011, and a press notice published on the 5th May 2011. In response three letters of objection were received from local residents. Comments on the application were also received from Ward Councillor Lesley Jones. The concerns of the objectors include:-

- The proposed development would be an overdevelopment which would exacerbate existing parking problems within the vicinity of the site.
- The proposed development would harm the character and quality of the surrounding area.
- The proposed development cause overlooking, noise and security issues for neighbours.
- The proposed development would result in a loss of jobs.
- The proposed development should be subject to a requirement to join and adhere to the Considerate Constructors scheme.

INTERNAL CONSULTATION

Environmental Health - Given that the site is currently used for industrial purposes the Council Environmental Health Unit has recommended that any permission be subject to conditions that require the applicant to undertake a site investigation to identify any land contamination on the site. The condition should also require that if any land contamination is identified during the site investigation that remediation measures should be submitted to the Council for approval and that the approved measures should be carried to remove any contamination prior to the commencement of the development. Conditions requiring the submission of a Construction Method Statement and requiring adherence to the standard hours of work are also recommended.

Landscape Design Team - The landscape design team have raised no objection to the preliminary landscaping proposals for the site. Further details should be secured by way of condition.

Sustainability Officer - No objection to the proposal (see 'Sustainability Assessment')

Transportation Unit - No objection to the proposal provided that permission is subject to a partial 'permit-free' agreement applied to the proposed flats. The applicant should also be required to reinstate any redundant crossovers at their own expense.

Housing - No objection to the current proposals, subject to a s106 clause enabling a re-evaluation of the affordable housing contribution prior to implementation.

Thames Water - No objection subject to recommended informatives and conditions.

REMARKS

PRINCIPLE OF DEVELOPMENT

As set out under the 'Policy Considerations' section of this report, the subject site has been identified within the submission version of the Council's Site Specific Allocations (SSA) DPD which will be reported to Executive for adoption in July 2011. The site was also allocated within the Site Specific Proposals in the Unitary Development Plan 2004. The site allocation, which appears on page 82 of the DPD, seeks to redevelop the site for residential purposes including amenity/open space. The justification for including the site in the DPD refers to the poor quality of the buildings on the site and the opportunity to provide a better use of land and create a more aesthetically pleasing outlook for the neighbourhood. The site is also considered to offer an opportunity to increase the supply of residential development within the Borough, including the provision of affordable housing.

The proposed development envisages the demolition of the existing industrial buildings on the site and the formation of 10 dwellinghouses and a block of 10 residential flats, including associated amenity space. The principle of such developments would normally be subject to an assessment of the environmental conditions associated with the site and/or the viability of the employment use of the site in the medium term. However, in this case, given that the site has been allocated within the SSA DPD, and that the proposal is in general conformity the DPD, it is considered that the principle of the proposed development is generally acceptable.

URBAN DESIGN

At present, the existing industrial buildings on site, given their design and condition detract from the appearance of the surrounding area which is predominantly residential, characterised in the main, by traditional two-storey terraced houses inter-dispersed with examples of more modern architecture, including the two and three-storey blocks along Clare Road and Sterling Close. The proposed development would comprise of two distinct elements, a three-storey block of flats at the western end of the site adjacent to no. 1 Litchfield Gardens and an adjoining terrace of two-storey dwellinghouses projecting eastward to meet the junction between Hawthorn Road and Litchfield Gardens. The general concept of the development is considered to respect existing development patterns within the locality of the site.

It is considered that the proposed development would exhibit a relatively consistent scale that would be in keeping with the surrounding area. The three-storey block has been designed to be of a similar scale, within the streetscene, to the adjoining terrace by incorporating set backs at second floor level and by introducing a shallow pitched roof.

Although the elevational design would present a modern architectural facade, in terms of materials, the proposed buildings would generally be finished externally with yellow brick work and tiled roofs which would respect the general character of the traditional terraced buildings in the surrounding area. The buildings would be finished with aluminium windows and pv solar panels would be attached to roofs. The flank wall of the end-of-terrace property, facing Hawthorn Road would be punctuated by two vertical rectangular windows which would relieve and add interest to the elevation. The front gardens to the buildings within the development would be landscaped and enclosed by modest boundary walls which would reinforce the established streetscene.

Overall, it is considered that the proposed development would enhance the existing streetscene and contribute positively to the residential character of the surrounding area.

UNIT MIX

The proposed development would comprise of 10 x 3-bedroom dwellinghouses and 1 x 1-bedroom, 7 x 2-bedroom flats and 2 x 4-bedroom flats. As such, 60% of the units within the scheme would provide family

sized accommodation, as defined under policy CP21 of the Core Strategy, and the proposed development is considered to provide an appropriate range of unit sizes on the site. The proposed development would include the provision of two 2-bedroom ground floor flats which would provide suitable accessibility for wheelchair users satisfying the London Plan requirement that 10% of all new housing should be wheelchair accessible. The units have been designed to comply with Lifetime Homes Standards.

AFFORDABLE HOUSING

The proposed development would involve the erection of 20 new dwellings on the site. The London Plan normally seeks to achieve a minimum of 50% affordable housing on sites of this nature unless it can be demonstrated that it would be unviable to do so. The London Plan also recommends a tenure split of 60/40 between social-rented and intermediate units.

The applicant has submitted a viability assessment for the proposed development which has been carried out using the GLA's 2010 Development Control Toolkit Model. The assessment concludes that at the present time a viable contribution towards affordable housing would involve the provision of 4 affordable units, comprising of 3 x 3-bedroom dwellinghouses on a social rent basis and 1 x 1-bedroom flat on an intermediate. Officers have inspected the assessment and consider the proposed affordable housing provision to be reasonable provided that the expected build costs are reached at the time of implementation and on the basis that the assumption there will be no HCA funding available for the scheme is correct. On this basis, Officers would recommend that any permission be subject to a s106 agreement securing a minimum of 20% affordable housing on the site including a mechanism to require a review of the viability prior to implementation which would potentially enable and increase in affordable housing provision beyond the baseline of 20% . In addition, given the new "Affordable Rents" model for affordable housing, which was unveiled by the HCA in February 2011, Officers would also recommend the provision of a mechanism within the s106 agreement to allow Officers to review the tenure of the affordable housing to be provided on site as adopting the new Affordable Rents model could, potentially, increase the overall provision of affordable housing on the site.

For Members information, the Government have set out that the 'Affordable Rent' model will form the principal element of new affordable housing supply between 2011-15. The HCA's new grant regime relies on lower levels of grant and higher levels of rent, known as the 'Affordable Rent' which is set at up to 80% of open market rent. At present, the HCA is only grant funding affordable housing where rents are set at 80% of market rent. New 'Affordable Rent' homes will be made available to tenants at a maximum of 80% of the gross market rent, inclusive of service charges, and will be allocated in the same way as social housing is at present. Registered Providers will be able to offer Affordable Rent homes on flexible tenancies of a minimum of two years (although 'lifetime' tenancies will remain an option) and where tenants are eligible for Housing Benefit that will continue to be paid in full in the same way as for social rented properties at present. At the same time, new flexibilities will allow Registered Providers to make social rented properties available at re-let at the new Affordable Rent, with the additional borrowing capacity generated from re-lets used to support the delivery of new housing supply. Market rents are calculated on individual properties using the Inland Revenue and Valuation Service methodology, and 80% of rent is calculated from this.

RESIDENTIAL QUALITY

The ten proposed dwellinghouses would each comprise of a living room, kitchen and dining space at ground floor level with three bedrooms and a bathroom above. All of the houses would have an internal floor area in the region of 100m² which complies with the minimum guidance of 85m² set out in SPG17. Each house would have a private rear garden providing an amenity area in excess of the guidance of 50m². The applicant has indicated that a small tree would be planted within each garden which should be secured by condition. A modest front garden, with a depth of at least 2m would be provided to each house and this would include space for the storage of refuse/recycling bins.

As discussed above, the rear gardens would exceed the minimum guidance of 50m². However, if substantial extensions were to be erected then it is likely that many of the garden areas would fall below the minimum guidance. As such, Officers would recommend that the permitted development rights that allow extensions should be removed from the proposed dwellinghouses in order that this issue can be properly considered, by way of a planning application, on a case by case basis in the future.

The proposed flats would all exceed the minimum internal floorspace standards set out in SPG17 for various unit sizes. All habitable room windows would have a sufficient form of outlook and daylighting either towards the front or the rear of the building. The vertical stacking of units within the building is generally good which would alleviate any noise transmission issues between the units. A landscaped communal garden would be

provided to the rear of the building and this space would also be used to provide secure cycle storage for future occupiers of the flats. The communal garden would have an area in excess of 400m², equivalent to 40m² per unit, and would include the provision of a modest play area for young children. It is recommended that all landscaping for the site be subject to further details secured by way of condition. Refuse and recycling storage would be provided to the side of the building in a convenient location for collection.

Overall, it is considered that the proposed development would provide a good standard of accommodation for future occupiers.

IMPACT ON ADJOINING OCCUPIERS

The subject site, whilst being approximately 84m wide along the Litchfield Garden frontage, is constrained by its relative lack of depth, particularly towards the junction with Hawthorn Road. As such, 5 of the 10 proposed houses fail to maintain a distance in excess of 10m, which is recommended in the guidance contained in SPG17, between the rear facing habitable room windows and the rear garden boundary with the properties along the southern side of Strode Road. In the worst case, which would be the end-of-terrace dwellinghouse adjacent to Hawthorn Road this distance would be approximately 7m. However, the properties along Strode road enjoy relatively deep gardens and therefore the distance between the rear facing windows to the proposed dwellinghouses and the Strode Road properties would be in excess of 20m, in compliance with the guidance contained in SPG17. The existing boundary wall between the subject site and the rear gardens of the properties on Strode Road, which is approximately 2m in height, would be retained preventing overlooking at ground floor level. On balance, it is considered that, although some of the houses do not maintain a 10m distance to the rear garden boundary, given that the window-to-window distances are comfortably in compliance with SPG17 that the proposed development would not result in an unreasonable loss of privacy to occupiers of the properties along Strode Road. As discussed above, the applicant has indicated the planting of a small tree in each of the rear gardens and it is considered that this would also help reduce any potential overlooking.

As discussed above, Officers consider that permitted development rights should be removed from the proposed houses due to concerns regarding the loss of amenity space. Officers also consider that permitted development rights should be removed to allow Officers to consider the impacts of any proposed extensions or alterations to the upper floor and roof of the dwellinghouses which, due to the limited rear garden depth, could potentially have an adverse impact on the amenity of adjoining occupiers.

In terms of size and scale, the proposed development would comply with the guidance contained in SPG17 as it would be set below a line of 45 degrees from the rear site boundary and 30 degrees from the rear of the properties along Strode Road measured from a height of 2m. Where the proposed block of flats would be located adjacent to 1 Litchfield Gardens, the building has been set back, and in, from the boundary in order to reduce any impact on the neighbouring occupiers who currently suffer from having an existing industrial building located along the full length of the garden boundary with the subject site.

The applicants have submitted a daylight and sunlight assessment as part of the planning application which has been undertaken in accordance with BRE guidance. In terms of daylight, the report concludes that the proposed development would not adversely affect the daylight of neighbouring properties. In fact, due to the demolition of the existing industrial buildings, the assessment finds that daylight to 1 Litchfield Gardens and 9 Euro Close should improve as a result of the development. In terms of sunlight, the assessment also concludes that no neighbouring property will be adversely affected, again, with minor improvements expected for some neighbouring properties.

Whilst inevitably there would be some level of noise disturbance associated with construction works required to complete the development, it is not considered that if completed the proposed redevelopment would unreasonably raise noise levels on the site beyond that associated within the existing industrial use. The surrounding area is predominately residential and therefore it is considered unlikely that background noise levels would be significantly affected as a result of the proposed development.

Overall, it is considered that the proposed development would not have an unreasonable impact on the amenity of neighbouring occupiers, in terms of privacy, outlook, light and noise.

HIGHWAYS ISSUES

The subject site is located within easy walking distance of Willesden High Road and therefore the site enjoys relatively good levels of public transport accessibility (PTAL 4-5). The site is also located within a controlled parking zone which operates between 8.30 and 18.30 on Monday to Friday. Given these local transport

conditions the site is considered suitable for a 'permit-free' agreement whereby potential occupiers would not be entitled to on-street residents parking permits. The applicant has agreed to enter into a s106 agreement to secure a 'permit-free' arrangement on the proposed flats. As such, only the impact of the demand for on-street parking generated by the 10 houses needs to be considered.

The maximum parking standard for the proposed houses, including 3 affordable units, would be 10.2 spaces. At present there are 12 dual use residents/pay-and-display parking bays along the site frontage on Litchfield Road as well as a number of other residents parking bays within close proximity to the site. The applicant has undertaken an overnight parking survey, when the controlled zone is not in operation, to assess the capacity to accommodate additional parking demand within the vicinity of the site. The parking survey identified 28 spaces in total within the vicinity of the site, 3 within the 12 bays immediately outside of the site, 16 within the wider scope of Litchfield Gardens and 9 on Hawthorn Road. As such, it is considered that there is sufficient on-street capacity to safely accommodate the likely demand generated by the proposed dwellinghouses and this has been confirmed by the Council's Highways & Transport Delivery Unit. Furthermore, there are two existing vehicular crossovers to the site which will be reinstated to kerb and channel as part of the proposed development further increasing the supply of on-street parking.

As discussed above, 15 secure and covered cycle parking spaces will be provided for occupiers of the 10 flats. Each house would have a store within the rear garden which would allow for the storage of two cycles.

PLANNING OBLIGATIONS

As part of the proposed development, the applicant has agreed to make a financial contribution of £153,000 towards mitigating the impact of the development on local transportation, open space, sport and education infrastructure. This contribution would be in accordance with the Council's standard charge of £3000 per additional private bedroom and £2400 per additional affordable housing bedroom. It is recommended that any contribution be secured on implementation by way of a s106 agreement in order to ensure that the impacts of the development are adequately mitigated on occupation.

CONSIDERATION OF OBJECTIONS

The concerns of objectors relating to the impact on parking, the character and appearance of the surrounding area and the impact on adjoining occupiers have been addressed in the report above. In response to concerns that the proposal would result in a loss of jobs, whilst if this happens it is regrettable, it should be noted that the subject site has been allocated, following widespread public consultation, for residential development due to the adverse impact associated with the existing use on the amenity of residents in the surrounding area. In response to concerns regarding the impact of construction works on the surrounding area, Officers can confirm that any permission would be subject to a s106 agreement requiring the developer to join and adhere to the Considerate Constructors scheme (See 'Section 106 Notes').

CONCLUSION

Overall, it is considered that the proposed development provides an appropriate response to the details set out in the Site Specific Allocation DPD which would suitably replace the existing development on the site to the benefit of neighbouring residential occupiers who suffer adversely from the impacts associated with the current use. Having assessed the planning merits of the proposals Officers do not consider that the proposed development would be likely to cause unreasonable harm to the amenities of the surrounding area and therefore approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

London Borough of Brent LDF Core Strategy 2010
London Borough of Brent Unitary Development Plan 2004
London Borough of Brent LDF Site Specific Allocation DPD (Submission Version 2010)

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs
Site-Specific Policies

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:-

240/000	240/001
240/002	240/101
240/102	240/103
240/104	240/105
240/106	240/201
240/111	240/112
240/113	240/114
240/121	240/122
240/123	240/131
240/132	240/133
240/211	240/212
240/213	240/214
240/301	

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

- (3) Prior to the occupation of the development, hereby approved, the two existing vehicular crossovers to the site shall be reinstated to kerb-and-channel.

Reason: In the interests of highway and pedestrian safety.

- (4) Notwithstanding the provisions of Classes A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification), no further extensions or buildings, other those expressly authorised by this permission, shall be constructed within the curtilage of the dwellinghouses, hereby approved, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reasons:

i) Due to the limited size of the rear gardens to the dwellinghouses, the erection of any further extensions or buildings which would otherwise be permitted by the provisions of the above Order, could result in an under provision of amenity space for future occupiers.

ii) Due to the limited distance between the rear of the dwellinghouses and rear site boundary, the erection of any further upper floor or roof extensions or alterations which would otherwise be permitted by the provisions of the above Order, could have an unacceptable impact on the amenity of neighbouring occupiers.

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

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

- (6) Notwithstanding any details of landscape works referred to in the approved plans, a scheme for the landscape works and treatment of the external areas within 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 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:-

(a) a tree planting plan including species and siting, to include, but not limited to, the planting of one tree in each private rear garden to each dwellinghouse;

(b) proposed walls and fences indicating materials and heights;

(c) existing contours and any proposed alteration to ground levels such as earth mounding;

(d) details of hard landscape works and proposed materials;

(e) details of the proposed arrangements for the maintenance of the landscape works.

(f) details of children's play area within communal garden, including play equipment.

(g) details of the appearance and siting of refuse/recycling and secure cycle storage.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

- (7) A Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any demolition or construction works on site. This shall include, but not be limited to, evidence of measures to adopt and implement the ICE Demolition Protocol, and Considerate Contractor Scheme registration and operation. The approved Statement shall be fully implemented.

Reason: To minimise nuisance caused during demolition and construction activities and ensure demolition waste is sustainably reused or recycled locally, minimising waste sent to landfill.

- (8) Following the demolition of the existing buildings on site, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. Prior to the commencement of any building works a report including the methodology used to undertake the site investigation, the results of any research and analysis undertaken, an assessment of the risks posed by any contamination present and an appraisal of remediation options required to contain, treat or remove any contamination found shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (9) Any measures for the remediation of contamination, approved under condition 6 of this permission, shall be carried out in full. Prior to the commencement of building works, a verification report stating that any remediation measures have been carried out in accordance

with the approved remediation scheme under condition 6 of this permission, and that the site is permitted for end use, shall be submitted to and approved in writing by the Local Planning Authority, .

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (10) No impact piling shall take place during the development unless a piling method statement, detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works; has been submitted to and approved in writing by the Local Planning Authority. Any piling should be undertaken in accordance with the approved method statement.

Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure.

INFORMATIVES:

- (1) The applicant is advised to contact Brent Council's Highways and Transport Delivery Unit in order to arrange for the necessary works to remove the vehicular crossovers.
- (2) The applicant is advised to contact Thames water Developer Services on 0845 850 2777 prior to the submission of any piling method statement.

REFERENCE DOCUMENTS:

London Borough of Brent adopted LDF Core Strategy 2010
London Borough of Brent LDF Site Specific Allocations DPD (Submission Version 2010)
London Borough of Brent Unitary Development Plan 2004 (saved policies)
Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
Supplementary Planning Document:- s106 Planning Obligations
The London Plan (Consolidated with Alterations since 2004)
Three letters of objection
One letters with comments

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: 16 Kingswood Avenue, London, NW6 6LG	
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This map is indicative only.

RECEIVED: 4 April, 2011

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 16 Kingswood Avenue, London, NW6 6LG

PROPOSAL: Creation of new basement level beneath the existing house and partly beneath the rear garden with lightwells at the front and rear.

APPLICANT: Summerleaze Ltd

CONTACT: David Roberts

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant consent

EXISTING

The site currently comprises a 3-storey dwellinghouse which benefits from an integral single garage and driveway onto Kingswood Avenue. The site is located in the Queens Park Conservation Area and is subject to additional Article 4 (1) Direction control. The building is one of the bomb-damaged, in-fill properties, being one of a terrace of three, that can be found in certain locations throughout the Queens Park Area.

PROPOSAL

See above.

HISTORY

10/3180 Certificate of Lawfulness issued 13/12/2010 for proposed single storey rear extension to dwellinghouse.

10/3187 Permission granted 09/12/2010 for replacement of all crittall windows with steel double glazed crittall windows; Replacement of garage door and installation of 1 front and 1 rear rooflight and 2 new windows to first floor rear of dwellinghouse

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

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

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.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive

development from neighbouring residential properties.

BE7 – The street environment should be enhanced.

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.

BE26 – Alterations and extensions to buildings in conservation areas should, as far as is practicable retain the original design and materials or be sympathetic to the original design in terms of dimensions, texture and appearance having regard to any design guidance issued by the planning authority. Characteristic features such as doors, canopies, windows, roof details and party wall upstands should be retained. Extensions to buildings in conservation areas should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area and be complementary to the original building in elevational features.

Supplementary Planning Guidance Note 5: "Altering and extending your home"

Queen's Park Conservation Area Design Guide

CONSULTATION

Neighbours/Representees

6 Neighbouring Owner Occupiers Consulted, Site notice put up 09/05/2011 and notice placed in local paper 28/04/2011. Queens Park Residents Association were also consulted. A total of 5 objections were received.

The following summarises the points raised and includes the Officers response.

The first Area of concern relates to practical matters arising during the build of the basement extension such as construction disturbance. These are understandable concerns but not areas which would sustain a reason for refusal on planning grounds. Also the Applicants have submitted a Construction Site Management Plan so in respect of construction, this is indication that steps will be taken to mitigate disturbance to neighbours.

Secondly the potential future impact on the structural stability of adjoining properties, drainage matters etc were raised. Officers note that the Queens Park Area does not lie in a designated flood risk area and so would not warrant detailed consideration of flood implications and consultation with the Environment Agency. Also the submitted bore hole analysis is indication that the applicants have considered the consistency of the soil in respect to the proposed works. Planning Service acknowledge this is a small detail of the required analysis and calculation for such an operation and expect further detail to be assessed at Building Control stage.

Thirdly, concerns relate to the character of the property and potential impact on the Conservation Area. The issue is to what extent the creation of a void, its ground level treatment, its relative visibility from the street and neighbouring properties and any landscaping or design changes, has an impact on the character and appearance of the Conservation Areas.

Clearly, it is possible for these factors to have a negative impact and so fail to preserve or enhance the character. However as is explained in the following report, measures have been taken to minimise the impact from the street scene and it is considered that the character of the property and Conservation Area has been preserved.

Other objectors expressed concerns in respect of the overdevelopment of the site, with specific reference to the scale of the proposed basement and potential implications toward parking capacity in the street. Officers acknowledge that the scale of the basement is large but also attribute weight to the fact that it is subterranean and so does not increase the visible scale of the building to the detriment to the character. Also the parking standard in the Councils UDP is 2.0 spaces for properties for 4+ bedrooms so would not result in

an increase for required parking provision.

Finally, in respect of concerns raised regarding the impact of the proposed basement on trees nearby, the applicants have been asked to submit further arboricultural detail for consideration before the Committee date. The report would need to consider if the basement excavation would effect trees on and around the site.

Other Consults.

Landscape Design Officers consulted and have no objections to proposals notwithstanding assessment of expected arboricultural reports.

REMARKS

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

Amendments

The applicant submitted a construction site traffic management plan and a bore hole report on 03/06/2011. Following requests from Officers, further revised plans showing further detail of the front garden including planting plan and a reduced sized front light well were also submitted.

Principle/Design

The proposal is to create a basement level with a front light well and rear light well with stairs leading up from it into the garden. The proposed use of the space is shown on the submitted plans as including a playroom/home mechanical plant room, utility room, electrical switch gear room and guest bedroom. The bedroom is positioned at the front end of the basement extension so is served by the front light well. The proposed basement follows the same footprint as the existing original property envelope but also extends further into the garden beyond the existing rear elevation by approximately 4.94m.

As a domestic extension that provides additional ancillary space for the dwelling house, the principle is acceptable subject to discussion regarding impact toward neighbouring amenity. In terms of the scale of the extension, it is acknowledged that it extends 4.9m beyond the rear elevation of the building so creates a large basement living area. However by virtue of its subterranean character, it does not have an overbearing impact toward the visible residential scale of the building itself nor toward the neighbouring properties - as could be associated with an extension of the same depth at ground floor level.

Permitted Development

The proposed drawings refer to a single-storey rear extension that is lawful development (as approved under reference 10/3180). The proposed basement subject to this application is positioned underneath the proposed extension, and actually extends a further 2.2m into the garden. The applicant has been reminded that in order for the rear extension to be implemented as lawful development, it would need to be completed prior to the commencement of basement development works. The revised plans state accordingly that the rear extension is to be built and completed before the basement works begin. If the works are done concurrently it would render the rear extension unlawful and would need formal planning permission.

Discussion

Impact toward character of Conservation Area

Front elevation

Members will be aware of the sensitivity with which Officers treat basement extensions where they front directly onto Queens Park with regard to potential light pollution from a front light well and concerns relating to their impact on the established character. Officers therefore requested further detail of the front garden with particular emphasis on its role obscuring the proposed light well.

The revised plans show the front light well projecting 0.8m from the front of the bay window within the front garden which is a maximum of 4.2m deep and 2.15m at the bay window. The existing front ground floor bay window with Crittal windows is replicated by the proposed basement window, which would in any event not

be easily viewed from street level. A walkable grille over the front light well is proposed, set flush with the existing ground level and following the profile of the bay window at the front. Officers find that these aspects are in keeping with the property and also as set out below, the front garden is successful at effectively screening it from the street.

The front garden, which currently does not comply with the Queens Park Design Guide or Policy BE7 by nature of the extent of hard surfacing, would be enhanced by new soft landscaping scheme on the frontage which will also mitigate the visual impact of the light well and grille on the street scene. There is at the moment a concrete driveway and unattractive footpath, both of which will be removed as part of this proposal. A condition covers the materials that will be used.

A hedge surrounding the light well, Prunas 'Mount Fuji' tree and other landscaping as specified in the planting plan would significantly limit the visibility of the light well and grille from the road. There will be adequate space provided for the storage of refuse and recycling bins which is specified as being finished with a sedum covering, and a new tiled pathway is proposed from the gate to the front door. The landscaping approach as such would satisfy the Council's requirements for 50% soft landscaping in front gardens and is considered to enhance the character in the context of the Queens Park Conservation Area and bring it more into line with the Council's aspirations. Importantly, it is also considered to effectively screen the light well from the street.

Rear elevation

The light well at the rear is 2.25m x 1.9m. It serves as a basement courtyard which is accessible from the basement and is the base of the steps leading up into the garden, set against the boundary with no 15 Kingswood Avenue. A 2m wall set on this boundary effectively screens the light well from the neighbouring property. As such Officers consider it would not be visible from the neighbouring property and would have no adverse impact with regard to character.

Impact toward neighbouring amenity

The basement level would not create a new dwelling, any noise impact would be minimal and at a domestic scale.

Conclusion:

On balance, therefore, where basements are not original features, the appropriate test is can they be designed so as to not over dominate the front garden or building and allow other enhancements to the property frontage where these are appropriate. In pursuit of this, it is considered that the proposal maintains the integrity of the frontage and so is considered to comply with policies BE2 and BE7 of the UDP, SPG5 and the Queens Park Conservation Area Design Guide. Approval is therefore recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Queens Park Conservation Area Design Guide

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

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

SL EK04, SL EK05, LKA 16 BPA 003 Rev A, LKA 16 BPA 004 Rev A, LKA 16 BPA 005 Rev A, 0016 PP, 0016 GD.

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

- (3) The landscape works and planting shown on the approved plans shall be carried out:-
(a) prior to the occupation of the basement

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

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

- (4) Planning permission is granted for use of the basement incidental to the existing dwellinghouse. The basement will not be used as a self contained residential unit. Any change, or intensification of use, of the basement will require planning permission.

Reason: To ensure the basement is not subject to unregulated intensification or change that could result in an unsatisfactory level of amenity for future occupiers.

- (5) Details of materials for external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, including:

- (a) Samples of the proposed ceramic tiled pathway and granite chippings.
(b) Details of the proposed grille.


The development must be carried out in accordance with the approved details.

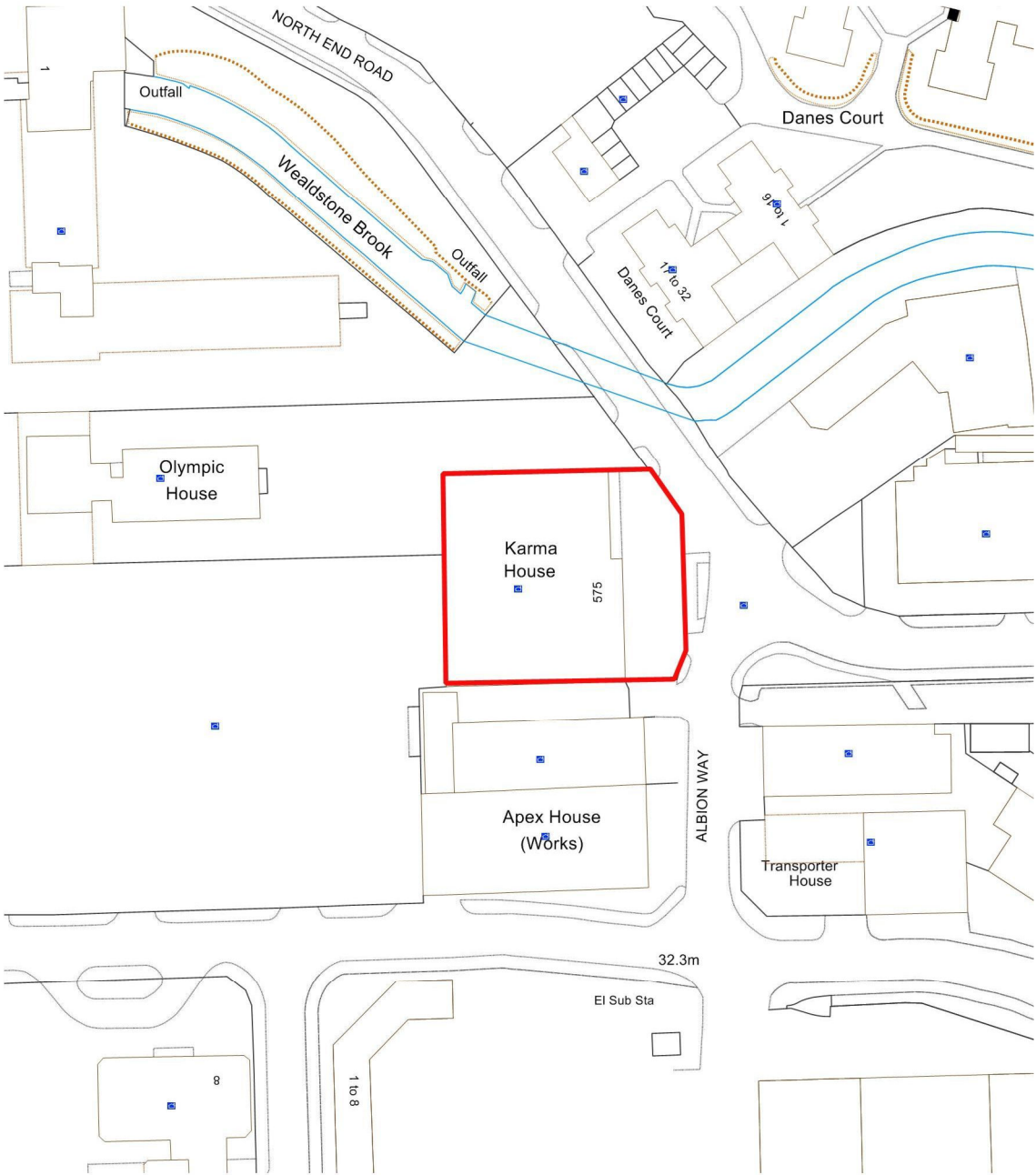
Reason: To safeguard the character of the Conservation Area.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368

 **Planning Committee Map**
Site address: Karma House, 575 North End Road, Wembley, HA9 0UU
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This map is indicative only.

RECEIVED: 5 April, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Karma House, 575 North End Road, Wembley, HA9 0UU

PROPOSAL: Approval of reserved matters relating to landscaping in respect of outline planning permission reference 05/0626 dated 17/04/08 for the demolition of the existing building and the erection of a building ranging in height for 8 to 17 storeys comprising a 120-bedroom hotel on the 1st - 5th floors, 108 timeshare or apartment hotel lets on 6th - 15th floors (84 studios, 24 one-bedroom), a public viewing gallery and restaurant on the 16th floor, one basement level of 40 parking spaces and associated facilities.

APPLICANT: Le Shark Ltd

CONTACT: Seabrook Architects LLP

PLAN NO'S:
See condition 1

RECOMMENDATION

Approve reserved matters

SECTION 106 DETAILS

The original outline planning permission for a 17 storey hotel included a section 106 agreement dated 17th April 2008 securing the following benefits:-

- a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- b) The sum of £100,000 upon a material start of the development (to be utilised by the Council towards highway improvements and/or non-car access improvements/ parking controls in the area), and the submission of a Travel Plan to be agreed with the Local Planning Authority.
- c) The sum of £40,000 upon a material start as a contribution towards providing/ installing public art, inclusive of the reasonable expenditure on procurement, management, public engagement/ consultation and maintenance to be approved by the Council at its discretion.
- d) Energy - At a date of not later than 9 months prior to the commencement of the development, the developer shall produce a Block Energy Strategy for Council approval and shall implement agreed measures on site. The strategy is to include consideration of installation of Biomass central heating and infrastructure and a possible combined heat and power system.
- e) Waste - At least 6 months prior to commencement, the developer shall produce a Site wide Waste Strategy which adopts the procedures of the ICE Resource Sustainable Communities (RISC) Waste Management & Infrastructure Code of Practice for Council approval and shall implement agreed measures on site.

Compensatory Measures or Payment - If the evidence of independent post-construction reviews, show that any of the sustainability measures have not been implemented within the development, then the applicant shall either: 1. propose acceptable measures to remedy the omission or propose acceptable compensatory measures on site and implement these; or otherwise, 2. pay to the Council a sum equivalent to the cost of the omitted measures, to be used by the Council to secure sustainability measures on other sites in the Borough.

All financial contributions are index linked from the dated of permission (17th April 2008).

EXISTING

This site is located on the southwestern corner of the junction of North End Road and Albion Way. It has an area of approximately 0.16 hectares. The local area has a mixed use character with office and commercial buildings along the southern side of North End Road and Deans Court, an inter-war residential estate, to the north. The 17 storey Victoria Hall student accommodation development that is currently being built is located on the opposite side of North End Road a short distance away. To the rear is the Shubette House site which fronts Olympic Way and where a 20 storey mixed hotel/residential development has recently commenced.

Wealdstone Brook runs to the north of the site under North End Road. Wembley Park Underground Station is approximately 200 metres from the site. The site is also within the Wembley Growth Area.

The site is currently occupied by a three storey office building with a large single storey warehouse at the rear.

The existing buildings are of brick construction and relatively utilitarian in appearance. They do not have any particular architectural merit being common in style to many post-war office buildings. There are no trees or other vegetation within the site boundary and the site is of little positive interest or benefit to the streetscape of North End Road.

PROPOSAL

Approval of reserved matters relating to landscaping in respect of outline planning permission reference 05/0626 dated 17/04/08 for the demolition of the existing building and the erection of a building ranging in height for 8 to 17 storeys comprising a 120-bedroom hotel on the 1st - 5th floors, 108 timeshare or apartment hotel lets on 6th - 15th floors (84 studios, 24 one-bedroom), a public viewing gallery and restaurant on the 16th floor, one basement level of 40 parking spaces and associated facilities.

HISTORY

On the 28th July 2005 Brent's planning committee resolved to grant outline planning permission for the demolition of the existing building and the erection of a building ranging in height for 8 to 17 storeys comprising a 120-bedroom hotel on the 1st - 5th floors, 108 timeshare or apartment hotel lets on 6th - 15th floors (84 studios, 24 one-bedroom), a public viewing gallery and restaurant on the 16th floor, one basement level of 40 parking spaces and associated facilities. The s106 agreement was signed and outline permission formally granted on the 17th April 2008.

POLICY CONSIDERATIONS

The original scheme was considered in accordance with those policies extant at the time relevant to the proposal. This reserved matters application which is for landscaping only is considered in the light of the following policies:

Brent Core Strategy - July 2010

- CP5** Placemaking
- CP6** Design & Density in Place Shaping
- CP7** Wembley Growth Area

Brent Unitary Development Plan – 2004

- BE6** Landscape design
- BE7** Streetscene

Brent Council Supplementary Planning Guidance 17 'Design Guide for New Development.

SUSTAINABILITY ASSESSMENT

The original outline scheme was assessed against the sustainability standards relevant at the time of its consideration. This current application is considering landscaping only, all other matters having already been approved. For member's information the outline planning permission secured the following sustainability requirements:

- Approval of an Energy Strategy.

- Provision of a bio-mass central heating system.
- Provision of a combined heat and powers system.
- Carry out all measures necessary to obtain a very positive score on the Council's Sustainability Checklist.

Achieve an Excellent BREEAM rating.

CONSULTATION

Although this is a reserved matters application only considering landscaping it is still classed as a 'Major Application' and it was therefore considered appropriate to consult the same addresses as on the original outline application. Some 107 properties including all of Danes Court were written to directly.. A site notice was also put up and the application was advertised in the local press.

2 responses have been received a resident of Danes Court opposite the site and one from the neighbouring office building Olympic House, an office building

The Danes Court resident raises concerns about the height of the building and the impact this will have on their light and outlook and the noise and disruption that will occur due to the additional traffic and general activity resulting from the development. The person from Olympic House is concerned about the impact of construction work on their working environment.

As stated above this is a reserved matters application only considering landscaping. However these issues were considered in the original outline application and the scheme was found to be acceptable. A report submitted with the original application confirmed that the development meets or exceeds the minimum accepted BRE standards for daylight, sunlight and shadowing.

REMARKS

Summary of current planning position

The application approved by the planning committee in July 2005 gave outline planning permission for the development of a 17 storey hotel with only landscaping reserved for future consideration. The principle of the development and its use, the layout of the scheme, its scale, appearance, the means of access, its transport impact and sustainability credentials were all considered at the outline planning stage and found acceptable. If this reserved matters application is approved the applicant or their successor will need to make a material start within two years or the planning permission lapses.

Reserved Matter

Landscaping – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The approved building takes up most of the site so there is little opportunity for planting. The size and layout of the approved basement prevents the planting of anything other than shrubs and small ornamental trees. The majority of the forecourt area is taken up a service road. The pedestrian area to the front of the hotel will have a grey granite paved surface. Planters are proposed along the front of the building and in a strip along the site boundary fronting North End Road. Plants that will include the Common or European Box (a flowering evergreen shrub or tree that can be grown as individual plants or used to form a hedge); Hornbeams (which can grow to be 9m trees but in this case are proposed a low hedge along the front of the site); Mediterranean Spurge (a flowering shrub); Japanese Holly (small ornamental trees that can be grown in boxes); English Lavender and Tom Thumb (flowering shrub that can be grown in pots or can form hedge).

The landscaping scheme also proposes a planting scheme involving a variety of potted flowering shrubs on the eight stepped terraces designed into the approved building.

Given the limited scope for soft landscaping the Council's Landscape Unit are satisfied that the proposed mix of shrubs, hedging and small ornamental trees together with the proposed surface treatment is an appropriate landscaping solution to this site.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent's Core Strategy 2010
Brent's Unitary Development Plan 2004
Council's Supplementary Planning Guidance

CONDITIONS/REASONS:

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

Drawing Number: 01101148
Drawing Number: 01101149
Drawing Number: 01101150

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

INFORMATIVES:

- (1) This decision should be read in conjunction with outline planning permission 05/0626, and conditions attached to this permission should be complied with in full.

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

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Planning Committee Map

Site address: Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9

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This map is indicative only.

RECEIVED: 21 April, 2011

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9

PROPOSAL: Demolition of existing buildings and the erection of two new 6 storey buildings comprising 22 flats and including external amenity space, cycle parking and refuse and recycling storage

APPLICANT: PLCM

CONTACT: Parritt Leng 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 (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- 100% Affordable Housing
- A contribution of £2,400 per bedroom, due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and an additional contribution of £9,500 towards Open Space & Sports in the local area.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 4, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- Join and adhere to the Considerate Contractors scheme.

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 site of approximately 0.08 hectares comprising of land and buildings located on the north side of Rosemead Avenue, to the rear of the JJ Moon and The Bear public houses on the High Road in Wembley.

The eastern part of the site is currently occupied by Rosemead Hall a vacant and dilapidated double height single storey building last used as a warehouse. The western part of the site is occupied by the former Post Office sorting office, a substantial vacant building that hasn't been used since the former Post Office was converted into a pub. It too is in a poor state of repair. The two buildings are separated by a service road which allows The Bear to be serviced from Rosemead Avenue and by a pedestrian footpath that provides an emergency escape route from JJ Moons.

The former sorting office is flanked by a five storey building that forms the rear of the Wilkinson hardware store which has a loading bay opening onto Rosemead Avenue. Rosemead Hall is flanked by a two storey storage building attached to the rear of JJ Moons. The Mandhata Community & Youth Association Centre is located on the other side of this storage building. The rear of the site backs on to The Bear and on to JJ Moon's beer garden.

The opposite side of Rosemead Avenue is occupied by two storey terraced houses.

The site is located within Wembley Regeneration Area as designated in Brent's adopted Unitary Development Plan 2004 and the Wembley Growth Area as defined in the Core Strategy.

PROPOSAL

Demolition of existing buildings and the erection of two new 6 storey buildings comprising 22 flats and including external amenity space, cycle parking and refuse and recycling storage (car free scheme). This is 100% affordable housing scheme.

HISTORY

The following planning history is most relevant to this current application:

23/12/2010	Planning permission granted for the demolition of existing buildings and erection of a part 2-, 4-, 5- and 6-storey building to provide in total 29 flats (ref: 10/0413).
08/08/2008	Planning permission granted for the demolition of existing buildings and the erection of a part 2-, part 4- and part 5-storey building comprising 28 flats (ref: 08/1109).
28/04/2008	Planning application for the demolition of existing buildings and the erection of a part 3 and part 5-storey building comprising 31 flats withdrawn by applicant (ref: 08/1109).
28/11/2007	Planning permission for the demolition of existing buildings and the erection of a 4- and 5-storey residential development comprising 28 flats withdrawn by the applicant (ref: 07/0818).
18/01/2004	Planning permission granted for the demolition of one the existing buildings (former sorting office rear of the Bear Public House) and erection of a part 2-, part 3- and part 4-storey building to provide 5 live/work units with roof terraces (ref: 04/0498)
13/01/2004	Planning permission refused for the demolition of one the existing buildings (former sorting office rear of the Bear Public House) and erection of a 4-storey building to provide 4 offices, 4 live/work units and 2 town houses (ref: 04/0498). An appeal against this decision was dismissed.

POLICY CONSIDERATIONS

LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

CP17 - Protecting and Enhancing the Suburban Character of Brent

CP18 - Protection and Enhancement of Open Space, Sports and Biodiversity

CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Brent Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR9 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR11 - The quality and character of the Borough's built and natural environment will be protected and

enhanced.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

STR14 - New development to make a positive contribution to improving the quality of the urban environment in Brent

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP10 - Protection of Surface Water

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN35 - Transport access for disabled people & others with mobility difficulties

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

Planning Policy Guidance and Statements

PPG13- Transportation

PPS1- Delivering Sustainable Development

PPS1 - Supplement: Planning and Climate Change

PPS22 - Renewable energy

SUSTAINABILITY ASSESSMENT

The sustainability checklist currently achieves 44%, which is under the council 's 50% requirement. The applicant has however signed up to achieving 50% in the S106 agreement.

The applicant has made a commitment to achieving Code Level 4 on the Government's Code for Sustainable Homes. This will be achieved by:

- The Target Emissions Rate under the national building regulations will be reduced by 44% or a factor of .56.

- All relevant areas of the development should comply with the design backstops set out in the Energy Efficiency guidance for Level 4.
- Provision will be made to limit the effects of internal temperature rises in summer caused by excessive solar gain.
- The quality of construction and commissioning will meet the requirements set out in the Energy Efficiency guidance for Level 4
- Residents will be provided with clear and simple instructions regarding the efficient running and maintenance of the dwellings.

While this commitment is welcomed little detail has been provided as to how these criteria will be met. The requirement to achieve Code Level 4 in Brent's growth areas (which this site is) is now an adopted policy in the Council's Core Strategy. Further details will need to be provided at pre-construction stage, demonstrating how these policies have been met, including a revised TP6 checklist and an energy options assessment.

In order to meet Council policy the s106 agreement will require that no later than one month prior to a material start being made a sustainability strategy demonstrating how the measures above and others listed in the Sustainability Development Checklist (TP6 form) submitted with application are integrated into the scheme. The development shall not commence until the sustainability strategy has been approved by the Council.

A BRE sustainable assessment must also be submitted prior to commencement demonstrating that the development will be constructed to achieve a Code for Sustainable Homes level 4 rating. Prior to first occupation of the development a review by a BRE approved independent body (appointed at the developer's expense) shall be undertaken to see whether or not the measures set out in the sustainability strategy and Code Level 4 have been achieved. Failure to have achieved any of the measures and/or a Code Level rating will require mitigatory measure or compensation to be used by the Council towards the provision of sustainability measures on other site within the Borough.

CONSULTATION

Neighbours/Local Consultees

Standard three week consultation period carried out between 04 May 2011 and 25 May 2011 in which 105 properties and ward councillors were notified. Notices have also been posted outside the site and within the local press.

1 letter of objection has been received from the JD Wetherspoons who are the owners of JJ Moons public house. They express concern that the size of the development would result in a loss of light and outlook to their beer garden which is adjacent to the back of the site. They are also concerned that residents of the flats may complain about noise from the pub. It currently has a licence to operate until 1 am on Friday and Saturdays and until 12 o'clock during the rest of the week.

Consultees

Council's Transportation Unit – There would be no objections on transportation grounds to this proposal subject to:

- a Section 106 Agreement to secure: (i) a car-free agreement; and (ii) a financial contribution of £26,000 towards non-car access/highway safety improvements, parking controls and/or a car club;
- conditions requiring the submission of further details of a shelter for the proposed bicycle parking area (see condition 6 at the end of this report).

Landscape Unit – Recognise the limitations in providing ground level amenity space in dense urban situations. Any consent will therefore require a high quality treatment to the communal amenity space proposed to the rear of the development, the details of which to be secured by condition (see condition 9 at the end of this report). The proposed shortfall of usable amenity space should be compensated for through a further Section 106 contribution to funding open space improvements in King Edward VII Park. The lack of opportunities for planting within the scheme should be compensated for by additional funding for street tree planting in the vicinity of the site.

Environmental Health – Make the following recommendations:

- The development is taking place in an Air Quality Management Area, so particular attention should be paid to the impacts of dust etc. during construction. Suggest that condition 8 of the previously granted planning permission (ref: 10/0413) be retained (see condition 10 at the end of this report).
- The site is in close proximity to two pubs with beer gardens/smoking areas immediately adjacent to the buildings. In order to counter this and any other noise problems that might occur a condition requiring all units to be built in accordance with the British Standard 'Sound insulation and noise reduction for buildings-Code of Practice' (BS8233:1999) (see condition 11 at the end of this report).

Thames Water - No objection with regards to sewage infrastructure. With regards to Surface water drainage they point out that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. Recommend that the applicant ensures that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required.

REMARKS

Principle of development

The principle of the redevelopment of the site for a residential use has been confirmed through a number of previous planning permissions, the most recent of which was approved by the planning committee in July of last year (ref: 10/0413) which granted consent for a six storey development of 29 flats. No significant policy changes have occurred since this time which would alter this position.

Background

This scheme has been amended since its initial submission. Both of the proposed buildings have been reduced in height by one storey, the applicant having originally sought permission for two seven storey buildings. The number of flats proposed has also been reduced by one, and the proposal is now for 22 flats.

The previous scheme approved by committee last December proposed the erection of one large 6 storey block fronting Rosemead Avenue with an undercroft service road running through its middle. The main difference in this current application is the removal of all development that was to have been sited above the access road, thus creating two separate 6 storey blocks and resulting in a significant reduction in the amount of development. The number of flats has been reduced from 29 to 22 and a 100% affordable scheme is now proposed. Previously a 55/45% private/affordable mix was proposed. While there are other differences in elevational treatment, internal layout and mix of unit sizes, it remains an entirely residential scheme of six storeys that sits largely within the development envelope of the previously approved scheme.

Planning Policy

The two existing buildings on the application site were last used for employment purposes with Rosemead Hall being used as a warehouse and the other building as a post office sorting office. Both buildings have now been vacant for a number of years. Council policies generally seek to resist the loss of local employment sites unless there are unacceptable adverse environmental impacts resulting from its employment use or it can be demonstrated that there is no effective demand. The preferred alternative use for redundant local employment sites is as affordable housing.

Marketing reports submitted with previous applications have indicated that despite an active marketing effort over a number of years both nationally and locally, no genuine interest has been registered in these sites. In 2004 planning permission was granted for the demolition of Rosemead Hall and the erection of part 2-, 3- and 4-storey building to provide 5 live/work units and in 2003 planning permission was granted for the conversion and extension of the post office depot to provide 7 live/work units and 2 bedroom maisonettes. However neither planning permission has been implemented which further confirms that there is also no demand for live/work accommodation. Given the length of time that the site has remained vacant and the apparent lack of interest in reusing the site for any kind of employment use, the redevelopment of the site for affordable housing is considered acceptable.

Density/Mix

The revised scheme proposes 22 residential units in total. This includes two 1-bedroom flats, fourteen 2-bedrooms flats, five 3-bedroom flats and one 5-bed flat providing a total of 72 habitable rooms on a site area of 0.121 hectare, with a density of 595 habitable rooms per hectare. This is significantly less than the 90 habitable rooms and density of 744 habitable rooms per hectare in the previous scheme approved last December. The site is located within edge of Wembley Town Centre and has a PTAL of 5. The proposed density therefore falls within the acceptable density range of 240-700+ as set out in the Supplementary Planning Guidance 17 and also complies with the recent Mayor's London Interim Housing Supplementary Planning Guidance density range for sites located within the Central/Major Town Centres.

The proposed mix providing a range of unit sizes suitable to various needs with a few 1 bed units is considered acceptable in this town centre location. The scheme is proposed as a 100% affordable scheme with Block A (8x2-bed, 1x3-bed & 1x5-bed) being shared ownership and Block B (2x1-bed, 6x2-bed & 4x3-bed) being affordable rent.

Scale, Massing Design, Layout and Access

The character of the area along Rosemead Avenue is mixed. The opposite side of the street to the site is comprised of two storey Victorian terraced houses with small 3m deep front forecourts. On one side the application site abuts the rear two storey rear storage building attached to the rear of JJ Moons. On its other side the site abuts the flank wall of the rear part of Wilkinson's, a substantial brick faced post war storage/commercial building of similar height and substantial frontage (approximately 30m). On this side of the street the building line remains fairly well defined, by small front gardens to houses and by open concrete aprons to the commercial buildings including the application site.

The proposed building is of a same contemporary design and in terms of its scale and massing has been similarly designed with consideration to its immediate neighbours. The height of the two proposed blocks are the same as the height of the combined block previously approved. The proposed 5th and 6th storeys would be set-back from the Rosemead Avenue frontage to minimise its impact on the two-storey houses opposite the site. The proposed building would be slightly higher (i.e. by 1.2m) in height than the adjoining Wilkinson building on one side and three storeys higher than the neighbouring storage building to the rear of JJ Moons. The proposed building (as before) presents a strong well articulated frontage to Rosemead Avenue. The use of a traditional brick and pale render cladding echoes the materials used on existing buildings within the area resulting in a modern building that still manages to reflect the character of the area.

Two separate blocks are proposed each with of its own entrance located on Rosemead Avenue. The two blocks are split by a service road running through the middle of the site that will continue to provide servicing to The Bear Public House. Either side of the service road are pedestrian paths providing access through the site to tithe communal amenity space and to bin and cycle storage areas. JJ Moons Public House has a pedestrian right of way through to Rosemead Avenue for emergency egress only. Access to this right of way is through a secure gate to the pub's beer garden. A courtyard is located to the front of the site to allowing for the turning of vehicles servicing The Bear. This area is overlooked at ground floor from the glazed access corridors on either side and from secondary windows in the upper floors of both blocks.

Quality of Accommodation

Unit Size: All the proposed flats meet the minimum floor area standards set out in the Council's SPG17. The majority also meet and in many cases comfortably exceed the internal floor area standards set out in the Mayor's Interim Housing Design Guide. Only five flats fall short of this more exacting standard but three by only 1 square metre and the other two by 3 square metres. Given that all units meet the Council's own adopted guidance and that only a small number of units fail the mayors's emerging guidance and by relatively small amounts the proposal is considered acceptable.

Light and outlook: All units are afforded adequate light and outlook onto the public realm of Rosemead Avenue, communal amenity areas within the site or private gardens/terraces in the case of the ground floor units. All habitable rooms have primary habitable room windows with outlooks of at least 10 metres (as recommend in SPG17) a part from 1 ground floor unit which has a living room with an outlook of 8 metres across its own private garden area. One failure in a dense urban scheme such as this is considered acceptable.

Privacy: All primary habitable room windows in close proximity with the public realm or pathways within the

scheme are afforded a privacy buffer to provide a degree of separation from public areas. Ground floor units facing Rosemead Avenue are set back from the back edge of pavement by 2 metres. This is consistent with the approach taken for similar residential schemes. No primary habitable room window is less than 20 metres for any other directly facing windows within or outside the scheme. A number of secondary windows to habitable room windows do face other secondary windows with the scheme at distances less than 20 metres, however this is considered acceptable in secondary windows and not sufficiently harmful to warrant a refusal of this application. The relationship between habitable room windows within the site and with the windows in the two public houses to the rear all comply with the Council's SPG 17 "Privacy and Outlook" standards.

Noise: It is noted that the proposed residential development would be to the rear of the existing public houses including JJ Moons beer garden. The north facing elevation immediately behind the beer garden of JJ Moon is lowered to 2-storeys will be screened by the retained rear facade of Rosemead Hall. While the orientation and layout of those units located to the rear of the scheme minimises the likely impact of the beer garden on residential amenity it is likely that the occupants of these facing units may experience a little more noise, disturbance and nuisance associated with the patrons of the pub sitting outside on warmer evenings. However, it must be recognised that those living in town centre locations would expect to experience noise levels at the higher end of acceptability. Environmental Health have recommended a condition requiring measures are implemented that will ensure that the development meets the British Standard 'Sound insulation and noise reduction for buildings-Code of Practice' (see condition 11 at the end of this report).

External amenity space: All 22 units have some form of private external amenity space in the form of small gardens, terraces and balconies. All have at least 6 square metres. In addition a communal amenity area of 100 square metres is also proposed. Given that this area will be mostly surrounded by relatively tall buildings it will spend much of the day in shadow. It is therefore envisaged that it will be a mainly hard surface area with limited planting. Any consent will therefore require a high quality treatment to this communal amenity space, the details of which to be secured by condition (see condition 9 at the end of this report). With appropriate treatment this area could provide a suitable play area for younger children within the scheme. It is envisaged that older children will use nearby parks, the nearest being the King Edward VII Park approximately 600 metres walking distance away.

As this scheme has significantly less units than the previous approval the shortfall in amenity space is not as significant. In that scheme an additional contribution of £13,000 was sought towards open space improvements in King Edward Park. It is suggested that this additional sum be reduced proportionately to reflect the reduction in units from the previous approval to £9,500.

Below is a table of the proposed mix of units, their internal floor areas, external amenity space provision. Unit numbers are prefixed with an A or B to denote either block A or B. Block A is proposed as shared equity housing and Block B as affordable rent.

Unit	Bedrooms	Floor Area	Balcony/Terrace
A1	3 (5p)	112 sqm	41 sqm
A2	2 (4p)	80 sqm	10 sqm
A3	2 (4p)	71 sqm	10 sqm
A4	2 (4p)	80 sqm	10 sqm
A5	2 (4p)	71 sqm	10 sqm
A6	2 (4p)	80 sqm	10 sqm
A7	2 (4p)	71 sqm	10 sqm
A8	2 (3p)	58 sqm	10 sqm
A9	2 (3p)	67 sqm	10 sqm
A10	5 (7p)	114 sqm	20 sqm
B1	2 (4p)	75 sqm	37 sqm
B2	2 (3p)	55 sqm	13 sqm
B3	3 (5p)	92 sqm	6 sqm
B4	3 (5p)	81 sqm	6 sqm
B5	2 (4p)	69 sqm	6 sqm
B6	3 (5p)	86 sqm	6 sqm
B7	2 (4p)	69 sqm	6 sqm

B8	3 (5p)	86 sqm	6 sqm
B9	2 (4p)	67 sqm	6 sqm
B10	2 (4p)	69 sqm	16 sqm
B11	1 (2p)	57 sqm	15 sqm
B12	1 (2p)	51 sqm	16 sqm

Transportation and servicing

The proposal is a “car free” development and therefore no car parking is proposed within the site. However, the service access to the rear of the “The Bear” is still maintained through a 4.3m high archway beneath the building (which encloses a hardsurfaced courtyard area), using the existing crossover onto Rosemead Avenue which is shown widened to 4.2m with 6m radius kerbs and a collapsible bollard. Cycle storage for 41 bicycles is indicated on the ground floor of the eastern and western part of the building, with refuse storage indicated in two storage areas adjoining the courtyard area.

A secure gated service route is now proposed from the courtyard area into the rear of The Bear public house.

As before, the site is located within an area controlled by CPZ and has a very good access to public transport services. The absence of any on-site parking provision would therefore still accord with standards, but again needs to be supported by a car-free agreement removing the right of future residents to an on-street parking permit in the area, to ensure on-street parking problems are not caused in Rosemead Avenue.

As before, developments of more than 10 units should have at least one wide disabled car parking space and with 22 units proposed, two spaces would be considered appropriate. As before, these could be provided within the proposed courtyard area. Alternatively, blue badge holders are in any case exempt from any ‘car-free’ agreement, so could legitimately park within the residents parking bays along Rosemead Avenue.

Once again, at least one secure bicycle parking space is required per flat and the provision of a bicycle store at the rear of the building with 22 spaces is sufficient to satisfy this requirement.

The two refuse stores are shown one in each block these have been revised to meet Brent waste guidelines. The refuse areas have sufficient storage capacity and area easily accessible with double doors. Refuse vehicles can reverse into the site to access the bins.

Similarly, delivery vehicles to the public house at 397 High Road (The Bear), which has an existing condition requiring servicing to take place from the rear, would be able to reverse into the courtyard area to make deliveries via a new secure access route into the rear of the public house.

Landscaping

As with the previously approved scheme there is little opportunity for significant planting . A detailed landscaping proposal would be secured by condition, prior to the commencement of works on site which is the standard approach in the event that a scheme is considered favourably. To compensate for the lack of planting the Council's landscape team advise that additional street tree planting should be undertaken in the vicinity of the site, to be funded by the standard s106 contribution.

Conclusion

This is a difficult urban site with a number of significant constraints, bounded on all sides by existing buildings, with two adjoining public houses abutting the rear of the site including one with a beer garden, and with a third party right of way running through the site. The site has been vacant for a number of years and has been slowly deteriorating physically and its redevelopment to provide 100% affordable housing is considered to offer the best chance of bringing the site back into use. Given the site constraints the current scheme is considered to provide the best compromise in terms of layout, scale, massing, design, quality of environment and viability, and is considered to be a significant improvement on previously approved schemes.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent's Core Strategy 2010

Brent's Unitary Development Plan 2004

The following Council's Supplementary Planning Guidance:

SPG12 - Access for disabled people

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):

257 AP/010 - Site Plan & Site Location Plan

257 AP/011 - Site Photos

257 AE/050 - Existing Ground Floor

257 AE/060 - Existing Elevation

257 AE/061 - Existing Elevation

257 AP/030 - Context Plan

257 AP/100 - Proposed Ground Floor

257 AP/101 - Proposed First Floor

257 AP/102 - Proposed Second Floor

257 AP/103 - Proposed Third Floor

257 AP/104 - Proposed Fourth Floor

257 AP/105 - Proposed Fifth Floor

257 AE/200 - Proposed Front Elevation

257 AE/201 - Proposed Rear Elevation

257 AE/202 - Proposed Rear Elevation

257 AE/203 - Internal Side Elevation Block A Looking West

257 AE/204 - Internal Side Elevation Block B Looking East

257 AE/205 - Side Elevation Block B Looking West

Planning Submission Report - April 2011

- (3) 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) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.

(g) A barrier shall be constructed around the site, to be erected

prior to demolition.

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

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

- (4) The proposed communal amenity space at the rear of Block A shall be made available at all times to all tenure groups of the proposed development.

Reason: To ensure communal amenity space in the proposed development is accessible and available for use at all times by all its future occupants.

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

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

- (6) Further details of the bicycle-storage facility shall be submitted to and approved in writing by the Council prior to the commencement of construction on site. The approved shelter shall be available for use prior to the first occupation of any of the flats and shall not be obstructed or used for any other purpose, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a bicycle-storage facility is available for use by the occupiers of this residential development.

- (7) Further details regarding the retention and treatment of the wall at the northern end of Rosemead Hall facing the adjoining public house beer garden shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details then shall be fully implemented as part of this permission.

Reason: In the interests of visual and residential amenity.

- (8) Details of a means of controlling vehicular access into the scheme from Rosemead Avenue shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of construction works on site, and the agreed method of control shall be fully implemented prior to the occupation of the development and shall continue to operate unless the Local Planning Authority agrees to any variation.

Reason: In the interests of the safety and amenity of future occupiers of the development.

- (9) Notwithstanding any details of landscape works referred to in the submitted application a scheme is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction work on the site. Such landscape works shall be completed (a) prior to occupation of building(s) and/or (b) within 18 months of commencement of the development hereby approved.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) The location of, details of materials and finishes of, all proposed street furniture, storage facilities and lighting.
- (iv) The location of all proposed signage on site.
- (v) Proposed boundary treatments including walls and fencing, indicating materials and heights.

- (vi) Screen planting along the boundaries.
- (vii) All planting including location, species, size, density and number.
- (viii) Specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).
- (ix) Childrens play equipment.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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

- (10) The development is within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the demolition and construction operations. This must include:

- damping down materials during demolition and construction, particularly in dry weather conditions,
- minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- 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,
- install and operate a wheel washing facility to ensure dust/debris is not carried onto the road by vehicles exiting the site,
- the use of demolition equipment that minimises the creation of dust,
- the loading and transfer of all materials shall be carried out so as to minimise the generation of airborne dust with all material kept damp during demolition and construction activities, clearance work and other site preparation activities, provision of adequate screening, watering down of haul routes and material likely to give rise to dust away from the site boundary.

Reason: To minimise dust arising from the operations.

- (11) a) No development (other than demolition) shall commence unless agreed otherwise in writing by the Local Planning Authority, the applicants submit a Noise Report that details the background noise level of the site and provides 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

INFORMATIVES:

- (1) The applicant must ensure that the treatment/finishing of flank walls can be implemented, before work commences, as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (2) Attention is drawn to the provisions of S.151 of the Highways Act 1980, which requires that all construction vehicles leaving the site must be cleansed as necessary to avoid depositing mud and other materials on neighbouring roads.

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

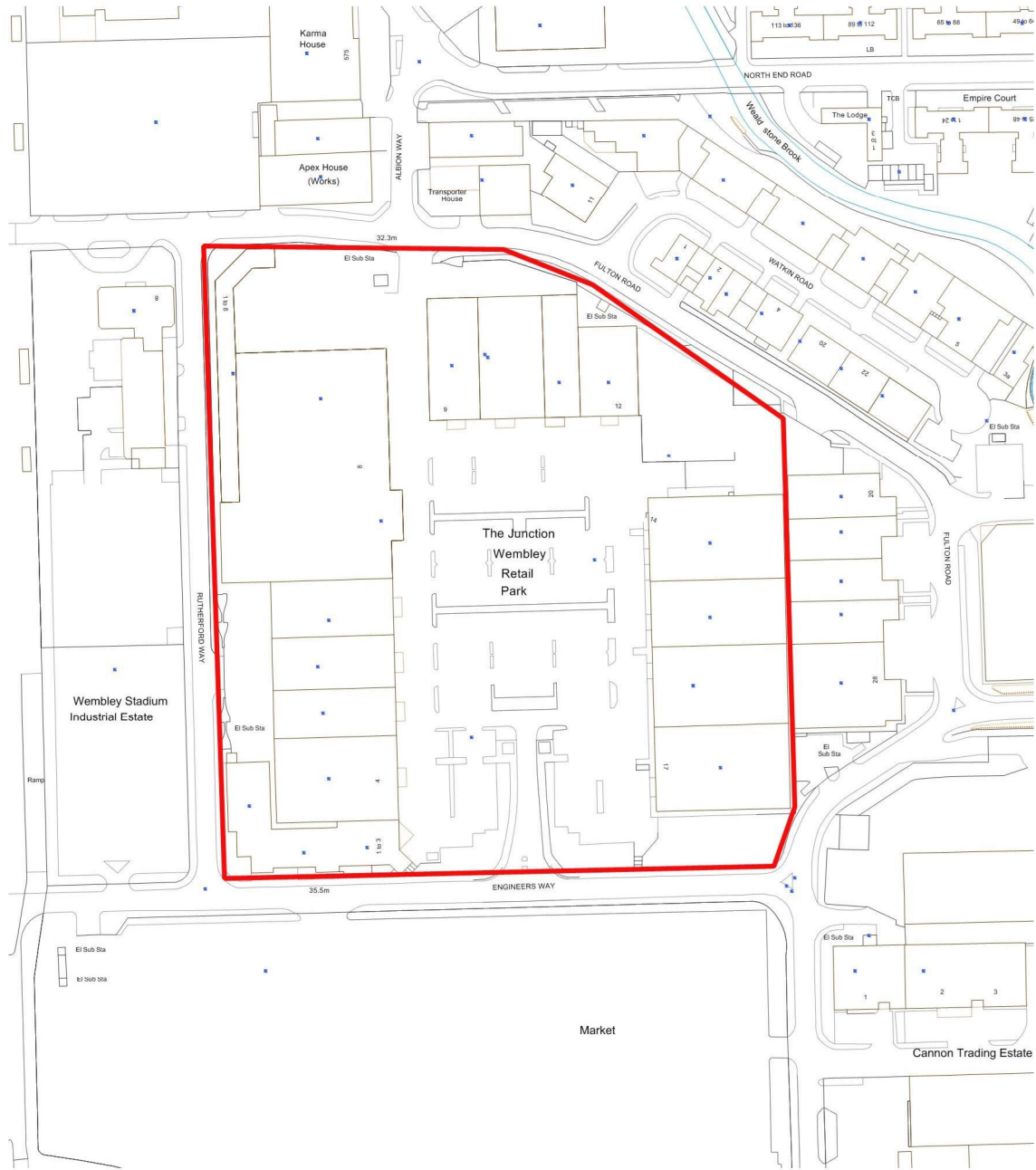
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Planning Committee Map

Site address: All units, The Junction & Pacific Plaza, land between 12 & 14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, Engineers Way, Wembley, HA9

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This map is indicative only.

RECEIVED: 10 November, 2010

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: All units, The Junction & Pacific Plaza, land between 12 & 14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, Engineers Way, Wembley, HA9

PROPOSAL: Variation of condition 3 (restriction of retail floorspace to bulky goods) of planning consent reference 04/2158 to remove the bulky goods restriction in relation to the eastern retail terrace (units 14 to 17). Condition 3 is proposed to read:
(Save in relation to the area of the retail park shown edged [Green] on plan [A] which may be used for open A1 retail use). The new retail premises shall be used for the purposes of retail warehousing for the sale of bulky goods and for no other purpose (including any other purpose in Class A1, of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

APPLICANT: Quintain (Wembley Retail Park) Limited

CONTACT: Signet Planning

PLAN NO'S:

Wembley Retail Park Statement in Support of a Planning Application, reference WRP.R.STATEMENT, dated November 2010

Wembley Retail Park Statement Appendix 2

Wembley Retail Park Statement Appendix 3

Wembley Retail Park Statement Appendix 4

"Plan A" Site Location Plan

Un-numbered drawing titled "Key Development Sites"

SAW/GJ/JM/ ITL6110-001C TN - Technical Note dated 12 October 2010

Wembley Retail Park Marketing Report dated October 2010

Appendix 1 To Marketing Report: Borehamwood Shopping Park

Appendix 1 To Marketing Report: The Brewery Romford

Appendix 1 To Marketing Report: Two Rivers Shopping Park

RECOMMENDATION

That Planning Permission is Granted.

SECTION 106 DETAILS

The Section 106 Agreement for the 2004 consent (reference 04/2158) only referred to financial contributions and these have already been paid to the Council. As such, a Section 106 agreement is not required for this variation of consent.

EXISTING

The subject site is situated between Engineers Way (South), Rutherford Way (West), Fulton Road (North) and units 20-28 (even) Fulton Road (East). The Western and Northern terraces within the retail park were renovated under this planning consent (reference 04/2158) and Planning Consent reference 05/0227 and 05/1526 approximately 5 to 6 years ago.

Vehicle access for customer parking is currently accessed via Engineers Way to the south, with servicing undertaken from Rutherford Way, Fulton Road and through the parking area. Servicing that takes place via the parking area serves the four units within the Eastern terrace which have not been renovated and still have servicing bays within the building frontages.

PROPOSAL

The proposed amendment would remove the “bulky goods” restriction from the Eastern Terrace, thus allowing any retail usage to occur from these units. The “bulky goods” restriction would remain in place for the Northern and Western terraces. However, a separate application has now been submitted which looks to remove the bulky goods restriction from three additional units within the Retail Park.

HISTORY

04/2158 – Granted 6 October 2004

Creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new retail units, office units, restaurant and customer/staff amenity building, recladding of retail units and provision of new entrance to units 6-9, demolition of units 3, 4 and 5, demolition of 3 loading bays to existing units 1a & 1b, erection of extension to units 1a, 1b to include five separate two-storey office units fronting Rutherford Way, extensions to units 2a & 2b to provide additional retail space, erection of part single-storey, part two-storey, customer amenity centre and restaurant/cafe buildings fronting Rutherford Way and Engineers Way, provision of service area with perimeter fence and gates for units A-D off Rutherford Way, provision of service area for units H-E off Fulton Road, provision of service area for units J-M via adjacent industrial service yard off Fulton Road, new central parking layout to include 446 vehicular parking spaces, 24 disabled parking spaces, 9 transit-sized loading bays, 5 cycle-parking areas, new vehicular and pedestrian access off Engineers Way, new pedestrian crossing on Engineers Way and associated landscaping along road frontage to Rutherford Road, Engineers Way, Fulton Road and also within the new central parking area (As amended by letter dated 05 July 2005)

05/0227 – Granted 21 April 2005

Demolition of 3 industrial units (Units 15, 16 & 17) and provision of 2 new retail units (Units P & N) fronting onto central parking area with rear servicing area off Fulton Road, partial demolition of Units M, L and K to provide new service yard accessed off Fulton Road, recladding of rear flank elevations of Units J, K, L and M, removal of 3 trees and soft landscaping and provision of replacement soft landscaping along Fulton Road, and provision of canopy over perimeter footway along the frontage of existing and proposed retail units in retail park, in conjunction with Planning Permission 04/2158 dated 05/10/2004 for the creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new retail units, office units, restaurant and customer/staff amenity building, recladding of retail units and provision of new entrance to Units 6-9, demolition of Units 3, 4 and 5, demolition of 3 loading bays to existing Units 1a & 1b, erection of extension to Units 1a, 1b to include five separate two-storey office units fronting Rutherford Way, extensions to Units 2a & 2b to provide additional retail space, erection of part single-storey, part two-storey, customer amenity centre and restaurant/cafe buildings fronting Rutherford Way and Engineers Way, provision of service area with perimeter fence and gates for Units A-D off Rutherford Way, provision of service area for Units H-E off Fulton Road, provision of service area for Units J-M via adjacent industrial service yard off Fulton Road, new central parking layout to include 446 vehicular parking spaces, 24 disabled parking spaces, 9 transit-sized loading bays, 5 cycle-parking areas, new vehicular and pedestrian access off Engineers Way, new pedestrian crossing on Engineers Way and associated landscaping along road frontage to Rutherford Road, Engineers Way, Fulton Road and also within the new central parking area (as accompanied by photographs 1-6, photograph 7 [proposed example canopy], and Schedule of Materials) and subject to a Deed of Agreement dated 21/04/2005 under Section 106 of the Town and Country Planning Act 1990 (as amended)

05/1526 – Granted 22 July 2005

Alteration to restaurant and 'Pod' customer amenity building footprints, including decreased area to 'Pod' customer amenity building and internal access to service yards off Rutherford Way, increased area to restaurant and subdivision of restaurant to form two separate restaurant units [use class A3] and details of elevational treatments, provision of roof level plants on each of the two restaurants and customer amenity building including 1.5 metre high screen enclosures, enlargement of service yard off Rutherford Way, provision of internal access from Unit E between offices to Rutherford Way and roof level plant and 28 roof lights to office buildings in conjunction with Planning Permission 04/2158 dated 05/10/2004 for the creation of new horseshoe-shaped layout to retail park with central parking area (as accompanied by Vulcalap Aluminium Weatherboard [Anodised] cladding sample)(As amended by letter dated 8 November 2005 - new tower windows) Drawing no.s L99-314 363 Revision D supersedes L99-314 363 Revision B

05/3409 – Granted 24 January 2006

Variation of condition 5 (to retain for Unit 14 the 4 car-parking spaces previously required to be removed) of Full Planning Permission reference 05/0227 dated 21 April 2005, for demolition of 3 industrial units (Units 15, 16 & 17) and provision of 2 new retail units (Units P & N) fronting onto central parking area with rear servicing area off Fulton Road, partial demolition of Units M, L and K to provide new service yard accessed off Fulton Road, recladding of rear flank elevations of Units J, K, L and M, removal of 3 trees and soft

landscaping and provision of replacement soft landscaping along Fulton Road, and provision of canopy over perimeter footway along the frontage of existing and proposed retail units in retail park, in conjunction with Planning Permission 04/2158 dated 05/10/2004 for the creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new retail units, office units, restaurant and customer/staff amenity building, recladding of retail units and provision of new entrance to Units 6-9, demolition of Units 3, 4 and 5, demolition of 3 loading bays to existing Units 1a & 1b, erection of extension to Units 1a, 1b to include five separate two-storey office units fronting Rutherford Way, extensions to Units 2a & 2b to provide additional retail space, erection of part single-storey, part two-storey, customer amenity centre and restaurant/cafe buildings fronting Rutherford Way and Engineers Way, provision of service area with perimeter fence and gates for Units A-D off Rutherford Way, provision of service area for Units H-E off Fulton Road, provision of service area for Units J-M via adjacent industrial service yard off Fulton Road, new central parking layout to include 446 vehicular parking spaces, 24 disabled parking spaces, 9 transit-sized loading bays, 5 cycle-parking areas, new vehicular and pedestrian access off Engineers Way, new pedestrian crossing on Engineers Way and associated landscaping along road frontage to Rutherford Road, Engineers Way, Fulton Road and also within the new central parking area (as accompanied by photographs 1-6, photograph 7 [proposed example canopy], and Schedule of Materials) and subject to a Deed of Agreement dated 21/04/2005 under Section 106 of the Town and Country Planning Act 1990 (as amended) (accompanied by covering letter dated 29th of November 2005).

Associated applications

Unit 16:

08/2783 – Granted 12 December 2008 for a temporary period expiring on 11 December 2011

Change of use of large bulky goods retail shop to Oriental/ Far Eastern Centre comprising small retail (Use Class A1) shops and cafe/bar (Use Class A3 and A4) to accommodate tenants of former Oriental City in Colindale

Recently submitted applications:

11/1566 – currently being validated

Variation of condition 3 (restriction of retail floorspace to bulky goods) of planning consent reference 04/2158 to allow the unrestricted sale of non-food goods from Units A and B of the Western Terrace and Unit F of the Northern Terrace.

11/1572 – currently being validated

Extension and refurbishment of Eastern Terrace to include installation of mezzanine floors, subdivision, new servicing arrangements, new landscaping and amendments to car parking, and the creation of mezzanine floor within Unit A (applicant's description)

POLICY CONSIDERATIONS

The policies considerations set out within this section of the report relate to the proposed variation of condition and not to the previous application as a whole.

NATIONAL

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Government planning policy in general requires local planning authorities to adopt a positive and constructive approach towards planning applications for economic development. However, in considering proposals for retail development, National, Regional and Borough policies require that the sequential approach to development be applied. For development over 2,500 sq m there is also a requirement to assess retail impact to ensure that there is no adverse effect upon existing town centres, including upon efforts to regenerate them. Relevant Planning Policies are as follows:

PPS4 Planning for Sustainable Economic Growth

- *EC10 Determining planning applications for economic development*
- *EC14 Supporting evidence for planning applications for main town centre uses*
- *EC15 The consideration of sequential assessments for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan*
- *EC16 The impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan*
- *EC17 The consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan.*

REGIONAL

The Mayor of London

The London Plan consolidated with alterations since 2004

The Draft Replacement London Plan has been subject to its Examination and Public and as such, is a material planning consideration.

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. Relevant Policies include:

2A.8	Town Centres
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail Facilities

LOCAL

Brent Local Development Framework Core Strategy 2010

CP 1 Spatial Development Strategy

CP 7 Wembley Growth Area

CP 16 Town Centres and the Sequential Approach to Development

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 STR5 (reducing the need to travel), STR9 (role of GLA Roads and London Distributor Road) and STR29 (Vitality and Viability of the Borough's Town and District Centres, and the role of Wembley and Kilburn as major centres)

Policies

TRN23 Parking Standards – Residential developments

Appendix TRN2 Parking and Servicing Standards

SH2 Major Town Centres

SH19 Rear servicing

WEM9 Comprehensive Development – The National Stadium Policy Area

WEM27 Opportunity sites at the Junction of Olympic Way and Engineers Way

Brent Council Supplementary Planning Guidance and Documents

Draft Wembley Link SPD

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 an 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 2009

The Council adopted a revised version of the Wembley Masterplan in 2009, which superseded the 2004 Masterplan. The subject site falls within the “North East” district. The character and nature of the area, following a comprehensive process of regeneration, is described as follows:

Whilst the North West area features civic and town centre functions, by contrast the North East District should be more local and domestic in character. This district provides the vital link between the bustling new mixed use districts in the North West and around Olympic Way, and the currently isolated residential properties at Danes and Empire Courts.

Key principles that are set out in the Masterplan include:

- *The creation of a new park of at least 1.2 hectares.*
- *A new ‘local’ square with a more intimate character and setting;*
- *The enhancement of the Wealdstone Brook and creation of a publicly accessible natural environment;*
- *A transition in scale, creating a measured and gradual change from more intense commercial and leisure developments around Olympic Way to an open and green character further east;*
- *The re-connection of North End Road as a strategic vehicular route, vital to the lasting success and continued accessibility of the district.*

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.

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters sent: 10 November 2010

Site Notice erected: 17 November 2010

Letters were sent to 70 adjoining or nearby owners or occupiers.

Letters of objection (2) were received from a tenant of a “Pacific Plaza” unit, Doki Limited, and from the group of “Pacific Plaza” tenants.

The letter from Doki Limited discusses:

- The demand for their products;
- The increase in the number of customers;
- Their customer’s comments, which relate to the variety of shops within Pacific Plaza and difficulties accessing the premises on Event Days;
- The negotiations regarding their lease;

The letter from the group of tenants discusses:

- The existing temporary planning permission for Pacific Plaza, which is due to expire at the end of 2011;
- That the other tenants within the retail all agree that their customer numbers have increased since Pacific Plaza commenced trading;
- That the supermarket within Pacific Plaza have agreed to open in 2 weeks if a lease can be agreed;
- That many local residents look forward to the opening of the supermarket;
- That they may need to move if this consent is granted, and that they are worried about this as they are local businesses trying to be successful;
- That they intend to operate a kids education club as well as offering a community centre once a longer lease has been agreed;
- That the FA and UEFA were asking to use their facilities for the Champions League Final and that they will be offering apprenticeships to students from the College of NW London;

- That people from Brent Council and Fountain Studio visit the premises, and Fountain Studio staff have asked to use the stage area for kids dance lessons and music;
- That they hope to extend, and to provide a banqueting hall;
- That these things will increase the number of people visiting the park;

“Pacific Plaza” previously occupied Unit 16 within the Eastern Terrace of the retail park. Accordingly to a press release from Quintain, the lease for Unit 16 expired on 31 December 2010 and they ceased trading in early April. The representative of Doki Limited who commented on this planning application also commented on the Quintain North West Lands application (reference 10/3032), specifying that the sub-tenants were paying rent to the Head Tenant, but that Head Tenant had not paid rent to Quintain since April 2010. The comments in this paragraph provide background information in relation to the third party comment discussed above. However, they are not directly relevant to this planning application.

Internal Consultees

Transportation:

Subject to a condition limiting the scope of the proposed open A1 use to exclude food retail uses, there would be no objections on transportation grounds to this proposal. However, consideration should be given to completing the rear servicing facilities for these units approved through planning consent 04/2158.

Policy:

The comments from Planning Policy have been incorporated into the remarks section of this report.

Consultation letters were sent to Ward Councillors. No comments were received.

REMARKS

This application looks to vary condition 3 which places the “bulky goods” restriction upon the retail usage. This report will focus solely on the implications of the proposed wording and any associated implications rather than the development as a whole. The proposed wording alters the nature of the retail use and the primary part remarks section of the report examines the policy context of this proposed change. Any potential implications for transportation and also discussed.

The Planning Committee recently considered the application for the Quintain “North West Lands”, situated to the North of Engineers Way and the West of Olympic Way, within which, a maximum of 30,000 square metres of Use Class A1 to A5 floorspace was proposed.

The policy considerations in relation to town centre uses was set out within the committee report for that application, with extracts from that report as follows:

Policy CP 7 of the LDF Core Strategy supports the eastward expansion of the existing Wembley Town Centre to facilitate the provision of an additional 30,000 m2 of retail floorspace. The preamble to this policy sets out the long term aspiration to link the retail areas of Wembley and Wembley Park, but qualifies that this is contingent on the creation of a continuous retail link from the High Road. It is envisaged that the creation of the new retail street will help facilitate the redevelopment of the eastern end of the High Road. The new shopping street, together with the delivery of commercial, retail, leisure and community facilities will drive change in this part of Wembley.

This aspiration is also supported by LDF Policies CP 1 and CP 16 which highlights Wembley as the preferable location for town centre uses, together with hotels and conference facilities, delivering the majority of the borough’s new retail and office development.

The preamble to LDF Core Strategy policy CP 16 sets out the recommendations of the Brent Retail Need and Capacity Study (Feb 2006), estimating that there is scope for an additional 27,000 m2 of gross comparison and 5,200 m2 of convenience retail floorspace by 2016, increasing to 90,000 m2 and 12,500 m2 respectively by 2026. While these are Borough wide figures, Wembley is promoted within Planning Policy as the main shopping destination and it the preamble specifies that Wembley will be in a position to accommodate a major share of the identified floorspace.

Policy WEM27 is a saved policy of the Unitary Development Plan which relates to the Major Opportunity Site at the junction of Olympic Way and Engineers Way and is applicable to the application site. This promotes uses contributing towards the development of a visitor destination of regional importance, including major retail/leisure uses, offices, hotels and residential. However, it specifies that only food stores with a floorspace

below 2,500 sq m gross are considered acceptable. With regard to this issue, the Site Specification Allocations (SSA) Post Submission Changes report (currently out to consultation) specifies the following:

One exception, however, is the policy within WEM27 (the UDP Wembley Inset Plan) which fixes the size of foodstore that could be provided within the WEM27 site to 2,500m². While the general land use principles set out in WEM27 still apply, its objectives for retail use in Wembley have altered over time, and are reflected by the above policy CP7. Particularly, there is evidence that there are significant retail needs in the Borough for both comparison and convenience goods over the period of the LDF, as set out in the Core Strategy. The council would therefore accept the need to be more flexible in considering any application involving a foodstore in excess of the 2500m² limit set in WEM27. The council would consider any such application having proper regard to the considerations set out in PPS4, notably the availability of sequentially preferable sites for a foodstore within Wembley Town Centre, as well as the potential impact or regeneration benefits of such a proposal.

The proposed retail should be assessed in conjunction with the committed development, including the new retail to be delivered within the Quintain Stage 1 consent (largely restricted to Designer Outlet Shopping and Specialist Sports retail), the "LDA consent" for the land adjacent to Wembley Stadium Station and the change of use and extensions to York House to form part of the Quintain Designer Outlet Centre. These comprise in excess of 34,000 m² of consented retail space. Of these, the Quintain Plot W05 (also containing the new Hilton Hotel and a student accommodation block) is under construction whilst Quintain have indicated that they intend to commence works on plot W07 (designer outlet, food and drink and a cinema) later this year. A 1,200 m² retail unit that will front West Olympic Way has also been approved within the Civic Centre building and is currently under construction.

This proposal differs significantly from the North West Lands proposal. It does not propose new retail floorspace as the application in itself would only alter the current restrictions in the type of retail use in relation to the eastern terrace. It also differs in location and proximity to the town centre as expanded in accordance with the recently adopted LDF Core Strategy policies discussed above. This matter is discussed in more detail later in the report.

The applicants have prepared a Planning Statement which deals primarily with the application of planning policy, particularly the sequential approach to development and retail impact.

The broad conclusions in the Statement are that the proposals can form a key part of the overall regeneration of Wembley and can deliver key national retailers, currently lacking in Wembley, within 12 months of planning permission being granted which will assist in producing a retail led regeneration in advance of the completion of the new High Street on the North West Lands site (identified as West Olympic Way within the "North West Lands" planning application, reference 10/3032). The applicants specify that the new High Street is unlikely to be delivered until post 2016. Key national retailers can establish themselves in Wembley prior to the development of the new High Street. It is expected that these key retailers will want to move to the new High Street once it is established.

In undertaking a sequential assessment of alternative sites, the applicants conclude that there are no suitable or available sites within the primary or secondary areas of the town centre for the large units required. They also conclude that the proposal is site specific and intended to rejuvenate the existing retail park.

The applicants propose to not allow occupation of any of the units, for a period of 10 years after consent is granted, by retailers who are currently represented in Wembley High Road. In this way, the potential trading impact on Wembley town centre will be minimised. It is also pointed out that the Retail Need and Capacity Study undertaken by Roger Tym and Partners on behalf of the Council in 2008 identifies a need for a significant increase in retail floorspace in the borough to meet growing demand (32,200 m² up to 2016). Brent's Core Strategy recognises that Wembley will accommodate a major share of this new floorspace. Although the proposal does not result in any increase in retail floorspace, the applicants are proposing an associated legal mechanism to ensure that the relevant capacity figure for 2016 is not breached.

Sequential Approach to Development

The applicants have applied the sequential test to the retail floorspace that is proposed to be unrestricted. The submitted retail assessment specifies that the site is out-of-centre but will be edge of centre following the eastward expansion of the town centre (discussed above), but have assessed the proposal on an out-of-centre basis as this reflects the current situation. Your officers consider that the future consideration of the site as edge-of-centre (rather than out-of-centre) would be contingent on the actual expansion of the

town centre into the North West Lands and also the expansion of the town centre uses into the Olympic Office Centre site which is situated between Olympic Way and the application site. Nevertheless, this site has been treated as out-of-centre for the purposes of this application by both the applicants and your officers.

In applying the sequential approach to development, there are a large number of sites in, or on the edge of, Wembley town centre that remain undeveloped. Consequently, there continues to be plenty of scope for additional floorspace to be provided to maintain and regenerate Wembley town centre. However, in applying the sequential approach in the particular circumstances of this proposal, there are a number of reasons why these sites are inappropriate.

The proposals seek to establish Wembley as a location that will attract key national retailers in advance of the development of the new High Street which is proposed for the North West Lands site. It is expected that, by relaxing the restrictions on the nature of goods that can be sold from the retail park, the sorts of national retailer that will ultimately seek to be present in the new High Street can be attracted earlier and thus help establish Wembley as a key retail location in advance of the development of the new High Street after 2016. It has not been possible, despite marketing efforts, to attract many of these retailers into the newly developed Central Square or the High Road.

Units and sites that may be normally sequentially preferable are either not suitable because they are not large enough, or are not currently available and are unlikely to be for some time. For example, the site identified in the Wembley Link SPD at Copland School/Brent House has been earmarked for a large retail unit but will not be available until after 2013. This site has been identified for convenience retail purposes and as such, is not considered to be a sequentially preferable site in relation to this application as the retail park units would be restricted through condition to comparison retail usage (but may include convenience retail floorspace that is minor and ancillary to an individual unit). The South Way site, where outline consent was given for retail development as part of a mixed use scheme, is unavailable until compensation is agreed through the CPO negotiations. These are not anticipated to be completed before 2014.

The final building within Central Square is proposed to include a retail unit which would be comparable in size to the smaller of the units within the retail park (approximately 750 square metres). However, the proposals relate to a significantly greater total quantum of floorspace and your officers do not consider that this comprises a site suitable to accommodate the proposed development.

The Quintain Stage 1 scheme includes development specifically for designer outlet shopping and sports retail and is not considered appropriate for the type of retailing proposed for the retail park. According to the applicants all of the designer outlet floorspace has now been taken up in any event.

Your officers consider that the "North West Lands" site, being edge-of-centre following the eastward expansion of the town centre, is a sequentially preferable location for the provision of un-restricted retail floorspace. As discussed previously, the Planning Committee recently resolved to grant permission for up to 30,000 square metres of retail floorspace within this site. Within the Statement, the applicant sets out that, as a major land owner within Wembley with control over the North West Lands, Stage 1 site and the Retail Park, they can ensure that there is fluid movement from the retail park to the new retail street within the North West Lands upon its completion. The statement specifies that retailers will be encouraged to do so through lease renegotiation, financial inducements and provision of appropriate trading floor plates etc.

Your officers concur with the view set out within the Statement that attracting key national retailers to Wembley is likely to assist in producing a retail led regeneration in advance of the delivery of the new retail street within the North West Lands application site and as such, is likely to help support the delivery of other schemes such as the North West Lands. As such, your officers consider it appropriate to allow an exception to the sequential approach in this instance, subject to the consideration of retail impact, discussed next in the report.

Retail Impact

The Statement provides an assessment of impact based on the criteria set out within Policy EC16.1 of PPS4.

Potential impact on investment in centres

When looking at potential impact on investment in centres in the catchment area of the proposal, the Statement discusses the proposals in relation to other sites in Wembley, including the Quintain Stage 1 site, the LDA Site (adjoining Wembley Stadium Station), Central Square, the Wembley Market site, the Wembley West End site, Copland and Brent House sites. The Statement also discusses other sites in Kilburn

together with the Ealing and Harrow Centres and the Brent Cross development.

The statement concludes that it is *not considered the proposal will have any adverse impact on other proposals coming forth elsewhere in Wembley or further afield. Indeed, to the contrary, it is considered the impacts of the proposal on planned investments will be wholly positive.*

In reaching this conclusion, the proposal the assessment has regard to the differing nature of the retail offer within certain schemes (the Quintain Stage 1 consent being designer outlet and sports and Brent House/Copland scheme being convenience retail), the greater floorspace of individual units within the eastern terrace of the retail park (average of 1,362 square metres is specified, with a minimum of 750 square metres to be secured through condition), the quantum of retail floorspace in comparison to other schemes, such as the Brent Cross Scheme which includes 110,927 square metres of retail floorspace) and the potential for “linked trips” to generate additional spending within the existing Wembley town centres.

Impact on Town Centre Vitality and Viability

An assessment of the health of the town centre shows that Wembley has a relatively low vacancy rate when compared to the national average, but that there is an under representation of national multiples and lack of larger units which would be needed to attract them. Although Wembley is a vital and viable centre with a low level of vacancy, it will remain a focus for low key and low value outlets resulting in ongoing decline when compared to neighbouring centres such as Harrow, Ealing and Brent Cross. The centre suffers from an inability to offer a suitable number and range of larger units.

Wembley retail park, for an interim period until the new High Street is developed on North West Lands, can meet the pressing need for national multiple retailers in the area to serve the needs of local people who currently have to travel some distance to Harrow, Ealing and Brent Cross.

Given the low number of key national retailers within the town centre, one of the primary concerns about the proposal was that retailers currently in Wembley may vacate the High Road to occupy units in the retail park. The applicants recognise this concern and proposed to not allow any retailer to decant from the High Road to the retail park for a period of 10 years after consent. However, this approach does not mitigate against any loss after this 10 year period, and also would prevent those retailers who are vacant from the town centre for a number of years to return to Wembley within a retail park unit. Your officer consider that the potential impact can be mitigated by attaching a condition which prevent retailers who occupy premises within the existing town centre from occupying a unit within the retail park unless they have been absent from the town centre for at least 3 years.

In addition to this, the proposal looks to provide a significantly different retail offer from that within the existing town centre in relation to the floorspace of the units. The units as approved are significantly greater in size than those typically located within the existing Wembley centres, and it is proposed that the ability to subdivide into smaller units will be restricted unless the gross internal floorspace remains at or above 750 square metres.

Impact on the development of allocated sites outside the town centres

The Statement concludes, and your officers concur, that none of the allocations are for retail led development and as such, it is unlikely that the proposal will have an adverse impact on these sites coming forward for development.

Impact on in-centre trade and turnover and trade in the wider area

Given that there is no net increase in retail floorspace as a result of the proposal, the potential impact is likely to be significantly less than if it were to be new floorspace. It is expected that most of the trade diversion will be recovered trade currently leaking outside the Wembley catchment area as well as helping to meet the need for new floorspace as estimated in the Retail Need and Capacity Study, 2008.

In addition to this, the aforementioned condition regarding the existing retailers within the town centre (the “3 year rule”) also assists in mitigating against any potential impact on in-centre trade and turnover.

Test of scale

As discussed in the previous section, there is no increase in retail floorspace. The proposal also will not have any impact on the position of Wembley within the retail hierarchy of North West London. Your officers consider that the scale of the proposal is appropriate.

Retail Conclusions

Overall, it is considered that the benefits of attracting major national retailers to the retail park and to Wembley outweigh potential adverse effects of impact on the High Road. Whilst the North West Lands site is considered sequentially preferable, your officers concur with the views set out within the submitted Statement that attracting the major national retailers will assist the regeneration of Wembley.

Transportation

This site is located on the northern side of Engineers Way (a local commercial access road), between its junctions with Rutherford Way and First Way.

The site is currently occupied by a retail park comprising 13 retail units and two food & drink units totalling 17,545m². The majority of the units (Units 1-12) around the western and northern sides of the park were built/refurbished as part of a major refurbishment and re-planning of the layout of this site undertaken in 2006 (ref: 04/2158). However, the approved refurbishment of Units 14-17 along the eastern side of the retail park (including the provision of a new service yard and access road to the rear of Unit 16) was never completed.

Customer car parking for a total of 456 cars (incl. 19 disabled and 11 transit sized spaces) and 100 bicycles has now been provided in the centre of the retail park, accessed via a priority junction from Engineers Way. Servicing provision is provided to the rear of the refurbished units with access from Rutherford Way and Fulton Road, but the units along the eastern side of the site require servicing from the customer car park.

A condition was attached to the above planning consent for the refurbishment of the retail park, limiting the type of retail to bulky-goods only.

This application seeks to vary that condition to allow open retail use within Units 14-17 (totalling 5,494m²) along the eastern side of the site. It is not intended for any food retailer to occupy any of these units though, with the list of potentially interested parties including the likes of Next and Mothercare. No alterations to access, parking or servicing arrangements are proposed, so these units will still be serviced from the customer car park.

On-street parking along Engineers Way is prohibited at all times and this road is generally 0% parked. Previous visits and aerial photographs of the retail park itself show it to be generally lightly parked.

Public transport access to this particular unit is moderate (PTAL 3), with Wembley Park station (Metropolitan and Jubilee lines) within 960 metres (12 minutes' walk) and two bus services within 640 metres (8 minutes' walk). However, this will improve over time as the Wembley Park Boulevard is opened and buses are diverted along its length.

Transportation Discussion

In terms of parking and servicing standards, there are no distinctions between differing types of retail use, so any relaxation to the 2004 permission to allow a more open retail use will have no impact on parking or servicing standards.

Nevertheless, consideration needs to be given to the potential impact the proposal may have on traffic generation and parking demand for the retail park. To this end, a supporting statement has been prepared by i-Transport and submitted in support of the application to consider these potential impacts.

To do this, traffic data held for a Saturday afternoon peak hour (2-3pm) for a total of 16 retail parks across the United Kingdom (12 of which purely comprise bulky goods outlets and four of which include "non-bulky goods" stores) has been compared. The shortage of available data means that there is quite a large degree of variance between the sites used for the study in terms of size and location though, with none of the sites used being located within London.

Nevertheless, the analysis showed little difference between trip rates for purely bulky goods retail parks and those with an element of non-bulky goods. Indeed, the results even showed a slightly lower level of trip generation for those sites with non-bulky goods stores. As such, the proposal in its own right is not considered likely to give rise to any significant increase in traffic flows to and from the estate beyond that that would be caused if Units 14-17 were to be occupied by bulky goods outlets.

Similarly, demand for parking space within the site is unlikely to increase significantly as a result of the relaxation to the bulky goods restriction, with the above exercise suggesting that there would continue to be plenty of spare capacity within the site. Even so, rigorous on-street parking restrictions in the surrounding roads would prevent overspill parking.

All of the above conclusions are based specifically on the premise that none of the units will be occupied by a food retailer though and this should be restricted by condition.

Long Term Regeneration of Wembley

As discussed above, the subject site is situated within the North-East district identified within the Wembley Masterplan 2009 and the Wembley Grown Area as identified within the LDF Core Strategy 2010. In order to achieve the objectives for regeneration set out within these documents, a much greater and different type of development would be required. Whilst the proposed variation of condition is considered acceptable in policy terms, your officers consider it appropriate and necessary to restrict the period for open retail (Use Class A1) usage to 25 years to safeguard the long term regeneration of the area.

Other applications

Other applications have been submitted that relate to the Wembley Retail Park and these applications are currently being checked for validity. One application proposes alterations to the buildings, including part demolition, part extension, construction of mezzanine floors, re-cladding and associated alterations and a revised layout for the rear servicing areas for the eastern terrace. The other application looks to remove the "bulky goods" restriction for two vacant units within the Western terrace of the retail park and one unit within the Northern terrace. These applications will be considered on their merit and your officers do not consider that they affect the conclusions and recommendation for this application.

Discussion of third party comments

Letters were received from previous sub-tenants of the units within Pacific Plaza. This consent would not affect the personal and temporary consent that was granted in relation to the Pacific Plaza, or their ability to re-apply for planning consent which is due to expire on 11 December 2011 or to apply for an alternative consent (notwithstanding the fact that they no longer occupy a unit within the retail park).

As such, the comments within these letters, as set out previously within this report, do not relate to planning issues and therefore cannot form a part of the consideration of this report.

Conclusions

The proposal looks to attract and establish key national retailers within Wembley prior to the completion of the new retail street within the North West Lands site. The benefit of attracting such retailers is considered sufficient to warrant an exception to the sequential approach, and to outweigh potential adverse effects on the High Road. The proposed conditions regarding the minimum size of retail park units (750 square metres) and the restriction on the ability for existing retailers to vacate units within the High Road and move directly to the retail park is considered to provide an adequate level of mitigation against the potential impact on the High Road.

With regard to Transportation, the proposal is not considered likely to result in a significant change in the parking or servicing requirements when compared to a "bulky goods" retail park that is performing well. As such, the proposed variation of condition is not considered likely to have a significant adverse impact on parking, servicing and access.

Given the long term aspirations for the regeneration of Wembley, as set out within the Wembley Masterplan and LDF Core Strategy, it is considered appropriate to restrict the length of time that the units may be used for open retail (Use Class A1) purposes to 25 years.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Planning Policy Statement 1
Planning Policy Statement 4
Planning Policy Statement 12
The London Plan consolidated with alterations since 2004
Brent Local Development Framework 2010
Brent Unitary Development Plan 2004

CONDITIONS/REASONS:

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

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

- (2) Save in relation to the area of the retail park shown edged green on Plan A hereby approved, the retail premises shall only be used for the purposes of retail warehousing for the sale of bulky goods and for no other purpose (including any other purpose in Class A1, of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: To ensure that the proposed development is consistent with the nature of existing uses on the Wembley Retail Park, the surrounding area and Wembley Town Centre and in pursuance of the Town Centre and Shopping policies of Brent Unitary Development Plan 2004.

- (3) Unless otherwise agreed in writing by the local planning authority the premises within the area of the retail park shown edged green on "Plan A" hereby approved shall be used only for the purpose of retail warehousing for the sale of bulky goods and for no other purpose whatsoever (including any other purpose within Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification) **save that** until 1 August 2036 such premises may be used for any other purpose within Use Class A1 if at all times prior to 1 January 2016 the aggregate gross internal area which is used for purposes within Use Classes A1 (excluding use for the sale of "bulky goods"), A2, A3, A4 or A5 does not exceed 31,200 square metres at the following locations:

- a). the premises within the area of the retail park shown edged green on "Plan A" and
b). any other premises which are situated within the land identified as the application site within planning application reference 10/3032 and the land identified as the application site within planning permission reference 09/2450.

The use of the premises within the area of the retail park shown edged green on "Plan A" for purposes within Use Class A1 (other than use as retail warehousing for the sale of bulky goods) shall cease immediately upon the earlier of (a) any exceedance (before 1 January 2016) of such aggregate total area of 31,200 square metres and (b) 1 August 2036.

Reason:

To ensure the development has an appropriate regard to retail need and the mixed-use comprehensive regeneration of the Wembley Growth Area.

- (4) The Use Class A1 premises shall not be used for "Convenience" retail purposes unless said provision is undertaken by the operator of the retail unit, comprises a minor and ancillary element of the individual retail unit and occupies no more than 5 % of the Net Internal Floor Area of the unit unless prior written approval is gained from the Local Planning Authority.

Reason: To ensure a satisfactory development that has an appropriate regard to the sequential approach to convenience retail floorspace.

- (5) The individual units within the development hereby approved shall not be subdivided into smaller units unless the area of the resulting units, measured as gross internal area including mezzanine floorspace but excluding servicing bays, servicing access and shared servicing corridors, is 750 square metres or greater unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent a number of uses becoming established on the site and to ensure that the standards applied to the consideration of the approved development are maintained in

connection with the completed development so approved, and in the interest of the vitality and viability of the existing designated Wembley Town Centre and Wembley Park District Centre.

- (6) The premises within the area of the retail park shown edged green on "Plan A" hereby approved shall not be occupied by any retailer unless:
- a) prior written notice of the retailer and the date that the retailer last occupied premises within the Wembley Town Centre and/or Wembley Park District Centre (if at all) shall have been provided to the local planning authority; and,
 - b) that retail had not occupied:
 - i. other premises within the Wembley Major Town Centre and/or Wembley Park District Centre (as identified within the Brent Unitary Development Plan 2004) in the three years preceding such occupation of the premises within the Wembley Retail Park; or
 - ii. a premises within the Wembley Major Town Centre at [date of this consent];
- Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent a number of uses becoming established on the site and to ensure that the standards applied to the consideration of the approved development are maintained in connection with the completed development so approved, and in the interest of the vitality and viability of the existing designated Wembley Town Centre and Wembley Park District Centre.

- (7) No goods, equipment, waste products, pallets, scrap or other materials shall be stored or deposited on any open area within the site, except those areas approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and the efficient operation of activities within the site and to ensure adequate parking and servicing is retained in the interests of the general amenities of the locality and the free flow of traffic and conditions of general highway safety within the site and on the neighbouring highways.

- (8) The areas hereby approved for the purpose of car parking, loading, unloading and parking of service vehicles; vehicle turning space; parking or access provision shall be used only for those purposes and ancillary to the development hereby approved and shall not be used for any other purposes such as commercial parking for Wembley Stadium visitors unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways, and to safeguard the Council's transportation strategy for events at the Stadium and control the extent of traffic within the local area on Wembley Stadium Event Days.

- (9) The front entrance doors to the restaurant and customer amenity building hereby approved, shall be made self-closing and thereafter maintained to minimise emission of odours and/or noise to the neighbouring area.

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

- (10) No air-conditioning, ventilation, flue extraction systems or suitable and sufficient extract equipment apparatus for the neutralisation of all effluvia from the processes of cooking for the customer amenity building and restaurant shall be installed unless details, including particulars of noise and vibration attenuation measures to any air-intake louvres or other external openings and filtration (where applicable), have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

Reason: To safeguard the amenities of the present and future adjoining occupiers.

- (11) No hot-food take-away use, excepting home deliveries, shall operate from the restaurant/bar and customer amenity building premises at any time, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure the proposed use does not result in problems of on-street parking or traffic congestion in pursuance of the shopping and transportation policies in the Unitary Development Plan in the interests of the free flow of traffic and conditions of general highway and pedestrian safety and in the interests of occupiers of neighbouring properties.

- (12) The use of the restaurant premises fronting Rutherford Way and Engineers Way shall only be as a restaurant with ancillary bar and the use of the cafe area as indicated on the plans hereby approved on part of the first-floor level in the customer amenity centre shall only be as a cafe and these premises shall be used for no other use within Use Class A3 as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: To enable the Local Planning Authority to maintain control of the use of the premises in the interests of the amenities of occupiers of neighbouring dwellings.

- (13) The Travel Plan relating to the non-retail parts of the development that was approved through details pursuant application reference 04/3713 shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the environmental impact from traffic generated to and from the site.

- (14) No development shall commence on any phase until details of all materials for all external work, including samples, relative to that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be built in accordance with the approved details.

Reason: To ensure a satisfactory development which complements and enhances the visual amenity of the area.

- (15) The hard and soft landscaping of the site shall be carried out in full accordance with the details previously approved pursuant to condition 5 of planning permission reference 04/2158 or in accordance with an alternative scheme for the landscape works and treatment of the surroundings of the development which has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within 6 months of the date of this consent or in accordance with a phasing plan should such a plan be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this consent. The landscaping scheme shall include:-
- (a) a planting plan, including (including species, plant sizes and planting densities);
 - (b) any proposed walls and fences, indicating materials and heights;
 - (c) any proposed contours and ground levels;
 - (d) any areas of hard landscape works and proposed materials;
 - (e) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that, within a period of 5 years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

INFORMATIVES:

- (1) Lighting should be diffuse, downward pointing and low-level. Energy usage and saving is a key issue in the promotion of sustainable development, as outlined in Council Supplementary Planning Guidance 19. Lighting should not exceed the minimum required to reduce both unnecessary energy consumption and intrusiveness to local residents and the natural environment.
- (2) This approval does not imply approval of any entertainment-licensing requirements of the Licensing Authority. Further advice on this should be sought from the Council's Health, Safety and Licensing Division, Brent House, 349-357 High Road, Wembley, HA9 6BZ. Tel: 020 8937 5365.

- (3) Any extract ventilation fan should be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant (e.g. refrigeration, air-conditioning), together with any associated ducting, should be 10 dB(A) or greater below the measured background-noise level at the nearest noise-sensitive premises – a positive indication that complaints are unlikely. The method of assessment should be carried in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". It is recommended that an approved Acoustic Consultant produce a report. Should the predicted levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise should be submitted to the Local Planning Authority for consideration and approved in writing.
- (4) Any developments, including the bar/restaurant, which employ music or amplified sound, including preaching and chanting, should be designed to ensure that no noise is audible from the nearest noise-sensitive premises, and, in particular, those that are currently proposed to be built in the area. The design range is set out as follows and any further advice regarding this informative and the relevant attached conditions should be communicated to the Council's Environmental Health section.

The Leq,5min should be 10dB below (at 1/3 octaves 63Hz to 20KHz) the internal/external noise levels of the nearest noise-sensitive premises.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344

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Received PLANNING Appeals between 1-May-2011 and 31-May-2011

Planning Committee: 6 July, 2011

Application Number: 10/2671 **Team:** Southern Team **Application Type** S78 FUL

Appeal Received: 09/05/2011 **Appeal Against:** Refusal of planning permission

Location: 32A Victor Road, London, NW10 5XG

Proposal:

Retrospective application for a single storey extension

Application Number: 10/2694 **Team:** Western Team **Application Type** S78 FUL

Appeal Received: 31/05/2011 **Appeal Against:** Refusal of planning permission

Location: 106, 108 & 114 Elms Lane, Wembley, HA0

Proposal:

Demolition of existing dwellinghouses (106 & 108) and erection of part 2- & 3-storey building comprising 8 flats, enlargement of 2 existing vehicle crossovers, formation of new vehicular crossover, provision of 8 car-parking spaces, cycle store, detached bin store and associated landscaping

Application Number: 10/2837 **Team:** Southern Team **Application Type** Other ADV

Appeal Received: 16/05/2011 **Appeal Against:** Refusal of planning permission

Location: 17 Heathfield Park, London, NW2 5JE

Proposal:

Installation of partially internally illuminated fascia sign

Application Number: 10/3238 **Team:** Northern Team **Application Type** S78 FUL

Appeal Received: 05/05/2011 **Appeal Against:** Refusal of planning permission

Location: 49 Lavender Avenue, London, NW9 8HG

Proposal:

Erection of part single-, part two-storey side and rear extension to dwellinghouse, the division of the property into two separate dwellinghouses, one 3-bedroom and one 5-bedroom, with associated works including new vehicular access onto Glenwood Grove landscaping and bin-storage provision (revised description 22/02/2011)

Application Number: 10/3290 **Team:** Southern Team **Application Type** S78 FUL

Appeal Received: 12/05/2011 **Appeal Against:** Refusal of planning permission

Location: Flat 4, 56 Christchurch Avenue, London, NW6 7BH

Proposal:

Erection of rear and side dormer window and installation of 1 front rooflight to first floor flat

Application Number: 11/0171 **Team:** Western Team **Application Type** S78 FUL

Appeal Received: 13/05/2011 **Appeal Against:** Refusal of planning permission

Location: 1 Elms Park Avenue, Wembley, HA0 2RR

Proposal:

Demolition of existing detached garage and erection of two storey end of terrace dwellinghouse, and proposed widening of existing vehicle crossover.

Received ENFORCEMENT Appeals between 1-May-2011 and 31-May-2011

Planning Committee: 6 July, 2011

Application Number: E/08/0197 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 19/05/2011

Location: 122 Swinderby Road, Wembley, HA0 4SG

Description:

Without planning permission the erection of a building not incidental to the enjoyment of the dwellinghouse in rear garden area of premises

Application Number: E/08/0545 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 12/05/2011

Location: 25 Charterhouse Avenue, Wembley, HA0 3DD

Description:

Without planning permission, the erection of a building, not incidental to the enjoyment of the dwellinghouse, in the rear garden of the premises.
("The unauthorised development")

Application Number: E/09/0451 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 04/05/2011

Location: 142 High Road, London, NW10 2PJ

Description:

Without planning permission, the change of use of the front of the ground floor of the premises (excluding the office at the rear of the premises accessed from Villiers Road) from a shop to a mixed use as a hot-food takeaway, incorporating the erection of an extractor duct on the rear of the building, and a self-contained flat.

Application Number: E/10/0752 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 25/05/2011

Location: 24 Greenway, Harrow, HA3 0TT

Description:

Without planning permission, the change of use of the premises into flats and the erection of a building to form a third flat in the rear garden of the premises

Application Number: E/10/0903 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 17/05/2011

Location: 52 Earlsmead Road, London, NW10 5QB

Description:

The erection of a single storey extension to the rear of the premises

Application Number: E/10/0964 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 04/05/2011

Location: 142A High Road, London, NW10

Description:

Without planning permission, the change of use of the first floor of the premises from one flat to four flats.

("The unauthorised change of use")

Received ENFORCEMENT Appeals between 1-May-2011 and 31-May-2011

Planning Committee: 6 July, 2011

Application Number: E/11/0083 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 25/05/2011

Location: 3 Oaklands Mews, London, NW2 6DQ

Description:

Without planning permission, the erection of railings on the roof of the single storey side projection to the premises.

("The unauthorised development")

Application Number: E/11/0109 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 06/05/2011

Location: 16 Abbey Avenue, Wembley, HA0 1LL

Description:

Without planning permission the erection of a building in the rear garden of the premises

Decisions on PLANNING Appeals between 1-May-2011 and 31-May-2011

Planning Committee: 6-Jul-2011

Application Number: 10/1276 **PINSRefNo** A/11/2143871/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/05/2011

Location: 205 Preston Road, Wembley, HA9 8NF

Proposal:

Erection of a two storey rear extension with extraction flue and change of use of extended premises to a restaurant (Use Class A3)

Application Number: 10/1668 **PINSRefNo** A/10/2135923/NWF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 12/05/2011

Location: 32 Evelyn Avenue, London, NW9 0JH

Proposal:

Details pursuant to condition 6 (landscaping) of full planning permission 07/0149, dated 31/07/2007, for erection of a single-storey rear extension and formation of a new basement to the dwellinghouse

Application Number: 10/1939 **PINSRefNo** A/11/2144375 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/05/2011

Location: Sri Saddhatissa International Buddhist Centre, 309-311 Kingsbury Road, London, NW9 9PE

Proposal:

Retrospective application for erection of a front and side boundary wall, metal railings and gates

Application Number: 10/2132 **PINSRefNo** A/11/2144218 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/05/2011

Location: 1-4 INC Holmfield, Crawford Avenue, Wembley, HA0

Proposal:

Extension to roof to create 2 self-contained flats (Scheme 2)

Application Number: 10/2144 **PINSRefNo** A/11/2144197/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/05/2011

Location: 1-4 INC Holmfield, Crawford Avenue, Wembley, HA0

Proposal:

Extension to roof to create 2 self-contained flats (Scheme 1)

Application Number: 10/2253 **PINSRefNo** X/10/2143084 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 26/05/2011

Location: 39 Cecil Avenue, Wembley, HA9 7DU

Proposal:

Certificate of lawfulness for the proposed erection of an outbuilding in the rear garden of single family dwellinghouse (Use Class C3)

Application Number: 10/2256 **PINSRefNo** A/11/2144985/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/05/2011

Location: 777 Harrow Road, Wembley, HA0 2LW

Proposal:

Change of Use of exiting juice coffee parlor (Use class A1) to restaurant (use class A3) and installation of external extraction duct

Decisions on PLANNING Appeals between 1-May-2011 and 31-May-2011

Planning Committee: 6-Jul-2011

Application Number: 10/2479 **PINSRefNo** D/11/2143678 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 13/05/2011

Location: 47 Twybridge Way, London, NW10 0SU

Proposal:

Erection of single storey rear extension to dwellinghouse

Application Number: 10/2489 **PINSRefNo** A/11/2146950 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/05/2011

Location: 29B Huddlestone Road, London, NW2 5DL

Proposal:

Retrospective application for conversion of first floor flat into 1 self-contained maisonette at first and second floor level and 1 self contained flat at first floor level (scheme 1)

Application Number: 10/2588 **PINSRefNo** H/10/2143178 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/05/2011

Location: 387 Edgware Road, Cricklewood, London, NW2 6LH

Proposal:

Erection of a vertical, free-standing, internally illuminated advertisement board for poster displays

Application Number: 10/2671 **PINSRefNo** A/11/2148480/NWF **Team:** Southern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 18/05/2011

Location: 32A Victor Road, London, NW10 5XG

Proposal:

Retrospective application for a single storey extension

Application Number: 10/2735 **PINSRefNo** A/11/2145456/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/05/2011

Location: Land rear of flats 1, 2 & 3, 47 & 49, Byron Road, Wembley, HA0

Proposal:

Erection of two storey building comprising 2 x 1-bed flats

Application Number: 10/2786 **PINSRefNo** A/11/2146949/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/05/2011

Location: 29B Huddlestone Road, London, NW2 5DL

Proposal:

Retrospective application for conversion of first floor flat into 1 self-contained maisonette at first and second floor level and 1 self contained flat at first floor level

Application Number: 10/3282 **PINSRefNo** D/11/2149020 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/05/2011

Location: 30 Nathans Road, Wembley, HA0 3RX

Proposal:

Proposed demolition of existing single storey rear extension and erection of part single, part two storey rear extension to dwellinghouse.

Decisions on ENFORCEMENT Appeals between 1-May-2011 and 31-May-2011

Planning Committee: 6 July, 2011

Application Number: E/10/0022 **PINSRefNo** C/11/2145017 & 2145018 **Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 26/05/2011**Location:** 45 Holland Road, London, NW10 5AT**Proposal:**

Without planning permission, the erection of a first floor rear extension, single storey rear canopy, single storey lean-to side extension and the addition of brick piers and trellises to boundary walls of dwellinghouse.

("The unauthorised development")

Application Number: E/10/0082 **PINSRefNo** C/10/2137705 & 2125681& 2135797 **Team:** Northern Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 12/05/2011**Location:** 32 & 34, Evelyn Avenue, London, NW9 0JH**Proposal:**

Without planning permission, the formation of a hard surface to the front gardens of the premises.

("The unauthorised development")

Application Number: E/10/0153 **PINSRefNo** C/10/2134651 **Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 16/05/2011**Location:** Flats 1-5, 44 High Road, London, NW10 2QA**Proposal:**

Without planning permission, the change of use of the premises to five self-contained flats.

Application Number: E/10/0430 **PINSRefNo** C/10/2137705 & 2125681&2135797 **Team:** Northern Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 12/05/2011**Location:** 32 Evelyn Avenue, London, NW9 0JH**Proposal:**

Without planning permission, the erection of a basement at the premises (but not including the basement underneath the existing house which has been granted planning permission under reference 07/0149)

Application Number: E/10/0489 **PINSRefNo** C/10/2142689 **Team:** Southern Team**Appeal Decision:** Appeal withdrawn**Appeal Decision Date:** 31/05/2011**Location:** 252 All Souls Avenue, London, NW10 3AD**Proposal:**

The change of use of the premises to a House in Multiple Occupation (HMO).

Application Number: E/10/0492 **PINSRefNo** C/11/2144729 **Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 23/05/2011**Location:** 230 Carlton Avenue East, Wembley, HA9 8PZ**Proposal:**

Without planning permission the erection of a building in rear garden of the premises.

Decisions on ENFORCEMENT Appeals between 1-May-2011 and 31-May-2011
Planning Committee: 6 July, 2011

Application Number: E/10/0731 **PINSRefNo** C/10/2137705 & 2125681& 2135797 **Team:** Northern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 12/05/2011

Location: 32 Evelyn Avenue, London, NW9 0JH

Proposal:

The breach of condition 6 of planning permission 07/0149 dated 31/07/2007 for the erection of a single-storey rear extension and formation of a new basement to the dwellinghouse.

Condition 6 states "Notwithstanding the approved plans, details of landscaping in the forecourt specifying species to be planted is to be submitted and approved in writing by the Local Planning Authority prior to the commencement of works. The Landscape works to be completed during the first available planting season following occupation of the development hereby approved and shall be maintained thereafter."

No such details have been submitted and approved in writing by the Local Planning Authority prior to the commencement of works.

**PLANNING SELECTED appeal DECISIONS between
1-May-2011 and 31-May-2011
Planning Committee: 6 July, 2011**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 10/1668 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 12/05/2011

Team: Northern Team

Location: 32 Evelyn Avenue, London, NW9 0JH

Proposal:

Details pursuant to condition 6 (landscaping) of full planning permission 07/0149, dated 31/07/2007, for erection of a single-storey rear extension and formation of a new basement to the dwellinghouse

Our reference: 10/2253 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 26/05/2011

Team: Western Team

Location: 39 Cecil Avenue, Wembley, HA9 7DU

Proposal:

Certificate of lawfulness for the proposed erection of an outbuilding in the rear garden of single family dwellinghouse (Use Class C3)

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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**ENFORCEMENT SELECTED appeal DECISIONS between
1-May-2011 and 31-May-2011**

Planning Committee: 6 July, 2011

Introduction

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

Our reference: E/10/0082	Appeal Decision Date: 12/05/2011
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 32 & 34, Evelyn Avenue, London, NW9 0JH

Proposal:

Without planning permission, the formation of a hard surface to the front gardens of the premises.

Our reference: E/10/0430	Appeal Decision Date: 12/05/2011
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 32 Evelyn Avenue, London, NW9 0JH

Proposal:

Without planning permission, the erection of a basement at the premises (but not including the basement underneath the existing house which has been granted planning permission under reference 07/0149)

Our reference: E/10/0731	Appeal Decision Date: 12/05/2011
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 32 Evelyn Avenue, London, NW9 0JH

Proposal:

The breach of condition 6 of planning permission 07/0149 dated 31/07/2007 for the erection of a single-storey rear extension and formation of a new basement to the dwellinghouse.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 24 May 2011

by Christopher Bowden MA (Oxon)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2011

Appeal Ref: APP/T5150/D/11/2151239
14 Windermere Avenue, London NW6 6LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Brecker against the decision of the Council of the London Borough of Brent.
 - The application Ref. 10/3213, dated 15 December 2010, was refused by notice dated 8 March 2011.
 - The development proposed is a single-storey side/rear extension.
-

Decision

1. The appeal is allowed and planning permission granted for a single-storey side/rear extension at 14 Windermere Avenue, London NW6 6LN in accordance with the terms of the application Ref. 10/3213, dated 15 December 2010, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing Nos MB-101B, MB-102B, MB-103B, MB-105B, MB-106B.
 - (3) Notwithstanding condition 2, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural matters

2. The description of the development proposed is taken from the decision notice. I consider that it describes the proposal more accurately than the one given in the application form.
3. The drawings submitted with the appeal include Nos. MB-006 and 107B. Neither is listed in the decision notice and the Council has confirmed that neither was taken into account in its decision. I have not therefore taken them into account in determining the appeal.

Main issues

4. These are the effect of the proposed extension on:
 - the character and appearance of No 14 Windermere Avenue and the Queen's Park Conservation Area; and
 - the living conditions of the occupiers of No 12 Windermere Avenue, with particular reference to outlook and sunlight and daylight.

Reasons

Character and appearance

5. No 14 is a two-storey terrace house. It is post-war infill in an otherwise mostly Victorian terrace. The property lies in a predominantly residential area in the Queens Park Conservation Area (CA). The proposal is for a single-storey extension at the rear of the main house to the side of the existing single-storey rear projection. I noted during my site visit that a conservatory had been added to the rear of that projection in an area shown on the plans as timber decking.
6. The proposal would fill the space between the existing projection and the boundary with No 12 but with a light well between the extension and the rear of the main house. It would not exceed the rearward extent of the existing projection and would have matching brickwork. The roof would be of lead and glazed panels and thus of relatively light appearance. It would rise at angle of some 45 degrees away from the boundary and then broadly level off to meet the higher side wall of the existing projection.
7. In this position, the extension would nestle comfortably against the projection and would not add unacceptable bulk to the house, allowing for the conservatory mentioned above. The shape of the roof differs from those of the rest of the house but this is already characterised by several different roof forms and the one proposed would add further variety and interest without looking incongruous or otherwise detracting from the overall appearance of the building. The extension would not be visible from the street and in this relatively discreet position between the rear projection of No 14 and the back addition of No 12 would be little more than glimpsed from surrounding properties, particularly given vegetation in neighbouring gardens.
8. Overall, therefore, I consider that the scale, form, materials and position of the extension would be sympathetic to and complement the existing house. It would relate satisfactorily to its surroundings and have no material effect on this part of the CA. The proposal would thus preserve the character and appearance of the CA as a whole.
9. I conclude that the proposed extension would not have a materially harmful effect on the character and appearance of No 14 Windermere Avenue and the Queen's Park Conservation Area. As such, I find no conflict with the objectives of Policies BE9, BE25 or BE26 of the London Borough of Brent Unitary Development Plan, adopted in 2004 (UDP), or of the Council's Supplementary Planning Guidance note 5 *Altering and Extending Your Home* (SPG 5) or of the Queen's Park Conservation Area Design Guide.

Living conditions

10. The extension would abut the boundary with No 12, which is set at a lower level. The side wall of the extension would be little higher than the existing

boundary fence and the roof would slope away from the boundary before levelling off. Thus, while the extension would be visible to a greater or lesser extent from both rear- and side-facing windows of No 12 and its side passage, it would not be unduly intrusive or overbearing, taking account of the position of the light well and the appearance of the roof. Similarly, having regard to the positions and orientations of the extension and No 12, and of the existing rear projection of No 14, I do not consider that the proposal would have a significant effect on the amount of sunlight or daylight enjoyed by the occupiers of No 12.

11. I conclude that the proposed extension would not have a materially harmful effect on the living conditions of the occupiers of No 12 Windermere Avenue, with particular reference to outlook and sunlight and daylight. As such, I find no conflict with the objectives of UDP Policy BE9 or of SPG 5.

Conditions

12. Conditions are needed on commencement (to comply with section 91 of the Town and Country Planning Act 1990) and to ensure that development is carried out in accordance with the approved plans, other than as set out in the related decision and conditions. The Council also suggested a condition on matching materials. I agree that a condition on external materials is needed in the interests of the appearance of the development but, given the range of materials proposed, I consider that a standard condition on submission of samples would be more appropriate in this case.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Christopher Bowden

INSPECTOR



Appeal Decisions

Hearing and site visit held on 17 March 2011

by Clive Kirkbride BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2011

Appeal A Ref: APP/T5150/C/10/2135797 32 Evelyn Avenue, London NW9 0JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr R Panchal against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0430.
- The notice was issued on 30 July 2010.
- The breach of planning control as alleged in the notice is the erection of a basement at the premises (but not including the basement underneath the existing house which has been granted planning permission under reference 07/0149).
- The requirements of the notice are: STEP 1 Remove all the basement from the premises, except that development granted planning permission under reference 07/0149; STEP 2 Infill the basement with hardcore so that the level of the land is commensurate with the neighbouring properties; STEP 3 Turf over the area where the basement and outbuilding formerly stood so that the rear garden of the premises is restored back to its original condition before the unauthorised development took place.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/T5150/C/10/2125681 32 and 34 Evelyn Avenue, London NW9 0JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr R Panchal against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0082.
- The notice was issued on 22 February 2010.
- The breach of planning control as alleged in the notice is the formation of a hard surface to the front gardens of the premises.
- The requirements of the notice are: STEP 1 Remove the unauthorised hard surface from the front gardens of the premises, and dig/rip the land, cross-hatched black on the attached plan, to a depth of 300mm and remove all the arisings to ensure that the surface material comprises only topsoil; STEP 2 Turf over the land cross-hatched black; STEP 3 Replace any turf which is dead or dying within 5 years after this notice takes effect, and STEP 4 Erect two, 800mm high brick walls, using bricks which matched those used in the construction of the house, along the back edge of the footway between points A and B as shown on the attached plan.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (e) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Appeal C Ref: APP/T5150/C/10/2137705
32 Evelyn Avenue, London NW9 0JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr R Panchal against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0731.
- The notice was issued on 21 September 2010.
- The breach of planning control alleged in the notice is the failure to comply with condition No 6 of planning permission Ref 07/0149 granted on 31 July 2007.
- The development to which the permission relates is the erection of a single-storey rear extension and formation of a new basement to the dwellinghouse. The condition in question states that: *Notwithstanding the approved plans, details of landscaping in the forecourt specifying species to be planted is to be submitted and approved in writing by the local planning authority prior to the commencement of works. The landscape works to be completed during the first available planting season following the occupation of the development hereby approved and shall be maintained thereafter.* The notice alleges that the condition has not been complied with in that no such details have been submitted and approved in writing by the local planning authority prior to the commencement of works.
- The requirements of the notice are: STEP 1 Remove the unauthorised hard surface from the front gardens of the premises, and dig/rip the land, cross-hatched black on the attached plan, to a depth of 300mm and remove all the arisings to ensure that the surface material comprises only topsoil; STEP 2 Turf over the land cross-hatched black; STEP 3 Replace any turf which is dead or dying within 5 years after this notice takes effect, and STEP 4 Erect two, 800mm high brick walls, using bricks which matched those used in the construction of the house, along the back edge of the footway between points A and B as shown on the attached plan.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed subject to the enforcement notice being corrected in the terms set out in the Formal Decision.

Appeal D Ref: APP/T5150/A/10/2135923
32 Evelyn Avenue, London NW9 0JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr R Panchal against the decision of the Council of the London Borough of Brent.
- The application Ref 10/1668, dated 7 July 2010, sought approval of details pursuant to condition No 6 of a planning permission Ref 07/0149, granted on 31 July 2007.
- The application was refused by notice dated 31 August 2010.
- The development proposed is the erection of a single-storey rear extension and formation of a new basement to the dwellinghouse.
- The details for which approval is sought are: Details of landscaping in the forecourt specifying species to be planted.
- The reasons given for the condition are: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to ensure a satisfactory standard of amenity.

Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions set out below in the Formal Decision.

Applications for costs

1. Prior to the hearing the appellant submitted a written application for costs against the Council in respect of Appeal B and made a further application in respect of Appeal A at the hearing. The Council also made an application for costs against the appellant at the hearing in respect of Appeals B and C. These applications are the subject of separate Decisions.

Preliminary matter

2. At the hearing, the appellant accepted that at the time the notices were issued the formation of the front hardstanding did not amount to permitted development. He unconditionally withdrew the appeals on ground (c) made in respect of Appeals B and C and I have determined these on that basis.

Background

3. Planning permission was granted under ref 07/0149 for extensions and alterations to 32 Evelyn Avenue, including the construction of a basement. The basement as constructed (the subject of Appeal A) is about twice the permitted size. The works necessitated the excavation of virtually the whole of the rear garden, the surface of which now consists predominantly of timber decking over a concrete slab basement roof.
4. The approved plans also indicated that the front forecourt would be part landscaped. Notwithstanding the details shown on those plans, the Council imposed a landscaping condition (condition 6) requiring, amongst other matters, landscaping details to be submitted to and approved in writing by the local planning authority prior to commencement of the works.
5. I understand that, in conjunction with the adjoining owner/occupier, the appeal hardstanding was constructed across the full width and depth of the front curtilages of 32 and 34 Evelyn Avenue. Details of the work carried out within the front curtilage of no.32 were neither submitted to, nor approved in writing by, the Council prior to works commencing, as required by the condition in dispute. These matters are the subject of Appeals B, C and D.

The notices

6. As the land and requirements subject to the Appeal C notice only relate to the front curtilage of no.32, steps 1 and 4 of the notice requirements should be expressed in the singular, not the plural. It would appear that this is a drafting error; the requirements are identical to the Appeal B notice which relates to nos.32 and 34. However, the wording can be corrected without causing any material injustice to the appellant.

Appeal B: The appeal on ground (e)

7. It would appear that the existing access between nos.32 and 34 and the strip of land at the rear this leads to are subject to pedestrian and vehicular access rights enjoyed by the occupiers of 28-36 Evelyn Avenue. The appellant submits that the notice was served incorrectly as the Council failed to serve the occupiers of nos.28, 30 and 36 with copies.
8. At the site visit, it was agreed that the appeal works do not affect the access rights enjoyed by any party, including the occupiers of nos.28, 30 and 36. Having regard to Sections 172(2)(b) and 176(5) of the Act, I am satisfied that the Council's failure to serve those occupiers with copies of the notice has not resulted in any material injustice. Therefore, the ground (e) appeal fails.

Appeal A: The appeal on ground (a)

Main issue

9. I consider this to be the effect of the extended basement on the character and appearance of the existing property.

Reasons

10. The appeal dwelling has been substantially altered and extended in recent years. In addition to the permitted basement and single storey rear extension, a large dormer has been constructed on the rear roof slope. I do not, therefore, share the Council's view that the appeal dwelling is a modest sized house.
11. The only outward sign of any basement, permitted or otherwise, is confined to the walled, rear curtilage of the appeal property. Such signs are limited to roof lights set within a covered light well constructed against the rear elevation and a light bubble set into the roof of the basement extension. On balance, I find that whilst there may have been some change to the character of this extended house this has not resulted in any material harm. It could even be argued that the basement extension is a creative, appropriate and site specific design solution to further extending the appeal property consistent with the aims of Policy BE9 (architectural quality) of The Brent Unitary Development Plan (UDP).
12. The Council is also concerned about the loss of soft landscaping within the rear garden on the character and appearance of the area. However, the rear garden is bounded by high walls and is only visible from the upper rear windows of neighbouring houses. I also note that the appellant proposes to install a 'green roof' over that part of the basement extension roof which has not been timber decked, which could be the subject of a condition. I do not share the Council's concerns that the installation of the 'green roof' would raise the level of the rear garden to the extent that this would be likely to lead to harmful overlooking towards adjacent rear gardens.
13. Therefore, I find that the basement extension does not cause any harm to the character and appearance of the existing dwelling or surrounding area and does not conflict with UDP Policies BE2 (townscape: local context and character) and BE9 in this respect.
14. I conclude that the appeal on ground (a) should succeed and permission on the deemed planning application be granted, subject to the condition that details of the proposed 'green roof' be submitted to and approved by the Council prior to its installation. In view of my conclusions on the ground (a) appeal there is no need for me to consider the appeals on grounds (f) and (g).

Appeals B, C & D: The ground (a) appeals and the S78 appeal

Main issues

15. I consider these to be the effect of discharging condition 6 attached to permission ref 07/0149 and the retention of the front hardstanding as constructed on the character and appearance of the existing property and street scene.

Reasons

16. In the great majority of cases, front boundary features and gardens of houses along Evelyn Avenue have been removed and replaced with front hardstandings to provide off-street parking. Nevertheless, the Council is concerned about the visual impact of such a large expanse of unrelieved brick paving constructed across the frontages of nos.32 and 34. Nor does it consider that the creation of two parallel, gravel-filled drainage strips, which the appellant has since carried out in an attempt to make the hardstanding 'permitted development compliant,' addresses those concerns.
17. I saw no other area of hardstanding along Evelyn Avenue which is as extensive and unrelieved as the appeal development. I noted that many hardstandings are contained within individual curtilages and separated by common boundary walls, which helps break up their size and reduce their visual impact, some more successfully than others.
18. The evidence submitted indicates that the appeal hardstanding replaced existing areas of hardstanding within the individual front curtilages of nos.32 and 34. The wording of the reasons given by the Council for imposing the condition in dispute would also appear to support the principle of parking within the front curtilage of no.32; notwithstanding the requirements of the Appeal B and C notices, the Council confirmed this point during the hearing.
19. Having regard to these matters, I consider that the visual impact of the existing hardstanding could be made acceptable by modifying it further; for example, by erecting side boundary features which would help break up the present unrelieved expanse, in addition to implementing the proposed planting and retaining the recently installed drainage strips. Such matters could be the subject of a specific condition, at least in so far as they relate to no.32.
20. Therefore, subject to an appropriately worded condition, I conclude that the appeal development would neither harm the character and appearance of the existing dwelling or street scene nor conflict with the UDP Policies BE2 and BE9.
21. I accept that a hardstanding modified along the lines suggested may not fully accord with the Council's adopted Supplementary Planning Guidance 5 (Altering and Extending your Home). However, this has largely been overtaken by The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, which introduced a new Class F of permitted development relating to the provision or replacement of a hard surface within the curtilage of a dwellinghouse.
22. My conclusions on these three appeals, therefore, are as follows: Firstly, with respect to Appeal B, I shall allow the ground (a) appeal and grant permission on the application deemed to have been made for the hard surface within the front garden of no.32, subject to a condition requiring the submission, approval and implementation of a scheme to modify its appearance. Secondly, with respect to Appeal C, I propose to discharge the condition subject of the notice and grant planning permission on the application deemed to have been made for the development previously permitted without complying with the condition enforced against, but to substitute the condition referred to above. In view of these conclusions, there is no need to consider the appeals on ground (f).

23. Thirdly, I shall allow Appeal D and vary planning permission Ref 07/0149 by deleting condition 6 and substituting this with the same condition referred to above.
24. As the owner/occupier of 34 Evelyn Avenue has not appealed the Appeal B enforcement notice, my decision can have no effect on its requirements as they relate to that property. However, this is a matter for the Council and the owner/occupier of no.34 to resolve between them.

Formal Decisions

Appeal A Ref: APP/T5150/C/10/2135797

25. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a basement at the premises (but not including the basement underneath the existing house which has been granted planning permission under reference 07/0149) on land at 32 Evelyn Avenue, London NW9 0JH referred to in the notice, subject to the following condition:

- 1) Unless within 1 month of the date of this decision a scheme for installing a 'green roof' over that part of the roof of the basement extension which has not been timber decked, including a timetable for its implementation and aftercare, has been submitted for the written approval of the local planning authority and unless the approved scheme is implemented within 1 month of the local planning authority's approval, use of the basement extension shall cease until such time as a scheme is approved and implemented; and if no scheme is approved within 3 months of the date of this letter, use of the basement extension shall cease until such time as a scheme approved by the local planning authority is implemented.

Appeal B Ref: APP/T5150/C/10/2125681

26. I allow the appeal, and direct that the enforcement notice be quashed insofar as it relates to 32 Evelyn Avenue, London NW9 0JH. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the formation of a hard surface to the front garden of the premises on land at 32 Evelyn Avenue, London NW9 0JH referred to in the notice, subject to the following condition:

- 1) Unless within 1 month of the date of this decision a scheme for modifying the hard surface constructed at the premises, including a timetable for its implementation and aftercare of planting, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, use of the hard surface for parking shall cease until such time as a scheme is approved and implemented; and if no scheme is approved within 3 months of the date of this letter, use of the hard surface for parking shall cease until such time as a scheme approved by the local planning authority is implemented.

Appeal C Ref: APP/T5150/C/10/2137705

27. I direct that the enforcement notice be corrected:

by the deletion of the words "gardens" in Step 1 of Schedule 4 and its substitution with the word 'garden';

by the deletion of the wording in its entirety in Step 4 of Schedule 4 and its substitution with the following wording: 'Erect a 800mm high brick wall, using bricks which matched those used in the construction of the house, along the back edge of the footway between points A and B as shown on the attached plan.'

28. Subject to these corrections I allow the appeal, and direct that the enforcement notice be quashed. In accordance with section 177(1)(b) and section 177(4) of the 1990 Act as amended, I hereby discharge condition No 6 attached to the planning permission dated 31 July 2007, Ref 07/0149, granted by the Council of the London Borough of Brent, and substitute the following new condition:

1) Unless within 1 month of the date of this decision a scheme for modifying the hard surface constructed at the premises, including a timetable for its implementation and aftercare of planting, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, use of the hard surface for parking shall cease until such time as a scheme is approved and implemented; and if no scheme is approved within 3 months of the date of this letter, the use of the hard surface for parking shall cease until such time as a scheme approved by the local planning authority is implemented.

29. I also grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the erection of a single-storey rear extension and formation of a new basement to the dwellinghouse without complying with the said condition, but subject to the other conditions attached to that permission still being capable of implementation and enforcement, and to the aforementioned substituted condition.

Appeal D Ref: APP/T5150/A/10/2135923

30. I allow the appeal and vary the approval Ref 07/0149 given on 31 July 2007 by the Council of the London Borough of Brent for the erection of a single-storey rear extension and formation of a new basement to the dwellinghouse at 32 Evelyn Avenue, London NW9 0JH, deleting condition 6 and substituting for it the following condition:

1) Unless within 1 month of the date of this decision a scheme for modifying the hard surface constructed at the premises, including a timetable for its implementation and aftercare of planting, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, use of the hard surface for parking shall cease until such time as a scheme is approved and implemented; and if no scheme is approved within 3 months of the date of this letter, the use of the hard surface for parking shall cease until such time as a scheme approved by the local planning authority is implemented.

C.S.Kirkbride

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Stanway,
AADipl DipTp DipDS RIBA MRTPI The appellant's agent

Rashmi Panchal and
Sapna Panchal Relatives of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Nigel Wicks, MRTPI Of Enforcement Services Ltd,
the consultants acting for the Council

Rachel McConnell, BA MA Area Team Manager (North),
the Council of the London Borough of Brent

DOCUMENTS

- 1 Copy of the Council's hearing notification letter relating to APP/T5150/A/10/2135923, dated 17/02/11, and list of consultees
- 2 Extract from the Environment Agency's *Green roof toolkit* (submitted for the appellant)
- 3 Green roof details apparently provided by the appellant to the Council's Building Regulations team (submitted for the appellant)

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Agenda Item 13

Supplementary Information		Agenda Item	
Planning Committee on 6 July, 2011		Case No.	11/0800

Location	67 Dartmouth Road, London, NW2 4EP
Description	Single storey rear extension to groundfloor flat and installation of rear spiral staircase to first floor flat.

Agenda Page Number: 41

Additional Comment

An additional comment has been received from a local resident in relation to the proposed development. The resident is concerned that the proposals will result in the physical sub-division of the rear garden between the two flats and have requested that a condition be attached to ensure that the garden is not sub-divided.

Officer Comments:

The Council's usual approach to flat conversions is that where possible, rear gardens should be retained or provided without subdivision. The property has been converted historically therefore the layout or sub-division of the rear garden is not under consideration. The access arrangements and ownership of the rear garden have been confirmed by the applicant. The garden is subdivided, with the majority of the garden owned by the ground floor flat. The upper floor flat has the final 8m of the garden to the rear boundary. The lease agreement for both properties ensures that there is access provided along the right hand side of the garden. The boundary is demarcated by a large willow tree, which is protected by a Tree Preservation Order (located adjacent to No. 69) and a small shed adjacent to No. 65. As the proposed works do not change the ownership of the rear garden and a fence could currently be erected without planning permission, a condition removing this permitted development right is not considered to be reasonable.

Recommendation: Remains Approval

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Supplementary Information		Agenda Item	
Planning Committee on 6 July, 2011		Case No.	11/0807

Location	Melrose House, 201 Melrose Avenue, London, NW2 4NA
Description	Variation of condition 2 (development to be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted) to allow minor material amendments, comprising:

- Enlargement of window on rear elevation to comply with smoke ventilation requirements
- Roof covering to the bicycle stores for compliance with the ECO Homes requirements.

of full planning permission reference 10/2142, dated 25/11/2010, for demolition of 3-storey care home and outbuilding to rear of site and erection of three-, four- and part five-storey building comprising 21 flats (9 three-bedroom, 9 two-bedroom and 3 one-bedroom with accessible units), new vehicular and pedestrian access onto Melrose Avenue NW2, provision of 17 car-parking spaces, bin store, bicycle store and associated landscaping (variation of planning permission 07/2019).

Agenda Page Number: 33

Section 106 Agreement

The Director of Legal and Procurement has advised that the Section 106 Agreement that formed part of the original planning permission should be varied to secure the obligations as part of this application. Your officers recommend that either the completed Section 106 Agreement is detailed in the description development on the

decision notice or the applicant agrees to a deed of variation of original Section 106 Agreement to reference this planning permission. Your officers will seek the advice of the Director of Legal and Procurement on the appropriate course of action to ensure the obligations are complied with before issuing the planning permission. It should be noted that payment of the financial contributions has been received.

Recommendation: To delegate authority to the Head of Area Planning to Grant Planning Permission subject to the Section 106 Agreement being resolved.

DocSuppF

Supplementary Information	Agenda Item
Planning Committee on 6 July, 2011	Case No. 11/0488

Location	66A Springfield Mount, London, NW9 0SB
Description	Conversion of a garage (currently in use as living accommodation under a personal consent) to provide separate dwellinghouse to 66 Springfield Mount with associated works to divide curtilage

Agenda Page Number: 47

Revised Plans

Revised plans have been received which confirm that excavation of the garden area is proposed to provide 3m width of level garden between the side elevation (western elevation) of the new dwelling and the site boundary. The boundary will be divided by a 1.8m high boundary fence (measuring 1.8m high from the excavated garden level of the new dwelling).

The list of plan numbers has also been updated to include the revised plans (revised drawings 66Spring-11 Rev A and 66Spring-12 Rev B).

External Amenity Space

Clarification has been provided below on the external amenity space provided for the existing and proposed dwellings as a result of the subdivision of the site.

Existing dwelling - The external amenity space for the existing dwelling will be reduced to approximately 64sqm through the subdivision of the site. The area of amenity space has been calculated omitting the area to the rear of the single storey rear extension as it is not considered to provide usable space (as detailed in the Committee Report) along with the area to the front of the house.

Proposed dwelling - The external amenity space for the proposed dwelling is approximately 35sq m. The strip of land to the rear of the dwelling has not been included in this calculation as it is not considered to provide usable space, due to it being a narrow space receiving limited amount of sunlight and resulting in an undue sense of enclosure. The external amenity space falls short of the Council's minimum requirements of 50sq m, which is required for a new house. Whilst it is noted that the plans show the dwelling as a one-bedroom unit, there are no restrictions preventing an additional bedroom being provided within the roof space.

The provision of a 4m width of level garden between the side elevation (western elevation) of the new dwelling and the site boundary was discussed on site. Your officers can confirm that this alteration would reduce the external amenity space for the existing house to approx. 50sq m. Whilst this meets the minimum amount of amenity space required for a house (50 sq m minimum as set out in SPG17), it should be noted that the property is an extended three-bedroom house which already has a garden area which is smaller than that typically provided for a property of this size. This proposal would further reduce the garden area. The provision for the proposed dwelling of 47 sq m would still fall short of the minimum normally required for a house.

Recommendation: Remains Refusal

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Agenda Item

Supplementary Information Planning Committee on 6 July, 2011

Case No.

11/1042

Location 2A Preston Way & 283-287 odd, Preston Road, Harrow, HA3
 Description Demolition of 4 dwellinghouses and erection of a two/three storey building to provide 17 x self-contained flats (6 x 1-bedroom, 7 x 2-bedroom and 4 x 3-bedroom) with basement car park with vehicular access from Preston Way and associated landscaping.

Agenda Page Number: 19

Additional Comments

A additional letter of objection has been received from a surveyor acting on behalf of the adjoining property at 281 Preston Road. The objections reiterate issues raised and addressed in the Committee Report are as follows:

1. Overlooking/loss of privacy;
2. Traffic congestion;
3. Inadequate servicing provision.

Additional comments raised are as follows:

4. The proposed development will conflict with the proposed dwelling to the rear of No. 281 Preston Road;
5. Inadequate provision of social housing.

Officer Comment

In response to the additional points above, planning permission was granted on 1 July 2004 for a detached 3-bedroom two-storey dwellinghouse in the rear garden of No. 281 Preston Road (LPA Ref: 03/2558). It would appear that this permission was not implemented and no conditions relating to this consent have been discharged. Part of the development site for the 2003 permission overlaps with that of the current development site (the end garden of the proposed house). The development of the rear garden of No. 281 Preston Road would not be possible in the form of 03/2558, if the current application is approved as the landscaping condition for the current proposal requires that this be implemented in full accordance with the approved details prior to the occupation of the residential units. As detailed in the Planning Committee Report, an independent revised financial toolkit is required once actual build costs are available to reassess the provision of affordable housing on site. The toolkit submitted with the applicant that based on current values and build costs, it is not viable to provide affordable housing.

A letter of objection has also been received from a resident who has already objected to the proposal. The objections reiterate issues raised and addressed in the Committee Report. The following are new points raised:

1. Traffic issues - data used not up to date;
2. Poor access for service vehicles;
3. Capability of electricity supply;

Officer Comment

1. Traffic issues are addressed in the *Remarks Section* of the Committee Report. The Council's Transportation Officer has assessed the information and plans provided and is satisfied that the servicing is acceptable and there will not be a significant impact on the surrounding highway network.
2. As above.
3. The extension of electricity systems does not usually present a problem in most parts of the UK provided that the costs of connection are met and would be outside of the remit of planning control;

Consultation

Consultation letters were sent to properties neighbouring the site, all those who had commented on previous planning applications and the local resident association. The site notices were displayed adjacent to the site on Preston Road and Preston Way on 16/06/2011 and the press notice was published on 23/06/2011. Whilst the consultation period relating to the consultation letters and site notices has expired, the 21 day consultation period in which to respond to the press notice does not expire until 14/07/2011.

that the extended consultation period will result in a significant number of additional objections or that it will raise new substantive issues. As such, the recommendation remains approval subject to the signing of a satisfactory Section 106 Agreement but to delegate to the Head of Area Planning to consider any significant substantive issues raised in objection to the scheme following this additional consultation.

S.106 Agreement

The Director of Legal and Procurement has advised that a right of vehicular access over the proposed car park access road into any redevelopment of 281 Preston Road needs to be secured through the Section 106 agreement rather than by Condition 10. The applicant has confirmed that they would accept a clause in the agreement in accordance with this requirement.

Recommendation: To delegate authority to the Head of Area Planning to Grant Planning Permission subject to the signing of a satisfactory Section 106 Agreement and consideration of any new substantive objections received during the extended consultation period.

DocSuppF

Agenda Item

Supplementary Information

Planning Committee on 6 July, 2011

Case No.

11/0797

Location	16 Kingswood Avenue, London, NW6 6LG
Description	Creation of new basement level beneath the existing house and partly beneath the rear garden with lightwells at the front and rear.

Agenda Page Number: 67

Officers had sought clarification from the applicant that the proposed works would not impact on the vitality of any trees nearby. In accordance with BS5837 2005 "*Trees in relation to construction*" additional information was sought.

This information has been provided and the Council's Tree Protection Officer has considered it. He concludes that the proposal doesn't put any of the trees in neighbouring gardens at risk, unless site materials, plant and excavated material are stored for any length of time in the rear garden.

To guard against this eventuality, it is suggested that tree protective fencing be erected around the root protection areas (RPA's) of T2, T3 and T4. The protective fencing can be in the form of chestnut fencing rather than bulky heras site fencing, but should remain in place until the build is complete.

In terms of an existing street tree located at the front of the property, it is unlikely that this would be impacted upon by the development, but the applicant should be informed that if it is then they shall pay for the purchase and planting of a replacement tree of equal size and type.

Additional condition:

"Tree protective fencing shall be erected around the root protection areas (RPA's) of trees T2, T3 and T4. The protective fencing can be in the form of chestnut fencing and shall remain in place until the build is complete. Nothing shall be stored, or dumped, within this area that should be shown on a Tree Protection Plan (TPP) submitted to, approved in writing by the Local Planning Authority and subsequently installed, prior to commencement of works.

Reason: In the interests of amenity."

Additional Informative:

"The applicant is informed that measures must be undertaken to ensure that the existing lime planted in the street does not die or be damaged as a result of these works. If this does happen then the Council would seek replacement at the applicants expense."

As part of a normal approach to basements in the future and in particular possible concerns about flooding, it is considered that an appropriate edging detail for the lightwells should be sought. Condition 5 should be amended

to include "and appropriate edging detail" at the end of (b).

Recommendation: Remains approval, with additional condition, additional Informative and amendment to condition 5.

DocSuppF

Supplementary Information		Agenda Item	
Planning Committee on 6 July, 2011		Case No.	
		11/0952	

Location	Hawthorn Road And Litchfield Gardens Corner Site, Hawthorn Road, London, NW10
Description	Demolition of existing commercial buildings and erection of 10 x 2-storey terraced dwellinghouses (3-bedroom) and 10 flats (1 x one-bedroom, 7 x two-bedroom, 2 x four-bedroom) within a 3-storey building with associated landscaping

Agenda Page Number: 55

Members visited the site on Saturday 2nd July 2011. Clarification was sought on a number of points.

The quality of the design of the development, in general, and the brickwork to be used, in particular was queried. The presentation material produced at the site visit was not considered to provide the necessary certainty that the development would have the quality required and, consequently, the importance of condition 5, which would cover these sorts of details needs to be emphasised to the applicant.

In terms of the matter of the impact of the development on car parking in the locality, this is dealt with in some detail in the main body of the report. For clarity, the proposed flats would be permit-free controlled by way of legal agreement.

Recommendation: Remains approval, subject to Section 106 legal agreement.

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Supplementary Information		Agenda Item	
Planning Committee on 6 July, 2011		Case No.	
		11/1030	

Location	Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9
Description	Demolition of existing buildings and the erection of two new 6 storey buildings comprising 22 flats and including external amenity space, cycle parking and refuse and recycling storage

Agenda Page Number: 79

Latest amendment.

A late amendment has been tabled by the applicants who wish to replace the proposed 5 bed unit on the 5th floor of Block A (the private block) with a 1-bed and a 2-bed unit. Both units would exceed the minimum floor area standards set out in the Council's SPG17 design guide and would meet or exceed the more onerous floor area standards set out the Mayor' s draft housing design guide. Both the proposed units would have an acceptable outlook and good daylight and a minimum of 10 square metres private external amenity space. The amendment is therefore considered acceptable in terms of the quality of accommodation proposed and still achieves a good mix of unit sizes.

The change was sought for reasons of viability.

Site Visit

Following their site visit on Saturday members requested clarification of the following:

Explanation of affordable/mix change.

This scheme was originally proposed as a 100% affordable housing development. Since its submission its been through a number of changes including the removal of a sixth floor from each block. Because of issues of viability the applicant is now proposing a mixed private/affordable housing scheme. The larger of the proposed blocks (Block B) will provide 12 affordable units - 6 affordable rent (3x2-bed & 3x3-bed) and 6 shared ownership (2x1-bed, 3x2-bed & 1x3-bed). Block A will provide 11 private units (1x1-bed, 9x2-bed & 1x1-bed). The affordable/private ratio would be 52%/48% by unit and 54%/46% by habitable room.

Council and Mayoral policy is to seek 50% affordable provision in housing schemes. This revised proposal still achieves this. The site has an existing permission with an affordable/private ratio of 45%/55%.

How can disabled spaces be provided on land they don't control?

The applicants understand that the courtyard area located to the front of the site will be available for disabled parking provided it doesn't interfere with the ability of vehicles serving the pub to the rear of the site from being able to turn. This would be the preferable solution but as stated in the committee report if it doesn't prove possible blue badge holders would be exempt from normal CPZ controls and the Council will mark out disabled bays on street if it is deemed necessary. This approach has been taken on other permit free schemes where there was no scope to provide off street disabled parking.

Condition 8 requires details of a means of controlling vehicular access to the scheme to prevent the unauthorised parking of vehicles within the site.

What is appearance and capacity of refuse store?

Two refuse stores are provided, one within each of the blocks. In order to meet Brent's adopted refuse and recycling guidelines the refuse store in Block A would need to provide a capacity of 2893 litres of refuse and recycling storage, it has a capacity of 3300 litres. Block B requires a capacity of 3396 litres and provides a capacity of 3480 litres. Both stores are accessible through double opening doors and are sited immediately adjacent to where the refuse vehicle stops.

Can S106 landscape funding be spent in street/locally?

The standard contribution includes money that can be spent on street trees and general local open space improvement. The additional payment to compensate for not meeting the on-site requirement for providing play space for older children is to be spent specifically on play space upgrades in the area. It has been suggested that it could go towards funding the new MUGA in King Edward Park that was recently granted permission at planning committee.

Heads of Terms.

The change in mix and tenure means that standard contribution for this scheme is now £128,400 rather than the £115,200 that would have been secured in a 100% affordable scheme.

The change in tenure should be reflected in the clause relating to affordable housing.

Recommendation:

Approve subject to the revisions to the mix, tenure and Heads of Terms described above.

DocSuppF

Agenda Item

Supplementary Information

Planning Committee on 6 July, 2011

Case No.

10/2675

Location	All units, The Junction & Pacific Plaza, land between 12 & 14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, Engineers Way, Wembley, HA9
Description	Variation of condition 3 (restriction of retail floorspace to bulky goods) of planning consent reference 04/2158 to remove the bulky goods restriction in relation to the eastern retail terrace (units 14 to 17). Condition 3 is proposed to read:

(Save in relation to the area of the retail park shown edged [Green] on plan [A] which may be used for open A1 retail use). The new retail premises shall be used for the purposes of retail warehousing for the sale of bulky goods and for no other purpose (including any other purpose in Class A1, of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Agenda Page Number: 93

Condition 6: Revised wording.

Your officers recommend that condition 6 is reworded. This revision seeks to simplify the condition, but is not considered to materially alter the nature of the condition:

The premises within the area of the retail park shown edged green on "Plan A" hereby approved shall not be occupied by any retailer occupying premises within the Wembley Major Town Centre and/or Wembley Park District Centre at the date of this planning permission unless:

- 1. the retailer last occupied premises within the Wembley Town Centre and/or Wembley Park District Centre at least three years prior to the date that the retailer occupies premises within the retail park; and*
- 2. prior written notice has been served on the Local Planning Authority specifying the identity of the proposed retailer, the proposed date of occupancy within the retail park and the date that the retailer last occupied premises within the aforementioned Centres;*

Unless otherwise agreed in writing by the Local Planning Authority

The reason for this condition remains as specified within the Committee Report.

The following Informative (No. 5) is recommended in relation to this requirement:

For the avoidance of doubt, the submission of "prior written notice" set out within Condition 6 shall be treated as a letter of notification for monitoring purposes and not as an application for the approval of details pursuant to the condition.

Description

The wording of the condition referred to in the Description of development reflects a previous version of the wording as the "open retail" use is controlled through condition 6. The full wording of all conditions, including this condition, was provided within the Committee Report, as revised by the supplementary, and it is accordingly recommended that the words starting "Condition 3 is proposed to read..." are deleted from the description.

Recommendation:

Remains approval subject to the revised description, revised condition No. 6 and additional informative No. 5.

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