



Planning Committee

Tuesday, 2 August 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 held on 6 July 2011		1 - 10
Extract of Planning Code of Practice		
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3. 1-11 (incl), Cairnfield Court, Cairnfield Avenue, London NW2 7PP (Ref. 11/1520)	Dudden Hill;	15 - 26
SOUTHERN AREA		
4. 107 High Street, London NW10 4TS (Ref. 11/1062)	Kensal Green;	27 - 32
5. 139D Kilburn High Road, London NW6 7HR (Ref. 11/1123)	Kilburn;	33 - 38
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WESTERN AREA		
9. 108 Windermere Avenue, Wembley, Middlesex HA9 8RB (Ref. 11/0894)	Preston;	59 - 64
10. One Tree Hill Recreation Ground, Norton Road, Wembley, HA0 (Ref. 11/1434)	Wembley Central;	65 - 74
SPECIAL ITEMS		
11. 12 High Street, Harlesden, London NW10	Harlesden;	75 - 80
12. Leisure Golf, Northwick Park, Harrow HA0	Northwick Park;	81 - 98
13. Planning and Building Control Enforcement 2010/11		99 - 106
14. Any Other Urgent Business		

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

Site Visit Details

SITE VISITS – SATURDAY 30 JULY 2011

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
11/1520	1-11Carinfield Court, Cairnfield Avenue, London NW2 7PP	3	Dudden Hill	9:40	15 - 26

Members visit only

Leisure Golf, Northwick Park	11	Northwick Park
Atlip Road Development		Alperton

Date of the next meeting: Tuesday, 6 September 2011

The site visits for that meeting will take place the preceding Saturday 3 September at 9.30am when the coach leaves Brent House.



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday, 6 July 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 Joyce Bacchus, Councillor George Crane and Councillor Jim Moher

Apologies for absence were received from Baker.

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

None.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 7 June 2011 be approved as an accurate record of the meeting subject to the deletion of page 6 which had been duplicated on page 7.

3. **2A Preston Way & 283-287 odd, Preston Road, Harrow, HA3 (Ref. 11/1042)**

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

RECOMMENDATION:

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

Steve Weeks, Head of Area Planning introduced this report. With reference to the tabled supplementary, he informed members about additional letters of objections had been received which chiefly reiterated issues that had been addressed in the main report. In responding to new issues raised Steve Weeks clarified that the proposal would overlap with the previous approval to the rear of No. 281 Preston Road but a condition on landscaping required implementation in full accordance with the approved details prior to the occupation of the residential units. He continued that the toolkit submitted with the application and based on current

values and build costs demonstrated that it was not viable to provide affordable housing. However, an independent revised financial toolkit would be required once actual build costs were available in order to reassess the provision of affordable housing within the development. In respect of issues raised on traffic and access, the Head of Area Planning added that the Council's Transportation Officer had assessed the information and plans provided and was satisfied that the servicing arrangement would be acceptable without a significant impact on the surrounding highway network.

The Head of Area Planning advised members that individual consultation letters had been sent to local residents and groups which had produced a range of responses that were covered in the report. However, the expiry period for the site notices would expire after 14 July, and hence, if the Committee agreed the recommendation, they were being asked to delegate consideration of these. He reported that on the advice of the Director of Legal and Procurement, a right of vehicular access over the proposed car park access road into any redevelopment of 281 Preston Road needed to be secured through the Section 106 agreement rather than by Condition 10. He added that the applicant had confirmed that they would accept a clause in the agreement in accordance with this requirement.

Mr William Kemp, Chair of Preston Amenities Protection Association (PAPA) in objecting to the proposed development stated that due to its size, siting and design the proposed development would be out of character with the surroundings. He continued that with a potential for a substantial increase in population, the proposal would represent an unattractive block on the landscape of the area and urged members to refuse the application. In response to the Chair's query Mr Kemp stated that the conversions in Jubilee Court and Park Place to which the Chair referred were both well away from the application site.

Mr David Pearson objected to the proposed development on grounds of traffic, loss of security, size and massing. He stated that the creation of a car park entrance would require a road layout to accommodate motorists and pedestrians within a site with inadequate turning room. He continued that in the absence of measures like fencing and gating, the demolition of No. 2 Preston Way would lead to loss of security. Mr Pearson referred to the planning Inspector's report to support his claim that the proposal would be out of context and character with the area.

Mr Fred Akuffo the applicant's architect stated that the issues that were raised by the Planning Inspector including overlooking, overshadowing, access and refuse recycling arrangement had been discussed with officers and addressed. He continued that the scheme had benefited from an amended design and complied with relevant policies and guidance. Mr Akuffo urged members to endorse officers' recommendation for approval subject to a Section 106 legal agreement.

During debate, Councillor RS Patel observed that the report did not illuminate on refuse recycling and bin enclosure. Councillor Kabir noted that the site notices had not expired and clarified that members were being asked to delegate consideration of any additional substantial objections received after a decision had been made by the Committee. Councillor Hashmi also sought a clarification on the financial contribution for the Section 106 agreement.

In responding to the issues raised above, the Head of Area Planning stated that in order to deal with substantive additional objections which may be received after the meeting, he had recommended the grant of delegated authority. He undertook to seek further advice on the level of financial contribution. In response to a question from the Chair, he advised members that trees lost as a result of the proposal would be replaced with 19 trees on site. In reiterating the recommendation he recommended a further condition to be added on refuse recycling.

DECISION:

Granted delegated authority to the Head of Area Planning to grant planning permission subject to a section 106 agreement as recommended and an additional condition on refuse recycling arrangement and to consider further objections received up to the expiry of the site notice consultation if it is considered appropriate.

4. Melrose House, 201 Melrose Avenue, London, NW2 4NA (Ref. 11/0807)

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.

RECOMMENDATION: Grant planning consent for variation of condition.

With reference to the tabled supplementary report, Steve Weeks, Head of Area Planning drew members' attention to an advice by the Director of Legal and Procurement on the Section 106 Agreement and a deed of variation. In view of that he undertook to seek a further advice of the Director of Legal and Procurement on the appropriate course of action to ensure that the obligations were complied with before issuing the planning permission. Members noted that payment of the financial contributions had been received

During debate, Councillor Cummins queried the nature of the change to the windows and any implications. By reference to the plans, the Head of Area Planning clarified that the proposed changes by the enlargement of casement windows should not result in a significant adverse impact so as to warrant a refusal.

DECISION: Variation of condition 2 approved as recommended and a supplemental agreement to the current S106 agreement.

5. 67 Dartmouth Road, London, NW2 4EP (Ref. 11/0800)

PROPOSAL:

Single storey rear extension to ground floor flat and installation of rear spiral staircase to first floor flat.

RECOMMENDATION: Grant planning permission subject to conditions.

Copies of a written statement and a photograph submitted by the applicant's agent were circulated to Committee members at the meeting. With reference to the tabled supplementary, Steve Weeks Head of Area Planning informed members about an additional comment received from a local resident who expressed concerns that the proposal would result in the physical sub-division of the rear garden. In responding to the above, the Head of Area Planning confirmed that as the property had been converted historically and the access arrangements, ownership and sub-division of the rear garden had been confirmed by the applicant. He continued that as the proposed works would not change the ownership of the rear garden and a fence could be erected without planning permission, a condition removing this permitted development right would not be considered to be reasonable.

Mrs Mary Sayers in objecting to the proposed development claimed that she had not been properly consulted and that the plans were not available on the website. She added that the proposal would result in obstruction to her views, outlook and visual amenity and by creating a "corridor of walls effect" it would have an additional detrimental impact. For the above reasons Mrs Sayers urged members to refuse the application so as to safeguard the character of the Dartmouth Road area.

In responding to the issues raised, the Head of Area Planning explained the size and scale of the proposed single storey rear extension in relation to normal guidance and the relationship to adjoining residents. He added that in terms of the dimensions, height and projection the proposal was considered acceptable and complied with relevant policy and design guidance. In response to a query from Cllr. Cummins, he continued that the external staircase would not create a precedent for others on the street as it would be replacing an existing balcony. The Head of Area Planning also drew members' attention to condition 3 that sought to prevent the roof of the rear extension as a roof terrace. He continued that the objector had wanted to view the objections to the proposal which were not published for confidentiality reasons adding that the plans were available on the website site.

DECISION: Planning permission granted subject to conditions.

6. 66A Springfield Mount, London, NW9 0SB (Ref. 11/0488)

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.

RECOMMENDATION: Refuse planning permission.

This application was called in accordance with Part 5 of the Constitution by Councillors J Moher, R Moher and Crane for further consideration of the merits of the scheme in light of changes planning regulations, the impact upon the amenities of the residents and surrounding properties.

Steve Weeks, Head of Area Planning with reference to the tabled supplementary informed members about the revised plans with proposals for the garden area and went on to clarify the external space for the proposed and existing dwellings following the sub-division of the site in comparison to the Council's normal minimum requirement of 50m². He advised that the usual external amenity space for the existing dwelling would be reduced to approximately 64sqm through the subdivision of the site whilst the external amenity space for the proposed dwelling would be approximately 35sq m. He continued that whilst the plans showed the dwelling as a one-bedroom unit, there were no restrictions preventing an additional bedroom from being provided within the roof space. In reiterating the recommendation for refusal the Head of Area Planning submitted that the main concern with the proposal was the impact on amenity space and the relationship between the proposed properties in terms of significant overlooking.

Mr Suresh Mamtora Chair of Springfield Area Residents' Association stated that the proposed sub-division and conversion would not result in intensification of use, harmful and out of character with the area. He added that there were potential problems in not approving the application in view of threats of use for multiple occupancy or for use for car repairs. He urged members to be minded to approve the sub-division.

In accordance with the provisions of the Planning Code of Practice Councillor J Moher, ward member stated that he had been approached by residents in connection with the application. Councillor Moher stated that the proposal which would be used by the applicant's extended family would not cause harm to the area but rather would be in keeping with the character of the area. He added that the relaxation of the planning laws was enough a reason to remove planning condition 4 for personal consent. In response to members' questions, Councillor J Moher stated that he had visited the property and observed that the proposal would not give rise to issues of overlooking and overshadowing.

In accordance with the provisions of the Planning Code of Practice Councillor Crane, ward member stated that he had been approached by the applicant. Councillor Crane spoke in support of the views expressed by Mr Mamtora and

added that the proposal would be in keeping with the streetscene. He urged members to approve the application.

In response to the points raised by the speakers and members' enquiries, the Head of Area Planning submitted that planning condition 4 was imposed to support the extended family as well as to be able to bring the garage back into use. He confirmed that the key issue now was the relationship between the properties rather than a need to restore the garage. He continued that privacy and outlook could not be addressed by the applicant as the site was too narrow to accommodate 2 separate dwellings and this would be aggravated by the proposal for a 2-3m fence. With reference to the tabled supplementary and questions from Cllr. Cummins, the Head of Area Planning advised that other layout options for the garden did not seem to overcome the problems of adequate space and poor relationship.. He however indicated that Planning Services would support an application which would be ancillary and incidental to the main dwelling.

DECISION: Planning permission refused.

Note: Councillor Hashmi asked that his dissent against the above decision be recorded.

7. Hawthorn Road and Litchfield Gardens Corner Site, Hawthorn Road, London, NW10 (Ref.

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.

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

Steve Weeks, Head of Area Planning in reference to queries raised by members at the site visit on the quality of the design of the development, in general, and the brickwork to be used in particular, drew members' attention to condition 5. This condition sought details of materials for all external work including samples to be submitted for approval prior to commencement of work. In terms of the impact of the development on car parking in the locality, he clarified that the proposed flats would be permit-free controlled by way of legal agreement.

Mr Ben Kelway the applicant's agent stated that the proposal which was consistent with the site specific allocation would deliver a high quality of development of contemporary design. He confirmed that the applicant would comply with the condition for further details of materials to be submitted prior to commencement of work as recommended. Mr Kelway added that the proposed development would make a valuable contribution by providing affordable housing with acceptable residential amenity and sustainability.

In the discussion that followed, Councillor Hashmi raised objections to the proposed development on the grounds that it was not a “car free development” in an area with inadequate parking spaces. In indicating his intention to vote against the recommendation Councillor Hashmi queried the fact that the development proposed a 25% affordable housing which was below the policy requirement for a 50% affordable housing. Councillor Cummins enquired about the possibility of mitigating the loss of employment site by imposing a condition requiring the applicant to create local employment via apprenticeship. Councillor Kabir sought advice on the possibility of securing at least the minimum standard for play area within the site.

The Head of Area Planning responded that the area was accessible to public transport facilities (high PTAL rating) and that nearby houses had on-street parking managed through controlled parking zone (CPZ). He confirmed that the site allocation policy allowed for a housing development on the site and that the development was not sufficient enough to trigger employment and/or apprenticeship or a requirement for a play area. In respect of residential amenity he recommended a further condition to control the hours of work.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 legal agreement as recommended, a further condition on construction hours of work and delegated authority to the Head of Area Planning to explore an employment construction initiative.

Note: Councillor Hashmi asked that his abstention from the above decision be recorded.

8. 16 Kingswood Avenue, London, NW6 6LG (Ref. 11/0797)

PROPOSAL:

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

RECOMMENDATION: Grant planning permission subject to conditions.

Steve Weeks, Head of Area Planning informed members that in order to secure the future of nearby trees, the Council's Tree Protection Officer was requested to consider the additional information submitted by the applicant. He concluded that the proposal would not put any of the trees in neighbouring gardens at risk, unless site materials, plant and excavated material were stored for any length of time in the rear garden. In order to prevent that, he suggested that tree protective chestnut fencing be erected around the root protection areas until the completion of the development. He clarified a query raised by Councillor Hashmi on the projection of the basement and lightwell beyond the extension to the rear.

DECISION: Planning permission granted subject to conditions, to an additional condition for tree protective fencing, amended condition 5 and an informative as recommended in the Supplementary.

9. 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.

RECOMMENDATION: Approve reserved matters.

DECISION: Reserved matters approved.

10. Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9 (Ref. 11/1030)

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

RECOMMENDATION: Grant planning permission subject to conditions, informatives, 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.

Neil McClellan, the Area Team Manager updated members about a late amendment by the applicants 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. He advised that both units would exceed the minimum floor area standards set out in the Council's SPG17 design guide, maintaining an acceptable outlook, good daylight and a minimum of 10 square metres private external amenity space. He considered the amendment, was sought for reasons of viability, acceptable in terms of the quality of accommodation proposed and mix of unit sizes.

In addressing the issues raised at the site visit, the Area Team Manager clarified that although the scheme was originally proposed as a 100% affordable housing development, it had gone through a number of changes since its submission. These had resulted in the removal of a sixth floor from each block, changes in the mix of tenure and affordable/private ratio of 52%/48% and a standard contribution of £128,400 rather than the £115,200. He then outlined the provision for disabled parking, drawing attention to condition 8 which required details of a means of controlling vehicular access to the scheme to prevent the unauthorised parking of vehicles within the site. The Area Planning Manager clarified the position on acceptable refuse and recycling on site and the options available for spending the section 106 landscape funding in the area, with particular priority for upgrading the MUGA in King Edward Park.

During members' discussions, Councillor Kabir enquired about the right of way for pedestrians and to protect the amenity of the residents. Councillor Cummins sought a clarification on the arrangement for vehicle turning room on the site. In response, the Area Planning Manager stated that there would be a dedicated pedestrian right of way that would protect the amenity of residents. He added that although there was turning area within the site, vehicles may have to reverse at some point. He continued that although the previous use was commercial as there would be no private garden there was no need for remediation measures. He advised the Committee that disabled parking spaces were provided within the courtyard area.

DECISION: Planning permission granted subject to revisions to the mix, tenure of the development and the completion of a satisfactory Section 106 legal agreement as revised in the Heads of Terms and as recommended in the Supplementary.

11. All units, The Junction & Pacific Plaza, land between 12 & 14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, (Ref. 11/2675)

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).

RECOMMENDATION: Grant planning permission subject to conditions.

Neil McClellan, Area Planning Manager clarified that the proposal was for the relaxation of a planning condition (condition 3 of reference 04/2158) in the Eastern terrace of the site. He referred to a late objection from the Wembley Town Centre Management and added that the issues raised had been addressed in the main report. With reference to the tabled supplementary report, he drew members' attention to an amended condition 6 and an informative 5, subject to which he reiterated the recommendation for approval.

Nigel Hawkey the applicant's agent informed the Committee that the redevelopment of the entire site would not be possible until the last lease had expired in 2031, hence the need for an interim measure by way of refurbishment as key to progress the regeneration of Wembley. He continued that the proposal would enable retailers to migrate to the site without prejudice to the vitality and viability of the Wembley High Road area. In response to members' questions Mr Hawkey stated that the success of the proposal would enable Quintains to further invest in Wembley and thus the benefits to be fed back to the High Road.

DECISION: Approved variation of condition 3 of planning consent reference 04/2158 as recommended subject to revised description, revised condition No. 6 and additional informative No. 5 as set out in the Supplementary.

12. Any Other Urgent Business

None.

The meeting ended at 9:45pm

K SHETH
Chair

Note: At 9.05 the meeting was adjourned for 5 minutes.

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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 **Planning Committee Map**
Site address: 1-11 inclusive, Cairnfield Court, Cairnfield Avenue, London, NW2 7PP
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This map is indicative only.

RECEIVED: 13 June, 2011

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 1-11 inclusive, Cairnfield Court, Cairnfield Avenue, London, NW2 7PP

PROPOSAL: Erection of second-floor rear and third-floor rooftop extension to existing residential block, forming an additional 4 self-contained flats (1 x 2 bed, 2 x 1 bed, 1 x studio), provision of 3 parking spaces and associated alterations (alterations to flats as built to reduce size of second-floor and third-floor rooftop extension)

APPLICANT: Mr J Feeney

CONTACT: ASHLEA

PLAN NO'S:
See Condition 2

RECOMMENDATION

To:

(a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or;

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. A contribution of £3,000 per bedroom, (totalling £15,000), index-linked from the date of committee and due on Material Start for Transportation, Air Quality and Open Space in the local area.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement by 8 August 2011.

EXISTING

Neasden Lane has a built up frontage of mostly three storey properties. Surrounding streets, including Cairnfield Avenue, are predominantly two storey under pitched roofs. The site is located on the north side of Cairnfield Avenue, close to the junction with Neasden Lane. Cairnfield Court is unusual for the road, being a part two-, part three-storey inter-war detached block comprising eleven x two bedroom self-contained flats.

PROPOSAL

The original building is a 'H' shaped block under a flat roof. Whilst the building is principally three storeys, the western corner of the building is only two storeys high. The planning application is for the erection of second-floor rear (to extend the western corner) and third-floor rooftop extension to the existing residential block, forming an additional 4 self-contained flats (1 x 2 bed, 2 x 1 bed, 1 x studio), provision of 3 parking spaces and associated alterations.

Works have recently been carried out to erect second and third floor extensions (creating a 4 storey building). An Enforcement Notice has been served relating to the extensions as built. This is discussed in further detail in the *Planning History and Remarks* section of the report. This planning application proposes alterations to flats as built to reduce the size of second-floor and third-floor rooftop extension and reconfigure the internal layout to replace the tank room with habitable accommodation and associated external alterations.

HISTORY

E/11/0155: Without planning permission, the erection of second-floor rear and third-floor rooftop extension to existing residential block and change of use of the premises from 11 to 15 self-contained flats - Enforcement Notice issued and took effect on 09/05/11

09/0163: Full Planning Permission for erection of second-floor rear and third-floor rooftop extension to existing residential block, forming an additional 4 self-contained flats (3 x 1-bedroom and 1 x 2-bedroom flats) and subject to a Deed of Agreement dated 15th April 2009 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted 15/04/09

08/1020: Full Planning Permission sought for erection of fourth storey, comprising 2 self-contained flats, to existing block of 11 flats, subject to a Deed of Agreement dated 4th September 2008 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted 25/09/2008.

07/2356: Full Planning Permission sought for erection of second floor rear and third floor extension to existing residential block forming an additional 4 self-contained flats - Refused on 15/10/2007 and subsequently dismissed at appeal on 3/12/2008.

05/1753: Full Planning Permission sought for construction of rooftop (4th floor) extension comprising two new flats in addition to the existing block of eleven - Granted 22/09/2005.

04/0698: Full Planning Permission sought for erection of an additional storey to form 2 self-contained flats and provision 2 car parking spaces in the rear garden area - Refused, 30/04/2004. The applicant subsequently appealed, however, this was later withdrawn.

03/2417: Full Planning Permission sought for erection of additional storey to form 3 self-contained flats - Refused, 03/10/2003. Appeal dismissed on 20th August 2004.

POLICY CONSIDERATIONS

Unitary Development Plan (2004)

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

STR19 New housing development should be located on sites which reduce the need for travel and preference given to the development of previously used urban land.

BE2 Proposals should be designed with regard to local context, making a positive contribution to

the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.

- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- H14 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.

SPG17 Design Guide for New Developments

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

CONSULTATION

A total of 33 adjoining owner/occupiers were consulted regarding the application and a site notice displayed adjacent to the site. This includes all owner/occupiers of the existing 11 flats.

9 letters of objection have been received including from Cairnfield Court Residents Association and 5 letters of support.

Objections:

- Significant loss of light, outlook, view and overbearing relationship to existing and proposed flats;
- Extensions out of character;
- Increase number of people in the block – noise, disturbance and increase in people using staircase;

- Refuse area inadequate and blocks fire escape;
- Loss of external amenity space to provide parking;
- Insufficient amenity space for residents;
- Work already carried out;
- Noise and disturbance from new flats;

Officer Comment: The above matters are discussed in the Remarks section of the report.

Other Matters:

- Noise and disturbance from existing tenants;

Officer Comment: The noise and disturbance referred to relates to existing residents- if it represents a noise nuisance this would become a matter for Environmental Health.

- Vehicles block driveways;

Officer Comment: Transportation matters are discussed in the Remarks Section of the report. Parking Enforcement are responsible for enforcing the parking restrictions in Brent.

- Tenants filed claim in the High Court regarding the terms of the leases held by the leaseholders;

Officer Comment: This is a civil matter referred to in the report but does not have a direct bearing on the consideration of this application.

- Leasehold agreement does not allow use of garden as car park;

Officer Comment: The applicants solicitor has confirmed that the applicant has authority to carry out works in the communal area. If works are not able to be carried out, the development would not comply with the planning permission and enforcement action could be taken.

- Impact of structural work on existing building ;

Officer Comment: The structural integrity of the building is a matter for Building Control. Building Control have been reviewing works carried out the building to date.

- Water storage tank remove;

Officer Comment: The owner/developer will be required to build to an appropriate standard. The freeholders responsibilities are likely to be set out in the lease.

Support:

- Improvement in appearance & upgraded building;
- Improved security.

Internal Consultees

Highways -

- The provision of 3 parking spaces on site would accord with standards;
- The cycle storage and refuse storage would be as previously approved and considered acceptable;
- Require financial contribution towards sustainable transportation.

REMARKS

Background

Planning Enforcement

There is a current enforcement notice (E/11/0155) which took effect on 9 May 2011 (giving a period of six months for compliance) relating to the second floor and third floor extensions to the building as they have not been carried out in accordance with an existing planning permission for the following reasons:

- The development has not been carried out in accordance with planning permission 08/1020 dated 29th September 2008 for the erection of third-floor extension comprising 2 self-contained flats, to existing block of 11 flats because the works carried out include an extension to the second floor to provide an additional flat.
- The development has not been carried out in accordance with planning permission 09/0163 dated 15 April 2009 for the erection of a second-floor rear and third-floor rooftop extension to existing residential block, forming an additional 4 self-contained flats (3 x 1-bedroom and 1 x 2-bedroom flats) because no window has been inserted into the flank elevation of the kitchen of Flat 9 Cairnfield Court as detailed on the application drawings. In addition the proposed "Flat-03" (as shown on the application drawings) has been built providing an additional bedroom instead of the proposed tank room and there have been associated external alterations involving the insertion of a second floor window to the new additional bedroom.

The enforcement notice requires one of the following steps to be carried out as the existing development is unauthorised:

- *Remove the second floor rear extension and third floor rooftop extension and cease the use of the premises by more than 11 self-contained flats and restore the land and building back to its original condition before the development took place; or*
- *Remove the second floor rear extension and part of the third floor rooftop extension so that the development is altered to accord with all conditions and plans approved in planning application 08/1020 dated 29 September 2008. Cease the use of the premises as more than 13 self-contained flats; or*
- *Alter the development to accord with all conditions and plans approved in planning application 09/0163 dated 15 April 2009. (For the avoidance of doubt, this includes the conversion of the second bedroom into a tank room in "Flat - 03" and the installation of a window, of a size and design as shown on the plans, in the kitchen of Flat 9).*

This planning application is for alterations to the extension as built. If planning permission is granted for this revised proposal, a reasonable period of time would be agreed for the works to be

carried out, taking into account the need for appropriate urgency. This would not supersede the requirements of the enforcement notice which would remain in force unless works are either carried out to comply with the notice or carried out in accordance with the planning permission.

Procedural Matters – Previous Planning Application

The flats in Cairnfield Court generally have kitchens at the ends of the 'H' with windows which face each other. Due to the western corner being only two storeys, the front second floor flat (Flat 9, Cairnfield Court) had an unobstructed outlook over the lower roof from their kitchen. As built, the two new storeys significantly reduce the level of outlook with the extension being just 4.6m from the kitchen window.

The planning permission in 2009 was granted on the basis that an additional window would be inserted in kitchen of Flat 9 to make the kitchen dual aspect and provide an acceptable level of outlook for the kitchen. This was suggested by the Planning Inspectorate in the appeal for 07/2356 as a possible way to address the impact on the amenity of occupiers of Flat 9. However, correspondence from the applicants solicitor has confirmed that no agreement is likely to be reached with the leasehold owner of Flat 9 to enable the insertion of the additional window and as such it will not be possible to alter the development to accord with all conditions and plans approved in planning application 09/0163 in accordance with the enforcement notice (E/11/0155).

In addition, it recently became apparent that the incorrect ownership certificate was completed on the application form for the planning application 09/0163. The applicants agent signed Certificate A on the application form on behalf of the applicant confirming that no one apart from the applicant had a freehold or leasehold interest with more than seven years to run on the land. However, the 'Schedule of notices of leases' held by land registry confirms that all flats have leasehold agreements with more than seven years to run on the land therefore Certificate B should have been completed confirming that notice had been served on all relevant leaseholders or Certificate C if all owners are not known.

Whilst the incorrect ownership certificate was completed, given that the Council carried out its own consultation in accordance with statutory requirements, the planning permission remains valid. With regard to any legal recourse relating to the incorrect certificate being completed, the Council has carried out interviews under caution with the applicant and applicants agent regarding the completion of the incorrect ownership certificate. These interviews are being reviewed by the Council's Prosecutions Lawyer to consider whether to initiate prosecution proceedings and whether it is in the public interest. It should be noted that this is separate to the consideration of the current planning application and enforcement case. As such, it does not impact on the ability of the Council to determine this planning application or take appropriate enforcement action.

Assessment

This planning application proposes the erection of a second-floor rear and third-floor rooftop extension to the existing residential block, forming an additional 4 self-contained flats. The application proposes to reduce the projection of the second and third floor extensions as built (as approved by the 2009 application) above the original western two storey element of the building to reduce the impact on the outlook from the kitchen of Flat 9 and negate the need for the insertion of an additional window. The flats are proposed to be reconfigured, to provide 1 x 2 bed, 2 x 1 bed, 1 x studio and the tank room previously proposed on the third floor to become habitable accommodation.

Design

The proposed extension above the original western two storey element is proposed to be set back 2.4m from the flank elevation at second and third floor level. In addition, the extension is set back to the front (by 2.4m) and side (by 2.4m at the frontage and 1m to the rear) adjacent to 141

Cairnfield Avenue. The materials at second floor are proposed to be brickwork on the rear elevation with all other elevations at both second and third floor level comprising stained cedar boarding. It is considered that the proposed extension is sufficiently distinct and subservient to retain the character of the original building. The principle of extending the building to create a four storey block has been accepted through previous planning approvals and the design does not significantly differ in appearance from the scheme approved in 2009, other than a reduction in the projection over the western two storey element. As such, it is considered that the proposal complies with Policy BE9 in the UDP which requires extensions to be of a massing and height that is appropriate to their setting and townscape character.

Amenity

Existing Occupiers

As detailed above, the flats generally have kitchens at the ends of the 'H' with windows which face each other however as the western corner is two storeys, the front second floor flat (Flat 9) had an unobstructed outlook over the lower roof. The proposal seeks to reduce the projection of the second and third floor extension which currently obstructs the outlook from the kitchen of Flat 9. The extension is proposed to be set back 2.4m from the flank elevation which will ensure the outlook to the kitchen of Flat 9 is not significantly impacted upon. Outlook will be provided directly opposite the kitchen across the adjacent roof, with the projection of the extension reduced to be in line with the inside edge of the kitchen window. There will be a slight reduction in outlook from the original situation (from 110 degrees to 93 degrees) as the extension will still project 1.9m over the western corner of the 'H' however it is considered that the impact of this will not be significant.

The impact of the larger extension on other flats within the block was previously assessed and considered acceptable. Whilst it is acknowledged that there will be a slight reduction in light and sky view to the lower level flats to the windows at the inward facing ends of the 'H', given the levels of amenity afforded by the original design of the block, it is not considered that the impact of the development will be significant.

In terms of the impact on other properties in the locality, the extension will be visible from nearby properties including those of Chartely Avenue. However given that the extension is set in at the side adjacent to 141 Cairnfield Avenue (the nearest neighbour) and the rear gardens of properties fronting Chartley Avenue, it is not considered that there would be a harmful impact on the amenity of adjoining residents. The relationship with these adjoining properties remains unchanged from the previously approved scheme.

Future Occupiers

In terms of future occupiers, the unit sizes all meet the Council's minimum standards and are of an acceptable layout, providing outlook for all habitable room windows. No private amenity space is provided for the flats however, as with the existing residents, they will share the communal amenity space which is to the side and rear of the block. It is acknowledged that no additional amenity space is to be provided and application proposes 3 parking spaces on part of the rear amenity space which would result in the loss of 35 sq m of amenity space (the requirements for this provision are discussed in the Transportation section). However, taking into account the provision for the new flats, there will be approximately 20 sq. m amenity space provided per flat in accordance with the standards set out in SPG17. It is also important to note that the Planning Inspectorate considered that the space to the front of the block as making a contribution to the amenity space provision in the 2004 appeal although this area has not been included in the above calculation. The amenity space provision and parking located to the rear of the property has been assessed under previous applications (including the 2009 proposal) and considered acceptable. The improvements to the amenity areas through additional planting will also be of benefit to both existing and future residents.

Highways

Residents of the existing 11 flats at Cairnfield Court have no off-street parking. The application proposes the inclusion of 3 car parking spaces to the rear of Cairnfield Court, accessed via a shared access with properties fronting Neasden Lane. The site has good access to public transport however there is no CPZ on the adjoining streets and Cairnfield Avenue is heavily parked at night. The provision of three spaces within the site (where none exist at present) would accord with standards whilst also accommodating the likely additional demand arising from these four additional flats, thereby mitigating any potential increase in pressure for on-street parking space along Cairnfield Avenue.

Refuse & Cycle storage

The refuse storage is proposed to be located in the western inset of the 'H' adjacent to the fire escape. Concerns raised by residents regarding the existing bin storage being at capacity are acknowledged. Taking into account the new standards for the provision of waste and recycling storage for 15 flats, it has been calculated that there is sufficient space to accommodate waste and recycling containers along either side without blocking the fire escape route. Whilst the proximity to residential windows is acknowledged, the bin storage is proposed in the same location as existing and it is not considered that use by 4 additional flats will have a significant impact on the amenities of residents.

In terms of cycle storage, details of a Haldo Cycle store have been submitted which provide covered space for 5 bicycles. The design and location of the cycle storage is considered acceptable.

Other Matters

Concerns have been raised by residents regarding the intensification of use of the existing staircase. Given that the proposal is for 4 additional flats to comprise a development of 15 in total, it is not unusual that this should be served by one internal staircase and would not be a reason to refuse the application.

With regard to noise and disturbance from the new flats, the building works will be required to comply with building regulation requirements in terms of insulation between flats.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 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):

Location Plan 01; 1157/AA/101; 1157/AA/102; 1156/MM/001; 1154 Drawing L1; Drawing L2; Drawing L3; Brief Specification for Landscape Works; Haldo Cycle Store - 13/01/2010

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 prior to the occupation of any part of the development

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

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

- (4) The materials for all external work shall be carried out in accordance with the following details as shown on drawing 1157/AA/102L unless otherwise agreed in writing by the Local Planning Authority:

- Seamed metal roofs;
- Stained cedar boarding;
- Coated metal fascia;
- Brickwork to match existing.

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

- (5) The cycle storage and 3 parking spaces shall be provided in accordance with approved drawings *Haldo Cycle Store - 13/01/2010, 156/MM/01 and Drawing L3* prior to occupation of the development and retained for that use unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that there is an acceptable level of parking and cycle storage for the development.

- (6) Prior to occupation of the development, refuse and recycling containers for all flats (existing and proposed) shall be provided in the area marked 'Waste & Recycling on *Drawing L3* in accordance with standards set out in the Household Waste Collection Strategy 2010-2014 and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

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

- (7) 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.

INFORMATIVES:

- (1) The applicant is advised to contact the Council's Enforcement Team to agree a reasonable time scale for works to be carried out. This planning permission does not supersede the requirements of the enforcement notice E/11/0155 which remains in force unless works are either carried out to comply with the notice or carried out in accordance with this planning permission.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Rachel McConnell, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5223

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 **Planning Committee Map**
Site address: 107 High Street, London, NW10 4TS
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This map is indicative only.

RECEIVED: 25 April, 2011

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 107 High Street, London, NW10 4TS

PROPOSAL: Change of use of the premises from hairdressers (Use Class A1) to part community centre (Use Class D1) and part bookshop (Use Class A1)

APPLICANT: Mr Egeh

CONTACT: awArchitecture

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site, located on the north-eastern side of High Street, Harlesden to the south of the junction with Park Parade, is occupied by a three-storey Grade II Listed terraced building comprising of a shop unit at ground and basement level with residential accommodation above. The current application relates to the shop unit which lies towards the end of the Secondary Shopping Frontage. The unit had previously been occupied by a hairdresser's salon prior to the current occupation by the 'Brent Cultural Centre' (the applicant).

PROPOSAL

The current application seeks planning permission for the change of use of the premises to a community/cultural centre (Use Class D1) within the basement and rear section of the shop unit whilst the ground floor frontage would operate as a bookshop (Use Class A1) which would be ancillary to the primary use. Officers are aware that the premises are also used to provide a place of worship (Use Class D1). Members are advised that the use applied for has already commenced.

HISTORY

Planning permission was refused on the 23rd April 2010 for the change of use of the premises from Use Class A1 to a community centre (Use Class D1). The application was refused for the following reason:-

"The proposed community centre (Use Class D1) is not considered to be an appropriate use within the designated Secondary Shopping Frontage as it will fail to provide a service to visiting members of the general public and result in an inactive frontage, lacking in window displays and public access, which would harm the vitality of the Harlesden Town Centre and reduce its attractiveness to shoppers contrary to policy SH9 of the London Borough of Brent Unitary Development Plan 2004."

At the time of the above application it was identified that the use applied for had already commenced. As such, following the refusal to grant planning permission, an Enforcement Notice (E/10/0678) was served on the 7th December 2010 against the unauthorised change of use. The compliance period for the notice expired on the 5th April 2011.

The Planning Enforcement Team are also currently investigating a alleged breach of Listed Building control relating to the erection of a satellite dish and the installation of a wooden doorway in front of the residential entrance door to the premises. However, these breaches relate primarily to the residential accommodation above the subject premises.

POLICY CONSIDERATIONS

London Borough of Brent LDF Core Strategy 2010

CP23 Protection of existing and provision of new Community and Cultural Facilities

London Borough of Brent Unitary Development Plan 2004

SH6 Secondary Shopping Frontage
CF2 Location of Small Scale Community Facilities
CF14 Places of Worship

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

EXTERNAL

Consultation letters, dated 9th May 2011, were sent to Ward Councillors and 34 neighbouring owner/occupiers. As the application premises lies within a Grade II Listed Building the application was also advertised by way of a site notice, displayed from the 11th May 2011, and a press notice, published on the 19th May 2011. One letter of objection was received in response. The main concern of the objector relates to the congestion on the pavement outside of the premises during peak hours of use.

INTERNAL

Highways & Transport Delivery

The Council's Transport & Highways Delivery Team have confirmed that they have no objection to the change of use of the premises from A1 to a composite A1/D1 use.

Environmental Health

Environmental Health have stated that they have no specific comments to make on the proposal.

REMARKS

PRINCIPLE OF CHANGE OF USE

The Council's Core Strategy seeks to ensure that the continuing needs of Brent's diverse community are met through the protection of existing, and the provision of new, community and cultural facilities across the borough. The subject site is located towards the periphery of Harlesden Town Centre which, according to UDP policy CP2, is a suitable location for the provision of small scale community facilities, particularly given the good levels of public transport accessibility that are normally enjoyed in such locations. However, the site is also located in the Secondary

Shopping Frontage and, therefore, appropriate non-retail uses would normally be expected to provide a service to visiting members of the public and contribute generally to the commercial vitality and viability of the town centre. It is for this reason that planning permission was previously refused on the site for a wholesale change of use of the premises to a community centre which at the time failed to provide an active and attractive frontage for visiting members of the public (See 'History').

The current proposal, which also primarily seeks permission for a change of use of the premises to a cultural/community centre, seeks to overcome the previous reason for refusal by providing a modest retail space at the front of the property which would maintain an open window display to the street. Whilst Officers, acknowledge that this retail space would effectively be an ancillary use to the community/cultural centre which would serve a specialised customer base, it is considered that this would improve the general appearance of the unit within the Secondary Shopping Frontage, therefore, maintaining its attractiveness to shoppers. On balance, it is considered that the current proposal would appropriately balance the need to satisfy a local demand for the proposed cultural centre with the wider interest of safeguarding the vitality and viability of Harlesden Town Centre.

TRANSPORTATION

The proposed cultural centre would generally comprise of a multi purpose hall at ground floor level, a reading room/library at basement level and associated washing and storage facilities throughout. Overall, the cultural centre would have a gross internal floor area of approximately 84.5m². The proposed retail space would have an internal floor area of 32m².

Whilst the proposed use of the premises is likely to attract an increased number of visitors beyond the previous use as a hairdressing salon, it is considered that any increase would be limited by the modest floorspace available within the unit. The applicant has stated that the maximum number of visitors at any one time would not exceed 35. However, from observations made, Officers believe that at peak times, when the premises has been used to provide a place of worship, that the maximum number of visitors could be between 50-100. However, it was also observed that the majority of visitors arrive on foot which is likely to be due in part to the presence of a controlled parking zone where opportunities for on-street parking are extremely limited.

It is considered that the main transport issue likely to be associated with the use of the site is the pedestrian congestion that can occur after large gatherings during peak times. In order to address this issue the applicant proposes that the retail area could be used as a lobby area to avoid visitors gathering on the pavement outside of the site. The applicant has indicated that signs will be placed in the retail area advising visitors of these arrangements. Whilst it is envisaged that inevitably there will be some level of congestion associated with the proposed use at peak times as the applicants have proposed reasonable steps to minimise the likelihood of there being unreasonable obstruction to passing members of the public. On balance, it is considered that the proposed use would have an acceptable impact on local highway conditions.

LISTED BUILDING ISSUES

The proposal does not involve an alterations to the exterior of the building and internally the original layout would remain largely unchanged, with the exception of a stud partition used to divide the retail space from the remained of the ground floor. In Listed Building terms it is not considered that the current proposal would have any harmful impact on the character of the Grade II Listed Building.

CONCLUSION

Although previously the Planning Service have issued an Enforcement Notice against the use of the premises as solely as a community/cultural centre, it is now considered that the changes made

to the use, including the provision of a retail area, which can also act as a lobby area during peak times, would help to overcome previous concerns. On balance, having reviewed the nature of the use Officers consider that although during peak times there may be a noticeable impact on the surrounding area, that within the context of a busy town centre, that this impact would be reasonable and therefore the approval of planning permission is now recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (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

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

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Transport: in terms of sustainability, safety and servicing needs

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

CONDITIONS/REASONS:

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

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

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

- 160a/PL01
- 160a/PL02 (Revised)
- 160a/PL03

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

- (3) A shop front window display and the retail floor space, as indicated on the approved plan (160a/PL/02) shall be maintained within the premises at all times.

Reason: In order to preserve the character, appearance, vitality and viability of the town centre.

- (4) A signboard, as detailed on the approved plan 160a/PL02 (Revised), advising visitors not congregate in the area outside of the site shall be maintained and displayed at all times.

Reason: In order to minimise any obstruction of the pavement outside of the site.

- (5) Activities within the building including any associated loading or unloading operations shall only be permitted between 0900 - 2100 hours, with the premises cleared within 30 minutes after these times.

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


INFORMATIVES:

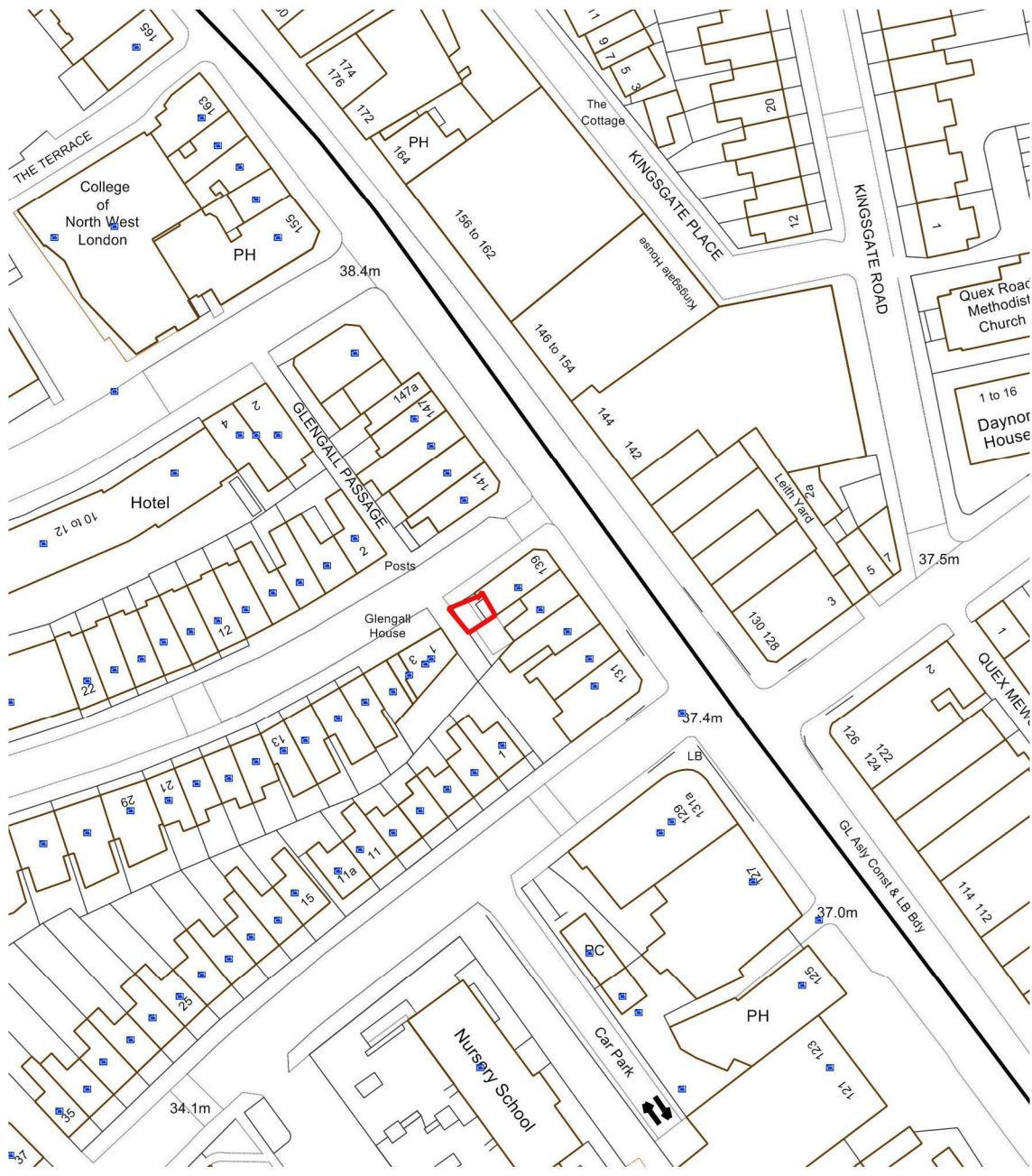
- (1) The applicant is reminded that the above premises form part of a Grade II Listed Building and that any alterations to the exterior or interior of the premises may require planning permission and/or Listed Building Consent. The applicant is advised to contact the Planning Service in advance of undertaking any works to the premises.

REFERENCE DOCUMENTS:

London Borough of Brent LDF Core Strategy 2010
London Borough of Brent Unitary Development Plan 2004
One letter of objection

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

 **Planning Committee Map**
Site address: 139D Kilburn High Road, London, NW6 7HR
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This map is indicative only.

RECEIVED: 25 May, 2011

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 139D Kilburn High Road, London, NW6 7HR

PROPOSAL: Change of use from office (Use Class B1) to financial services (Use Class A2) excluding betting shop

APPLICANT: Mr C Pornaris

CONTACT: Mr T Edens

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site comprises of a single-storey, plus basement, self-contained annexe to the frontage property at 139 Kilburn High Road. The unit is independently accessed from Glengall Road. The unit, which at the time of a recent site visit appeared to be vacant, was most recently used to provide office accommodation (Use Class B1). The subject site, along with the frontage property, lie within the Primary Shopping Frontage. The adjacent properties facing Glengall Road lie within the Secondary Shopping Frontage.

PROPOSAL

See above

HISTORY

DIRECT SITE HISTORY

A Certificate of Lawful Use (09/1905) for the existing use of the premises as offices (Use Class B1) was issued by the Council on the 26th October 2009. There is no other planning history that relates directly to the subject unit. However, there is substantial planning history relating to the wider site at 139 Kilburn High Road and, in particular, a number of recent planning applications relating to the ground floor shop unit, fronting Kilburn High Road, which are considered relevant to the determination of the current application.

ASSOCIATED SITE HISTORY

For the avoidance of doubt, the applications referred to below do not relate specifically to the subject site at 139D Kilburn High Road. However, they do relate to the adjacent shop unit 139 Kilburn High Road.

Most recently, as Members may recall, applications for the replacement of the existing shopfront (11/0346) and the installation of new shop signs (11/0347) to the shop unit at 139 Kilburn High Road were reported to Planning Committee at the meeting held on 12th May 2011. During that meeting objectors raised concerns that the works applied for were required in connection with the occupation of the shop unit by H&T Pawnbrokers and that this constituted a material change of use. At the time Officers expressed a view that the use of the premises by H&T Pawnbrokers was likely to fall within Use Class A1 and, therefore, no change of use would have occurred. Members resolved to delegated authority to the Head of Area Planning to approved both applications subject to further legal advice from the Director of Legal & Procurement as to whether the current use of the premises by H&T Pawnbrokers constituted a change of use. These applications remain undetermined.

Prior to the most recent applications, discussed above, on the 26th April 2010 a planning application (10/0370) was refused for a change of use of the shop unit at 139 Kilburn High Road from retail (Use Class A1) to a betting shop (Use Class A2). This application was refused for the following reason.

"The proposed use of the premises as a betting shop (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the both the locality and wider Primary Shopping Frontage and would fail to enhance the range of services that is already provided causing harm to the vitality of Kilburn Town Centre and lessen its attractiveness to shoppers contrary to policy SH6 and SH7 of the London Borough of Brent Unitary Development Plan 2004"

Following this refusal a subsequent planning application (10/2533) for the change of use of the shop unit from retail (Use Class A1) to financial services (Use Class A2) was submitted. This application was also refused by the Council on 9th December 2010 for the following reason:-

"The proposed use of the premises to provide financial services (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the both the locality and wider Primary Shopping Frontage lessening its attractiveness to shoppers thus causing harm to the vitality and viability of Kilburn Town Centre contrary to policy SH6 and SH7 of the London Borough of Brent Unitary Development Plan 2004"

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

SH6 Non-Retail Uses Appropriate to Primary Shopping Frontages
EMP9 Development of Local Employment Sites

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

EXTERNAL

Consultation letters, dated 31st May 2011, were sent to Ward Councillors and 197 local owner/occupiers. In response 10 letters of objection have been received. The concerns of the objectors include:-

- Concerns regarding the lack of detail regarding the proposed use.
- Concerns that the proposed use will result in an over concentration of non-retail/financial

service uses.

- Concerns that the proposed use could increase levels of anti-social behaviour within the locality.

As the subject site is in close proximity to the Borough boundary, the London Borough of Camden have been consulted on the application. In response they have confirmed that they have no observations to make on the proposal.

INTERNAL

Environmental Health

Have confirmed that Environmental Health do not wish to make any specific comments on the application.

REMARKS

PRINCIPLE OF CHANGE OF USE

The proposal seeks planning permission to change the use of the subject unit from offices (Use Class B1) to financial/professional services (Use Class A2), excluding any use as a betting shop which falls within the same Use Class as that applied for. For the information of Members, Use Class A2 includes uses such as banks, building societies, estate agencies and employment agencies, as well as betting shops/bookmakers. The subject site falls within the designated Primary Shopping Frontage for Kilburn Town Centre.

Policy SH6 of the Council's Unitary Development Plan 2004 sets out that non-retail uses appropriate within a primary shopping frontage will generally comprise of those uses falling within Use Classes A2, A3, A4 and A5. It is noted that uses falling within Use Class B1 are not listed as being appropriate within primary shopping frontages. As such, the principle of the proposed change of use is generally supported under policy SH6. Unlike recent planning applications relating to the shop unit at 139 Kilburn High Road, referred to in the 'History' section of this report, the current proposal seeks permission for a change from one non-retail use to another and, therefore, the proposal would not affect the overall composition of the primary frontage in terms of the proportion of retail and non-retail uses. As such, it is not considered that the proposed development would cause the same material harm to the vitality and viability of Kilburn Town Centre which resulted in the recent refusal of the planning applications at 139 Kilburn High Road. Furthermore, the applicant has stated that they are willing to exempt the use of the premises as a betting shop from any permission which addresses particular concerns regarding the overconcentration of such uses within the locality of the site which contributed to the refusal of planning application 10/0370. This restriction should be enforced through a suitably worded planning condition attached to any permission.

Whilst the existing office use would normally be considered a local employment use it is considered that the constraints of the unit, such as the limited internal floor area of approximately 90m², of which 57m² is located at basement level, would severely limit the viability of the site to provide significant employment opportunities to modern standards in the future. It is also considered unlikely that the existing unit would be capable of generating significant employment benefits beyond those that are likely to be associated with the proposed use. On balance, it is not considered that, in this case, the loss of the existing employment use would be so detrimental to borough employment opportunities to warrant the refusal of planning permission.

CONSIDERATION OF OBJECTIONS

Objectors have raised concerns that the proposed development does not provide specific detail of the proposed use other than to state that it would fall within Use Class A2 and would not include a betting office. As Members will be aware, planning legislation normally permits premises to change

to any other use within the same Use Class without planning permission and, therefore, even if a specific A2 use were to be identified by the applicant, if permission were to be granted for that use, they would not normally be restricted from changing to other uses within Use Class A2 should they wish to do so.

Exceptionally, planning conditions can be used to prevent future changes of use that would normally be permitted without planning permission. However, Circular 11/95 sets out a clear presumption against the imposition of such conditions unless there is an explicit planning justification for doing so. In this case, other than restricting any future change of use of the premises to a betting office, which address particular concerns regarding that specific use, Officers do not consider that the Council's planning policies would justify any further restriction on the normal rights to change the use of the unit to any other use within Use Class A2 in the future.

Objectors have raised concerns that the proposal would give rise to increased anti-social behaviour within the locality, particularly if the unit were to be used to provide pawnbroking, money lending, cheque cashing or other similar financial services. Whilst it is not certain that the future use of the premises would involve any of these activities, in any case, Officers consider that it would be difficult to demonstrate that the approval of this particular application would have a direct and detrimental effect on existing levels of anti-social behaviour within the locality.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

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:

- Unnumbered Ground Floor (Proposed), dated 25th May 2011

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

(3) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for the purposes of a betting office or bookmakers unless agreed in writing by the Local Planning Authority.

Reason: In order to prevent an over-concentration of such uses which would be fail to enhance the range of services that is already provided causing harm to the vitality of Kilburn Town Centre and lessen its attractiveness to shoppers.

- (4) The A2 use, hereby approved, shall remain self-contained from the adjacent shop unit at 139 Kilburn High Road.

Reason: To ensure that the development does not result in the inappropriate loss of a retail use within the Primary Shopping Frontage.


INFORMATIVES:

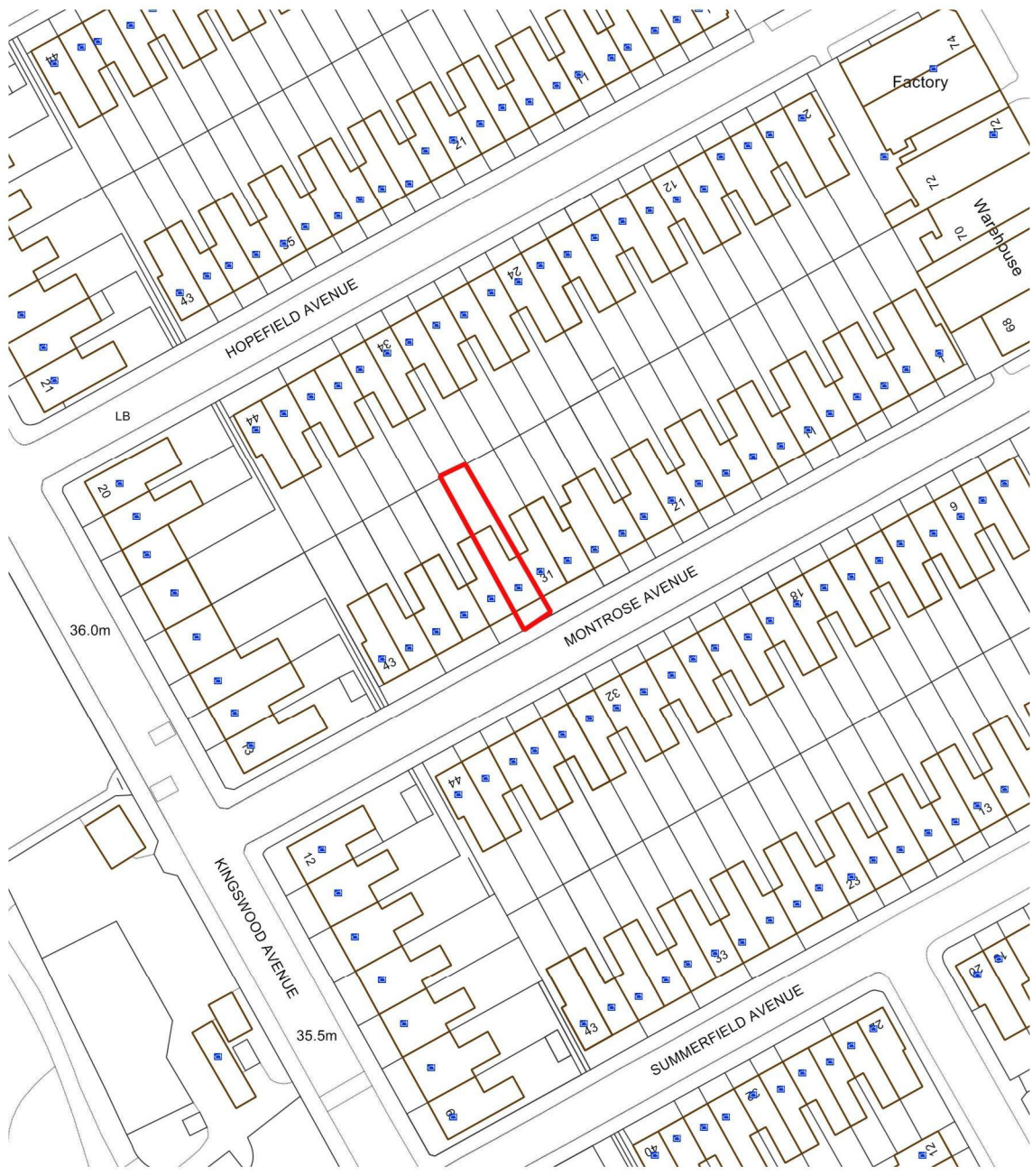
- (1) The applicant is advised that this permission does not extend to any external alterations or alterations to the existing shop front or shop signs. The applicant is advised to contact the Planning Service should any such alterations be required in the future.

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
10 letters of objection

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

 **Planning Committee Map**
Site address: 33 Montrose Avenue, London, NW6 6LE
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This map is indicative only.

RECEIVED: 26 April, 2011

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 33 Montrose Avenue, London, NW6 6LE

PROPOSAL: Replacement of existing upvc windows with aluminium casement windows to front elevation of dwellinghouse (Article 4 Direction)

APPLICANT: Mr Francis Dwyer

CONTACT: Mr Michael Dwyer

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The property is a 2-storey mid terrace dwellinghouse on the northern side of Montrose Avenue, NW6. The site is within Queens Park Conservation Area. The subject site, located on the northern side of Montrose Avenue, is occupied by a two-storey mid-terrace dwellinghouse and is located within a terrace of 10 post-war buildings (25-43 Montrose Avenue). These properties differ from the generally Edwardian/Victorian character of the surrounding Queen's Park Conservation Area in which they are located. Like the older buildings the post-war properties generally have bays however they are otherwise of much plainer design.

PROPOSAL

See above

HISTORY

E/10/0176 Enforcement appeal dismissed

The installation of uPVC windows to the front of the premises.

A report was received by the enforcement team that new upvc windows had been installed in the property without planning permission, an enforcement notice was served which was appealed by the applicant. The Planning Inspectorate dismissed the appeal refusing to grant planning permission for the upvc windows for the reasons discussed in the main report below.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

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

Queen's Park Conservation Area Design Guide

CONSULTATION

Neighbours and the Queens Park Residents Association were consulted by letter on 26th April 2011, a site notice was also put up at the site on 28th April 2011 and a press notice was published on 5th May 2011. No comments have been received.

REMARKS

BACKGROUND

Although the Queen's Park Conservation Area is predominantly characterised by attractive Edwardian/Victorian terraced dwellings there are also a number of short terraces dispersed throughout the area which comprise of more modern dwellings which were erected to replace bomb damaged properties after the second world war. Whilst these post-war dwellings may not be considered to contribute as greatly to the character and appearance of the area they do follow a certain pattern and the relative simplicity and consistency of their facades is considered sympathetic to the buildings of greater architectural or historical interest in the surrounding area. One of the key original features which underpins the facade of these post-war properties would have been the steel framed Crittall windows. Unfortunately, over past years a number of the original Crittall windows to these properties have been replaced using windows of an inappropriate and unsympathetic style which in some cases has detrimentally degraded the group value of the properties within the terrace. Following a number of recent issues, including a planning appeal on this property, regarding the replacement of windows to post-war properties within the Queen's Park Conservation Area Officers intend to include specific guidance for the replacement of such windows within the emerging Queen's Park Conservation Area Design. At present, the proposal would be to adopt the following approach to planning applications for the replacement of windows to post-war properties within the Queen's Park Conservation Area.

- a) Where all of the properties within the terrace have had their original windows have been replaced in a variety of styles and materials Officers will seek to approve replacements to a consistent design, and using aluminium frames, in order to better reflect the proportions and appearance of the original windows. Replacements will not be permitted to include a 'picture' window element.
- b) Where some of the properties within the terrace contain a mixture of replacement styles and materials but some properties have the original windows or have replacements which reflect the original design Officers will adopt a variation of a) based on not supporting the removal of appropriate or original windows
- c) Where all or most windows within the terrace are original or are reasonably designed replacements Officers will seek the installation of windows of the original design.

Given the above, Officers are seeking Members endorsement on this approach through the determination of relevant planning applications in order to provide a consistent approach to standards expected from such applications in advance of the Queen's Park Conservation Area Design Guide. This and one other relevant application (11/0323) appear on the current agenda.

PROPOSED WINDOW REPLACEMENT

The subject site lies within a terrace of post war housing within the Queen's Park Conservation Area which is predominantly characterised by earlier Edwardian/Victorian terraced dwellings. The proposal involves the replacement of the existing upvc windows to the front elevation of the dwellinghouse with aluminium replacements. It is noted that all of the other post war properties within the terrace appear to have replaced the original crittall windows with a variety of replacements, there are no examples of crittall windows within this stretch.

As explained above the existing windows in this property do not benefit from planning permission and an appeal inspector has concluded that they are unacceptable. The appeal inspector found that while the Council's Design Guidance for the QPCA makes no mention of the post-war replacement dwellings, with advice restricted to the timber sash windows typical of the Victorian dwellings, this does not negate the provisions of UDP Policy BE25. This policy requires special attention to be paid to the preservation or enhancement of the character and appearance of the area and the protection of such areas from unsympathetic alterations.

While the property would have originally had crittal windows, those which were most recently replaced were aluminium casement windows like those in the rest of the post-war terrace. The installed upvc windows are obviously thicker and heavier than the aluminium frames. The appeal inspector commented that while the post-war houses may not be considered to contribute greatly to the character and appearance of the area they do follow a certain pattern and the relative simplicity and consistency of their facades allows attention to focus on the buildings of greater architectural or historical interest.

The addition of the upvc fenestration of such substantially different proportions and design at all 3 levels made the appeal property appear incongruous and out of keeping with its neighbours, and generally more obtrusive in the streetscene.

PROPOSED ALUMINIUM CASEMENT WINDOWS

As noted above, there are no examples of crittal windows in this terrace so while in other situations replacement crittal windows may be realistically sought, in this case the concern is with establishing a good quality slender frame and sympathetic window arrangement suitable to the simple character of the building and to form a precedent for future window replacements in this row. The proposed replacement aluminium windows provide sympathetic reference to the original crittal design through the proportioning of the fenestration and siting of the openings. Whilst the narrow horizontal glazing bars are omitted from the design, the main vertical divides are replicated in proportion to the original windows.

Existing plans have not been provided meaning precise measurements of the upvc frames are not available they have however been viewed on site by officers and the widths of the frames are notably greater than the proposed aluminium frames shown on plans and of which a sample has been provided. For example, the width of the opening casement frame as existing is about 7.7cm while the proposed is 5cm, this difference is significant and even more so when two openers are positioned next to each other.

The window arrangement has also received detailed consideration and officers are of the opinion that the arrangement proposed here can be recommended as an acceptable arrangement for this row of post-war terraces. While these properties vary in whether or not they have a bay the window pattern and the position of openers can be applied in either situation.

At first floor the single window to the left side was recommended to be non-opening however the applicant advised that it is to a small separate room and therefore the opener proposed is accepted.

Overall, it is considered that the proposed replacement windows would be in keeping with the character of the surrounding properties and that the development would preserve and enhance the character of the surrounding Queen's Park Conservation Area. As such, approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
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):

Site plan
110420/01 A


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

INFORMATIVES:

- (1) The applicant is advised that there is a valid enforcement notice the removal of the windows and as such the hereby approved windows should be installed without delay.

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

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 **Planning Committee Map**
Site address: 44 Windermere Avenue, London, NW6 6LN
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This map is indicative only.

RECEIVED: 9 February, 2011

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 44 Windermere Avenue, London, NW6 6LN

PROPOSAL: Installation of replacement aluminium windows/doors to ground floor flat

APPLICANT: Mr & Mrs Smith

CONTACT: Everest Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site, located on the southern side of Windermere Avenue, is occupied by a two-storey end-of-terrace property comprising of two self-contained flats. The subject property is located at one end of a short terrace of five post-war buildings. These properties differ from the generally Edwardian/Victorian character of the surrounding Queen's Park Conservation Area in which they are located.

PROPOSAL

See above

HISTORY

A planning application (10/1440) for the Installation of replacement white aluminium-framed windows to front and side elevations and white aluminium-framed door to rear elevation of ground-floor flat was refused on the 30th July 2010. The application was refused on the grounds that the proposed replacement windows would have had a unacceptable visual impact on the surrounding Queen's Park Conservation Area due to the bulky and inappropriate appearance of their fenestration. There is no other planning history on the site.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

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

Queen's Park Conservation Area Design Guide

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Consultation letters, dated 3rd March 2011, were sent to 9 neighbouring owner/occupiers and the Queen's Park Residents Association. The application was also advertised by way of a site notice, displayed on the 4th March 2011, and a press notice, published on the 10th March 2011. One letter in support of the application was received in response

REMARKS

BACKGROUND

Although the Queen's Park Conservation Area is predominantly characterised by attractive Edwardian/Victorian terraced dwellings there are also a number of short terraces dispersed throughout the area which comprise of more modern dwellings which were erected to replace bomb damaged properties after the second world war. Whilst these post-war dwellings may not be considered to contribute as greatly to the character and appearance of the area they do follow a certain pattern and the relative simplicity and consistency of their facades is considered sympathetic to the buildings of greater architectural or historical interest in the surrounding area. One of the key original features which underpin's the facade of these post-war properties would have been the steel framed Crittall windows. Unfortunately, over past years a number of the original Crittall windows to these properties have been replaced using windows of an inappropriate and unsympathetic style which in some cases has detrimentally degraded the group value of the properties within the terrace. Following a number of recent issues, including a planning appeal, regarding the replacement of windows to post-war properties within the Queen's Park Conservation Area Officers intend to include specific guidance for the replacement of such windows within the emerging Queen's Park Conservation Area Design. At present, the proposal would be to adopt the following approach to planning applications for the replacement of windows to post-war properties within the Queen's Park Conservation Area.

- a) Where all of the properties within the terrace have had their original windows have been replaced in a variety of styles and materials Officers will seek to approve replacements to a consistent design, and using aluminium frames, in order to better reflect the proportions and appearance of the original windows. Replacements will not be permitted to include a 'picture' window element.
- b) Where some of the properties within the terrace contain a mixture of replacement styles and materials but some properties have the original windows or have replacements which reflect the original design Officers will adopt a variation of a) based on not supporting the removal of appropriate or original windows
- c) Where all or most windows within the terrace are original or are reasonably designed replacements Officers will seek the installation of windows of the original design..

Given the above, Officers are seeking Members endorsement on this approach through the determination of relevant planning applications in order to provide a consistent approach to standards expected from such applications in advance of the Queen's Park Conservation Area Design Guide. This and one other relevant application (11/0569) appear on the current agenda.

PROPOSED WINDOW REPLACEMENT

The subject site is located at the end of a terrace of post-war properties within the Queen's Park Conservation Area. The current proposal would involve the replacement of the existing Crittall windows to the ground floor flat with aluminium replacements. It is noted that all of the other post war properties within the terrace appear to have replaced the original Crittall windows with a variety of replacements styles and therefore Officers consider that approach a), as detailed above, is appropriate to this particular application. Although the subject property, which is a ground floor flat, is the only property within the terrace to currently retain the original Crittall windows it is noted that the windows are currently in a poor state of repair.

The proposed replacement aluminium windows seek not to replicate the fenestration of the original Crittall windows but to provide sympathetic reference to their design through the proportioning of the fenestration and siting of the openings. Whilst the narrow horizontal glazing bars are omitted from the design, the main vertical divides are replicated in proportion to the original windows. The use of aluminium is considered appropriate as this allows the windows frames to be constructed to a narrower profile than that which would be possible using uPVC. The fenestration, opening pattern and materials of the proposed replacement windows reflect that which Officers intend to consider appropriate under approach a) in the future. Overall, it is considered that the proposed replacement windows would respect the character of the surrounding properties and that the development would preserve the character of the surrounding Queen's Park Conservation Area. On this basis, approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Queen's Park Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

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

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

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

- 4215/01
- 4215/02A
- 4215/4

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

INFORMATIVES:


None Specified

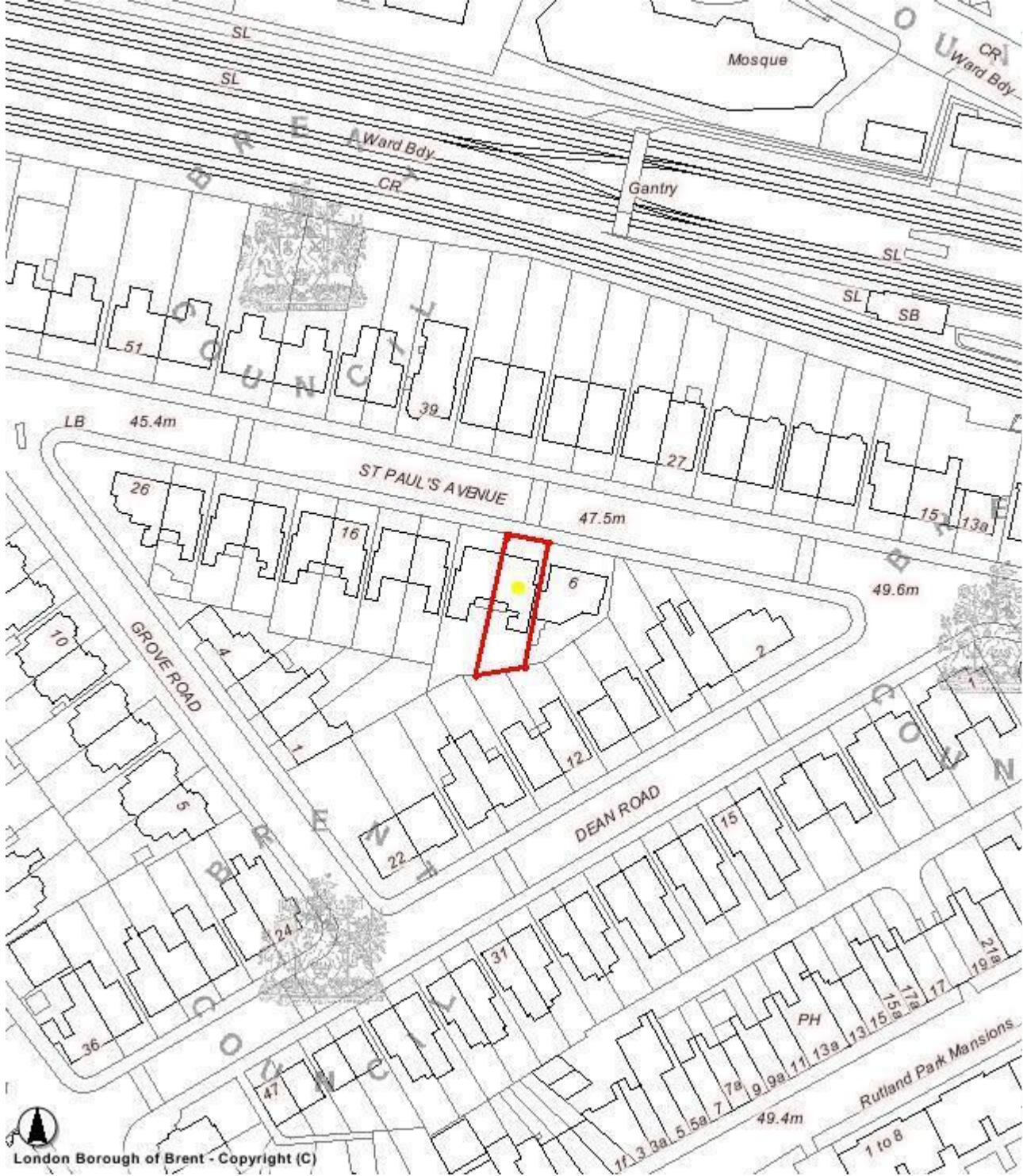
REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004

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

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 **Planning Committee Map**
Site address: 8 St Pauls Avenue, London, NW2 5SX
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London Borough of Brent - Copyright (C)
This map is indicative only.

RECEIVED: 8 December, 2010

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: 8 St Pauls Avenue, London, NW2 5SX

PROPOSAL: Erection of part single, part two storey rear extension of existing property, installation of 1 front and 2 rear rooflights and conversion into 4 (one 3, one 1 bed and 2 studio) self contained flats.

APPLICANT: Trentbridge Limited

CONTACT: Mr Anthony O'Sullivan

PLAN NO'S:

Please see condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the 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
- Car free
- £3000 per additional bedroom (£6000)

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

EXISTING

The site is occupied by a semi detached property located on Southern side of St Paul's Avenue. The property is not located within a Conservation Area.

PROPOSAL

Erection of part single, part two storey rear extension of existing property, installation of 1 front and 2 rear rooflights and conversion into 4 (one 3, one 1 bed and 2 studio) self contained flats.

HISTORY

N/A

POLICY CONSIDERATIONS

Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE9 Architectural Quality
H17 Flat Conversions

H18	The Quality of Flat Conversions
H19	Flat Conversions – Access & Parking
TRN23	Parking Standards
TRN24	On-street parking

Supplementary Planning Guidance Note 5: Altering and Extending your Home
Supplementary Planning Guidance Note 17: Design Guide for New Development
Supplementary Planning Document: S106 Planning Obligations

CONSULTATION

Neighbouring residents were consulted on 12 January 2011 for a 21 day period and further consulted on the amended scheme on 11 July 2011 for a 14 day period. The Local Authority has received 5 objections including a note of support on the first consultation. These are outlined as:

- The rear extension is too large and will affect the character of the area
- The extension will cause a loss of light
- The additional flats will increase household noise and smell
- The additional pressure on the already poor drainage system will be unacceptable
- Additional strain on parking
- The rear rooflights will result in a loss of amenity to neighbouring properties (Light Pollution)
- The front and rear garden should be improved and not remain as is.
- The development will result in an increase in tenants
- No detail of refuse and recycling
- Secure bicycle storage, stairwells and fire routes are unsuitable
- Units have inadequate storage space for larger items
- A better mix of units should be proposed
- The first floor extension may cause a loss of amenity to the neighbouring property
- Conditions for the upkeep of the property should be imposed
- The property is 4 flats and not a single family dwellinghouse
- There are a number of trees on the property
- Restrictions on building works should be imposed
- The property should be adequately insulated so to prevent noise transmission
- A limit should be placed on the number of residents on the property so to prevent overcrowding
- The fence between No 8 and 10 should be repaired and increased in height by 60cm to preserve privacy
- The rear fence should be replaced
- The exterior of the building should be fully re-furbished
- The external works carried out should be sympathetic to the original property and No 10
- The permission should be conditional so to require the applicant to inform neighbouring properties of actions that may have an adverse effect on them during renovations
- No building works are undertaken during the weekends
- The useable floor space of the top floor should be confirmed
- Soft and hard landscaping should be dealt with in the life of this application as conditions are not normally discharged
- The rear boundary should have tall trees to act as a buffer and screen to neighbouring gardens
- An old crossover may exist. If this is the case, this crossover should be removed so to allow more on street parking.
- Only the ground floor family unit should have access to residents permits.
- No gas meters on the fore court
- Windows on the front elevation should be timber

Members will be updated at the meeting in the event that additional comments are received.

Support

- Welcomes inclusion of family sized accommodation.

REMARKS

1. Flat Conversion

1.1 Principle

The proposal results in a 82sqm 3-bed flat at ground floor level with access to the rear garden area (i.e in excess of 50sqm), two studio units of 35.5sqm and 38sqm at first floor and a 1-bed flat at second floor level of 60sqm. The proposal meets requirement set out in policy H17 of the Council's Unitary Development Plan that its original unextended floor area (Approx 180m²) is no less than 140 m².

Whilst neighbouring residents have taken issue with the mix of units proposed, It should be noted that Policy CF21 of the Core Strategy seeks to protect family housing which it defines as being properties with three or more bedrooms. As the proposal provides replacement family sized accommodation, your officers consider the proposed mix to be acceptable.

1.2 Impact on future occupiers

As indicated, all units exceed the prescribed internal floor area requirement set out in SPG 17. The property has been "stacked" inappropriately, with bedrooms being located above or below kitchens and bathrooms, however details to ensure noise transmission are at acceptable levels will be secured by condition as recommended by SPG17. All proposed units are considered to have sufficient outlook, daylight and privacy.

The ground floor three bedroom unit will have access to the external amenity space (in excess of 50sqm). The upper floor flats are not proposed to have access to any private external amenity space, however it is considered that the internal floor area is large enough to offset the shortfall in amenity space.

1.3 Impact on Neighbouring properties

The impact of the extensions on neighbouring properties is considered to be acceptable, for the reasons set out below.

2. Extensions

A number of extensions are proposed as part of this application and each will be dealt with in turn. Whilst the Council does not object in principle to the extension of any dwelling, there remains a need to ensure that the extension is appropriate and that would not result in a significant adverse impact on the amenities of any neighbouring property. Similarly the Local Authority require proposals to be designed with regard to their local context, making a positive contribution to the character of the area. This is specified in Policy BE9 and BE2 of Brent's UDP 2004.

2.1 Single Storey Extension

Members will be aware that SPG 5 requires single storey extensions to a semi-detached property to be no deeper than 3m with a maximum height of 3m in order to minimise impact on neighbouring amenity. The proposed single storey extension will be located across the rear of the property between the boundary with No.10 and the two storey extension described below. It would be approx 4.1m wide and will comply with SPG5 guidance by way of depth and height. The proposed single storey extension is therefore considered to be acceptable

2.2 Two storey extension

The two storey rear extension is sited towards No.6, having a similar width to the single storey element. SPG5 employs a "2 to 1" guidance assessment which requires two storey rear extensions to be no deeper than ½ the distance from the flank wall of the extension to the middle of the nearest habitable room window in the neighbouring property. Again, this is to allow the impacts of

the extension to be minimised. The property has a 3.5m deep extension in situ and the ground floor of the two storey extension will replicate this depth resulting in no additional harm. The roof of the extension is, set down from the main roof of the house in order to ensure that it appears subservient. Officers consider this arrangement to be acceptable.

2.3 Other Roof Extensions

Two rooflights to the rear and one rooflight to the front roof plane are proposed. The principle of these rooflights is supported by SPG5. All three rooflights will be uniform at a size of (L x B) (0.7m x 0.9m). The rooflights are positioned so to respect the fenestration below. Given the size of the rooflights, these will be required to be positioned flush to the plane of the roof (I.e. Of conservation style). Officers have noted concern has been raised with possible light pollution from the rear rooflights. Owing to the size and positioning of the rooflights your officers are not of the view these features will not result in detrimental harm to neighbouring amenity.

Details of materials will be secured by condition.

2.4 Other Alterations

Officers note new boundary fences to the rear of the property are proposed on the submitted plans. However these are not mentioned in the applicants description. For the avoidance of doubt the boundary fence does not form a part of this application.

3. Transportation

The existing house attracts a maximum car parking standard of 1.2 spaces and the proposed units (3.3 spaces) will represent a significant increase in the car parking requirements.

The site cannot provide off-street parking, and the street is already heavily parked. The property does not contain a crossover. The floorspace of the original dwelling has been calculated as approximately 235sqm, this is not so large that each flat will exceed an average of 75sqm, as set out in Policy H19 of the UDP-2004. However, officers can accept a "car-free" agreement in this location, providing that it is secured via S106 agreement and covering all four proposed flats.

Details of refuse and recycling storage for the proposed flats has been provided in the revised site plan, in the form of 4 no. bin enclosures within the front garden of the property. These are acceptable, however details of new front forecourt to demonstrate 50% soft landscaping will be secured by condition.

Secure and covered cycle parking has been provided in the front yard for three bicycles, which is acceptable in location and type. Ideally this would be increased to four cycle spaces in order to fully comply with PS16 of the UDP-2004, although the ground floor flat has access to a rear garden within which bicycles could be more securely stored.

4. Response to objectors Concerns

The requirements for drainage requirements are not covered by the Town and Country Planning Act and therefore can not form a reason for refusal.

The requirements for hours of work are not covered by the Town and Country Planning Act and therefore can not form a reason for refusal. However the development will be required to provide such facilities under Environmental Health Regulations. The applicant will be reminded of his responsibilities by way of an informative

All other matters have been addressed in the body of the report

5. Conclusion

The scheme complies with the guidance contained within SPG5 and SPG17, and on that basis this application is recommended for approval, subject to a Section 106 legal agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

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

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

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

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

CONDITIONS/REASONS:

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

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

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

SPA/C/102D

SPA/C/107B

SPA/C/103D

SPA/C/101

SPA/C/105

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

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

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

- (4) The roof-lights shall be detailed to be flush with the roof covering.

Reason: In the interest of visual amenity of the locality and neighbouring amenity.

- (5) Prior to occupation of the dwellings results of the post-completion testing undertaken

in the noise affected dwellings to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 – 40 dB (day: T =16 hours 07:00 –23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30 – 35 dB (night: T = 8 hours 23:00 – 07:00) LAm_{ax} 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (6) Further details of refuse, recycling and cycle storage shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

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


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

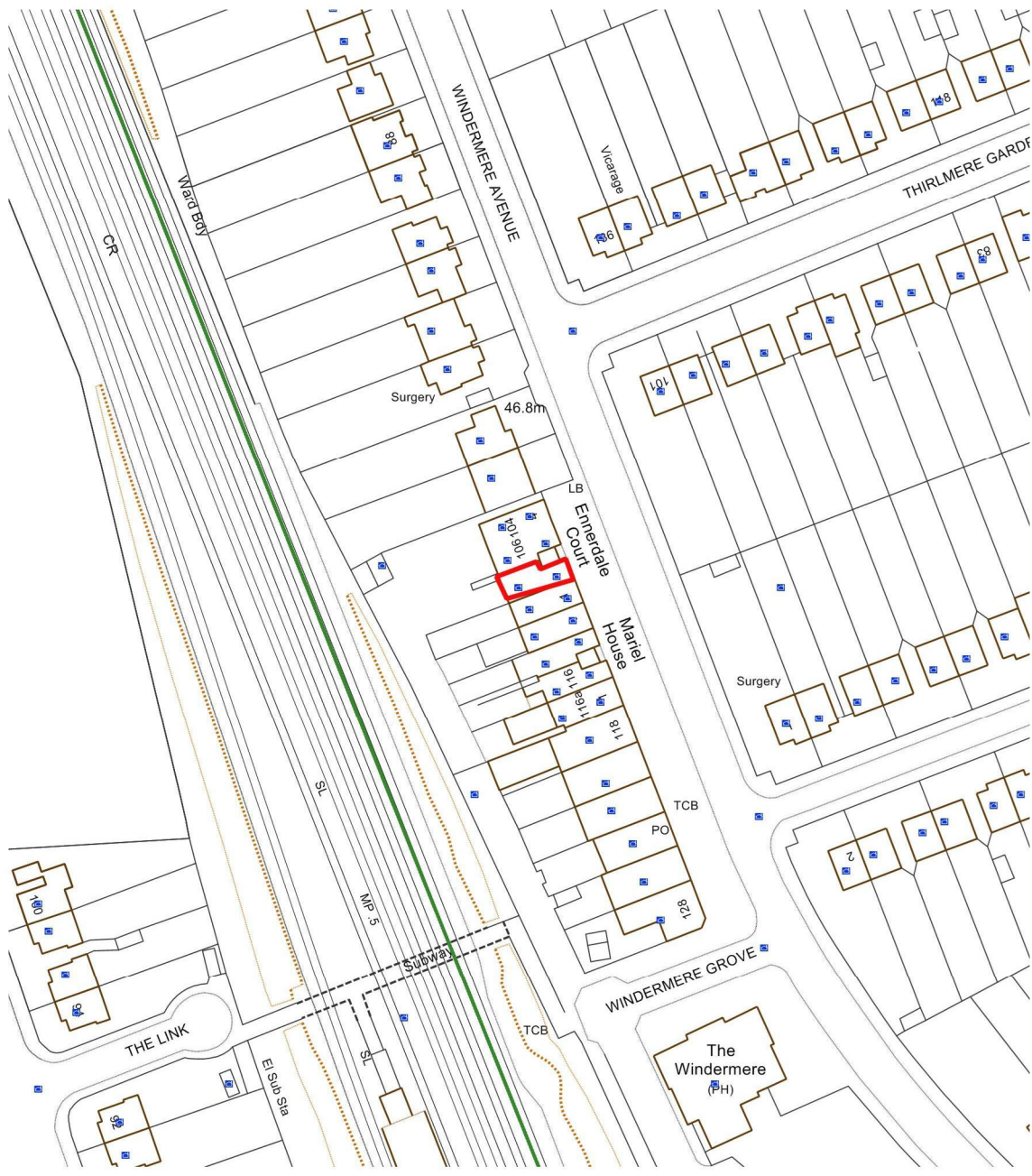
INFORMATIVES:

- (1) The applicant is advised to contact Brent Environmental Health regarding hours of operation for construction works on 020 8937 5284
- (2) The applicant is informed the proposed boundary fence to the rear of the property does not form a part of this application.
- (3) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

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

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 **Planning Committee Map**
Site address: 108 Windermere Avenue, Wembley, HA9 8RB
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This map is indicative only.

RECEIVED: 9 May, 2011

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 108 Windermere Avenue, Wembley, HA9 8RB

PROPOSAL: Change of use of premises from Use Class A2 to a mini-cab office (sui-generis)

APPLICANT: Mini Cab Office

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION
Grant planning permission

EXISTING

The subject site comprises the ground floor of a mid-terraced, three storey building situated on the western Windermere Avenue. The ground floor units in this terrace are in commercial/retail with residential units occupying upper floors. Beyond the terrace, to the north, uses are predominantly residential. The site is not situated within a conservation area nor is it a listed building.

PROPOSAL

Change of use of premises from Use Class A2 to a mini-cab office (sui-generis)

HISTORY

History for 108 Windermere Avenue:

05/0582 - Change of use of retail shop to travel agents (Use Class A1) and estate agents (Use Class A2)
Granted - 24/05/2005

04/3822 - Installation of replacement shopfronts and door
Granted - 28/01/2005

01/2116 - Change of use from retail (Use Class A1) to wine bar (Use Class A3) including demolition of wooden shed and erection of a single-storey rear extension
Refused - 13/11/2001

00/2124 - Conversion of existing retail units into 2 no. self-contained flats.
Refused - 14/11/2000

98/1023 - Use of ground floor as private members' club (Use Class Sui Generis) single storey rear extension and new shopfront
Refused - 20/07/1998

Relevant History for Existing Use at 128 Windermere Avenue:

98/0223 - Use of ground floor as a radio-controlled mini-cab office
Granted - 08/04/1998

99/0862 - Renewal of full planning permission reference 98/0223 dated 08/04/98 for continued use of ground floor as a radio-controlled minicab office
Granted - 07/06/1999

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

SH14 - Mini-cab offices

SH16 - Local Centres

TRN22 - Parking Standards: Non-residential developments

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 11 May 2011 and 01 June 2011 in which 37 properties were notified. Ward Councillors have also been notified regarding the change of use.

Three letters of objection have been received in response to this exercise although only two are from the local area. The following concerns are raised:

- Parking arising from this property is already a problem partly due to lack of adequate parking spaces for all the parked mini-cabs but also due to a lack of consideration or thought for other residents so this would add to our problems.
- Object to new mini-cab office as there is already one on the street. A further business would bring extra traffic to an already congested street. Very little parking exists already and congestion is a huge issue once the bus tries to pass, slowing up traffic and a hazard for pedestrians as people swing in and out between parked cars.
- Existing problem for parking in area due to 110 & 114 Windermere Avenue using streets as a car compound in addition to the service road area to the rear of the premises. This, together with commuter parking makes parking in the area very difficult. Use to the rear has also resulted in issues regarding refuse collection and a rat infestation due to unhygienic practices of 108/110 Windermere Avenue.

Consultees

Transportation - No objections due to the availability of off-street parking within the rear yard. (See Remarks for fuller discussion of Transportation comments)

REMARKS

Background

This application proposes a change of use from Use Class A2 to a mini-cab office (Use Class Sui Generis). This is in order to facilitate the relocation of an existing business from number 128 Windermere Avenue which is the corner unit situated at the southern end of the parade. Number 128 has also been the subject of a change of use application seeking to locate a D1 use at these premises (ref: 11/0409). This application was refused planning permission on 19/05/2011 however a further application has been received but is not yet valid.

Principle of the Use

The existing premises do not fall within the A1 use class having previously been used as a car-hire office (Use Class A2). As such, no change to the composition of the existing local centre would arise from the change of use as policy SH16 seeks merely to safeguard retail uses rather than professional service uses (A2 uses). Furthermore the existing and proposed plan shows that a shop window would be retained maintaining an active frontage within the parade. Accordingly, there is no objection in principle to the change of use proposed.

Impact on neighbouring residential amenity

As the new location for mini-cab office is below residential units and a 24 hour a day use is proposed, measures must be considered to prevent excessive transfer of noise to the first floor unit above. Accordingly a condition is recommended to secure noise insulation measures which prevent the transfer of noise to the upper floor prior to the commencement of the use.

Transportation Implications

As no development is proposed, the other main consideration in relation to this application is the transportation implications of the use. The objections raised are noted and conversations with Streetcare officers have revealed that inconsiderate parking has previously led to refuse collection vehicles being unable to access the area which has led to problems with rat infestations. It is also noted that 110 has previously been operated as a car repair business without planning permission resulting in storage of scrap vehicles in the area (see Enforcement Record E/05/0888) however the enforcement investigation was closed in 2008 due to a lack of evidence and this use does now appear to have ceased as 110 Windermere Avenue appears to be in use as an office. Research into the use of 114 Windermere Avenue, a unit also identified as a problem to local residents, has revealed that no planning permission has ever been sought for the car hire use currently operating there. This matter has been referred to Planning Enforcement Officers for further investigation.

In terms of considering this application, no objection has been raised by Transportation Officers in relation to the use. The location of the premises in close proximity to South Kenton Station would mean there is a demand for a licensed mini-cab office where customers can wait for drivers to collect them and it is likely that this is a significant proportion of the income generated by the existing business.

Transportation officers have noted that there is parking available within the back yard of the premises together with on-street parking being available within the area. It is noted from a site visit that daytime parking levels are high in the area however this appears to be largely due to commuter parking as there are a lack of on-street restrictions preventing such parking from occurring within the area. As a result, night-time parking levels, when a mini-cab office is likely to be busiest and numbers of drivers working are likely to be highest, would be lower providing capacity for drivers on-street.

Furthermore it should also be noted that the application involves the relocation of an existing business rather than the formation of a new business. Whilst the existing premises could still potentially operate as a mini-cab office, the resubmission of a new application for a D1 use suggests this is not the intention. Your officers therefore consider that the proposed change of use is unlikely to exacerbate existing parking pressures within the area.

On this basis, despite the objections received, the impact of the proposed change of use on the free and safe flow of traffic and on existing parking pressures is not considered to be significantly worse to warrant a refusal of this application on these grounds alone.

Summary

With reference to council policies, the proposal is considered to comply with policies SH14, SH16 and TRN22 of Brent's Unitary Development Plan 2004. Accordingly, it is recommended that planning permission be **granted, subject to conditions**.

REASONS FOR CONDITIONS

n/a

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

Existing floor plan

Location Plan - 563/TAN/01

548SAE/04

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

- (3) Prior to the commencement of the use hereby approved, details of noise insulation demonstrating that "reasonable" resting levels will be maintained within the residential unit above the premises shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of neighbouring residential amenity

INFORMATIVES:

- (1) The applicant is advised that any new signage associated with the use hereby approved would need to be subject to an application for advertisement consent. If in


doubt, please contact the West Area Planning Team on 020 8937 5240 for further assistance.

- (2) The applicant is reminded that any vehicles associated with the mini-cab office hereby approved should be parked within the site or within marked parking bays within the area so as to avoid obstructing vehicle accesses belonging to local residents.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004

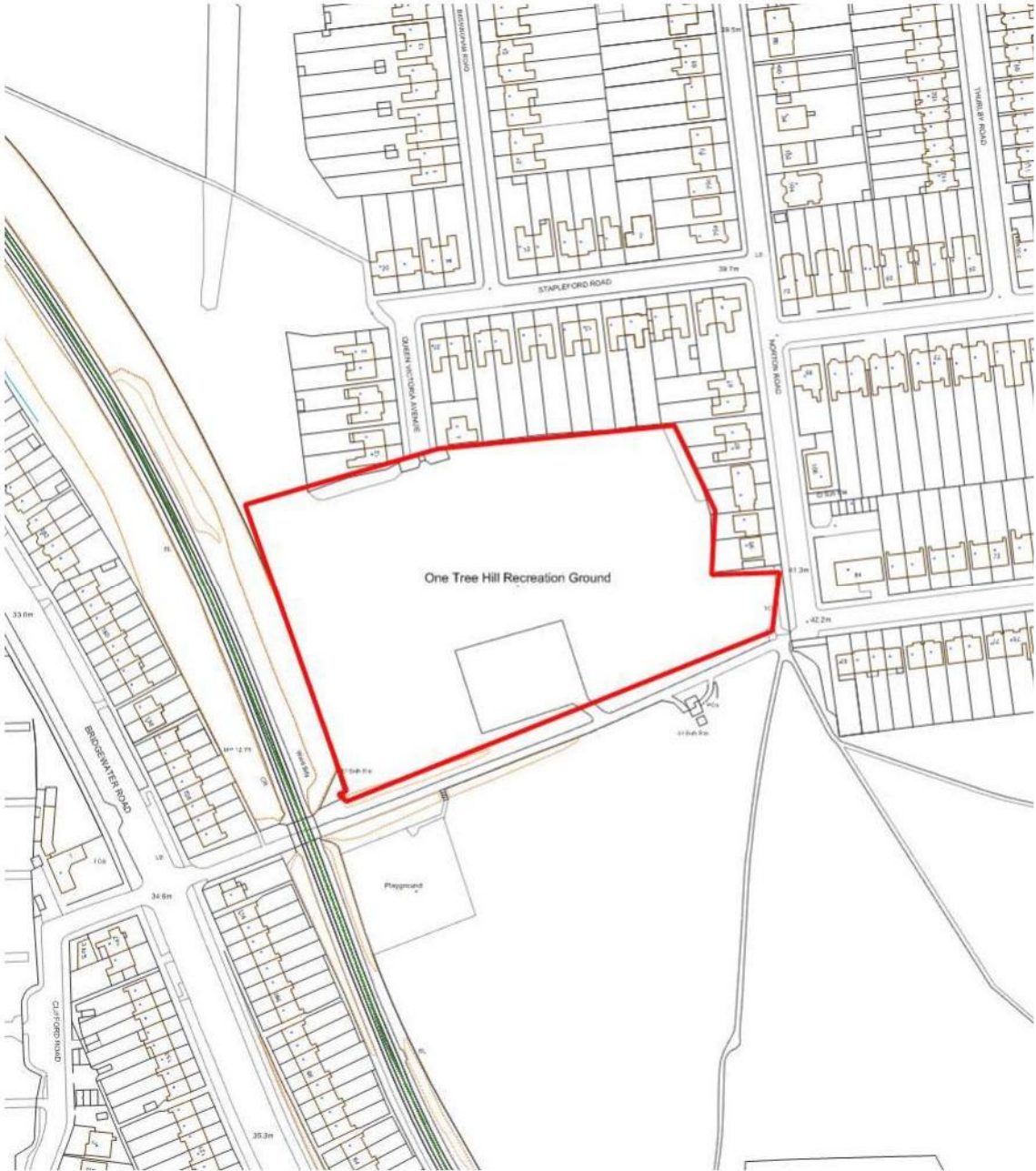
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: One Tree Hill Recreation Ground, Norton Road, Wembley, HA0

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This map is indicative only.

RECEIVED: 2 June, 2011

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: One Tree Hill Recreation Ground, Norton Road, Wembley, HA0

PROPOSAL: Installation of a multi use games area (MUGA) surrounded by a 3m high fence and extension of existing playground in One Tree Hill Recreation Ground including an extension to the existing pathway network and installation of three bicycle stands, as revised

APPLICANT: Sports & Parks Service

CONTACT:

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

Grant consent

EXISTING

One Tree Hill Park is a large 10 hectare public open space located in the Wembley Central ward but bordering Alperton.

This application relates to the area of the park just to the north of the pathway running between the Norton Road/Bowrons Avenue entrance and the Bridgewater Road entrance. It lies adjacent to an elevated section of the Piccadilly Line which runs up the western side of the park. The nearest residential properties to the site are in Queen Victoria Avenue, Stapleford Road, Norton Road and Bowron's Avenue.

PROPOSAL

Installation of a multi use games area (MUGA) surrounded by a 3m high fence and extension of existing playground in One Tree Hill Recreation Ground including an extension to the existing pathway network and installation of three bicycle stands, as revised.

HISTORY

No recent history

POLICY CONSIDERATIONS

National Policies

Planning Policy Guidance 17: Planning for open space, sport and recreation

Brent's Core Strategy (July 2010)

CP18 Protection of Open Space

CP23 Protection of Community Facilities

Brent's Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE4	Access for Disabled People
BE5	Urban Clarity and Design
BE6	Public Realm: Landscape Design
TRN14	Cycle Parking Standards
OS6	Public Open Space
OS8	Protection of Sports Ground

Considerations:

- Impact on public open space
- Impact on existing sports provision
- Visual impact on surrounding area
- Impacts on park use/ crime

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Consultation letters sent 21/06/11

Residents

44 local properties were notified, including households on Queen Victoria Avenue, Stapleford Road, Bowrons Avenue, Norton Road, Braemar Avenue,

One objection letter received with a 65 name petition attached (the petition was against the Alperton Masterplan.) The letter makes the following grounds for objection:

- the submitted drawings are not to scale (This is now rectified.)
- the D&A Statement is poor and does not mention existing residents problems
- the proposal fails to address anti-social elements in the park
- the D&A does not factually detail existing facilities shortfalls
- the D&A does not address managing the park to provide safety/ security and restrictions to avoid night-time use
- It is noted that the MUGA will not be lit, but this should be supplemented by locking the facility between 11pm and 6am. Currently antisocial behaviour occurs whilst people are sleeping, including vandalism of the play equipment
- Drugs and alcohol are consumed in the existing play area, methods to deter this in the new facility would be welcome
- It would help if the park were gated and locked between the hours of 11pm to 5am, which will make the facility safer and prevent vandalism
- The regeneration of Alperton through the Masterplan will generate s106 monies which could make the park safer, and could be used to fund a warden
- Currently locals live in fear of the anti-social elements using the park
- The park is currently being used by motorcyclists, it should just be pedestrians
- During Diwali and Guy Fawkes nights fireworks are lit in the park beyond midnight endangering properties
- Residents have already raised objections to the Alperton Masterplan that will intensify use of the park by 1600 high density residential units
- The Wembley Central Safer Neighbours and Met Police are aware of gangs that operate in this area
- The existing park leads to adults playing ball games close to local properties, making life difficult for local residents especially in summer months. The MUGA will worsen this nuisance. This should be designed out.
- Planners should encourage safer environments
- The principle of the proposal is not objected however, its location is an issue

- It transpires or appears that as this is a National Sports Body related project and even it may be funded by them does not mean that such schemes are implemented without proper thought or feasibility studies?
- Such parks inevitably end up unsupervised and lead to further deterioration of the problems in society if not properly managed and monitored. The programme for property maintenance is only one aspect there is another major concern of people management and control.
- Traffic impact of the development as most football players do not cycle they drive to this park and the MUGA will make this worse
- The chaos this creates is something to bear in mind if it can be controlled by the sublet traffic management team via Brent Management?

Statutory consultees

Landscape- No objection but request further details of how paths will be constructed through root protection area's.

Ward Councillor's- No representations made

Sport England – No objection.

Wembley Central Safer Neighbourhoods Police Team – No formal representation but did confirm the following points in conversation with the case officer:

- There has been a dispersal order relating to gang gatherings in the park, but these particular groups have tended to leave the park by 8.30pm
- Burglaries are no worse in this part of Wembley than elsewhere in the ward.
- The MUGA may well reduce Farm Avenue problems by providing youths with a diversion activity.

The fact that the MUGA is not lit means that it is unlikely to cause people to hang out after dark and therefore will not create a new policing problem

REMARKS

Site Context and Surroundings

This application seeks planning permission for a Multi Use Games Area (MUGA) and playground extension within the One Tree Hill Park. Multi use games area (MUGA) is the generic name for purpose built outdoor facilities for multiple sports. The park can be accessed from many roads including: Queen Victoria Avenue, Stapleford Road, Bowrons Avenue, Norton Road, Braemar Avenue, St James Gardens, Ealing road, Farm Avenue, Holland Road, Bridgehill Close, and Bridgewater road. There are also footpaths and cycle paths running through the park. The surrounding uses are largely residential to the north, east, and west. There is the railway line along the western edge of the park and Alperton Community School to the south. The park currently has an existing children's play area.

The proposed MUGA will be located within the centre of the park in a location which is used for informal recreation parallel to the railway line. The MUGA is to be sited north of a main footpath that runs east-west across the park linking Norton Road/ Bowrons Avenue with Bridgewater Road. A new footpath will link the MUGA to the main footpath to the south, where new cycle stands will also be sited. The location and exiting of the MUGA has been chosen in order to prevent harm to the existing trees on site and it is in an area with the flattest natural topography. The proposal will not result in the loss of any grass playing field.

The application proposes a playground extension to the south of the existing playground, (which is also north of the main Norton Road footpath.) The playground extension projects across part of an existing tarmaced area but this is not currently demarcated as a court, is old and provides an uneven surface and therefore is not considered worthy of retention. The remaining areas of this

concrete area outside of the enlarged playground will be removed and returned to grass.

Proposal and layout

MUGA

This proposal entails a 18m by 30m MUGA that is to be enclosed by 3m high mesh fencing finished in a dark green powder coating on all sides with gated access provided to the south and east. The court is to be tarmaced with sports markings primarily for basketball, which requires a 28m long court. The court could be used for football as goal space is provided at either end.

The proposal follows the approach already taken on other MUGA's across the Borough in King Edward VII, Roe Green, Gladstone Park, Kingsbury, Sudbury Court and Tenterden Sports Ground (Preston Road).

Playground

The application proposes to extend the existing 600sqm playground 16m to the south, to create a 1,000sqm playground overall. The existing flat-top fence is 1.2 metres in height and is made from galvanised steel and the proposed extension to the playground perimeter fence will match this. The enlarged playground includes two gates (1.1 metres wide x 1.2 metres high), one each on the north perimeter and south perimeter fences. The proposed play equipment for the enlarged playground is as follows:

- a. ReActions Quasar: 6.47 metres wide x 6.64 metres long
- b. Bobbin' Swing: 3.48 metres wide
- c. Pendulum Swing 4.14 metres long x 2.99 metres wide
- d. High Double Arch Swing with cradle seat: 2.75 metres wide x 1.85 metres high
- e. Little Miss Muffet: 2.59 metres wide x 2.42 metres long
- f. Longboard: 1.3 metres wide x 2.5 metres long
- i. Horse Spring Mobile (re-instate in new position)

Each piece of equipment will be surrounded by safety grass/matting. Safety grass/matting virtually disappears as the turf grows through its cells and it is wheelchair and pushchair friendly.

Use of the proposed facilities

The need for such a facility was identified as part of the Borough's Planning for Sport and Active Recreation Strategy (2008-2021) created by Brent Council's Sports and Parks Service in conjunction with Sport England and officers from other Council departments. This included an outdoor facilities audit using a modified version of Sport England's Visual Quality Assessment (VQA). The existing MUGA area in One Tree Hill Open Space scored 29.7%. This is classified as a poor facility. The existing macadam surface is not level, is breaking up and has tree root damage across the southern half of the facility. There is no fence around the macadam which allows balls to exit the area and interfere with other activities occurring in the park at the time. Also, the games being played on the surface can be interfered with by outside factors such as young children and dogs running onto the macadam. The Sports Strategy identified One Tree Hill as an area that required a MUGA to serve young people (5 – 19 year olds) in the surrounding area. The addition of a MUGA and playground extension at One Tree Hill would increase and improve the recreational activity on offer to the local community and will also offer facilities to a wider age and user group to include those with disabilities. The MUGA will enhance the sports offer by increasing the facilities available.

The playground is intended for use by children and will vastly enhance the play experience currently on offer.

Landscaping

There are no landscaping proposals as part of this submission, neither will the installation of the

MUGA result in the loss of any existing landscaping features or trees. The closest trees to the MUGA will be approximately 19m away and will remain unaffected by its installation.

Two paths will be constructed to the MUGA, branching off from the main pedestrian footpath. As these new pathways would pass close to the mature trees along the path then Landscape Officers wish to see further details of how these paths will be constructed through the Root Protection Area's (RPA) of the existing mature trees, so as to avoid any root damage. A condition is recommended requiring the submission of further details to satisfy this request for additional information.

Access

Access to the MUGA has been designed to accommodate both able bodied and disabled users, access to the MUGA be level from the footpath.

A 3m high perimeter fence, with gates will provide a safe, semi-enclosed environment for users.

Floodlighting

The applicant has stated that there is no proposal to floodlight the sports area.

Transportation

Three cycle stands are proposed next to the entrance of the MUGA. Tubular cycle stands are proposed in a "Harrowgate" design finished in dark green. Given the age groups that the MUGA is intended for, the majority of users of the MUGA are likely to visit the site by non car modes.

Impact upon residential amenity

The location of the MUGA and playground extension has been carefully chosen to keep the impact to residential properties minimal. The closest residential properties are approximately 54m away to the north and east and separated by the railway line to the west. Given that no floodlighting is proposed it is not considered that the MUGA is likely to have any more of a noticeable impact than the existing playing pitches. There are playing fields where sport informally occurs closer to residential properties than the proposed MUGA would be.

The MUGA is going to be visible to people passing through the park and is close to existing footpaths. This will allow natural surveillance of this space from users of the park, and those passing through it.

The extension will not take the playground any closer to residential properties than is currently the case. The rear garden of the nearest property to the existing playground is approximately 35 metres away.

Response to objections received

- *The submitted drawings are not to scale.* - This is now rectified with revised drawings.
- *The D&A Statement is poor and does not mention existing residents problems including anti-social use of the park* – In a meeting with the objector the applicants acknowledged their concerns, but the management of the park is a separate matter to this application, which only considers park facilities. The Council has a monthly maintenance program but no-longer has the resources to have dedicated Park Wardens patrolling and locking up sites on a nightly basis.
- *The D&A does not factually detail existing facilities shortfalls* - subsequent further details have substantiate the need for facility enhancements including a MUGA for One Tree Hill being identified within the Borough's Planning for Sport and Active Recreation Strategy (2008-2021)
- *Drugs and alcohol are consumed in the existing play area, methods to deter this in the new facility would be welcome* - This is a matter for park management
- *The regeneration of Alperton through the Masterplan will generate s106 monies which*

could make the park safer, and could be used to fund a warden – s106 monies must be functionally linked to the development that they arise from. The standard charge arising from new development contributes to all types of infrastructure including improvements to parks/ open space but the provision of a warden is a matter for Park management.

- *Currently locals live in fear of the anti-social elements using the park. Such parks inevitably end up unsupervised and lead to further deterioration of the problems in society if not properly managed and monitored. The programme for property maintenance is only one aspect there is another major concern of people management and control. – This is understood however there is no evidence that the proposal including a MUGA will worsen anti-social behaviour. New MUGAs elsewhere (that were initially objected to by residents on these grounds,) have not been found to cause anti-social problems and in some instances have helped to reduce existing problems by providing an activity for people.*
- *The park is currently being used by motorcyclists, it should just be pedestrians – this is not an issue that is linked to the proposal, but the Parks department is aware of the problem and may seek to address this as a separate management matter. Bicycle use within the park is encouraged as it includes part of the route of the designated London Cycle Network.*
- *During Diwali and Guy Fawkes nights fireworks are lit in the park beyond midnight endangering properties - this is not an issue that is linked to the proposed development.*
- *Residents have already raised objections to the Alperton Masterplan that will intensify use of the park by 1600 high density residential units - The proposed facilities meet current demand for sports facilities by existing residents. If and when any future development occurs, further sporting facilities may be required and will be assessed at that time.*
- *The Wembley Central Safer Neighbours and Met Police are aware of gangs that operate in this area – the Police have not raised objections to the proposal*
- *The existing park leads to adults playing ball games close to local properties, making life difficult for local residents especially in summer months. The principle of the proposal is not objected however, its location is an issue. The MUGA will worsen this nuisance. This should be designed out. - The location of the MUGA 54m away from the nearest residential property to the north and east and separated by a railway line to the west. The park is designated as a public open space and therefore its use for sporting facilities is inevitable. Areas of the existing tarmac surface (adjoining the playground,) that will be no-longer required will be returned to grass, providing a new grassed surface at a further distance to homes.*
- *Planners should encourage safer environments - Officers have fully considered the implications of policy BE5, and consider that natural surveillance opportunities have been maximised in consultation with the Police.*
- *It transpires or appears that as this is a National Sports Body related project and even it may be funded by them does not mean that such schemes are implemented without proper thought or feasibility studies? – The proposal has been carefully designed. Funding for the project is not a planning consideration but the applicants have confirmed the project finance is from the Council's Capital funding in support of the sporting need identified in the Borough's Planning for Sport and Active Recreation Strategy (2008-2021.)*
- *Traffic impact of the development as most football players do not cycle they drive to this park and the MUGA will make this worse- The MUGA will provide improved facilities for park users, but this is unlikely to lead to a marked increase in the number of visitors to the park in the first instance, or indeed the number coming by car. The users will be mostly children and teenagers who unless accompanied by an adult would not travel by car. 3 secure cycle stands are proposed.*
- *The Alperton Masterplan objections may be viewed on the planning file and are not considered relevant to the proposed development currently being considered.*

Summary

The proposal accords with planning policies, is an appropriate use of public open space, will not result in the loss of formal pitches, will not be harmful to the visual amenity of the area and will enhance the existing sports offer in this locality, accordingly the application is recommended for approval.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Planning Policy Guidance 17: Planning for open space, sport and recreation
London Borough of Brent UDP 2004
Brent Core Strategy 2010

CONDITIONS/REASONS:

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

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

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

Revised Appendix two- Location Plan
Watts MUGA plan and elevations
One Tree Hill Wicksteed playscapes playground plan
One Tree Hill Wicksteed playscapes playground artists impression
One Tree Hill playground equipment list
Planning for Sport and Active Recreitaion Facilities Strategy: requirement for One Tree Hill
Appendix three - D&A statement
Appendix five - One tree hill maintenance programme
Appendix six - safety matta
Appendix 7 - cycle stands
Email from Neil Martin dated 07/07/11

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

- (3) No security or floodlights shall be erected on the site without the submission of full details to, and written approval from the Local Planning Authority.

Reason: In the interest of safeguarding local amenity and the character of the Public Open Space.

- (4) Within 3 months of the installation of the MUGA three Harrowgate Cycle Stand BXMW/ GHO secure cycle stands finished in dark green shall be installed in the position shown on the approved drawings and thereafter the approve details shall be maintained unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure sustainable transport measures are encouraged in accordanc
eiwht policy TRN11

- (5) Notwithstanding the plans hereby approved, further details (including drawings as

necessary) to demonstrate how the proposed footpaths will be constructed through the root protection areas of existing mature poplar trees along the footpath without causing root damage, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction work on the site and the construction of the footpaths shall be carried out in accordance with the approved details.

Such details shall also include:-

- (i) The tracking location of vehicles to avoid root protection areas
- (ii) The storage of materials outside of the RPAs
- (iii) A methodology that ensures that the path construction complies with Recommendations from Trees In Relation to Construction BS5837:2005

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees that contribute to local visual amenity

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Planning Policy Guidance 17: Planning for open space, sport and recreation
London Borough of Brent UDP 2004
Brent Core Strategy 2010

Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222

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Planning Committee

2nd August, 2011

Report from the Assistant Director, Planning and Development

Wards Affected: Harlesden

Report Title: 12 High Street, Harlesden, NW10 4LX

1.0 Summary

- 1.1 This report deals with the planning enforcement history of 12 High Street, Harlesden, NW10 4LX and updates members on the current enforcement position
- 1.2 The council has also received a petition containing approximately 500 signatures in relation to these premises. The petition states 'The following hearby request the Planning Department of London Borough of Brent to reconsider their refusal of an application for planning permission made by Harlesden Ummah Centre of 12 High Street, London NW10 as a Masjid'.

2.0 Recommendations

- 2.1 To note the reasons for refusal of planning permission and the issue of an enforcement notice to obtain the cessation of the unlawful use of the premises.
- 2.4 To support further steps to obtain compliance with the outstanding enforcement notice.

3.0 History

- 3.1 Complaints were received from members of the public on 3rd October, 2006 that the premises were being used for religious gatherings in addition to its lawful use as a retail shop. The matter was taken up with a trustee of the premises who claimed it was not in use as a place of worship but merely as a community shop.

- 3.2 Further works were carried out in 2008 which involved the erection of a rear extension, the cessation of the retail use and its full conversion to a Mosque. Council Officers took the matter up with the Trustee again. No steps were taken to resolve the issue and consequently the Council issued an enforcement notice on 27th March 2009 requiring the demolition of the extension and the cessation of the use of the premises for religious gatherings and prayer.
- 3.3 The Trustee appealed the enforcement notice and this was dismissed on 20th January, 2010. The Planning Inspector, appointed by the Secretary of State, held that the scale and bulk of the extension amount to an over development of the site and its design was out of character with the Harlesden Conservation Area. The Inspector also held that there was a significant loss of residential amenity and an unacceptable transport impact at times of prayer meetings and religious gatherings. He therefore dismissed the appeal and this mean that the enforcement notice had to be complied with by 20th April, 2010.
- 3.4 A planning application was made to retain the use and extension on 21st April, 2010 and was refused on 23rd July, 2010 for the following reasons:-
- 1 The single-storey rear extension, by reason of excessive scale and bulk and utilitarian design, causes harm to the character and appearance of the Harlesden Conservation Area contrary to saved policies BE2, BE9, BE25 and BE26 of the London Borough of Brent Unitary Development Plan 2004
 - 2 The current use of the site, which falls within Use Class D1 of the Town & Country Planning (Use Classes) Order 1987, as amended, is not considered to be an appropriate use within the designated Primary Shopping Frontage as it will fail to provide a service to visiting members of the general public and result in an inactive frontage, lacking in attractive window displays and public access, which would harm the vitality of the Harlesden Town Centre and reduce its attractiveness to shoppers contrary to saved policy SH6 of the London Borough of Brent Unitary Development Plan 2004.
 - 3 The current use of the premises, which includes regular use as a place of worship, generates increased traffic, noise, disturbance and overspill parking, particularly during periods of organised prayers and meetings, which causes harm to the amenity of nearby residential occupiers contrary to saved policies TRN3, CF4 and CF14 of the London Borough of Brent Unitary Development Plan 2004.
 - 4 In view of the fact that the lawful use of the premises is for purposes falling within Use Class A1 (retail) of the Town & Country Planning (Use Classes) Order 1987, as amended, the single-storey rear extension results in the loss of essential rear serving facilities, which are in short supply within Harlesden Town Centre, to the detriment of the free flow of traffic and highway safety contrary to saved policies TRN3, TRN34, PS17, SH19, SH22, SH34 of the London Borough of Brent Unitary Development Plan 2004
- 3.5 No appeal was made against the refusal of planning permission and letters were sent to remind the Trustee of the need to comply with the enforcement notice. Meetings were also had with the Trustee and his planning agents and they were advised that the current use of the premises was unacceptable and that he should find alternative premises elsewhere. Furthermore it was made clear, that in the groups search for alternative premises, officers were prepared to offer further planning advice when he found suitable premises.

- 3.6 As the matter had not been resolved and as the Council were receiving complaints from members of the public about its failure to resolve the matter, the Council was forced to employ its contractors to enter the premises and take direct action to demolish the extension.
- 3.7 The Council's contractors visited the premises on 5th February, 2011 to demolish the extension. The Trustee was present at the premises and encouraged others to hinder demolition works. The situation became so threatening and abusive for Council Officers that they left with only a limited part of the roofing felt removed. The incident was so serious that it was reported to the police which led to the arrest of the Trustee for a Public Order Offence. He was subsequently issued with a Penalty Charge Notice.
- 3.8 The Council were notified by the leaseholder of the premises, Mr Meghi that the extension had been demolished by the Trustee on 17th February, 2011. However an Inspection in May, 2011 revealed that the walls of the extension remained but the roof had been removed. Furthermore the use of the premises as mosque continued in breach of the enforcement notice.
- 3.10 Steps are now being considered about what further action can be taken to ensure compliance with the notice. This is likely to include prosecution proceedings.

4.0 Planning Assessment

- 4.1 The premises are located within Harlesden Town Centre's Primary Shopping Frontage. The Council's development policies contained in the Unitary Development Plan seek to control changes of use within the Primary Shopping Frontage to ensure that town centres consist of a useful range of appropriate uses which will improve the attractiveness of the centre to shoppers and visiting members of the general public.
- 4.2 The Council recognises that an appropriate proportion of suitable non-retail uses can complement and enhance the retail function of a town centre and policy SH6 of Brent Unitary Development Plan 2004 sets out which non-retail uses are generally considered appropriate within a town centre. Policy SH6 sets out that, subject to compliance with policy SH7, appropriate non-retail uses will be confined to those uses falling within Use Class A2 (Financial and Professional Services), Use Class A3/A4/A5 (Food and Drink Uses) and Libraries.
- 4.3 The appropriate non-retail uses defined in policy SH6 are generally those which would create attractive active frontages and provide complementary services for shoppers. The current use of the premises as a youth & community centre/place of worship is contrary to policy SH6 and results in an section of 'dead frontage' whilst failing to improve the range of services for shoppers.
- 4.3 During the determination of the appeal the Planning Inspector considered the issue of precedence but found that, whilst acknowledging that allowing the change of use would make it more difficult for the Council to resist similar

applications in the area, a precedent would not be set as every case should be considered on its own merits.

IMPACT ON RESIDENTIAL AMENITY

- 4.4 Policies CF4 and CF14 seeks to support the provision of community facilities and places of worship provided that this does not result in an unacceptable loss of residential amenity. There are a number of residential properties in close proximity to the site, particularly those on the upper floors of the properties along High Street, Harlesden.
- 4.5 Paragraph 13 of the Planning Inspectors appeal decision states:-
"The Council states, and the appellant does not dispute, that the current use generates increased traffic, noise, disturbance and overspill parking which adversely affect neighbouring residents as well as being prejudicial to the free flow of traffic and highway safety."
- 4.6 During a recent site visit, undertaken whilst a prayer meeting appeared to be taking place on the premises, the adverse impacts on residential amenity, referred to by the Inspector, were observed. In the Planning application from 2010 it is stated that the site is visited by an average of 5 people per day. However this is not the case. Given the size of the premises and the observations made during officers' visits to the premises, it is considered that the intensity of the current use harms the amenity of neighbouring residential occupiers. The current use is considered contrary to policies CF4 and CF14 of the UDP.

TRANSPORTATION

- 4.7 It is considered that the use of the premises as a place of worship also results in problems relating to overspill parking and increased traffic which are harmful to the safe and free flow of traffic and residential amenity.

OTHER CASES

- 4.8 Planning Permission has been granted for a community/religious use and rear extensions at 212-214 Church Road. On tonight's agenda, there is a further application for community/religious use at 107 High Street, Harlesden and this is recommended for approval. It is also anticipated that a similar application for 72 to 74 Harrow Road will be reported to the next committee with a recommendation for approval, subject to some revisions being made.
- 4.9 All cases are treated on their individual merits. However, 12 High Street is located within the Primary Shopping Area of Harlesden Town Centre. While one of the other properties mentioned above is a listed building, neither are in the primary shopping area or cause the same residential amenity or highway problems that 12 High Street does.
- 4.10 As it is located in a primary shopping centre, the Council must place greater emphasis on protecting the area's retail vitality and viability. The other premises are located either within a Local Centre or Secondary shopping frontage where there is greater scope for non retail uses.

5.0 Conclusions

- 5.1 The use of 12 High Street, Harlesden as a community centre/religious use is unacceptable for the reasons set out above and further enforcement action should be taken to ensure that the enforcement notice is complied with.

6.0 Financial Implications

- 6.1 If further prosecution proceedings are taken and convictions obtained, the defendant usually pays the Council's Costs at the discretion of the Court.

7.0 Legal Implications

- 7.1 None Specified

8.0 Diversity Implications

- 8.1 Planning policies seek to accommodate a range of needs. However, one particular use or a group's needs must be considered against wider local needs and objectives. The approach of supporting such uses in less sensitive locations where they may assist in taking up vacant shop units without harming an area's wider retail attractiveness seeks to meet this balance.

Background Papers

Enforcement Appeal Decision E06/0772

Planning Application 10/0969

Brent Unitary Development Plan 2004

Contact Officers

Any person wishing to inspect the above papers should contact

Tim Rolt, Planning Enforcement Manager Tel: 020 89375242

Email: tim.rolt@brent.gov.uk

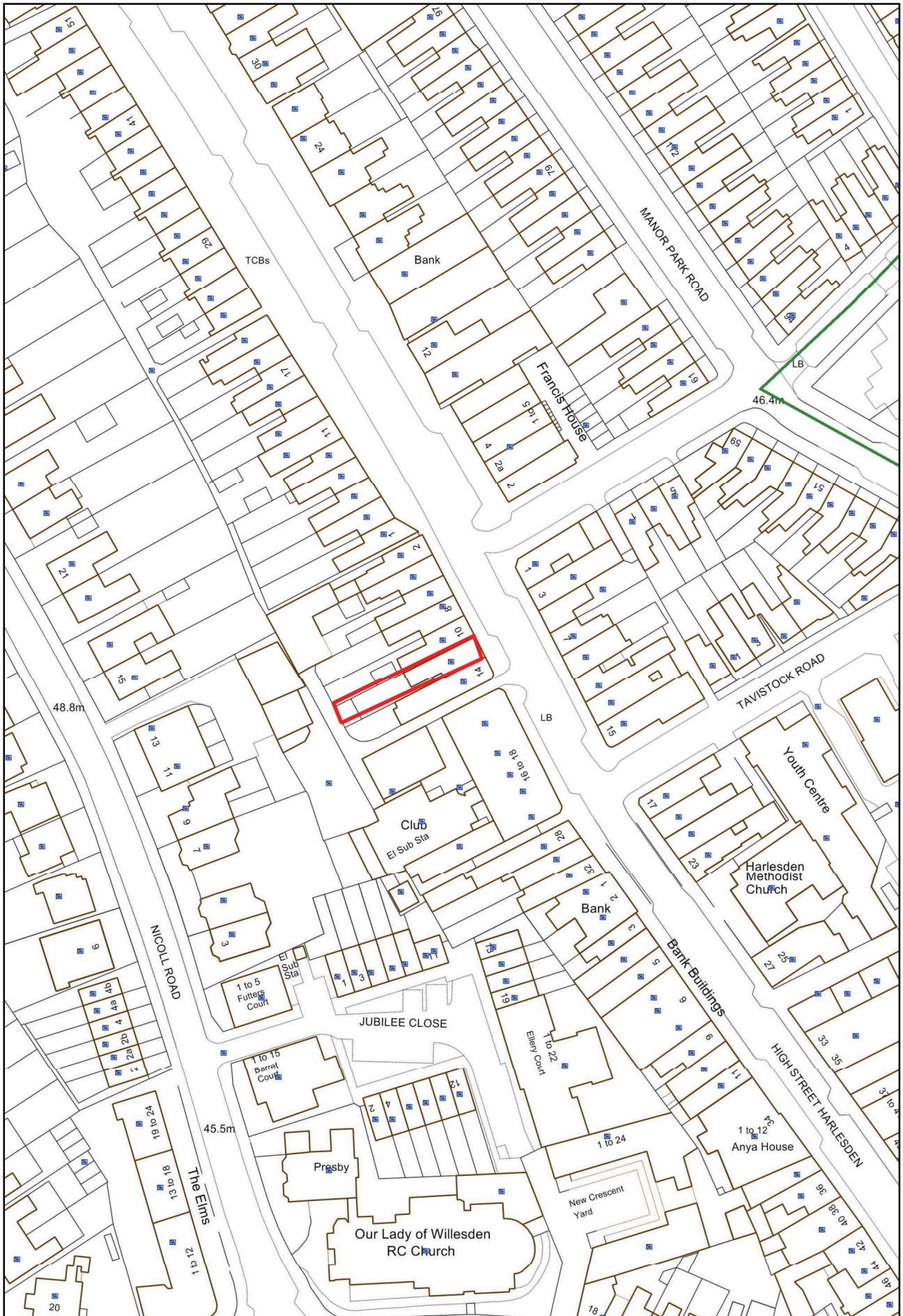
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Chris Walker

Assistant Director,

Planning and Development



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Planning Committee

2nd August 2011

Report from the Assistant Director, Planning and Development

Wards Affected: Northwick Park

Report Title: Leisure Golf Northwick Park - UPDATE REPORT

1.0 Summary

1.1 The Planning Committee last considered the recent history of Leisure Golf Northwick Park/Harrow and outstanding planning matters on 16th March 2010. The Committee wished to see outstanding issued pursued and since then officers have met with directors of the company on several occasions and written to them requesting compliance. Some changes have come forward but a range of issues remain despite being raised over a period of several years with the current and previous owners.

1.2 This report sets out what has changed since the March 2010 report, (which is appended as Appendix A,) and what key planning issues officers consider need to be rectified in the near future.

2.0 Recommendations

2.1 That the Planning Committee note and endorse the ongoing approach of seeking to regularise outstanding planning matters.

3.0 Progress since March 2010

Leisure Golf Limited has submitted two detailed pursuant applications:

11/0420 – discharged 11/04/11 – This considered enhanced soft landscaping to the baseball batting cage allowed on appeal subject to conditions including soft landscaping.

Details pursuant to conditions 6 (details of landscaping) and 15 (landscape management plan) of full planning permission reference 99/2397 dated 14 May 2001 for construction of a golf centre; and condition 1(i)(c) (landscaping and planting) of the Inspector's decision APP/T5150/C/06/2016378 dated 13 April 2007 for retention of a baseball batting court and as accompanied by Landscape Management Plan.

In 2007 a landscaping details application (07/2618) for the baseball cage but not all of the agreed works were undertaken. The 11/0420 details pursuant application now seeks to address this. Concerns were received from local residents regarding the scope of the current application. However the previous application 07/2618 had already agreed a scheme that only screened the cage from the approach road, and therefore officers did not consider that the area to be landscaped could be widened. The current landscaping scheme improves the setting of the cage on site and is considered acceptable. Originally the proposal did not replicate the number of trees previously approved on site. As revised, a new tree is proposed to the south of the baseball cage maintaining the number of trees previously approved. The majority of the landscape approved has been undertaken but the additional tree will be planted in autumn.

11/0628 – discharged 27/05/11 – This considered repainting the baseball cage floor.

Details pursuant to conditions 1(i)(d) (paint floor of baseball cage) of the Inspector's decision APP/T5150/C/06/2016378 dated 13 April 2007 of full planning permission reference 99/2397 dated 14 May 2001 for retention of a baseball batting court.

The paint (Brunswick Green) previously used had become worn and patchy. This application proposed to repaint in a different green. The sample submitted is considered acceptable in terms of appearance and light reflection.

Frontage Landscaping

The company have further replaced a stretch of the front hedge alongside Watford Road adjacent to the main entrance, and provided an in-built watering system to ensure that the newly planted species flourish.

No other physical changes to the site have been formally considered since the previous report although the owners have advised that the use of the lower floor has changed and reduced (see para 4.8)

4.0 Outstanding matters

Green Roof to main building

- 4.1 This was a requirement of condition 2 of 99/2397. Leisure Golf Limited have provided assurances that they will be appointing a company to reinstall a green roof on the main building, (which was previously approved under 03/0784 but failed, see point 7 of report from 16/03/10 in Appendix A.) No formal submission has been received but on the 19/07/11 the company has submitted indicative details of a sedum roof proposal from eco.green roofs. This is being assessed by the Council's Landscape Designers and an update will be provided in a Supplementary Report.
- 4.2 Officers are keen to ensure a green roof is provided from both a general visual amenity perspective and because it was a consideration when considering the original building in Metropolitan Open Land. To this end, an Enforcement Notice has been drafted for the attention of Leisure Golf Limited.

Car parking on site

- 4.3 Car parking on the Northwick Park site is restricted by conditions. Most recently, application 06/0768, which limited the areas that vehicles may be

parked in, the surfacing materials used for the car park, landscaping of the car park and required a management plan so that the entire car park area is not used for parking on a daily basis. The lack of progress towards this is particularly disappointing given Leisure Golf Ltd have promised submissions to discharge this information over the course of the last 2 years with no applications being received. In addition, while the company have referred to presenting information to explain their needs they have yet to do so.

- **Materials** - condition 3 of application 06/0768 required the use of the special events car park to cease unless the gravel surface was removed, and topsoil/ grass laid in the special events parking area. The area has been grassed but this is extremely patchy and it appears that there was an inadequate growing medium provided.
 - **Landscaping** - condition 4 of application 06/0768 required the use of the special events car park to cease unless within 2 months a soft landscaping scheme is approved and within 9 months the landscaping is fully implemented. Application 07/2618 approved a landscaping scheme. The approved landscaping scheme included the retention of 8 existing prunus avium trees along the southern side of the car park area, and planting of 5 alnus avium trees along the north side, with 2 planting bays incorporating hedges and 6 new prunus avium trees. There is some evidence that some hedge species were planted but little now remains and there is no evidence of the new trees.
 - **Car park management plan** – condition 6 of application 06/0768 required that the use of the 'special events parking area' shall cease within two months of the date of the planning permission hereby granted unless a management plan detailing the occasions and nature of the use when the 'special events parking area' is to be made available for use, and the approved management plan shall be implemented within 1 week of its approval. Only one plan was submitted informally 4 years ago, which was unsatisfactory. No progress has been made on this to date and the gate that was meant to restrict access does not seem to be controlled.
- 4.4 Car parking is an ongoing problem on site and previous and current owners have failed to either comply or provide an alternative layout to be considered. Officers consider that further enforcement action may be necessary in the absence of a formal submission in the near future.

Landscaping provision and maintenance

- 4.5 The baseball cage has been re-landscaped under 11/0420 and Leisure Golf Ltd have replaced a stretch of the front hedge on Watford Road next to the main entrance, and provided an in-built watering system to assist survival. No other progress has been made with on-site landscaping.
- 4.6 Some gaps remain in the front hedge elsewhere along Watford Road, new trees were to be planted along the front bund and shrub screens across the greens were to be installed. Application 07/2618 proposed a 6 hole soft landscaping scheme, but much of the approved landscape was not planted in accordance with the approved details and those plants/ shrubs/ trees that were, were not maintained. Officers consider that the areas visible to the public realm are particularly important and need to be appropriately planted and maintained.

Lighting of adventure golf course

- 4.7 The lights on the adventure course were replaced several years ago with lower-level light columns. Following previous complaints officers asked Leisure Golf Ltd to resurvey whether all lights were required, consider baffles where necessary and resubmit a revised lighting scheme for LPA approval. Despite references to amendments being made on site, no submissions of altered details have been made.

Use of the main building/ restaurant use

- 4.8 Leisure Golf Ltd have stated that they have ceased using the building for unauthorised conferences from 3rd February 2011. There are 3 rooms within the lower ground level but the company has assured officers that any other events on site will be functionally linked to golf, which meets the conditions of previous planning approval. The restaurant appears to be operating within approved planning hours of use.

Signage

- 4.9 Leisure Golf Ltd has been advised that any changes to the entrance signs on site will require a new advertisement consent application.

5.0 Conclusions

- 5.1 Overall the Local Planning Authority will continue to discuss the outstanding matters set out above with Leisure Golf Limited. Members should note that since the previous report Brent's Core Strategy 2010 has been adopted and Policy CP18 emphasises the need to protect areas of Open Space (such as Northwick Park,) from inappropriate development.
- 5.2 However, given the lack of information submitted recently regarding the site, despite the assurances and indicative submission dates provided by Leisure Golf Limited, the Local Planning Authority thought it necessary to provide this as an update report to Planning Committee with the view of pursuing enforcement options.

Financial implications

- 5.3 There are no specific financial implications arising from this report however the work specified within this will require some officer resources.

Diversity Implications

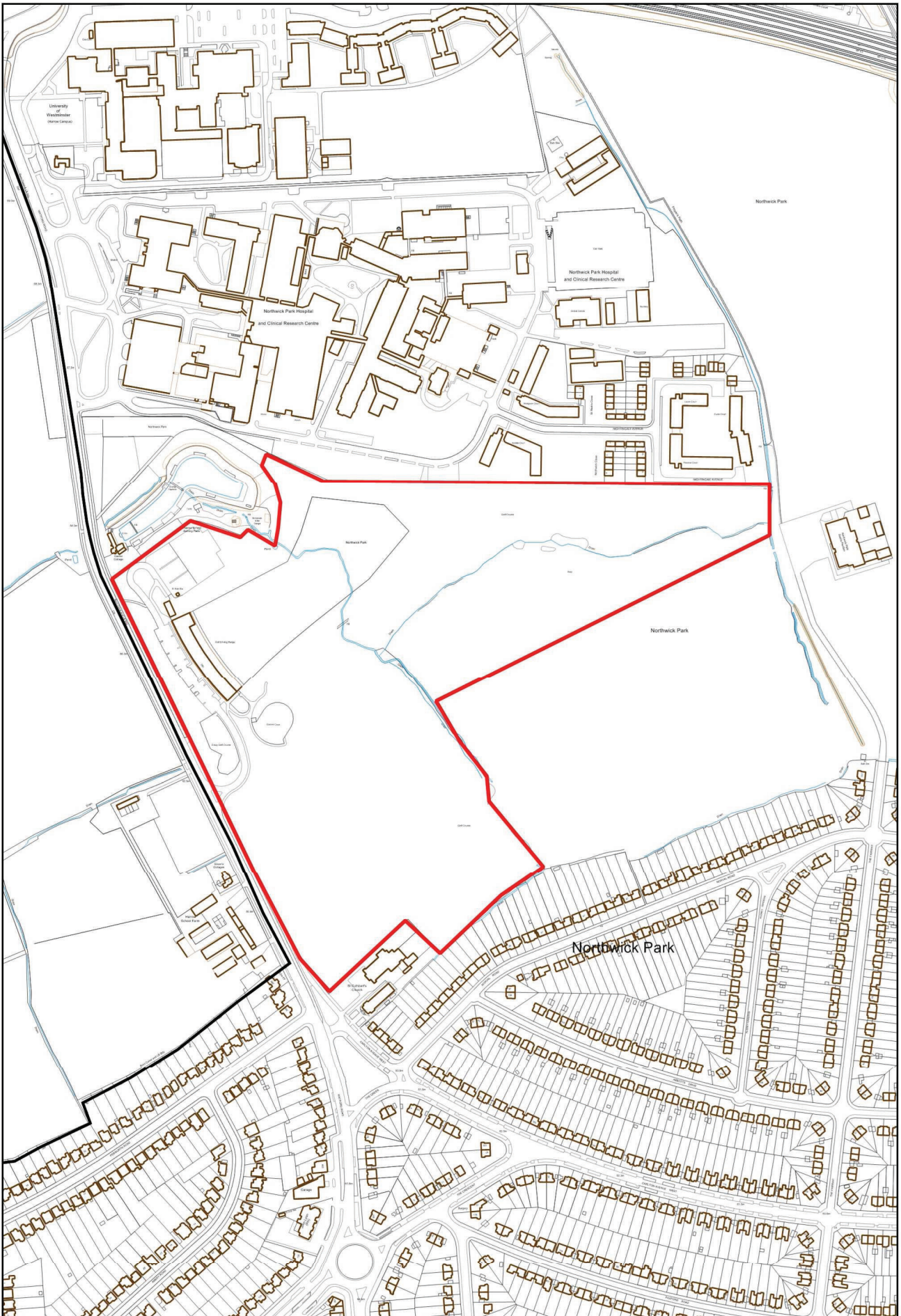
None

Background Papers

Unitary Development Plan and planning applications specified above

Contact Officers


Any person wishing to inspect the above papers should contact Stephen Weeks, Head of Area Planning stephen.weeks@brent.gov.uk or Amy Wright, Senior Planning Officer amy.wright@brent.gov.uk



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APPENDIX A

 The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and a dragon, surrounded by the words "BRENT COUNCIL" in a circular arrangement.	<p style="text-align: center;">Planning Committee 16th March, 2010 Report from the Chief Planner</p>
<p style="text-align: right;">Wards Affected: Northwick Park</p>	
<p>Report Title: Playgolf Northwick Park - UPDATE REPORT</p>	

Introduction and site description

Playgolf Northwick Park opened as a golf course with ancillary clubhouse building and driving range in 2005 following the grant of planning permission in May 2001 to establish a golf course and driving range on the area of Metropolitan Open Land, (MOL) along with associated access roads and parking areas, a drainage ditch and ponds (water hazards) and maintenance areas. Northwick Park is designated in the UDP as Metropolitan Open Land (MOL), a site of nature conservation importance, and public open space. Watford Road represents the western boundary between the Boroughs of Brent and Harrow. The MOL incorporates two public rights of way (PROW 36 and 37), one of which (PROW37) intersects the golf course driving range.

The site now operates as a 9-hole golf course, although originally it opened as a 6-hole course. There is also an adventure (mini) golf course and a baseball batting court on the site. The 2-storey clubhouse building is partially built into the ground and includes a 60-bay floodlit driving range over two levels that plays out onto a 225m long range enclosed by nets 20m in height (see 07/0172). The clubhouse building now provides reception and changing facilities, as well as an ancillary restaurant, golf shop, multi-purpose gym and rooms for functions/ conferences. There is a main car park for up to 60 spaces and a subsidiary "overflow" car park for a further 40 cars and a further special events parking area, along with roadway lighting and signage.

Since the opening of the golf centre the site has been subject to a number of ongoing planning and other issues, including complaints against alleged breaches of planning, pollution complaints, commencement of new unauthorised uses, and public right of way matters, as well as subsequent planning applications, enforcement action and appeals. This report seeks to gather together all the outstanding matters and set out the Local Planning Authority's position on those relevant to planning, and where applicable take action to ensure the golf centre's compliance with relevant conditions and permissions.

Last year a new company called Leisure Golf Limited has took over control of the management of the site. Recently this has resulted in the site's name changing from Northwick Park Playgolf to Playgolf Harrow. The Local Planning Authority has taken this change in management of the site as an opportunity to pursue any unresolved planning matters on site and have raised concerns submitted by local residents with the company.

The report will address each of the principal unresolved planning matters individually, detailing the planning context. Recommendations will be made for unresolved matters where necessary.

History

The main history, not including all details pursuant to conditions applications is set out below:

99/2397 – Planning permission was **granted** in May 2001 for construction of a golf centre comprising part single-/part two-storey building for use as clubhouse and floodlit practice facility/driving range, provision of ball-stop fencing, landscaping, car-parking, new access roads and new 9-hole golf course.

02/1293 – Planning permission was **refused** in September 2002 Construction of 2-storey golf club building with 60-bay floodlit practice facility/driving range cafe, fitness suite and external climbing wall, together with construction of external baseball batting cages, car-parking area and new site access (amendment to planning permission 99/2397).

The Planning Committee had resolved to grant permission but it was refused by direction of the Mayor of London

03/1102 – Details **approved** in June 2003 of conditions 4 (materials) and 6 (landscaping). These details were not implemented as they related to a 9-hole golf course.

(E/06/0111) – An enforcement notice was served in April 2006 for retention of a baseball batting cage, associated lighting and structures. The structures and lighting were to be removed within 2 months of the date of the notice (taking effect on 21 May 2006). The Enforcement Notice was appealed and the appeal **allowed**, subject to conditions.

Enforcement Notices were served in April 2006 with respect to the following:

1. Baseball batting cage, associated lighting and structures requiring removal within 2 months.

(E/06/0111)

2. The hardsurfacing and lighting of an area to the North of club house for use as an overspill car park requiring removal within 2 months. **(E/06/0172)**

3. The erection of a picket fence, wooden cabin and lighting to the West of the clubhouse to create an adventure golf course requiring removal within 1 month. **(E06/0195)**

Appeals were lodged against the Notices and the appeals subsequently withdrawn following the decisions on the following applications:

06/0762 – Planning permission **refused** in October 2006 for retention of caged baseball batting court and kiosk and associated floodlighting and landscaping. The decision and enforcement notice (E/06/0111 above) were appealed and the appeals **allowed** on 13 April 2007 subject to conditions.

06/0768 – Planning permission **granted** subject to conditions in December 2006 for retention of hard surface and lighting to North of clubhouse to create an overflow car park, subject to conditions.

06/0769 – Planning permission **granted** subject to conditions in December 2006 for retention of the adventure golf course, subject to conditions.

06/0677 – Advertisement Consent **granted** subject to conditions in December 2006 for retention of double-sided, internally illuminated, free-standing sign at either side of site entrance, subject to conditions.

07/0172 – Retention of ballstop netting to driving range granted in October 2007 with no associated conditions

07/2628- Planning application granted April 2008 for deletion of condition 1(i) (b) ' works to allow the dome shaped netting to be lowered when not in use' and condition 2 ' the dome shaped netting shall be lowered to the full extent specified when the court is not in use ' of Planning inspectorate appeal decision Ref: APP/T5150/C/06/2016378 and Council Ref: E/06/0111.

07/2630 – Planning permission granted subject to conditions in April 2008 for retention of existing gymnasium at the Playgolf Northwick Park Golf Centre (Class D2).

07/2628 - Planning permission granted subject to conditions in April 2009 for retention of existing restaurant with bar at the Playgolf Northwick Park Golf Centre (Use Class A3)and subject to a Deed of Agreement dated 22nd January 2009 under Section 106 of the Town and Country Planning Act 1990, as amended

Policy Considerations

Brent's Unitary Development Plan 2004

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

- (a) locating major trip generating activity in areas most accessible to public transport, in particular at the transport interchanges .
- (b) giving priority to public transport , walking and cycling.
- (c) encouraging developments with a mix of uses in appropriate locations.
- (d) increasing residential densities, particularly in walkable neighbourhoods.
- (e) securing significant public transport improvements.

STR6 - On-street parking controls and off-street parking standards will be used to restrain traffic.

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.

BE5 - Development should be understandable, free from physical hazards and to reduce opportunities for crime, with a clear relationship between existing and proposed urban features outside and within the site. Public, semi-private and private spaces are clearly defined in terms of use and control, informal surveillance of public and semi-private spaces through the positioning of fenestration, entrances etc., front elevations should address the street with, where possible, habitable rooms and entrances, with private areas to the rear and significant areas of blank wall and parking should be avoided on back edge of pavement locations, entrances should be overlooked by development with good lighting and visible from the street, rear gardens should not adjoin public space, parking spaces are provided within view and if not made safe in other ways and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

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

BE7 - High quality of design and materials required for the street environment. In existing residential areas, the excessive infilling of space between buildings and between buildings and the road, the hardsurfacing of more than half of the front garden area and forecourt parking detracting from the streetscene or setting of the property or creates a road/pedestrian safety problem, will be resisted.

BE8 - Development proposals should conserve energy through the use of low energy or renewable systems where appropriate and should preserve the darkness of the night time sky, particularly near Metropolitan Open Land and Public Open Space and lighting should be controlled to avoid nuisance to road users, harm to residential amenity and/or detriment to local distinctiveness, with the use of conditions where necessary.

BE9 - New buildings should have an appropriate design solution specific to the 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 and landscape 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 have a direct relationship with the street at ground floor 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.

BE34 - Particular regard will be had to the impact of development proposals on the listed views of the important landmarks of St Mary's Church, Harrow on the Hill. Assessment of impact will include that on the backdrop and setting of these views.

TRN1 -Transport impact assessed, including cumulative impacts on the environment, on the road network and all transport modes including public transport, walking and cycling. Developments having a potentially significant impact on the transport network should submit a Transport Assessment, incorporating proposed traffic reduction by the developer (e.g. green transport plans). Where this transport impact is demonstrated to have an unacceptable public transport or environmental impact the application will be refused unless measures are secured as part of the application making this acceptable.

TRN2 - Development should benefit and not harm the operation of the public transport network and should be located where the public transport accessibility is sufficient to service the scale and intensity of the use, in particular, the capacity of the public transport network within convenient and safe walking distance of the site should be sufficient to accommodate any increase in passenger trips to an acceptable level of service, any significant increase in traffic generated by the development and/or associated highway works should not cause material harm to the speed and/or reliability of bus services.

TRN3 - Proposals that cause or worsen an unacceptable environmental impact from traffic will be refused, including where car generation is greater than the parking to be provided on site in accordance with the standards and any resulting on-street parking would cause unacceptable traffic management problems, it would result in unacceptable environmental problems such as noise and air quality, the development would not be easily and safely accessible to pedestrians and/or cyclists, additional traffic would have unacceptable consequences for access/convenience of pedestrians and/or cyclists, it produces unacceptable road safety problems, the capacity of the highway network is unable to cope with additional traffic without producing unacceptable congestion especially through traffic, there is a significant increase in the number/length of journeys made by private car.

TRN4 - Where transport impact is unacceptable, measures will be considered which could acceptably mitigate this and enable the development to go ahead, secured at the developers' expense including public transport improvements sufficient to service the scheme or to integrate it with the surrounding area, the extension or bringing forward of on street parking controls/waiting restrictions, improvements to pedestrians and/or cycle facilities, traffic calming measures, acceptable road safety and essential highway improvements, not necessarily restricted to junctions and road lengths adjacent to the development, providing these improvements are limited to measures necessary to make the transport impact acceptable and management measures necessary to reduce car usage to an acceptable level (e.g. green transport plans). Such measures should be necessary for the scheme to go ahead and be related to the development, should be consistent with any existing or proposed parking controls and Local Area Transport Strategy covering the area and should not unacceptably divert traffic problems elsewhere. Wherever possible, measures should be completed before the development is completed/operational.

TRN12 - Priority will be given to road safety issues, particularly those affecting the convenience and safety of vulnerable road users such as pedestrians and cyclists.

TRN14 –New highway layouts, visibility splays and accesses to and within developments should be designed to satisfactory standards in terms of safety, function acceptable speeds, lighting and appearance. There should be efficient internal circulation integrating with the existing road network in a convenient manner, including for emergency service vehicles, pedestrians, cyclists and buses.

TRN17 – New roadspace will be resisted unless necessary, inter alia, to provide essential access to or within regeneration areas, to provide essential access to and within a development site.

TRN22 - Non-residential developments should make provision for parking in accordance with the maximum parking standards. Their application may be varied depending on the level of public transport accessibility to the site and the contribution the development would make to reducing the use of the private car. The level should not be below the minimum operational levels including required disabled parking.

TRN31 - Car parks should be carefully designed to be safe, appropriately screened and landscaped, have convenient pedestrian links to the development and should not be located or of a scale to be visually obtrusive or cause water run-off problems.

Car parks of greater than 50 spaces may be required to be structured, whilst being designed to be attractive and safe.

TRN35 - Access to parking areas and public transport within development should facilitate access for disabled people and others with mobility difficulties.

Designated car parking spaces should be set aside for the exclusive use of disabled persons and comply with the Council's standards (PS15).

SH5 – Out-of-centre proposals for the development of retailing and other key town centre uses will only be permitted where there is a need for the proposal, there is no sequentially preferable site available, the development would not adversely affect town centres, the site is accessible by a choice of means of public transport. Wherever possible such developments should be combined with other out of centre developments.

PS10 - 1 space per 60 patrons, based on the maximum patron capacity plus 1 space per 200 square metres non seating/assembly area.

Maximum employee parking of 1 space per 5 employees.

PS15 - 10% of spaces within 30 metres of the dwellings should be capable of being widened to 3.3 metres. Minimum of 1 space for developments of 10 units or more and should be marked and reserved for disabled persons.

OS1 - Northwick Park, including the Ducker Pond, is designated and protected as Metropolitan Open Land.

OS2- The predominantly open character of Metropolitan Open Land will be preserved. Uses which may be acceptable on MOL are restricted to public and private open space and playing fields; agriculture, woodland and orchards; rivers, canals, reservoirs, lakes, docks and other open water; golf courses; allotments and nursery gardens; cemeteries; and nature conservation

OS3 - Within Metropolitan Open Land development will not be permitted unless any proposed building is complementary to the land uses listed in policy OS2; and any development is small in scale and is required to preserve or enhance activities associated with the particular open space.

OS6 - Development of public open space will not be permitted unless it is required to maintain or enhance activities associated with the open space.

OS21 - The character of paths and other routes which form part of Brent's Network of Metropolitan Walks will be protected . Development on or near to the route will be expected to take full account of Brent's Metropolitan Walks network.

OSP6 - Proposal - Golf Course, Driving Range and ancillary facilities appropriate to Metropolitan Open Land. Development Objectives - Approved planning brief. To maintain nature conservation features, provide appropriate vehicular and maintain pedestrian access, not visually intrude upon open character of area. Improvements to recreational facilities in the Borough.

Planning Considerations

The following matters remain unresolved.

Outstanding conditions- details not discharged

1) 99/2397 –condition 16 regarding drainage ditch protection nets and details of any bridges no culvert permitted

The drainage ditch that runs through the driving range shall have a low ball stop netting on both banktops, to stop balls running and rolling back into the watercourse and access bridges from banktop to banktop (and not involving the culverting of the watercourse) across it, the details of which shall be submitted to and approved by the local planning authority before work on laying out the driving range green commences. Work shall be carried out in accordance with details thus approved.

Reason: To ensure adequate protection for the drainage ditch and its ecology and to provide an appropriate means of bridge access over it which mitigates the impact on the water environment.

No details have been formally discharged

Leisure Golf Limited has commented that the drainage ditch that runs through the driving range has already been provided with a semi-circular tunnel of netting along the whole sections of exposed watercourse. This has proven to be effective both for protection of the ditch and watercourse and for easy of removal and collection of balls. Drawings and photographs of the construction, layout and materials used were to be submitted to the LPA for formal approval by mid-January 2010. No information has been submitted.

However, in a previous summary report to Members officers commented that “the covering of the watercourse with a concave net does not strictly comply with condition 16 which seeks a “low ball stop netting on both bank tops”, the reason being to protect the ditch. However the concave net appears to be more effective in preventing golf balls entering the ditch and thereby more effective at protecting it. Conversely it is not considered that a concave net which has a reasonably open mesh size could otherwise harm the ecology of the ditch. No action is therefore considered appropriate to secure removal of the netting and replacement with low ball stop nets. There has been no other development that could be referred to as culverting.” Therefore following past consideration, no further action needs to be taken on this point.

2) 06/0769 – Condition 3 - lighting of adventure golf course

Full details of the lighting shall be submitted to and approved by the local planning authority and shall be provided in accordance with the approved details.

Reason : To restrict the degree of lighting to that which is adequate necessary for this activity and the interests of the visual amenity of the locality.

Playgolf has removed the floodlighting originally installed (on 8ft posts) and replaced this with low level lighting. An increased number of lower-level lights have been installed, but the brightness of

these lights has been a cause of some complaint. Submission of the lighting details of the adventure golf course, (as revised) is overdue.

Leisure Golf Limited has stated that they will undertake a more detailed review of the adventure course lights to accurately record measured values and assess where repositioned posts and/or light fittings will make light levels more even, appropriate and efficient. No date has been specified for this submission to the Local Planning Authority and confirmation of this is still sought.

3) 06/0768 - Condition 6 – Management plan for the special parking area

The use of the 'special events parking area' shall cease within two months of the date of the planning permission hereby granted unless a management plan detailing the occasions and nature of the use when the 'special events parking area' is to made available for use in conjunction with the use of this site has been submitted to the local planning authority and the approved management plan shall be implemented within 1 week of its approval.

Reason : To limit the area available for parking for the authorised uses at this site in pursuance of the

Council's traffic restraint policies and to limit the frequency of use of this special events parking area to exceptional circumstances in view of the location within an area of Metropolitan Open Land in the interests of the visual amenity and open character of this area.

No details have been formally discharged. On 11/11/08 Playgolf submitted a letter and

attachments relating to all conditions associated with 06/0768. This incorporated a car park survey but the full details of this survey were not provided, such as when the survey was undertaken, who undertook it, whether the total reflected a daily total or not, and what special events were undertaken. This did not provide the Local Planning Authority with sufficient comfort. Likewise, the submitted Management Plan was found to be insufficiently detailed.

Leisure Golf Limited have stated that they were not aware of restrictions on the availability of parking under application 06/0768. At the beginning of 2010, they have planned to undertake a car park assessment. They intend to use an external car parking control company to regulate the parking behaviour of their customers in addition to considering how to monitor non-patron parking on site. They are considering ways to encourage public transport use. They intend to submit a detailed car park management plan by the end of January 2010. No such details have been received by the Local Planning Authority at the time of writing this report. This issue needs to be resolved to control the total number of parking spaces available.

4) 07/2629 - Condition 5 - no area outside restaurant can be used other than as defined in a management plan to be submitted

No area in connection with the restaurant area outside the main building shall be used other than as defined in a management plan to be submitted to and approved in writing by the Local Planning Authority.

Reason: To control the use of the restaurant activities and their potential impact on the Metropolitan Open Land.

No details have been formally discharged. Leisure Golf Limited have met the restaurant tenants and intend to jointly create a management plan that defines that considers operating conditions outside the main building that may be used in conjunction with the restaurant. No date for the submission of such details has been provided. This issue needs to be resolved to control the operation of the restaurant in terms of its relationship to the wider building and use.

Non-compliance with submitted details

5) Use of the Overflow car park and special events area and lights

The Overflow Car Park and the Special Events Area appear to be in regular use as car parks as no Management Plan has been agreed. The planning permission requires these areas to be treated distinctly. The lack of control over this area has been the subject of complaints to the Local Planning Authority, and particular concerns have been raised about parking on unauthorised areas of the site and overall parking levels. The management condition should have been satisfied within 2 months of 22/12/06, the site is now in breach of the condition 6 of planning permission 06/0768. The fencing between the Overflow Car Park and the Special Events Area has been recently removed, which is not acceptable.

Planning permission 06/0768 Condition 2 restricted hours of the 2 remaining higher-level lighting columns on the overflow/ special events area, so that they should be switched off when the car-park is not in use, and in any event shall be turned off between the hours of 23.00 and 07.00. This has not been occurring and should be addressed immediately.

As above, Leisure Golf Limited stated that they intend to submit a detailed car park management plan by the end of January 2010. They comment that the fencing between the Overflow car park and Special Events car park was damaged by vandals. Repairs to the fence were part of an insurance claim but are now almost complete. The fencing should hopefully be reinstated to its original condition by the end of December 2009. They are not aware that the high-level lights in the overflow car park had been used between the hours of 23.00 and 07.00 since the timing of these is controlled and managed by an electronic programme. They recognise the importance of obeying the conditions limiting the use of these lights and, as a routine, check the controls regularly. The lights may have been put on override when thefts from vehicles has taken place and security and/or the police presence requested it.

6) Adventure Golf Course Lights

The adventure golf course lights have been mentioned above, and further information is awaited. A further complaint from the public has been raised with reference to the time that the lights are to be turned off. The planning consent limits the adventure golf lights use up to 21.00, but the lights are in use for longer than this, which should be remedied.

Leisure Golf Limited comments that they also control the Adventure Golf course lighting electronically. No extension of use beyond 21.00 is permitted for any reason and they will monitor this situation regularly.

7) Green Roof to main building

This was required under the original planning permission for the site. The absence of a green roof is a cause for concern in view of the roof has apparently been seeded on 2 occasions, but these attempts have not taken. It is likely that this is in part from a lack of maintenance. A green roof is a requirement of the original consent 99/2397 condition 2. Assurances to the council were given by Playgolf, but the roof treatment remains outstanding.

The green roof on the clubhouse building was and is still considered important to justify the siting of the clubhouse in an area of Metropolitan Open Land, (MOL.) In particular it was considered to help assimilate the building into its "green" context. Within details pursuant application 03/0784 relating to condition 2 of 99/2397 the applicants submitted details of an Erisco Bauder green roof system and this was approved. The Local Planning Authority has been led to believe that the roof has been hydroseeded on more than one occasion. This is when a mix of seeds and cuttings is applied to the growing medium and a fine cellulose mulch/fertilizer mix is sprayed over the surface. Such a treatment would however still need to be maintained/ watered. The roof still appears untreated as there has been a total failure of germination.

The LPA sought an extensive, growing roof that would appear vegetated from a distance. This is particularly important as the site is visible in longer views such as from Harrow on the Hill. The earth bund at the front of the site was meant to help screen the sizeable clubhouse, which would itself be camouflaged by a growing roof. The continued lack of a green roof on site means that the building harms the appearance of the MOL and means that the building lacks ecological value. In the Council's Landscape Designer's opinion the LPA should seek a biodiverse range of species on the roof which would maximize the ecological and visual benefits of the feature.

Leisure Golf Limited comment that the previous failure of seeding has been a cause for concern. They want to properly evaluate the needs for maintenance of a green roof and its requirement for irrigation and operator access. They want to aim for a Spring 2010 planting and intended to present their chosen scheme to the council during February 2010. No such details have been received. Subject to further legal advice, it is intended to seek to resolve this in 2010.

8) Landscaping maintenance

Historically, the site was originally granted permission as a 9-hole course, it was later varied to 6 holes, and has then reverted back to 9 again. The most recent approved landscaping schemes were submitted under application 07/2618 but these schemes relate to a 6-hole course. There has been no officially approved landscaping details submitted relating to a 9-hole golf course since this time, although a drawing was submitted on 17/10/08. Whilst the site has been landscaped, as it now benefits from a 9-hole course, further landscaping details are required. There are a number of planning permissions that require satisfactory landscaping conditions:

99/2397- the original golf course and club house- conditions 6 (details of landscaping) and 15 (landscape management plan)

06/0768- retention of an overflow car park - condition 4 (landscaping and planting)

06/0769 - retention of an adventure golf course - conditions 1 (boundary treatments) and 2 (landscaping and planting)

Inspector's decision APP/T5150/C/06/2016378 relating to E/06/0111 - retention of a baseball batting court - condition 1(i)(c) (landscaping and planting)

If a 9-hole course and other activities are to be acceptable on site, they must be suitably landscaped in accordance with approved details. Furthermore, some of the landscaping that have been approved around specific features has not been undertaken in accordance with details that have been approved, and there have been a number of planting failures. Overall, the losses of approved shrubs and trees at the Northwick Park site approximates to 25% of the total tree and shrub planting. This is not in accordance with the approved Landscape Management Plans. There does not appear to have been any maintenance of planting around the adventure golf course and shrub losses in this area have been even more extensive; likewise tree losses on the front bund are particularly high. The front hedge onto Watford Road still has a number of gaps. A survey of the current landscaping on site should now be undertaken, and a satisfactory whole-site proposed soft landscaping layout incorporating infill/ replacement/ new planting and an associated maintenance schedule should be submitted for the 9-hole course, club-house, baseball court, adventure golf area and overflow/ special events car parks. The landscaping has been unsatisfactory for some time.

Leisure Golf Limited comments that they have arranged to engage competent and specialist advice regarding landscaping to ensure that all of the relevant conditions are met adequately. However, no such details have been provided to date, and no date of submission has been indicated.

9) Use of the main building

The building is currently used for conferences, but the club-house's use for golf is the main permitted planning use. It is important to ensure that the use of the building for conferences is ancillary to the main golf use. The site managers have been asked to provide information regarding recent conferences events.

Leisure Golf Limited comments that they want to develop golf-connected aspects of the business as much as possible. The building's activities will be summarised for the year ending 2009. However, no date has been supplied for the provision of this information to the Local Planning Authority.

Hours of use of restaurant

Planning permission 07/2629 condition 1 limited the restaurant use so that the restaurant *must not operate outside the hours of 0730 and 2300, Sunday to Thursday, and 0730 and midnight on Friday, Saturday and Sunday.* The Local Planning Authority has received reports that the approved hours are being exceeded.

Leisure Golf Limited comments that they will remind the tenant of the planning hours restrictions and this is an important sublease clause.

Hours of use of the gym

Planning permission 07/2630 condition 1 limited the gym use so that the gym *must not operate outside the hours of 0730 and 2300, Sunday to Thursday, and 0730 and midnight on Friday and Saturday.* The Local Planning Authority has received reports that the approved hours are being exceeded.

Leisure Golf Limited comments that they will remind the tenant of the planning hours restrictions and this is an important sublease clause.

Other recent third party complaints

10) The "tip" area adjacent to the Ducker

The Playgolf site had a tipping area that was not authorised near to the Ducker area to the rear of the site. This should be removed/ cleaned up. The "tip" area consists of: barbed wire, chain link fencing, fence posts, the previous covering of the waterway crossing the driving range (plastic nets and metal posts), golf balls, bottles, tins, plastic wrappers and general rubbish. In addition, there is a large red lorry parked to the rear of the site that has been insitu over 2 years. This cannot continue, does not benefit from planning permission and the area should be cleaned up.

Leisure Golf Limited comments that the area has now been cleaned up and the area is monitored weekly to ensure that untidiness does not recur.

11) Overall light use on site.

Lights serving the access road are left on overnight. The management company have been asked to consider whether the number of lights left on could be reduced/ all lights turned off except those necessary for security outside of opening hours.

Leisure Golf Limited comments that they are reviewing all lighting regimes and intending that only an absolute minimum number of lights remain in use overnight for security use and that none are high-intensity lights.

12) Public footpath issues

Footpaths PROW 36 and 34 that run across the site should be regularly cleared of litter/ maintained clear from planting.

Leisure Golf Limited comments that they are liaising on this subject. Litter and overgrowing shrubs, branches and unwanted growth is removed regularly.

13) Maintenance of the floor of the baseball batting cage

The baseball batting cage floor paint is not being maintained, and is peeling. Objections indicate that this leads to glare.

Inspector's decision APP/T5150/C/06/2016378 relating to E/06/0111 - retention of a baseball batting court - condition 1(i)(d) (regarding paint /covering the base of the court) required special treatment of the court surface. The Local Planning Authority agreed that the floor of the batting court "outfield" (i.e. the circular area not including the cages in which the batters stand) would be painted in Brunswick green. The floor of the batting cages themselves would not be painted as this presents a potential health and safety hazard for batters when wet. The correct area was originally painted, but this is now peeling.

Leisure Golf Limited comments it is their intention to repaint the baseball floor surface as soon as practically possible but their contractor has advised that we must await an adequate period of dry weather before this can be carried out successfully.

Conclusions

Overall the Local Planning Authority will continue to discuss the outstanding matters set out above with Leisure Golf Limited. However, given the lack of information submitted recently regarding the site, despite the assurances and indicative submission dates provided by Leisure Golf Limited, the Local Planning Authority thought it necessary to provide this as an update report to Planning Committee. In addition, Members should note that the Council is receiving ongoing queries from residents regarding the site and it is therefore important that all outstanding matters are considered in a public context.

Recommendation:

Officers should continue to pursue resolution of all the outstanding issues outlined above, and if they consider that Leisure Golf Limited are not addressing these properly, to proceed with such enforcement action as considered appropriate to secure compliance.

Financial implications

There are no specific financial implications arising from this report however the work specified within this will require some officer resources

Diversity Implications

None

Background Papers

Unitary Development Plan and planning applications specified above

Contact Officers

Any person wishing to inspect the above papers should contact Stephen Weeks stephen.weeks@brent.gov.uk or Amy Collins amy.collins@brent.gov.uk at Brent's Planning Service

Description: Playgolf Northwick Park - UPDATE REPORT : Special Report 5/02

Agenda Page Number: Page 221

Comments have been received from local residents. The following summarises their responses which generally update on the issues covered by the report:

Outstanding conditions


1. Drainage ditch netting - The netting arrangement appears to have been altered in 2009. This is a watercourse and not just an ordinary drainage ditch. **2. Lighting of adventure golf**- queries the control over this. Officers confirm that condition 3 of 06/0769 relates to this. **3. Management of special parking area**- this is being abused, for example on 09/03/10 when over 300 vehicles were parked on site in inappropriate areas. The separation fence between parking areas has been removed. **4. Area outside the restaurant** - are being used without restriction on several levels and new lighting has been installed

Non-compliance with submitted details

5. Use of overflow and special events car parks- lights are in use outside of condition restricted hours and required fences have been removed. **6. Adventure golf course lights**- rarely on after 9pm, but dazzling when in use **7. Green roof to main building and 8. Landscaping maintenance** – residents support improvements to these features. In addition, they query whether Brent Parks could be contracted to upgrade the front boundary hedge. **9. Use of the main building**- comment that the Council should be able to ascertain conference use and restaurant hours from terms of the lease turnover rent returns. The website still refers to the site as a wedding venue, which does not appear functionally linked to golf.

Other recent third party complaints

10) Tip area by the Ducker – tip items such as chain link fencing, railway sleepers etc are all still dumped here. **12- public footpath** - 34 and 36 are still in poor condition **13) baseball cage**- lights have only occasionally been on after 9pm

	Planning Committee 2 nd August 2011 Report from the Director of Regeneration & Major Projects
<p>For Action Wards affected: All</p>	
Report Title: Planning and Building Control Enforcement 2010-11	

1.0 Summary

1.1 This report provides an update on planning enforcement activity over the last financial year and highlights key trends and issues in relation to previous years. It also covers the related area of Building Control, discusses the scope for joint working and proposes to amend the Enforcement Policy statements for both areas to reflect this more joined up approach.

2.0 Recommendations

- 2.1 That Planning Committee note the scope of enforcement activity undertaken within Planning and Development and the contribution that it makes to dealing with significant problems affecting residents and visitors to Brent.
- 2.2 That the current Planning and Building Control Enforcement Policies be amended to reflect the changes set out in this report and the merger of the two units.
- 2.3 That support is given to the wider use of the Proceeds of Crime Act 2002 in tackling persistent or deliberate offenders.

3.0 Background

3.1 There is significant non compliance with both Planning controls and the Building Regulations in Brent. This is in part due to ignorance of the statutory requirements but also of calculated risk taking on the part of owners or developers, either to avoid costs incurred in submitting relevant applications or to undertake work which might not gain approval under Planning or Building Control legislation. In some instances, this may be driven by the high gains that can be achieved through renting residential

accommodation in the borough. If unauthorised or non-compliant work goes unchecked it can lead to poor living conditions, and harm to residential amenity. Non-compliance in relation to Building Regulations requirements, in both residential and commercial premises, could also lead to unsafe or dangerous buildings affecting residents and visitors to the borough.

Planning Enforcement Annual Report 2009

3.2 The Planning Committee considered and agreed a report in 28th July 2009 which provided a detailed review and analysis of various aspects of planning enforcement activity and included comparisons over previous years and with other authorities. The key elements of this report were;

- That Brent continued to be one of the most active planning enforcement agencies in England which was sustained by a proportionately low level of staff resources
- However, that there was a large and growing backlog of Enforcement Notices (EN's) that had not been complied with after 2 years.
- That demand for the service exceeded the capacity.
- That it was difficult to recast priorities to reflect demand and resources.

In response to the general problem of managing demand, the Planning Committee also supported a more flexible approach to replacement windows in inter war conservation areas as well as a very targeted approach to unauthorised satellite dishes. This approach is likely to be reflected in the reduced number of EN's served within Conservation Areas as shown in 3.3 below.

It should be noted that Building Control matters were not reported at this time.

Planning Enforcement 2010/11

3.3 Annex 1 provides an update of the main indicators of enforcement activity that were discussed in the 2009 Annual Review. It demonstrates that a high level of activity has been maintained in the areas of investigating complaints, serving Enforcement Notices, undertaking prosecutions and direct actions. It also shows a continued high level of success when Enforcement Notices are appealed. In particular, it also demonstrates that Brent has maintained its position as one of the very highest performers in national terms. The significance of this performance is also emphasised by a comparison group of London Boroughs in terms of available staff resources and overall activity. The following sections discuss some of the factors and trends behind this information.

Borough Patterns of Complaints and Activity

3.4 Comparison with previous years indicates a similar general pattern of activity across the Borough and in the range of types of action taken. In summary;

- More complaints about unauthorised work were received, more Enforcement Notices (EN's) were issued, more Direct Actions undertaken and more complaints closed than in the 2009/2010.
- Complaints received and EN's served continue to be generally spread across the Borough with no particular concentrations by Ward or area. Stonebridge Ward has the lowest number of complaints which probably reflect a lower proportion of private sector housing and the scale of the Park Royal employment area.
- Conservation Areas tend to be concentrations of demand due to the contribution of active residents groups and higher design requirements. They account for about 15% of all EN's served in 2010/11 which is a reduction from some 25% in previous years. This change is also reflected in the reduction in EN's relating to unauthorised windows to 3 (from an average of 7 in the previous 5 years and none against satellite dishes (previous average of 5)
- Complaints are predominantly from individual residents or associations (88% of all breaches relate to domestic properties). These tend to be about nearby issues which are considered to have a significant effect on individual amenities.
- Unauthorised conversions of houses into flats or HMO's and the use of out-buildings for living purposes remain a significant issue (increasing to 18% of all breaches). However, the largest proportion of breaches still relate to various types of household extension (increased to 40%).
- Brent seems to have a relatively high rate of unauthorised activity, despite being one of the most active planning enforcement authorities in the country.

Structure and Resourcing

- 3.5 The vast majority of planning enforcement work is undertaken by a dedicated team although there has been an increase in initial investigations undertaken within the area planning teams before referral. Additional short term funding for part of 2009/10 was identified for planning enforcement following the previous review of enforcement activity and resources. This was then reflected in the 2010/11 budget and provides a current staffing structure of 5 planning enforcement officers, including a Team Manager, and a technical support post which also covers the service of EN's. This structure, and an improved use of IT, has enabled a higher number of EN's to be served despite an increase in the number of complaints received. It has also supported the focus on achieving compliance with earlier EN's discussed below.
- 3.6 The primary work of the enforcement planning staff involves investigating complaints and is therefore demand led. However, greater emphasis has been placed in recent years on updating complainants on the progress with investigations as these can often take time to conclude and can be a source of concern for residents. There has also been a continuing effort to work closely with residents groups. The adopted Planning

Enforcement Policy provides a guide to responding to the demand led nature of the work and has been reviewed since its introduction in 2002. However, in reality, the nature of the complaints means that it is not always easy to clearly prioritise all demands.

Ensuring Compliance with Enforcement Notices

- 3.7 A continuing effort has been made to ensure compliance with older EN's. This followed the previous review that demonstrated that a high level of activity in serving EN's led to an on-going commitment to prosecution and direct action in order to resolve problems. This indicated that only about 50% of EN's were complied with despite Brent undertaking more direct actions and prosecutions than most authorities. However, progressive monitoring and action on older EN's has now produced a compliance rate of nearer 80% for cases older than 2 years. This outcome has required a rise in the number of prosecutions and a significant commitment of time by senior staff.
- 3.6 The resource commitment required to support the range of activity described above needs to be recognised in terms of the scopes involved in using planning legislation to investigate and pursue complaints, defend appeals, provide expert witness presentations at Inquiries and prosecutions and in managing direct actions.

Proceeds of Crime Act 2002

- 3.6 This has been a focus more recently and builds on the experience gained elsewhere in Brent. The ability to pursue individuals or companies with a history of unauthorised activity can help to target the causes of significant problems. It also provides a potentially strong deterrent through the ability to claim a proportion of the income generated by that activity. However, by its nature, this involves lengthy timescales and requires experienced staff input. A number of cases are now being prepared under the Act and it is hoped that the first results will be achieved prior to the end of 2011/12

Planning and Building Control Joint Working

- 3.7 Planning and Building Control operate under separate legislation and the decisions made under these provisions need to be taken independently. However, the combination of the two services within Planning and Development at the end of 2010 has given an added impetus to cross working and liaison.
- 3.8 While there have clearly been continuing benefits relating to joint advice and support for major developments (including fee income), the major emphasis on enforcement issues has been to help to facilitate a coordinated approach when problems arise, the ability to target joint or combined site visits, and a promotion of public awareness of the need to comply with both processes. Both services, for example, are available at the widely used and highly valued weekly Evening Advice Surgery.

Building Control Enforcement

- 3.9 The primary function of the Building Control service is to protect people's health and safety in and about the built environment. However, the function of the Building Regulations has also been extended to incorporate welfare, convenience and

sustainability issues such as energy efficiency and water saving measures. The Building Regulation system has similarities with Planning but also significant differences. Unlike any other local authority service, Building Control operates in competition with private Approved Inspectors who are able to undertake the Building Regulation function on a project by project basis. For several years, locally determined charges have been set to match the Building Regulation service costs and Building Control can also work across borough boundaries and operate as partners with developers in other authority areas.

- 3.10 Building Regulations are generally written in “functional” terms thereby allowing architects and developers greater flexibility to demonstrate compliance for any particular design solution. This is important with regard to major developments incorporating innovative designs, materials or construction methods and places great reliance on Building Control to fully consider options put forward to confirm compliance.
- 3.11 Ensuring compliance can be very resource intensive to monitor and resolve but, in most cases, contraventions of the Building Regulations may be resolved using a softer approach than using the formal legal processes available by providing helpful advice, assistance and guidance to contractors and residents to correct defects and achieve satisfactory completion. In addition, the competitive nature of the business means that a builder or developers decision whether to use the local authority service could be influenced by perceptions of the enforcement implications between public and private agencies. It should be noted that only local authorities may take formal enforcement in respect of contravention of Building Regulations.
- 3.12 Whilst formal (legal) enforcement through the Magistrates Court has not been undertaken for some years, Building Control surveyors resolve a large number of technical contraventions on a daily basis through inspection and monitoring on site. Surveyors are proactive in identifying and investigating unauthorised works during their travels around the borough. Due to the recession, Building Control has seen a significant increase in the number of illegal building projects over the last few years. We have actively sought to “convert” these unauthorised works into Regularisation applications in an attempt to bring these works under control and ensure compliance with Building Regulations. In 2010/11, 344 Regularisation applications were received, 167 of which have been progressed to satisfactory completion and the remainder are ongoing cases. These unauthorised works would invariably have presented unsatisfactory conditions including health and safety issues and other difficulties for residents had they not been Regularised. Regularisation applications also achieved approximately £155k income for the Council.
- 3.13 Where formal enforcement is required, there are strict time limits for the local authority to take action set out in statute. Currently, any action must be brought within two years of completion of the specific work with the proviso that if the local authority has sufficient evidence to take formal enforcement then they must do so within six months of having that evidence (still within the overall two year time frame).
- 3.14 Building Control is very successful in attracting many major commercial developers to use its services and operates a number of established partnership working arrangements retaining approximately 80-85% of the market share (by value).

However, during the downturn there has been a steady growth in business taken by Approved Inspectors, who are now targeting small residential projects. Where the Building Control function is undertaken by an Approved Inspector, the local authority has no control over the works or enforcement powers unless the Approved Inspector cannot certify compliance. Where this is the case the project would revert back to the local authority for enforcement, as appropriate. Approved Inspectors do not possess formal enforcement powers.

- 3.15 These measures have influenced on-going internal reviews of the enforcement role in Building Control. The major emphasis is seen as continuing to be focussed on monitoring and the control of work on site, providing helpful advice and guidance to prevent non-compliance in the first place. The continued emphasis on discovery and investigation of unauthorised works and use of Regularisation applications is achieving very satisfactory results. It is hoped to reinforce this role by more active promotion and publicity and working more closely with Planning enforcement and other agencies. Although seen as a last resort, it is also intended to pursue formal enforcement through court action where such a targeted approach is seen as the only remaining option available.

Revised Planning and Development Enforcement Policy

- 3.16 Both services have adopted Enforcement Policy's which comply with the Enforcement Concordat for other regulatory services with the former Environmental Services. It is important that these links are maintained across other Council services and it felt that both policy's are still essentially sound. It is proposed to maintain them as separate policy documents but to amend them to cross refer, to emphasise the links between Planning and Building Control and to update aspects such as the Proceeds of Crime Act.

4.0 Financial Implications

- 4.1 Costs are sought on all prosecutions and are awarded in the majority of cases. However, on average, these only cover some 50-60% of costs involved. Any increase in the number of formal actions taken by Building Control will require adequate resourcing.

5.0 Legal Implications

- 5.1 Brent's Legal Services present planning enforcement prosecutions. A higher proportion of enforcement notices are appealed (50%) than planning appeals (6%). Most of these involve Public Inquiries where representation is provided under a contract arrangement. Both arrangements are seen to work well.

6.0 Diversity Implications

- 6.1 Very low returns are received from both complainants and those on whom enforcement notices are served. However, analysis suggests that the service's actions are broadly reflective of the resident and property owning population.

7.0 Staffing/Accommodation Implications

7.1 None directly from this report. Planning and Building Control staff, while generally office based, spend a large proportion of time on site visits.

8.0 Environmental Implications

8.1 Planning Enforcement action is only justified when there is significant harm and this is tested through the appeal and court process. Most problems adversely effect more than one individual. Building Control also covers issues than can affect neighbouring properties but the focus is on health, safety, welfare convenience and sustainability matters relating to the application premises.

9.0 Background Papers

Planning Enforcement Policy 2008 ([http://www.brent.gov.uk/tps.nsf/Files/LBBA-348/\\$FILE/Final%20Draft%20Revised%20Enforcement%20Policy%2022%2011%2008.docx](http://www.brent.gov.uk/tps.nsf/Files/LBBA-348/$FILE/Final%20Draft%20Revised%20Enforcement%20Policy%2022%2011%2008.docx))

Planning Enforcement: Annual Report 2008/9, Planning Committee 28/7/2009

(<http://democracy.brent.gov.uk/Data/Planning%20Committee/20090728/Agenda/Planning%20Enforcement%20Annual%20Report%20July%2009.pdf>)

Contact Officers

Any person wishing to inspect the above papers should contact;

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Andy Donald

Director of Regeneration & Major Projects

Planning and Development Enforcement Report 2010/2011

Annex one

No. of Enforcement Notices issues:

Year	2010/11	2009/10	2008/9	2007/8	2006/7	2005/6	2004/5	2003/4	2002/3	2001/2
No of notices issued	170	143	117	171	132	157	130	114	100	78

No of Complaints received:

Year	2010/11	2009/10	2008/9	2007/8	2006/7	2005/6	2004/5	2003/4
No of complaints received	928	835	903	895	879	878	729	475

No of cases resolved (closed):

Year	2010/11	2009/10	2008/9	2007/8	2006/7	2005/6	2004/5	2003/4
No of cases closed	955	698	922	718	507	495	332	123

Direct Action/Prosecution:

Year	2010/11	2009/10	2008/9	2007/8	2006/7	2005/6	2004/5	2003/4
No of Direct Actions taken	30	25	30	23	35	28	15	14
Enforcement Notice Convictions obtained	17	21	13	7	3	5	1	5
Advert Convictions obtained	25	56	7	0	0	5	29	7

Compliance as of 31st March 2011:

Year	2010/11	2009/10	2008/09	2007/08	2006/07	2005/06	2004/05	2003/04
Notices in effect & expired	58	121	103	153	106	128	111	95
Complied with	17	43	70	105	78	108	91	76
Not complied with	36	57	22	28	22	14	13	14
Partly complied with	4	17	9	17	6	6	5	2
Not determined	1	4	2	3	0	0	2	3
% complied with	32%	35%	68%	68%	73%	84%	87%	80%

Appeals:

Year	2010/11	2009/10	2008/9	2007/8	2006/7	2005/6	2004/5	2003/4
No of Enf appeals dealt with	67	55	78	78	50	53	34	38
No of appeals dismissed	41	43	66	59	36	36	23	27
% Dismissed	76	78	85	76	72	68	68	71