



Planning Committee

Tuesday, 6 September 2011 at 7.00 pm

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

Membership:

Members

Councillors:

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

First alternates

Councillors:

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

Second alternates

Councillors:

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

For further information contact: Joe Kwateng, Democratic Services Officer
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For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 10
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. 8 St Pauls Avenue, London, NW2 5SX (Ref. 10/3157)	Willesden Green	15 - 24
NORTHERN AREA		
4. 1-3, The Mall, Harrow, HA3 (Ref 11/1649)	Barnhill	25 - 36
5. Flats G06 & G07, Jubilee Heights, Shoot Up Hill, London, NW2 3BD (Ref. 11/1672)	Mapesbury	37 - 44
SOUTHERN AREA		
6. 86 Wrentham Avenue, London, NW10 3HG Ref. 11/1528)	Queens Park	45 - 50
7. Land next to 35, Chamberlayne Road, London, NW10 (Ref.11/1287)	Queens Park	51 - 64
8. Maple Walk School, Crownhill Road, London, NW10 4EB (Ref. 11/1488)	Harlesden	65 - 70
WESTERN AREA		
9. Cedars Nursing Home, 24-26 Craven Park & 1 Craven Road, London, NW10 8RR (Ref 11/1691)	Stonebridge	71 - 98
10. Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA (Ref.11/1822)	Preston	99 - 118
11. All units, The Junction & Pacific Plaza, land between 12 &14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, Engineers Way, Wembley, HA9 (Ref.11/1572)	Tokington	119 - 142
12. 1-11 odd Rutherford Way & 1-17 inc The Junction Wembley Retail Park, Engineers Way, Wembley, HA9 (Ref. 11/1566)	Tokington	143 - 160
13. Land site of Shubette House, 5 Olympic Way, Wembley (Ref. 11/1145)	Tokington	161 - 198
PLANNING APPEALS		

14. Planning Appeals June - July 2011

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15. Any Other Urgent Business

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

SITE VISITS – SATURDAY 3 SEPTEMBER 2011

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
11/1528	86 Wrentham Avenue, , London, NW10 3HG	6	Queens Park	9:45	45 - 60
11/1566	1-11 odd Rutherford Way & 1-17 inc The Junction Wembley Retail Park, Engineers Way, Wembley, HA9	12	Tokynghon	10:30	143 - 160
11/1572	All units, The Junction & Pacific Plaza, land between 12 &14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, Engineers Way, Wembley, HA9	11	Tokynghon	10:30	119 - 142

Members' only site visit

11/1822	Preston Manor High School, Carlton Avenue East, Wembley, HA9	10	Preston		99 - 118
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Date of the next meeting: **Wednesday, 28 September 2011**

The site visits for that meeting will take place the preceding Saturday 24 September 2011 at 9.30am when the coach leaves Brent House.



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Tuesday, 2 August 2011 at 7.00 pm

PRESENT: Councillors Sheth (Chair), Daly (Vice-Chair), Baker, Cummins, Hashmi, Kabir, Mitchell Murray, Moloney (alternate for McLennan), CJ Patel, RS Patel

Apologies for absence were received from McLennan and Singh

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

None.

2. **Minutes of the previous meeting held on 6 July 2011**

RESOLVED:-

that the minutes of the previous meeting held on 6 July 2011 be approved as an accurate record of the meeting.

3. **1-11 (incl), Cairnfield Court, Cairnfield Avenue, London NW2 7PP (Ref. 11/1520)**

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)

RECOMMENDATION:

- (a) 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.

Rachel McConnell, Area Planning Manager in reference to the tabled supplementary report submitted the following responses to clarifications sought at the site visit:

The car parking spaces were proposed to reflect the possible additional demand by the new flats as there is no CPZ and Cairnfield Avenue is heavily parked at

night. She added that the spaces could be used by the occupiers of the existing and proposed flats so as to reduce the impact on the surrounding streets. In order to ensure an acceptable level of parking, she recommended an amendment to condition 5 to ensure the parking is provided for the occupiers of Cairnfield Court and an additional condition requiring additional cycle parking if access to the car parking cannot be provided as set out in the tabled supplementary.

Members noted that while a number of windows within the block had been replaced with UPVC windows, the design and proportions of the replacement windows reflected the original windows to an acceptable degree. She added that the windows in the proposed extension were simpler and reflected the change in design of the addition to the original building. The Area Planning Manager advised the Committee that additional landscaping including three trees was proposed to the frontage of the block in addition to a hedge along the front boundary and around the proposed parking spaces to the rear. She then drew members' attention to the additional correspondence and objections and officers' responses to them as set out in the supplementary report and reiterated the recommendation for approval.

Ms Renata Garwolinska objected to the proposal on the following grounds;

- (ii) Reduction in amenity space including parking spaces
- (ii) Insufficient bin storage
- (iii) Loss of light
- (iv) Loss of view and overlooking

Mr Welsh, the applicant's agent in responding to the above stated that the amenity space provided was in accordance with the Council's standards. He added that the provision for bin storage and outlook was a generous interpretation of Council's guidelines and urged members to approve the application.

Councillor Hashmi asked the agent for a clarification on who would be entitled to use the car parking spaces. Councillor Kabir referred to the partitioning of the bin area and expressed her concern that it could obstruct the means of fire escape. In response to members' queries, Mr Welsh stated that the use of the parking spaces was a matter for the management of the block and added that measures would be taken to ensure that the stairs were maintained to a high standard as a proper fire escape.

Members discussed the application during which Councillor Daly noted the objector's claim about loss of amenity space and enquired whether there was any requirement on the landowner to upgrade the amenity area. Councillor Cummins emphasised the need for a management plan for parking and to regularise the fire exit. Councillor Moloney echoed the need for a proper fire exit and the boarding in the bin store removed. Councillor Kabir sought a clarification on guidance for increased density.

Rachel McConnell responded that the proposal complied with the council's amenity space standards, parking provision and refuse storage. She added that issues about fire exit were a matter for Building Control but that an informative could be added to advise of the need to comply with Building Regulations

regarding a satisfactory means of escape. She noted that whilst there would be a reduction in outlook, it was not considered significant enough to warrant refusal of the application. Stephen Weeks, Head of Area Planning, advised against a management plan for parking adding that the key point to note was that parking would be for the residents only.

DECISION:

- (a) Planning Permission granted subject to conditions as amended in condition 5, an additional condition on the parking area and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or;
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

4. 107 High Street, London NW10 4TS (Ref. 11/1062)

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)

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Andy Bates, Area Planning Manager informed members that the subject site located within Secondary Shopping Frontage was a three-storey Grade II Listed terraced building comprising of a shop unit at ground and basement level with residential accommodation above. Although there had been an Enforcement Notice against the use of the premises as solely as a community/cultural centre, it was 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.

Mr Robert Dunwell in endorsing the recommendation for approval commended the Planning Services for working harmoniously with the community to a satisfactory conclusion.

DECISION: Planning permission granted subject to conditions and informatives.

5. 44 Windermere Avenue, London NW6 6LN (Ref. 11/0323)

PROPOSAL:

Installation of replacement aluminium windows/doors to ground floor flat

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

6. 139D Kilburn High Road, London NW6 7HR (Ref. 11/1123)

PROPOSAL:

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

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

7. 33 Montrose Avenue, London NW6 6LE (Ref. 11/0569)

PROPOSAL:

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

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Andy Bates, the Area Planning Manager informed members about comments made by Councillor Arnold that whilst she did not object to the application, she felt that the replacement of windows to bomb damaged properties ought to be fully reviewed and consulted on with local residents. She also noted that there was no guidance for replacement windows for this style of property in the existing design guide and that options needed to be more widely assessed before being finalised. Andy Bates added that the Queens Park Emerging Design Guide set out in the report would be adopted as the approach to planning applications for the replacement windows.

Members endorsed the need to provide design guidance for replacement windows and that this should be undertaken with the revised Queens Park Design Guide to which the Area Planning Manager referred.

DECISION: Planning permission granted subject to conditions and informatives.

8. 8 St Pauls Avenue, London NW2 5SX (Ref. 10/3157)

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.

RECOMMENDATION: Grant planning permission subject to conditions.

Mr Alistair Dean, in objecting to the application raised the following issues in addition to the list of objections set out in the main report;

- (i) the report contained inaccuracies in respect of the number of trees.
- (ii) the property had already been sub-divided for multiple occupation.
- (iii) the consultation was not extended to all residents, in particular No 8.
- (iv) the applicant's lack of maintenance of the property, resulting in overgrown forecourt with vermin and fox.
- (v) the extension would cause loss of residential amenities.

In responding to the concerns raised by the objector, Andy Bates stated that although the issue of maintenance was one for the applicant to resolve, condition 3 (which could be expanded to include the area to the rear of the property) had been imposed to ensure compliance failing which an enforcement notice could be served on the property. He added that the current application would regularise the unlawful multiple occupation use of the property. The Head of Area Planning suggested that members delegate authority to enable further consultation to take place with residents and consider their concerns.

Members felt that issues about consultation with some residents and amenity impact had not been fully addressed. Councillor Cummins moved an amendment for a deferral to the next meeting to confirm consultation arrangements, clarify the use of the property and the amenity impact of the proposal on neighbouring properties.

DECISION: Deferred to confirm consultation arrangements with the occupiers and to clarify the use of the property and the amenity impact of the proposal on neighbouring properties.

9. 108 Windermere Avenue, Wembley, Middlesex HA9 8RB (Ref. 11/0894)

PROPOSAL:

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

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

In response to Councillor Baker's enquiry about parking problems in Windermere Avenue as a result of the application, the Head of Area Planning advised that the Council's Head of Transportation did not object to the highway and parking implications of the application.

DECISION: Planning permission granted subject to conditions and informatives.

10. One Tree Hill Recreation Ground, Norton Road, Wembley, HA0 (Ref. 11/1434)

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

RECOMMENDATION: Grant planning permission subject to conditions.

In response to an objector's comment about restrictive covenants to prevent the construction of structures, the Head of Area Planning confirmed that Property and Asset Management had advised that no covenant existed on the land but that this was a separate issue to the planning decision.

DECISION: Planning permission granted subject to conditions.

11. 12 High Street, Harlesden, London NW10

The report dealt with the planning enforcement history of 12 High Street, Harlesden, NW10 4LX and updated members on the current enforcement position and a petition that requested Planning Services to reconsider the refusal of an application for planning permission made by Harlesden Ummah Centre of 12 High Street, London NW10 as a Masjid'.

Steve Weeks, Head of Area Planning, in setting the background to the enforcement notice informed members that complaints were received 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 as a community shop. He continued that further works were carried out in 2008 which involved the erection of a rear extension, the cessation of the retail use and its use for religious services. As the Trustees took no steps to resolve the issue 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 as a place of worship.

An appeal by the Trustees against the enforcement notice was dismissed by the Planning Inspector who 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. The Trustees were therefore required to remove the extension and cease restore the use of the premises to retail. He continued that although a significant part of the extension may now have been removed he sought members support for further steps to obtain compliance with the enforcement notice as the current use of 12 High Street, Harlesden as a place of worship/community centre was unacceptable.

Mr S Zubari the applicant stated that the use of the premises for religious purposes had not resulted in an unacceptable traffic impact as the worshippers were not attending by motor vehicles. In addition, the strong adherence to staggered exits had ensured that there was no loss of residential amenity to the other residents. He continued that the use of 12 High Street as a religious centre was to facilitate the upbringing of their children in an Islamic way, in the same way as Neasden Temple and the religious centre in Pavitt Hall, Wembley Central. In response to a member's enquiry, Mr Zubari stated that the worshippers attending the other religious centres were about three times as many as those attending 12 High Street.

During members' discussion, Councillor Hashmi referred to planning permissions granted for religious and community uses at 212 -214 Church Road, NW10, 107 High Street NW10 and 72-74 which would be reported to Committee with a recommendation for approval. He therefore indicated his support for the application. Councillor McLennan asked as to whether the Police and the Fire Service had expressed a view on the application. Councillors Cummins and Sheth sought clarification on the number of people attending the religious centre and the significance of the examples referred to in the report

Steve Weeks responded that he was not aware of specific comments by the Police and the Fire Service. He continued that the number of worshippers was considerably in excess of number indicated by the applicant in addressing the Committee. He advised members that each application was decided on its own merits but that the location within the primary secondary shopping area was important as there was a need to retain and maintain the vitality of Harlesden Town Centre.

RESOLVED:-

- (i) to note the reasons for refusal of planning permission and the issue of an enforcement notice to obtain cessation of the unlawful use of the premises;
- (ii) that further steps to obtain compliance with the outstanding enforcement notice be supported.

12. Leisure Golf, Northwick Park, Harrow HA0

The report before members set out the changes that had taken place since the application was granted and updated them on a range of issues that remained to be carried out by Leisure Golf. Steve Weeks highlighted the following outstanding issues;

- Green Roof to main building (condition 2 of 99/2397)
Leisure Golf Limited had provided assurances that they would be appointing a company to reinstall a green roof on the main building. He added that indicative details of a sedum roof proposal from eco.green roofs had recently been received and was being assessed by the Council's Landscape Designers

- Car parking on site
Steve Weeks considered that the lack of progress towards car parking on site to be particularly disappointing given that Leisure Golf Ltd had promised submissions to discharge this information over the course of the last 2 years with no applications being received.
- 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 had been grassed but remained extremely patchy and it appeared 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. There was some evidence that some hedge species were planted but little now remained and there was no evidence of the new trees.
- Car park management plan – the plan submitted informally 4 years ago, was unsatisfactory and no progress made on this to date. The gate that was meant to restrict access did not seem to be controlled.
- Car parking remained an ongoing problem on site and previous and current owners had 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.

In his conclusion, Steve weeks advised that Officers would continue to discuss the outstanding matters set out above with Leisure Golf Limited.

RESOLVED:-

to note and endorse the ongoing approach of seeking to regularise outstanding planning matters.

13. Planning and Building Control Enforcement 2010/11

This report provided an update on planning enforcement activity over the last financial year and highlighted key trends and issues in relation to previous years. The report also covered the related area of Building Control, discussed the scope for joint working and proposed to amend the Enforcement Policy statements for both areas to reflect this more joined up approach. Steve Weeks, Head of Area Planning in reference to annexe 1 to the report drew members' attention to the key trends and issues and the scope for joint working with Building Control. He noted that the figures in the annexe demonstrated how robust the service had been but emphasised the need for resource provision if the consistent level of action was to be maintained.

RESOLVED:-

- (i) that the scope of enforcement activity undertaken within Planning and Development and the contribution that it made in dealing with significant problems affecting residents and visitors to Brent be noted;
- (ii) that the current Planning and Building Control Enforcement Policies be amended to reflect the changes set out in the report and the merger of the two units.
- (iii) that support be given to the wider use of the Proceeds of Crime Act 2002 in tackling persistent or deliberate offenders.

14. Any Other Urgent Business

None.

The meeting ended at 8:50pm

K SHETH
Chair

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

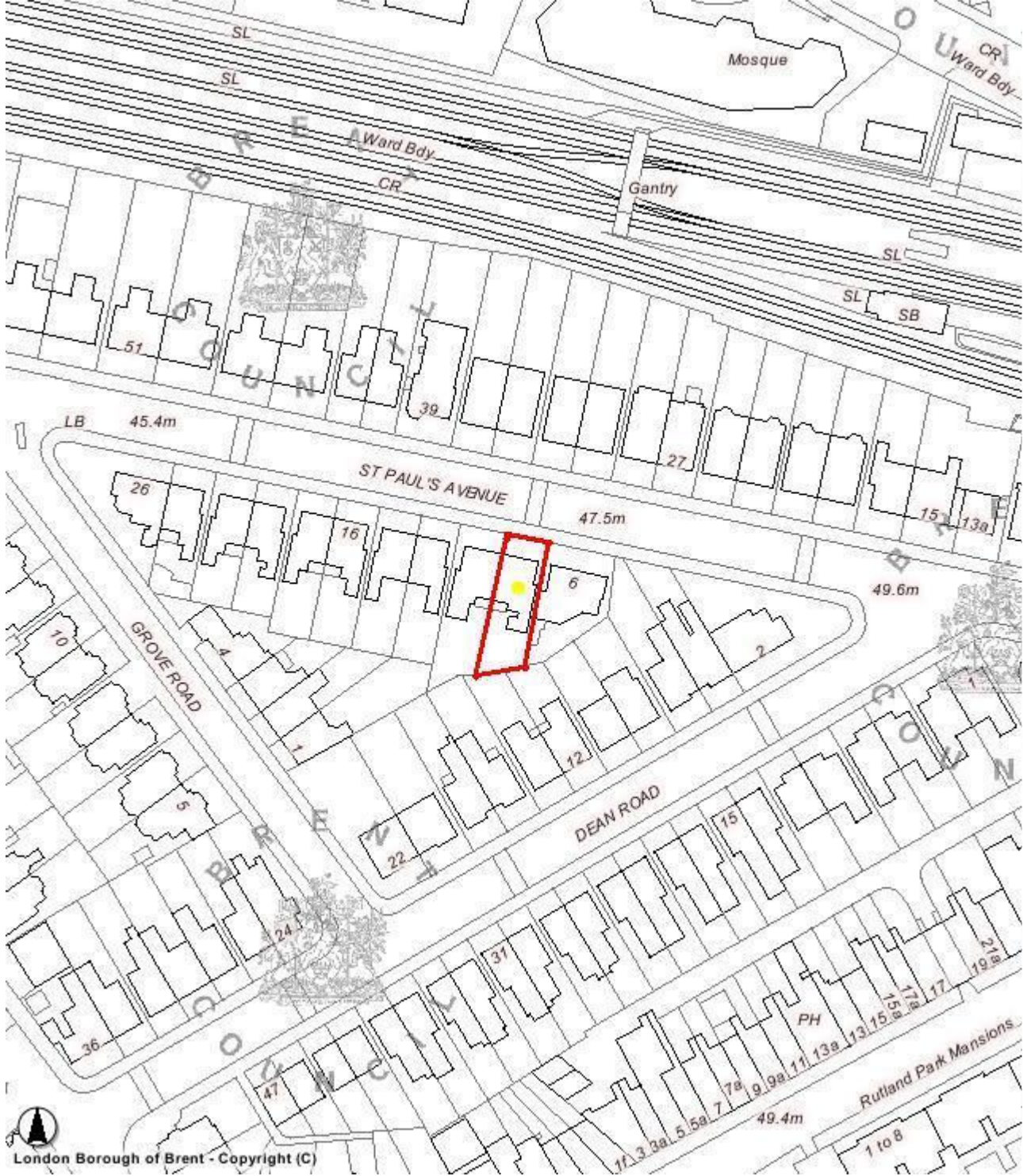
- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions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

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

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

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 **Planning Committee Map**
Site address: 8 St Pauls Avenue, London, NW2 5SX
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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. ("CAR FREE" DEVELOPMENT).

APPLICANT: Trentbridge Limited

CONTACT: Mr Anthony O'Sullivan

PLAN NO'S:
Please see condition 2

This application was deferred from the Committee of 2 August 2011, as Members sought clarity on the following matters :

- The current use of the property and consultation.
- Ownership status.
- Protection of trees.
- Impact of the single storey extension on adjoining neighbour No.10 St Pauls Avenue.

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.

The greater part of the building is vacant and in a poor state of repair. The property is occupied by two tenants, who occupy non-self contained accommodation on the ground and first floor only. Specifically the tenants use the kitchen on the ground floor and the front rooms, bathroom and wash centre of the first floor. The remainder of the property is vacant.

At the meeting of 2 August 2011, concerns were raised regarding the status of the property and whether the building was already sub-divided. The applicant has confirmed no other person has an interest in the leasehold or freehold of the property and that they have complied with their requirements as far as formally submitting the planning application.

For clarity, the acceptability of the conversion scheme proposing four self-contained units is discussed below.

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
- There are four trees on the rear garden that have not been declared by the applicant

Letter of Support

- Welcomes inclusion of family sized accommodation within the conversion scheme.

Following the 2 August 2011 Committee meeting, and to deal with the specific point raised by an objector that exiting occupiers of the application property were not aware of the proposal, consultation letters were hand delivered to 8 St Pauls Avenue on 4 August 2011.

The Service has not received any additional representations to date and Members will be updated at the Meeting.

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 requires 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.

Owing to its compliant 3m height and depth on the boundary with number 10 Officers are satisfied that the amenity of that property will not be harmed by an unreasonable amount. The proposed single storey extension is considered to be acceptable

2.2 Two storey extension

The two storey rear extension is sited on the other side of the building towards No.6. It would be sited approx. 1.0 metre off the boundary. SPG5 includes a "2 to 1" guidance assessment which requires two storey rear extensions to be no deeper than $\frac{1}{2}$ the distance from the flank wall of the extension to the middle of the nearest habitable room window in the neighbouring property. This is to minimise the physical impacts of any extension. The application property already has a 3.5m deep extension in the same location as the proposed addition and the ground floor element of the two storey extension will replicate this depth. Although the new extension will be slightly higher where it is closest to the boundary (3.0 metres rather than 2.4 metres) it is unlikely that there will be any additional harm. As explained above, as well as complying with SPG5 in terms of height it remains set off the boundary with No.6.

The first floor element of the two storey extension would be only 1.2 metres in depth and this, plus the fact that the roof of the extension would be set down from the main roof of the house would not only ensure that physical impact would be acceptable but would also serve to make sure that the extension continues to appear subservient.

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 complies with 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.

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 applicant's description. For the avoidance of doubt the boundary fence does not form a part of this application.

3. Transportation Matters

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 defined as "heavily parked". 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 cannot form a reason for refusal.

Whilst some disturbance from the undertaking of building works is inevitable this is not normally a reason to refuse planning permission. In any case, the Council's Environmental Health unit have powers to ensure that noisy works are only undertaken within the statutory hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays. Noisy works should not be undertaken on a Sunday or Bank Holiday. The applicant will be reminded of his responsibilities by way of an Informative

Concerns over the protection of trees have been raised. There is a large cherry tree along with three conifer trees located in the rear garden, but they will not be harmed by the works proposed themselves. However, as a precautionary measure, and to ensure that there is no damage as a result of materials been stored too close to the trees (for example) a tree protection condition will be attached to this permission

In addition, the poor state of the rear garden has been mentioned by objectors. It is suggested that condition 3 be expanded to require details of how the area will be treated to respond to this point.

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 and rear garden area 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) LAmax 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

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

- (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) The building work hereby approved shall be undertaken in accordance with BS5837:2005 'Trees in relation to construction'.

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

- (8) 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.

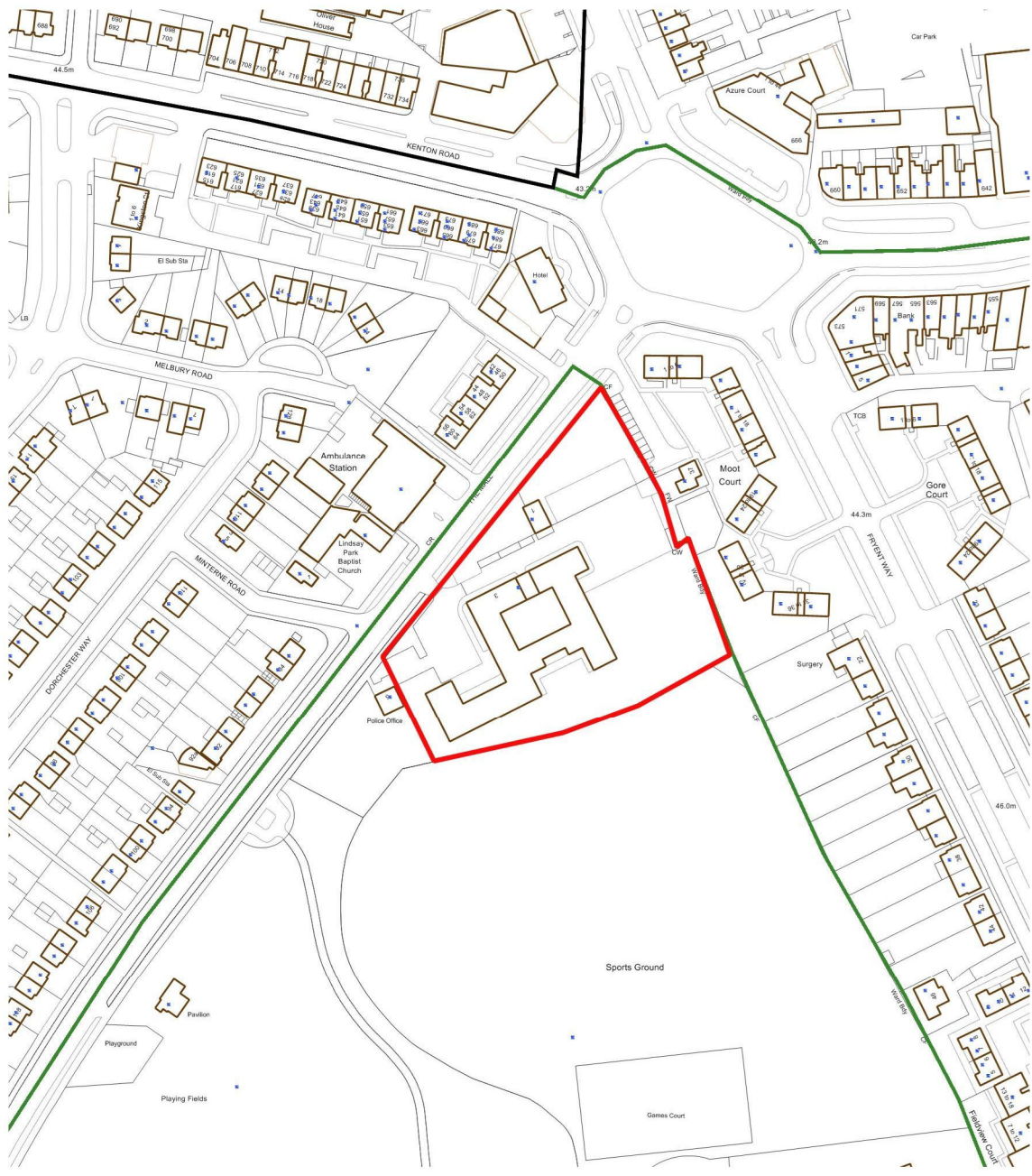
INFORMATIVES:

- (1) The applicant is informed that all works on the site must be undertaken in a neighbourly manner. They are advised to contact the Council's Environmental Health Service regarding questions about hours of 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

	Planning Committee Map
	Site address: 1-3, The Mall, Harrow, HA3
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 27 June, 2011

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 1-3, The Mall, Harrow, HA3

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with plans) of full planning permission 09/2650, dated 18/03/2010 and as amended by planning permission reference 10/2365 dated 30 November 2010 for demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80 basement car-parking spaces, amenity space, children's play area and bin stores (as amended by plans received 04/03/2010 and 15/03/2010) and subject to a Deed of Agreement dated 18 March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended to allow minor material amendments to:

- (i) amendments to the window style on the courtyard elevation;
- (ii) alteration to the position of the second floor balcony on the end elevation (north-west);
- (iii) omit one ground floor window to flat;
- (iv) five additional windows to the end elevation (east);
- (v) inclusion of lift over-runs and smoke stacks; and
- (vi) adjustments to window and parapet heights to take account of engineering requirements

as amended by plans received 25/08/11.

APPLICANT: Bellway Homes Ltd (North London Division)

CONTACT: Savills (L & P) Ltd

PLAN NO'S:

See revised condition 2

RECOMMENDATION

That condition 2 be varied as proposed and a new permission issued.

EXISTING

Planning permission 09/2650 was granted on 18 March 2010 with the following description:

Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats

& 43 x two-bedroom flats (private housing), with 26 surface and 80 basement car-parking spaces, amenity space, children's play area and bin stores (as amended by plans received 04/03/2010 and 15/03/2010) and subject to a Deed of Agreement dated 18 March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

A number of details pursuant applications have been made to satisfy various pre-commencement conditions; some have been granted and others are pending a decision. A minor material amendment application was made in autumn 2010 (ref: 10/2365) to (1) take account of ground levels, including raised windows and lowered central block; (2) increase height of arch over the northern service access road; and (3) alter window and door widths and arrangement of mullions. This was granted permission on 30/11/10.

PROPOSAL

The original scheme as approved in 2010 (ref: 09/2650) has a central block flanked by two wings. One wing, to the south, is to be private housing and will be developed by Bellway Homes. As part of their works preparing construction drawings for this wing and to maximise the value of each unit, some minor material amendments are proposed:

1. amendments to the window style on the courtyard elevation;
2. inclusion of lift over-runs and smoke stacks; and
3. adjustments to window and parapet heights to take account of engineering requirements
4. alteration to the position of the ground floor patio door and second floor balcony on the end elevation (north-west);
5. five additional windows to the end elevation (east);

The first three of these changes are to accommodate the requirements of Building Regulations, the last two to regularise or improve some of the interiors of the units.

Following requested amendments, part (4) has been reduced in scope to omit to the alteration to the position of the ground floor patio door.

HISTORY

10/2365 Variation of condition 2 (development to be carried out in accordance with plans) of full planning permission 09/2650 dated 18th March 2010 for demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80 basement car-parking spaces, amenity space, children's play area and bin stores (as amended by plans received 04/03/2010 and 15/03/2010) to allow minor material amendments to:

- (i) take account of ground levels, including raised windows and lowered central block;
- (ii) increase height of arch over the northern service access road; and
- (iii) alter window and door widths and arrangement of mullions

(as amended by plans received 11/11/2010) **Approved** 30/11/10

10/2673 Details pursuant to condition 8 (details of fencing, walls, gates, means of enclosure), condition 9 (details of bin stores), condition 10 (details of cycle parking), condition 11 (details of play spaces), condition 12 (details of landscaping), condition 13 (details of hard-landscaping including tree protection), condition 14 (landscape management plan), condition 16 (details of vehicular access) and condition 17 (details of lighting) of full planning permission reference 09/2650 **Under consideration**

10/1918 Details pursuant to condition 7 (materials) of full planning permission reference 09/2650

Granted 01/11/2010

10/2233 Discharge of condition 15 (Tree Protection) and condition 18 (Construction Method Statement) of full planning permission reference 09/2650 **Granted** 19/10/2010

10/2382 Details pursuant to condition 6 (air-quality impact assessment) of full planning permission reference 09/2650 **Granted** 26/10/2010

10/1917 Details pursuant to condition 8 (means of enclosure), 9 (refuse storage), 10 (cycle storage), 11 (playspace), 12 (soft landscaping) and 13 (hard landscaping) of full planning permission reference 09/2650 **Under consideration**

10/1682 Details pursuant to condition 6 (air-quality impact assessment) of full planning permission reference 09/2650 **Withdrawn** 23/08/2010

10/1692 Details pursuant to Conditions 14 (Landscape Management Plan) and 16 (Details of three proposed vehicular accesses) of Full Planning Permission Ref: 09/2650 **Withdrawn** 23/08/2010

09/2650 Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80 basement car-parking spaces, amenity space, children's play area and bin stores (as amended by plans received 04/03/2010 and 15/03/2010) and subject to a Deed of Agreement dated 18 March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended. **Granted** 18/03/2010

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

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

Built Environment

- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

National

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

CONSULTATION

Local consultees

Neighbouring residents were consulted on 19 July 2011. No objections have been received.

REMARKS

Key considerations

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

- (a) whether the proposed alterations would cause harm to the amenity of neighbouring residents
- (b) whether the proposed alterations would harm the visual amenities of the area
- (c) whether the proposed alterations would affect the standard of accommodation of future occupants

Background

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

Amenity of neighbouring residents

The changes affect the southern wing and no residential units are close enough to the site to be affected by the minor changes in height to the two towers closest to The Mall. The changes to add lift overruns and smokestacks would also not have any materially harmful affect on the amenities of neighbouring residents. The addition of the windows on the eastern elevation of the wing would not affect the privacy of any residents since these would be obscured glazed (see email from applicant dated 22/08/11).

In this respect the proposed changes are considered acceptable.

Visual amenities of the area

The minor adjustments in the heights of the parapets and windows would not materially weaken the design approach, nor would it be affected by the alteration of the position of the second floor balcony on the western elevation and the addition of windows to the ensuite on the eastern elevation, and the visual amenities of the area would not, therefore, be affected.

The applicant has confirmed that the same windows will be used for this wing as for the rest of the development, to comply with discharged condition 7 (materials). In this respect the proposed changes are considered acceptable.

Standard of accommodation

No change is proposed to the size of any of the flats, nor to the amenity space. Additional windows to the bathrooms on the eastern elevation are acceptable as these would not give rise to any increased overlooking, provided they are installed and maintained with obscured glazing.

The change to the position of the balcony on the second floor of the western elevation is to improve the amount of daylight serving the living room.

Changes to the internal layout are minor and do not affect the size or position of the principal rooms of the flats.

In this respect the proposed changes are considered acceptable.

Conditions and s106

The conditions attached to the original decision notice are repeated, although the standard time condition is amended to reflect the original decision date and where further details have been approved, these are included in the conditions; details have been submitted for all conditions with the exception of Condition 19 (Sustainable Drainage Systems) but a number of pre-commencement conditions have not yet been determined despite works having commenced on the northern part of the site. Officers are in dialogue with the developers to ensure these matters are concluded as swiftly as possible.

The original section 106 legal agreement contains provision for 'Varied Planning Permissions' to include any planning permission issued pursuant to an application to vary or further vary any of the conditions in the 'Planning Permission' (in this instance the 'Planning Permission' refers to 09/2650 dated 18/03/2010).

Conclusion

The changes proposed are not considered to significantly change the approved scheme, but are necessary to overcome structural requirements and to enhance the standard of accommodation. Your officers recommend the minor material amendment be approved.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance including draft National Planning Policy Framework
London Plan 2011
Council's Supplementary Planning Guidance Nos 17 and 19
Council's Supplementary Planning Document Section 106 planning obligations

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
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 18 March 2010.

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):

MAL/M+P/GA/000001	MAL/M+P/GA/000002
MAL/M+P/GA/000003	MAL/M+P/GA/000004
MAL/M+P/GA/000005 Rev. G	MAL/M+P/GA/000006 Rev. H
MAL/M+P/GA/000007 Rev. G	MAL/M+P/GA/000008 Rev. G
MAL/M+P/GA/000009 Rev. G	MAL/M+P/GA/000010 Rev. G
MAL/M+P/GA/000011 Rev. E	MAL/M+P/GA/000012 Rev. C
MAL/M+P/GA/000013 Rev. B	MAL/M+P/GA/000014 Rev. C
MAL/M+P/GA/000015 Rev. C	MAL/M+P/GA/000016 Rev. C
MAL/M+P/GA/000017 Rev. C	MAL/M+P/GA/000018 Rev. C
MAL/M+P/GA/000019	MAL/M+P/GA/000020
MAL/M+P/GA/000021	MAL/M+P/GA/000022
MAL/M+P/GA/000023	

011013/BELL/PFI/PL01 Rev A
011013/BELL/PFI/PL02 Rev A
011013/BELL/PFI/PL03 Rev A
011013/BELL/PFI/PRELIM/01 Rev C
011013/BELL/PFI/PRELIM/02 Rev A
011013/BELL/PFI/PRELIM/05 Rev A

Design & Access Statement	Statement of Community Involvement
Affordable Housing Statement	Sustainability Statement
Transport Statement	Site Area Clarification (letter 29/12/2009)
Flood Statement	Tree Survey

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

- (3) Any redundant vehicular crossover from the site onto The Mall shall be reinstated to footway/verge at the applicant's expense prior to occupation of any of the flats hereby approved.

Reason: In the interests of pedestrian safety.

- (4) All parking spaces, including those in the basement car park, and footways shall be constructed and permanently marked out prior to the first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic and pedestrians throughout the site and to provide and retain adequate cycle and car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

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

construction operation. These must include:

- (i) damping-down materials during demolition and construction, particularly in dry weather conditions,
- (ii) minimising the drop height of materials by using chutes to discharge material and damping-down the skips/spoil tips as material is discharged,
- (iii) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (iv) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (v) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (vi) install and operate a wheel-washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site,
- (vii) the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation.

- (6) The development shall be undertaken in accordance with the following approved details:

- (i) Air Quality Assessment by ACCON UK (dated 04/06/2010)
- (ii) Planning Condition Supplementary

as approved by details-pursuant application no. 10/2382.

Reason: To safeguard future and current residents from poor air quality.

- (7) The five new windows--serving ensuite bathrooms--to the eastern elevation of the southern block hereby approved as minor material amendment under application 11/1672 shall be installed with obscured glazed and non-opening below 1.7m above floor level and shall remain as such unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of the privacy of the occupants and the privacy of neighbouring occupants.

- (8) The work shall be carried out in the following materials and accordance with the approved details:

- (i) Brick: SR12-03 Slate Smooth Blue Brindle, supplied by ECL Contracts Ltd, Eleven Arches House, Leicester Road, Rugby, Warks
- (ii) Roof tile: Eternit Hawkins Staffordshire Blue
- (iii) Render: Alsecco 2225 (cool white), 3254 (cool grey) and 1311 (orange/earth)
- (iv) Windows: Velfac powder-coated aluminium in Slate Grey (RAL 7015)
- (v) Grilles: Orsogrill Dione

as approved by details-pursuant application no. 10/1918.

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

- (9) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and

means of enclosure shall thereafter be retained at the height and position as approved. The details submitted pursuant to this condition should reflect the details relating to associated matters such as hard and soft landscape works, play space, refuse and cycle stores pursuant to other conditions of this approval.

Reason: in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the locality.

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

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

- (11) Details of the provision of a minimum of 143 secure cycle-parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle-parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained. Such details shall include the means of construction, including materials if deemed necessary.

Reason: To ensure satisfactory facilities for cyclists.

- (12) No development shall commence unless details of all (appropriately aged) play spaces are submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to occupation of the building(s) and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (i) Details of types of equipment to be installed.
- (ii) Surfaces including details of materials and finishes.
- (iii) The location of any proposed signage linked to the play areas.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as hard and soft landscape works, means of enclosure submitted, refuse and cycle stores pursuant to other conditions of this approval.

Reason: To ensure a satisfactory appearance and setting of development so that the facilities provide a benefit to the local community and residents.

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

Such a scheme shall include:-

- (i) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (ii) screen planting along the site boundaries;
- (iii) adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- (iv) existing contours and any proposed alteration to ground levels such as earth mounding;
- (v) provision for the satisfactory screening of habitable-room windows with defensive planting and screening of facilities such as refuse and cycle stores;
- (vi) all planting including location, species, size, density and number;
- (vii) areas of hard landscape works and proposed materials;
- (viii) a detailed section of the construction of the basement car-park roof, associated membranes and drainage and top soil depth at a suitable scale (1:50).

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, play space, refuse and cycle stores pursuant to other conditions of this approval. Any planting which 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 with others of a similar size and species, in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

- (14) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include:
 - (i) detailed drawing(s) of those areas to be so treated, including identification of root-protection zones;
 - (ii) details of a no-dig solution for areas within root-protection zones to include a method statement for such works;
 - (iii) a schedule of materials and samples, if appropriate.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, play space, refuse and cycle stores pursuant to other conditions of this approval. The approved scheme shall be implemented in full prior to first occupation of the development.

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

- (15) No development shall commence until a Landscape Management Plan for maintenance of all hard and soft landscape areas has been submitted to and approved in writing by the Local Planning Authority. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-
 - (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
 - (ii) Spot weeding and application of appropriate herbicides or fungicides, if necessary.
 - (iii) Inspection and checking of all plants and for health and/or damage to plants.

- (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
- (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
- (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
- (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
- (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The approved management plan shall be fully implemented.

Reason: To ensure the survival and ongoing vitality and of all plants and soft landscape. To ensure that the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (16) The development shall be carried out strictly in accordance with the following agreed details:
 - (i) Tree Survey & Tree Protection Method Statement, MAL-BYG-REP-000020 Rev. A, dated 02/09/2010.

as approved by details-pursuant application no. 10/2233.

Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree-protection statement.

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

- (17) No development shall commence on site until details of the 3 proposed vehicular accesses have been submitted to and approved in writing by the Local Planning Authority. The southernmost access shall have 4m kerb radii and the northernmost access shall have 6m kerb radii, with all accesses having entry treatments and tactile paving. Thereafter the development shall not be occupied until the vehicular accesses have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (18) No development shall commence until details of all external lighting including the lux level and a lighting contour map has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation unless otherwise agreed in writing with the Local Planning Authority. The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, hard and soft landscape works, play space, refuse and cycle stores pursuant to other conditions of this approval.

Reason: In the interests of safety and the amenities of the area.

(19) The development shall be undertaken in accordance with the following approved details:

(i) Construction Phase Safety, Health and Environmental Plan,
MAL-BYG-MP-000001 Rev. A, dated 01/09/2010

as approved by details-pursuant application no. 10/2233.

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

(20) Prior to commencement of the development hereby approved, further details, which demonstrate a Sustainable Drainage System (SUDS) will be used to attenuate surface-water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details and retained in perpetuity. The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, hard and soft landscape works, refuse and cycle stores pursuant to other conditions of this approval.


Reason: In the interests of preventing localised surface-water flooding.

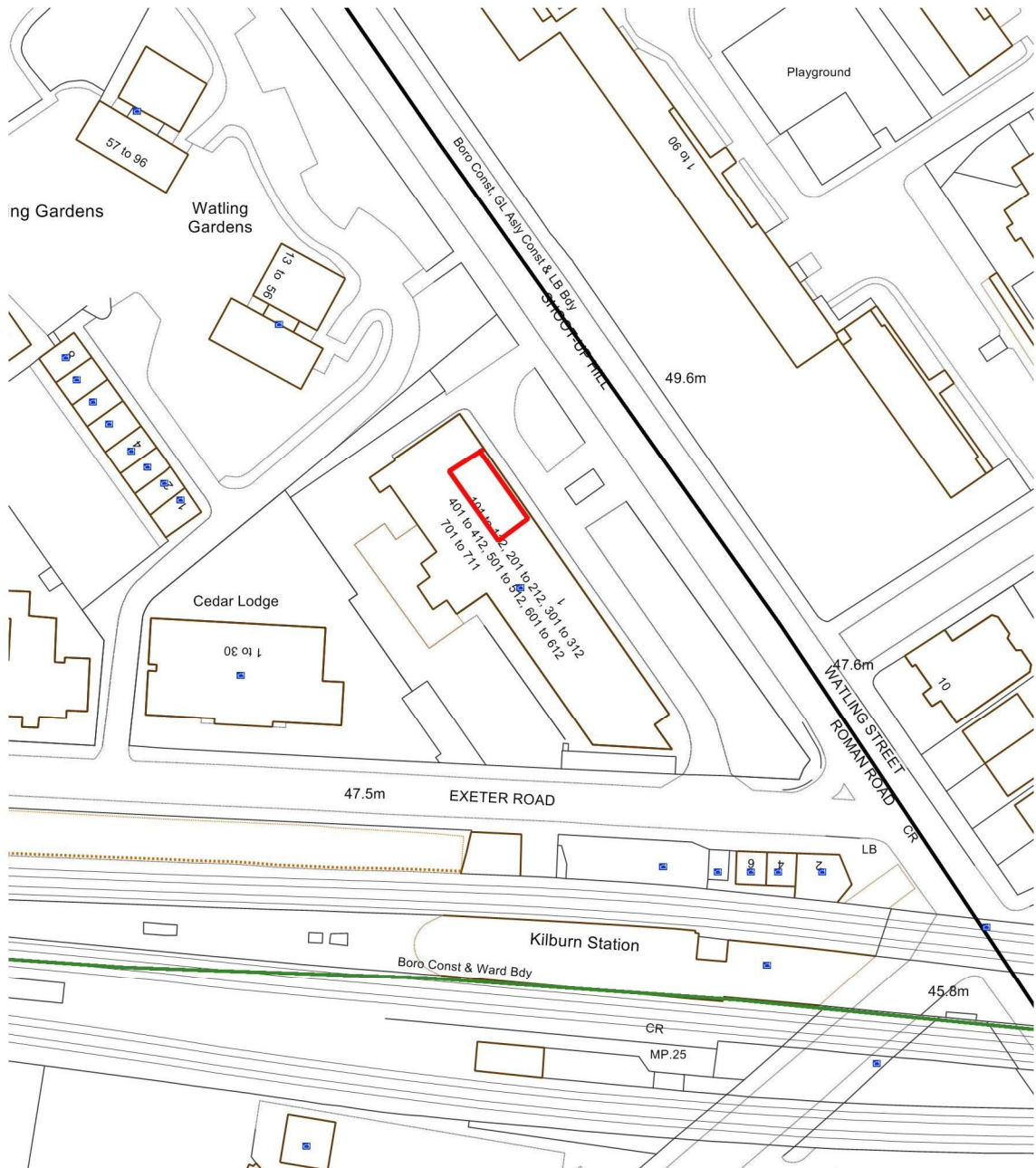
INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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

 **Planning Committee Map**
Site address: Flats G06 & G07, Jubilee Heights, Shoot Up Hill, London, NW2 3BD
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This map is indicative only.

RECEIVED: 23 June, 2011

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Flats G06 & G07, Jubilee Heights, Shoot Up Hill, London, NW2 3BD

PROPOSAL: Conversion of 2 x one-bedroom flats on ground floor of Jubilee Heights (Flat Nos. GF6 and GF7) to 1 x three-bedroom self contained flat.

APPLICANT: Redab Kilburn Ltd

CONTACT: Acton Design Associates

PLAN NO'S:
Refer to 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:-

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Contribution of £3,000 (for the one additional bedroom) towards the provision and/or improvement of education facilities in the Borough, non-car access/highway, sports and public space improvements in the area.

All contributions due on Material Start and index-linked from the date of decision.

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.

EXISTING

The subject site is an eight-storey residential block which has been converted and extended over the past 17 years from its original function as offices. It is located on the corner of Shoot Up Hill and Exeter Road adjacent to Kilburn Underground Railway Station. Shoot Up Hill forms the borough boundary with London Borough of Camden to the east. The building contains 91 residential units (including the recent conversion of the ground floor from offices to residential flats and the erection of a 6 storey extension), divided as follows: 15 x 1-bed, 70 x 2-bed, 6 x 3-bed.

The surrounding uses are predominantly residential although to the south there is a short section of Secondary Shopping Frontage. The property is not a listed building, although its curtilage abuts the Mapesbury Conservation Area (to the rear of Cedar Lodge).

PROPOSAL

Conversion of 2 x one-bedroom flats on ground floor of Jubilee Heights (Flat Nos. GF6 and GF7) to 1 x three-bedroom self contained flat.

HISTORY

The application site has a lengthy planning history. The following applications are considered to be most relevant to this application:

11/1307: Full Planning Permission sought for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights - Refused, 15/07/2011. This application was refused for the following reasons:

1. *The introduction of a five storey extension sited within the southern end of the existing communal amenity space fronting Shoot Up Hill is considered to significantly impact upon this existing amenity space, as it results in the loss of an area of external space which has high amenity value evident through its orientation currently receiving good daylight and sunlight throughout most of the day; and in addition adversely impacts upon the remaining external space through the removal and screening of sunlight for the majority of the day to this space. The harmful impact is not considered to be sufficiently offset by the provision of a roof garden, particularly as the site is located within an Area of Open Space Deficiency. The proposal is contrary to policies BE9, H12 and H13 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in the adopted Supplementary Planning Guidance No. 17 "Design Guide for New Development".*

2. *The introduction of a five storey extension on the southern end of Jubilee Heights, by reason of its close proximity and excessive depth in relation to the kitchen windows of existing flats at first to third floor levels, is considered to restrict outlook from these windows and have a general overbearing appearance and undue sense of enclosure, to the detriment of the amenities of the occupiers of the existing flats. The impact is exacerbated by the proposed extension resulting in a loss of morning sunlight to these important habitable rooms. This would be contrary to policy BE9 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".*

3. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010 and policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.*

4. *In the absence of a legal agreement to control the matter, the proposed development does not provide sufficient affordable housing on site or make satisfactory provision to compensate off site, contrary to Policies 3A.9, 3A.10, 3A.11 of the London Plan 2008, policies CP2 and CP21 of Brent's adopted Core Strategy 2010.*

10/3113: Full Planning Permission sought for erection of 5 storey building comprising five self contained flats with roof garden attached to southern elevation of Jubilee Heights – Refused, 22/02/2011.

10/2860: Full Planning Permission sought for the conversion of ground floor vacant space into additional living accommodation for Flat 1 on the ground floor of Jubilee Heights together with

external alterations to doors and glazing - Granted, 30/12/2010.

10/1566: Full Planning Permission sought for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights, and provision of 20 additional cycle spaces - Refused on 31/08/2010.

09/2229: Full Planning Permission sought for erection of 1 x 10-storey north-flank extension and 1 x 7-storey south-flank extension to existing building and 1 x 4-storey building over existing car park and vehicular accesses, totalling 21 x 2-bedroom self contained flats, provision of 10 cycle spaces, raised garden deck and associated works to existing car park and landscaped amenity space - Withdrawn by applicant, 25/02/2010

The above application was due to be reported to the Planning Committee on 24th February 2010 with a recommendation for refusal. The application was withdrawn prior to the committee meeting but members confirmed that they would have been minded to refuse the application.

09/0755: Full Planning Permission sought for erection of part six-storey and part seven-storey rear extension to provide an additional 6 two-bedroom flats to the existing block of flats (revised version of scheme previously approved under ref: 08/1728) subject to deed of agreement dated 23/03/2008 under section 106 of the Town and Country Planning Act 1990 (as amended) - Granted, 08/04/2010.

07/2774: Full Planning Permission sought for conversion of ground-floor serviced offices into 8 self contained dwellings, comprising 5 two-bedroom and 3 one-bedroom flats with ancillary alterations, removal of crossovers on Exeter Road and Shoot Up Hill, and associated landscaping, subject to Deed of Agreement dated 3rd December 2007 under Section 106 of Town and Country Planning Act 1990, as amended - Granted, 14/12/2007.

96/2166: Full Planning Permission sought for conversion of 3 floors of offices into 31 flats comprising 29 x 2-bedroom and 2 x 1-bedroom flats, formation of residents only health club and extension to underground car park - Granted, 26/02/1997.

94/0033: Full Planning Permission sought for recladding of telephone house, change of use of upper two storeys and part of first and second floors to residential and addition of 2 extra residential storeys to form 10 x 1-bedroom, 31 x 2 bedroom and 5 x 3-bedroom flats, erection of five storey residential block of 30 x 2 bedroom flats on Exeter Road frontage, provision of parking, landscaping and children's play area - Granted, 21/11/1995.

POLICY CONSIDERATIONS

The London Plan - revised version adopted on 22nd July 2011.

3.5: Quality and Design of Housing Developments

3.8: Housing Choice

Core Strategy

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

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

CP21: A Balanced Housing Stock

Brent's UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved

policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE2: Townscape: Local Context & Character
BE6: Public Realm: Landscape Design
BE9: Architectural Quality
H12: Residential Quality - Layout Considerations
H13: Residential Density
CF6: School Places
TRN2: Public Transport Integration
TRN3: Environmental Impact of Traffic-
TRN11: The London Cycle Network
TRN23: Parking Standards - Residential Developments

Supplementary Planning Guidance

SPG17 "Design Guide for New Development"

Supplementary Planning Document

S106: Planning Obligations

CONSULTATION

Consultation Period: 19/07/2011 - 09/08/2011

Public Consultation

91 neighbours consulted - Six letters of objection received raising the following concerns:

- Overbearing;
- Inconvenience caused by overcrowding the estate;
- Nuisance of noise during and after the process of work;
- Increased service charges without any receipts or invoices to show what the increased services charges have been spent on;
- The two entrance gates to the car park have been removed and the driveway and car park has been made into a garden in preparation of this application;
- The freeholder has removed the rubbish shoot and the door for Brent Council to collect rubbish;
- Ongoing repair works within the building including broken lifts, lights, water in the basement and ground floor, damaged drains and damaged gates for disabled access from the car park;
- Disabled parking space used to store rubbish; and
- The proposal is not aesthetically in line with the current style of the existing building.

Internal Consultation

Highways & Transport Delivery - No objections raised.

REMARKS

Background

Members will note from the planning history above that the building has undergone a number of significant changes over the past 17 years together with a number of more recent extensions. The building was originally used as a Telephone House. Planning permission was granted in 1994 to

convert part of the existing building together with extensions to form 46 residential flats (10 x 1 bed, 30 x 2 bed and 6 x 3 bed). Permission was subsequently granted in 1996 to convert three floors of the offices to provide a further 31 residential flats (2 x 1 bed and 29 x 2 bed).

There have been a number of recent applications granted for additional extensions and alterations to the building. These include the conversion of the ground floor offices into 8 residential flats (3 x 1 bed and 5 x 2 bed) in 2007 and a six storey rear extension to accommodate 6 x 2 bed flats in 2009.

It is apparent from reviewing the planning history that the Council has become increasingly concerned about the intensification of use of the external amenity space as a result of increased population on the site, particularly as the site is within an area of Open Space Deficiency. The landscaped area to the front of the building developed as part of the 2007 application formed part of a communal amenity space for all of the flats, which is considered to be of high amenity value that makes an important contribution to the overall provision of external amenity space on the site, particularly as it is fairly well screened from the road. The increasing concern regarding the intensification of use of the external amenity space is also highlighted within a number of recent refused applications which sought to build "winged" extensions to the main building, and the impact that these extensions would have upon the quantity and quality of existing communal amenity space.

Proposal

This application is for planning permission to convert two one-bedroom flats on the ground floor, known as G06 & G07, to provide one three-bedroom flat. Flats G06 & G07 form part of the 2007 planning application for the conversion of the ground floor from offices to residential flats. The works only involve internal alterations and the external appearance of the building will not be altered as part of this application.

The proposed three bedroom flat has a floor area of approx. 116sqm. This significantly exceeds the minimum internal floor area standards as set out in SPG17 and the London Plan, which require a minimum of 80sqm and 95sqm respectively. All habitable rooms will have adequate levels of outlook with the exception of the kitchen. Given that this is a conversion of existing flats and the kitchens for the existing flats are currently positioned with limited outlook, this shortfall is not considered to warrant a reason for refusal.

In terms of external amenity space, as the proposal will provide a family sized ground floor unit, SPG17 requires 50sqm of external amenity space. The existing flats each require 20sqm of external amenity space in accordance with current standards; this would amount to 40sqm. As referred to above, there is a shortfall in the current communal amenity space on site when assessing the existing provision against current standards. The overall provision is 1878sqm which is shared between Jubilee Heights and Cedar Lodge, amounting to approximately 15.5sqm per flat.

It would not be possible to provide 50sqm of external amenity space dedicated for the proposed unit without reducing the current provision for the existing flats. Whilst it is recognised that there is a shortfall in amenity space for the new three bedroom flat as a result of the proposal, given that the existing flats would require 40 sqm to comply with current standards, the pressure on the existing communal amenity space as a result of the conversion would not be so significant to warrant refusal. In addition, the internal floor area for the new flat significantly exceeds the minimum internal floor area standards, and assists in providing a more balanced housing stock within the building, meeting the objectives of policy CP21 of Brent's Core Strategy 2010. The existing communal amenity space to the front of the building will not be affected by this proposal. The existing provision is considered to be of high amenity value that makes an important contribution to the overall provision of external amenity space on the site.

Car parking standards will be reduced on the site as a whole as a result of the conversion of two one-bedroom flats into a three-bedroom flat. The proposal is therefore considered to not add increase pressure to existing parking demand on the site. The applicants have confirmed that parking is allocated by the management company and there is sufficient provision for one space per flat on site.

Response to objections raised

- *Proposal will be overbearing and is not aesthetically in line with the current style of the existing building.*

No extensions or external alterations are proposed as part of this application.

- *Inconvenience caused by overcrowding the estate, nuisance of noise during and after the process of work.*

The impact of a family sized unit upon the existing amenity space and parking spaces has been addressed above. The proposal is not considered to be detrimentally harmful to existing provisions as to warrant a reason for refusal. Noise nuisance caused by building works is controlled through Environmental Health legislation. Noisy works can only take place between the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays. No noisy works can take place on Sundays and on Bank Holidays.

- *Increased service charges without any receipts or invoices to show what the increased services charges have been spent on. Ongoing repair works within the building including broken lifts, lights, water in the basement and ground floor, damaged drains and damaged gates for disabled access from the car park.*

This is a matter that needs to be resolved between the freehold and leaseholders of the building, and can not be resolved through the planning process. It is the responsibility of the freeholder to maintain the up keep of the building.

- *The two entrance gates to the car park have been removed and the driveway and car park has been made into a garden in preparation of this application.*

The car park entrance located close to the junction of Shoot up Hill and Exeter Road was removed as part of the 2007 application. The car park area for the offices was changed to a communal landscaped area for the existing and proposed flats as part of the 2007 application,

- *The freeholder has removed the rubbish shoot and the door for Brent Council to collect rubbish.*

The plans show a refuse storage within the building which is accessed off the lobby and from the rear car park.

- *Disabled parking space used to store rubbish.*

Officers recommend that an informative is attached to any forthcoming planning consent advising the applicants to keep the car park spaces and area clear of any rubbish or storage items.

Conclusions

In conclusions, the proposal provides a satisfactory level of accommodation for a three bedroom flat and assist in balancing the housing stock within Jubilee Heights.

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan - revised version adopted on 22nd July 2011.
Brent's Core Strategy 2010
Brent's UDP 2004
SPG17 "Design Guide for New Development"
S106: Planning Obligations

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

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

PL/289/01
PL/289/02
PL/289/03

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

- (3) The means of escape door as shown on drawing no: PL/289/03 shall be only accessed from inside the flat and used for the emergency purposes only.

Reason: To prevent the subdivision of the flat into smaller units.

INFORMATIVES:

- (1) The applicants are advised to keep the car parking spaces and communal areas free of any rubbish or other storage items.


REFERENCE DOCUMENTS:

The London Plan - revised version adopted on 22nd July 2011.
Brent's Core Strategy 2010
Brent's UDP 2004
SPG17 "Design Guide for New Development"
S106: Planning Obligations

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

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

Item No. 06
Case No. 11/1528

 **Planning Committee Map**
Site address: 86 Wrentham Avenue, London, NW10 3HG
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This map is indicative only.

RECEIVED: 13 June, 2011

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 86 Wrentham Avenue, London, NW10 3HG

PROPOSAL: Extension of the roof to the rear and side including a rear dormer window, installation of 1 rooflight across the proposed flat roof and side roofplane and 1 front rooflight.

APPLICANT: Ms Rachel Whetstone

CONTACT: Dr Bill Thompson Architect

PLAN NO'S:

Ordnance Survey 1:1250

Ordnance Survey 1:500

Front elevation

Ground floor plans

First floor plans

Second floor plans

Roof and basement plans

Long section

Side elevation

rear elevation and short section

Drawing to show main adjoining windows

MEMBERS CALL-IN

PROCEDURE

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

Name of Councillor

Cllr Colwill

Cllr B M Patel

Cllr Kansagra

Date and Reason for Request

4th August 2011

We do not believe that it would be detrimental to the area and in fact it will enhance and protect surrounding areas.

RECOMMENDATION

Refusal

EXISTING

The subject site is a 2-storey semi-detached building on the southern side of Wrentham Avenue, the site is in an 'Area of Distinctive Residential Character'.

PROPOSAL

See description

HISTORY

11/0330 Refused

Extension of the roof to the rear and side including a glazed rear elevation at second floor, removal of part of rear roof and increase to height of rear elevation to form balcony, installation of 1 rooflight to the flat and side roofplane and 1 front rooflight.

The proposed extensions and alterations to the rear elevation and roof, by reason of the break in the eaves, the increase in height of the party parapet wall, the proposed roof shape, the loss of the roof of the bay feature and creation of a roof terrace, are harmful to the character of the building, the relationship with the semi-detached neighbour in an area of distinctive residential character as well as neighbouring amenity and privacy contrary to policies BE2, BE9 and BE29 of Brent's UDP 2004 as well as SPG5: Altering and extending your home.

00/1309 Granted

External extension between basement and ground floor and the installation of a new rear patio door (as revised by letter and plans received 13/11/00)

POLICY CONSIDERATIONS **UDP 2004**

BE2 - Townscape

BE9 - Architectural Quality

BE29 - Areas of Distinctive Residential Character

SPG5: Altering and extending your home

CONSULTATION

Neighbouring occupiers were consulted on 29th June 2011. One comment has been received raising concerns:

- concern about possible effect of infilling the area between the front and rear roof areas.
- difficulty visualising from ground level the reduction in visible sky that the extension would cause from the neighbouring property.
- could be considered detrimental to the architecture of the building but can only be seen from the 2 neighbouring flats.

REMARKS

The proposal involves a number of extensions and alterations to the property at the roof and loft floor which is proposed to become a habitable second floor.

The property is one of a pair of semi-detached buildings. In an Area of Distinctive Residential Character policy BE29 of Brent's UDP 2004 requires particular attention be paid to the design, height and space between buildings in order to protect their special qualities. The area is considered to have a coherent design which unsympathetic development could threaten.

Existing roof form

The building narrows to the rear where the width of the main front part of the building narrows into the three-storey rear projection. A side extension means the footprint in plan form does not narrow but the roof shape maintains the character of the subservient rear projection.

The rear projection is 4.9m wide, a mono-pitch roof, 2.7m in width, slopes down from the parapet wall between the 2 dwellings and from there on the roof is flat to the eaves. At the end of the rear projection the roof again has a ridge at a right angle to the parapet wall between the pair of buildings and the roof plane fills the whole 4.9m of the rear projection.

This roof form is mirrored by the other half of the pair of semi-detached buildings. Both buildings have a bay feature to the rear, in the case of the subject property it is positioned on the corner of the rear projection while on the neighbouring building it is positioned quite centrally on the rear elevation of the rear projection.

Proposed

The rear roof plane of the attached buildings is currently uniform in its eaves and ridge height with a party parapet wall running between the two properties, the proposed extension across the rear projection of the building would notably alter this relationship.

It is proposed to increase the flank wall of the rear projection upwards by about 0.9m and also to raise the party parapet wall between the attached buildings by about 1m. This is to enable an extension to the roof between these 2 raised elements resulting a part flat part pitched roof over the rear projection.

Viewed from the rear it is envisaged that the ridge height of the rearmost roof plane on the subject building would be increased by about 1m in height and so would be 1m higher than the attached building, with a small dormer positioned on the extended rear roof plane.

Officers are of the opinion that this alteration to the rear part of the roof and specifically the increase to the height of the party wall and ridge height of the rearmost roof plane, would have a detrimental impact on the character of the building and the appearance and coherent design of the pair of semi-detached buildings.

As described above the dwellings currently differ in the positioning of the rear bay features which is an original part of the design, otherwise the roof shape and height is uniform. Rather than an enhancement to the character, as the bay features could be suggested to be, the alteration to the roof is considered to be incongruous and would not respect the specific qualities of this pair of buildings within an Area of Distinctive Residential Character. Viewed from gardens to the southwest the appearance would be of a parapet wall projecting up by about 1m beyond the ridge of the attached building, this would be a negative impact on the original roof form. While these 2 properties are of a different design to those neighbouring them a uniform ridge height to the rear projection is a common feature throughout.

The rear projection of the building is subsidiary to the front part of the building which is both wider and higher. The proposal would significantly alter this relationship as the roof of the rear projection would take on a much bulkier form. The connection of the two independent roof elements would completely change the character of the side elevation, reducing the original architectural expression and subsequently the buildings contribution to the ARDC.

A small single rooflight is proposed to the front roof plane and would be acceptable.

Neighbouring amenity

Concern was previously raised in an earlier application about the potential impact of the extensions on light and outlook to the habitable room windows positioned in the flank wall of the building to the east of the site. A plan has been provided to clarify the position of windows identified as habitable in relation to the space where the extension is proposed. The 2 windows towards the rear are considered to be sufficiently off-set from the extensions, as well as being aligned with the existing high chimney. There is more scope for the front most window to be impacted upon but it is considered, on balance, that the relationship would be acceptable.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed extensions and alterations to the roof, including the increase in the height of the party parapet wall and the ridge of the rear roof plane, are considered to be incongruous and would not respect the specific architectural qualities of this pair of semi-detached buildings, in particular, and the Area of Distinctive Residential Character, in general. As a result the proposal is contrary to policies BE2, BE9 and BE29 of Brent's UDP 2004 as well as SPG5: Altering and extending your home.

INFORMATIVES:

None Specified


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

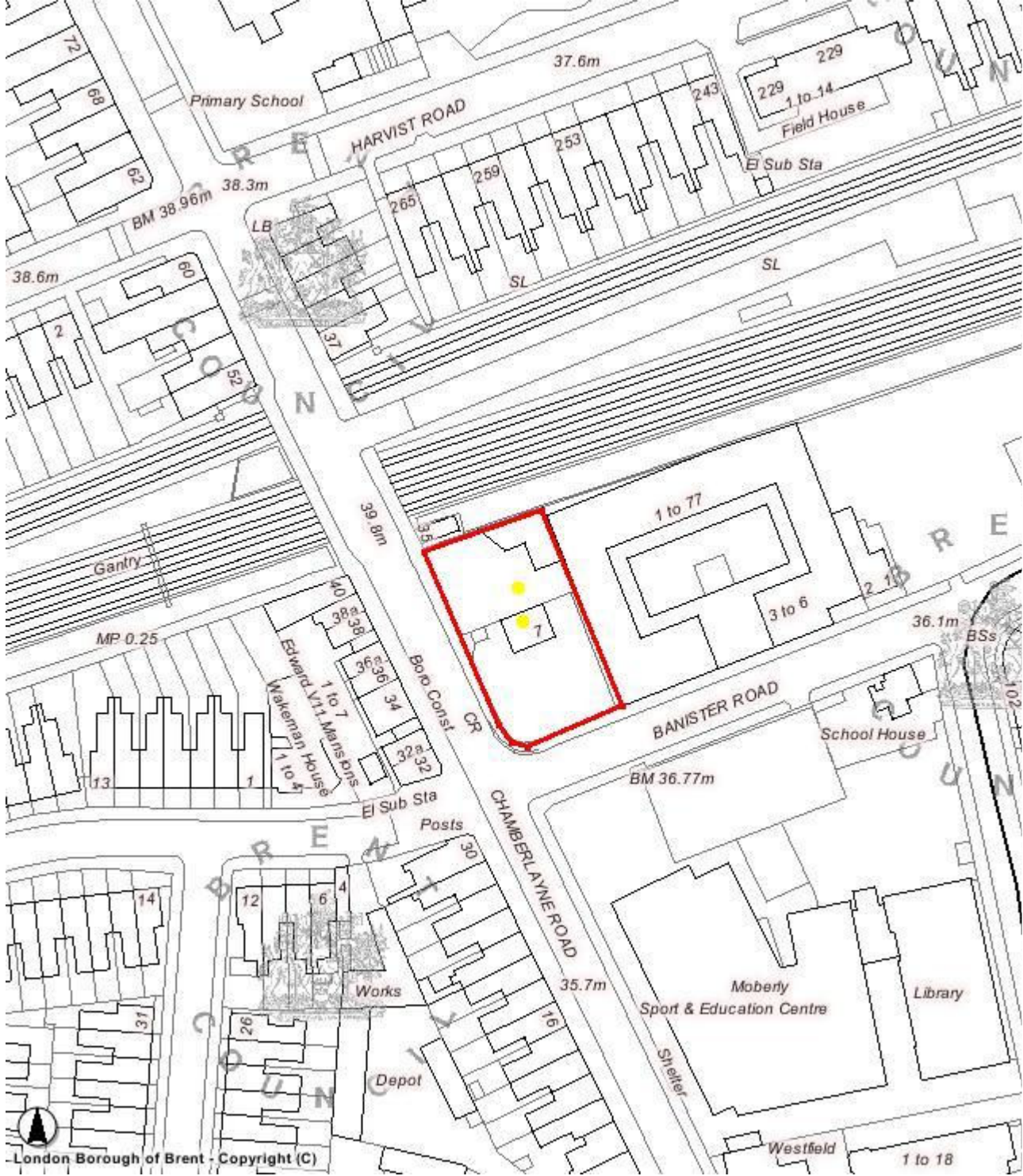
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Agenda Item 7

Committee Report
Planning Committee on 6 September, 2011

Item No. 07
Case No. 11/1287

 **Planning Committee Map**
Site address: Land next to 35, Chamberlayne Road, London, NW10
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London Borough of Brent - Copyright (C)

This map is indicative only.

RECEIVED: 20 June, 2011

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Land next to 35, Chamberlayne Road, London, NW10

PROPOSAL: Erection of an 8-storey and 5-storey building, comprising 50 residential units (consisting of 17 x one-bedroom flats, 28 x two-bedroom flats and 5 x three-bedroom flats) and 604 sqm of retail floorspace at ground-floor level, with provision of 25 car-parking spaces (including 2 disabled bays) and 56 bike-parking spaces at basement level, refuse store and electrical substation ('Parking Permit-Free' development)
n.b. This differs from planning permission ref: 06/2993, granted 27 October 2007, by an increase in the number of flats from 44 units to 50 units and change of unit mix from 11 x one-bedroom flats, 21 x two-bedroom flats, 5 x three-bedroom flats and 7 x four-bedroom flats.

APPLICANT: Bellway Homes

CONTACT: Barton Willmore

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- A total contribution of £317,813 would be sought to go towards the local infrastructure provision, consisting of:
 - the provision and/or improvement of education facilities in the Borough
 - sustainable transport improvements
 - local public open space improvements
 - towards the monitoring of air quality and the implementation and monitoring of the Air Quality Action Plan in the vicinity of the land.

In addition, the Agreement must also include:-

- "car-free" scheme preventing residents from applying for car parking permits.
- Sustainability obligations, including a score of at least 51% on the Sustainability Checklist submitted with the application, EcoHomes 'Very good rating' with appropriate compensatory measures should 51% rating not be achieved and including 10% renewable on site general.

- Join and adhere to the Construction Management Plan (CMP).
- Affordable Housing - a contribution of £110,000 towards the provision or promotion of affordable housing within the borough.
- Section 278 to secure the construction of a lay-by on Chamberlayne Road

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

EXISTING

This is the former petrol station site at the junction of Banister Road and Chamberlayne Road. The building approved under planning reference 06/2993 is currently significantly under construction.

The site is within the former South Kilburn New Deals for Communities area (SKNDC), at the western-most boundary of the area and the South Kilburn Supplementary Planning Document (SPD) setting down policies for the area was adopted in April 2005.

The site is opposite secondary shopping frontage of Kensal Rise Local Centre and is not within a conservation area.

PROPOSAL

See description

HISTORY

06/2993 Granted (October 2007)

Erection of 8-storey and 5-storey building, comprising 44 residential units (consisting of 11 x one-bedroom flats, 21 x two-bedroom flats, 5 x three-bedroom flats and 7 x four-bedroom flats) and 684m² of non-residential retail floorspace at ground-floor level, with provision of 25 car-parking spaces (including 2 disabled bays) and 46 bike-parking spaces at basement level, refuse store and electrical substation ("CAR-FREE" DEVELOPMENT), as accompanied by Transport Statement (October 2006), Environmental Noise Assessment (1 October 2006), Design Statement (October 2006), Sunlight & Daylight Report (October 2006) and additional Sunlight & Daylight Report (letter dated 15 February 2007 and subject to a Deed of Agreement dated 15th October 2007 under Section 106 of the Town and Country Planning Act 1990, as amended

11/0295 Refused

Variation of condition number 14 (plan numbers) to allow the following minor material amendments:

- Variation to the mix and increase of the approved number of flats from 44 to 50 (Change of the layout of Level 1 and 2 Core B from 3x4 bedroom flats to 2x1 bed, 2x2 and 1x3 bedroom flats and change of the layout of Level 3 Core B from 2x3 and 1x4 bedroom flats to 2x1 and 3x2 bedroom flats)
- Repositioning of projecting balconies at Levels 1, 2 and 3 on the northern and western elevations
- Removal of podium facing balcony at Levels 1-7
- Use of flat roof at Level 4 as balcony on the north and west elevations.
- Increase of 10 cycle spaces in the basement

This application was refused because the proposed alteration to the mix of units would require further consideration and was therefore beyond the scope of a minor amendment to the approved application 06/2993.

POLICY CONSIDERATIONS

Brent's UDP 2004

BUILT ENVIRONMENT

- BE1 Urban Design Statements
- BE2 Townscape: Local Context and Character
- BE3 Urban Structure
- BE5 Urban Clarity and Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Environmental Design Principles

HOUSING

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

EMPLOYMENT

- EMP9 Local Employment Sites.

TRANSPORT

- TRN3 Environmental Impact of Traffic
- TRN10 Walkable Environments
- TRN14 Highway Design
- TRN23 Parking Standards – Residential Developments
- TRN35 Transport Access for Disabled People and others with Mobility Difficulties
- PS14 Parking Standards – Residential Development
- PS15 Parking for Disabled People
- PS16 Bicycle Parking

Supplementary planning guidance 17: Design Guide for New Development South Kilburn Supplementary Planning Document (SPD) Adopted April 2005 Supplementary Planning Document: S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

Discussed below

CONSULTATION

Internal

A total of 241 neighbouring occupiers were consulted on 22nd June 2011, a site notice and press notice were also published. 7 objections have been received.

- The building is out of scale with the surroundings, its height is not justified.
- It shouldn't be higher than the highest buildings surrounding it.
- The affordable housing was reallocated away from the site.
- Major problems with parking in the area, 25 parking spaces is not enough
- 1 bed flats attract a different occupier than 3 bedrooms, a block of 1 bed flats will not improve the area.
- The building will be vacant with building work stalled while they wait to change the unit mix.

- The building work is causing delays with gridlock around the temporary traffic lights and the closed footpath.

Cllr Hector (Kensal Green) has made the following comments:

- Impacting on view and light to gardens.
- Concern about infrastructure capacity for this many units.
- Existing empty shop units on Harrow Road so no need for another shop unit.

Highways - No objection, it has been confirmed that the vehicular access is 5.2m wall to wall which is acceptable.

Affordable Housing Officers - An agreement has been made about further contributions towards affordable housing, appropriate because of the increased number and different mix of units .

External

Network Rail - comments provided about construction, construction underway under existing approval.

London Underground - no comments

City of Westminster - no comments

REMARKS

Introduction

Officers wish to clarify, as stated in the description of the proposed development, that the only difference between this application and the 2006 approval is the number of units and a change to the unit mix, as such discussions should be focussed on these issues. Other issues already approved and considerations in connection with those issues are set out here for Members information.

Principle

The Council have acknowledged the site's suitability for a combination of residential accommodation provided above commercial floorspace under the approved application 06/2993. A petrol station, which was the last use of the site, is not regarded as a Local Employment Site (policy EMP9 of the Brent UDP refers) and, as a result, the principle of developing the site in the form proposed is acceptable.

As described above a development consisting of a commercial ground floor unit and 44 residential flats has been granted planning permission. The form and height of the building is the same as previously agreed with the exception of some alterations to balconies and fenestration which will be identified below, the principle aim of the application is to seek a different mix of unit sizes which results in 50 units rather than 44.

Siting, Design and Layout of the Site

It is evident that the height of the building has generated a level of concern from people living nearby. As now seen on site the application proposes a part 8, and part 5 storey building on this corner site. The 2006 discussion about the scale of development is set out below:

The site is identified (at page 88 of the South Kilburn SPD) as being appropriate for a "focal/landmark building" in order to recognise its location at the western end of the NDC area and as one of 7 Transport and Activity Nodes throughout the area (page 30).

The Team Manager of the Design & Regeneration Section has considered the proposal and has

concluded that the scale, form and height are appropriate to the site and the broader streetscape for this part of the Borough. The design is considered to represent a high quality building based on well composed elevations, high quality architectural detailing and cutting-edge construction materials.

The proposed cladding material is an alloy of aluminium and copper with a gold finish. As a contrast, the reveals and soffits of the window and balcony openings will be finished in contrasting, but complimentary, colours. The gold finish will also be set off against timber cladding.

There is no doubt that the building will be a completely new approach to architecture within the Borough, but your Officers are of the opinion that in line with the Council's initiative to try and lift the innovative nature and quality of architecture the proposals should be supported. The material is only possible because of the quality and nature of the architectural detailing and it is considered that, as a whole, the innovative and, some would say, contentious building will create an individual and striking landmark within the streetscape.

Externally there are a few minor differences in the elevations relating to the position of balconies. These are either triggered by the proposed amended layout or in order for the balcony to be reached from a living room rather than a bedroom which is a preferred situation. These alterations do not raise any material concerns.

The proposed changes to the mix, discussed below, naturally result in a different internal layout for a number of units. In general units are dual aspect or where single aspect do not face north. In the revised arrangement a 1-bed flat is created at first, second and third floor which has its sole outlook to the north, such units are likely to receive restricted levels of light. The other result of the revised scheme is the creation of 3 three bed units (again at first, second and third floor) which are single aspect facing east, this means that the units look over the communal courtyard only which is enclosed by the subject building and Noko to the east. Noko is at a distance of nearly 11m from these windows so outlook is not unacceptably restricted but given the height of the structures on all sides of the courtyard light is likely to be fairly restricted to the lower of these units. These units make up a very small proportion of the whole scheme and on balance officers do not consider that it is significant enough for the scheme to be considered unfavourably for this alone.

Mix

The approved scheme has 44 units with a mix of:

- 11 x one-bedroom flats
- 21 x two-bedroom flats
- 5 x three-bedroom flats
- 7 x four-bedroom flats

The proposed scheme is for 50 residential units with the following mix:

- 17 x one-bedroom flats
- 28 x two-bedroom flats
- 5 x three-bedroom flats

When the scheme was originally submitted it was envisaged that affordable housing may be provided on site, as such 7 four bed units were included in the layout. However the outcome of discussions during the 2006 application was that affordable housing was provided off-site, described in more detail below. The applicant is now of the opinion that the approved unit mix on site is not favourable for private housing with there being a lack of demand for large family units in such developments. As such, the proposal seeks to replace all four bedroom units with a mix of one and two bedroom units. The 5 three bed units would remain which equates to 10% of the units being family size.

Policy CP21 of Brent's Core Strategy 2010 seeks to ensure that an appropriate range and mix of self contained accommodation types and sizes, including family sized accommodation, is provided on suitable sites while CP2 suggests that 25% of all new housing provision should be for family size units. In this case the suitability of the site for family accommodation should be considered as well as the level of off-site family size housing already provided in association with this development.

The vast majority of units have access to private amenity spaces, largely in the form of small balconies, and communal roof terraces with seating and planting are also provided. SPG17 seeks for family housing to have access to a minimum of 50sqm of external space though it is acknowledged that in intense urban areas this may need to be altered to a level consistent with the existing area character. This does not mean that officers think this site is not capable of providing for families but it remains a consideration that on this restricted plot it is not possible to provide good sized family gardens and generous play space.

In the off-site affordable housing provision 12 four or five bedroom houses and maisonettes were provided. The proposed mix of the development, alongside its off-site affordable housing contributions previously agreed, is more generous in terms of its provision of family size units than the 10% provided on site and on balance officers are of the opinion that, given site constraints and off-site family housing provision, the proposed mix is acceptable.

Affordable housing

As stated above the consideration of the application in 2006 was originally based on a scheme which included affordable housing on site. A Deed of Variation was subsequently submitted proposing an alternative off-site provision, this was returned to Planning Committee with a further report proposing the affordable units be provided at the following 2 sites:

- Perrin Road Clinic, Perrin Road, Wembley HA0 (07/3578)
- Campbell House, Harley Close, Wembley HA0 (07/3559)

These applications were discussed and approved by Members at the same Planning Committee on 29th February 2008. The special report produced along with the Deed of Variation described this provision in comparison to the originally considered on site provision.

The original provision was based on a financial assessment and the viability of the proposed development, the special report then assessed the quality and quantity of the proposed off-site provision against this. The off-site provision resulted in a significant overall increase in the provision of affordable family housing and an increase in habitable rooms and was considered to be a good alternative.

It was also stated that the intention was to put affordable housing in areas of low levels of existing affordable accommodation and provide private housing in areas with high levels affordable accommodation. The subject site fell within the former South Kilburn NDC area within which 80% of housing was affordable while Sudbury, where the alternative provision was proposed, had only 30% affordable.

The final outcome of the 2006 application was that a good provision of affordable housing was achieved off-site and 44 private units were approved in the Chamberlayne Road development.

The current application proposes 6 additional units and a different unit mix within the building. The London Plan states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to a number of factors including development viability and the need to encourage rather than restrain residential development.

The current proposal results in fewer bedrooms overall but does result in an increase in the number of units, improving the development viability such that the scheme can reasonably be expected to deliver more affordable housing. Normally affordable housing is expected to be delivered on site, however the existing agreement under the 2006 application for the provision of affordable housing at 2 other locations, together with the predominantly private composition of the scheme, quantum of the increase in the number of homes, and fact that the scheme is currently under construction, a cash in lieu payment to provide or promote affordable housing elsewhere in the borough is considered acceptable in this particular case.

Negotiations with the applicant, including Affordable housing officers, have resulted in an agreement for an additional contribution of £110,000. Based on an appraisal of the economic viability of the scheme, taking account of expected sales values, build costs, the potential uplift in gross development value due to the proposed changes to the unit size mix, as well as land values and the availability of public subsidy for the delivery of affordable housing, the sum, for the delivery of affordable housing elsewhere in the borough, is considered reasonable and appropriate.

Transport

This site is located on the north-eastern corner of the signalised junction of Chamberlayne Road (a local distributor road) and Banister Road (a local access road). It was formerly occupied by a petrol filling station, accessed via a 7.3m wide crossover onto Chamberlayne Road and a 6m wide crossover onto Banister Road.

The same number of car parking spaces as previously approved is proposed in the current application, while there is an increase in the number of units the concurrent loss of large units and replacement with smaller units results in a very similar parking standard. As the site has very good access to public transport services, and is located within a CPZ, a reduced allowance of 0.7 spaces per 1-1/2-bed flat and 1.2 spaces per 3-bed flat applies. As such, up to 37.5 car parking spaces would be allowed for the 50 flats, plus one for each of the two retail units, this results in a very similar total allowance as the previous scheme (39 spaces). The proposed provision of 23 standard width spaces therefore complies with standards, as does the proposed car parking layout.

Basement parking is proposed for 25 cars (incl. two disabled) and 46 bicycles, accessed via a ramp from Banister Road. The access ramp has now been constructed at 5.2m wide wall to wall which is acceptable according to the Council's Transportation Engineer, sufficient to allow cars to pass one another and helps to maximise pedestrian sightlines from the access ramp. The ramp gradient is acceptable as shown with a 16.6% gradient and 8.3% gradient transition lengths at either end.

The site is located within the controlled parking zone (CPZ) and has very good access to public transport (PTAL 5), on-street parking along the site frontage is prohibited at all times, but pay and display parking is available opposite the site on Chamberlayne Road to both the north and the south.

In order to address any potential overspill parking, the applicant has agreed to enter into a 'car-free' agreement, for those flats that are not allocated an on-site parking space, whereby the Council will be able to withhold parking permits from future residents of the flats and this will overcome any concerns regarding on-street parking, whilst ensuring car ownership is restrained. On this basis, the Engineer does not object to this application.

The provision of 56 bicycle parking spaces within the basement car park is sufficient to satisfy standard PS16 for the flats, a further five publicly accessible spaces have been shown on the site frontage for the retail units.

With regard to servicing, which is considered to be critical, given the location of the site, a new 3.5m wide x 12m long loading bay is proposed within the footway along the Chamberlayne Road

frontage. This will provide servicing for the shop units and access to the refuse store for the affordable flats. The lay-by is proposed to be surfaced in 'pedestrian-friendly' materials (e.g. block paving), to allow its use as part of the footway when delivery vehicles are not present. An area of footway to the rear to a minimum width of 2m is still available for adoption as public highway to ensure safe pedestrian access along Chamberlayne Road at all times. The existing no waiting at any time restrictions should be retained along this length of Chamberlayne Road to ensure the lay-by does not become used for car parking.

Elsewhere along the Chamberlayne Road frontage, the footway width will need to be increased to 3.5m to accommodate any increase in foot traffic to the new retail units. This will include the adoption of an additional area of footway to measure at least 2m behind the lay-by. A Section 38/278 Agreement has already been made under the approved application to ensure the footway and lay-by works are carried out as required, this will be reflected in the new s106 agreement for the current application. This is also to include reinstatement of all redundant lengths of crossover to the site to footway.

Amenity Space and Landscaping Issues

While the site is restricted, consideration under the 2006 application determined that the site can provide an acceptable level of external amenity space to meet the demands of future residents and the form of this provision has previously been agreed. It was a significant consideration that the site was unused with no features of landscape value on it. It is considered that any development of the site, certainly in the form proposed, would be likely to improve the appearance of the site, in general terms.

Amenity space is provided for new residents within the development in different formats, these being external balconies, roof terraces and communal terraces. The majority of units have access to an area of private amenity space in the form of a small balcony or roof terrace though all units can access the communal courtyard or roof terraces. The following was stated in the report from the application 06/2993:

It is considered that in assessing the amenity space provision associated with this scheme, due consideration needs to be given to the quality of the proposed scheme. The development shows a proposal that would allow sufficient space to provide a range of useful, useable outside amenity areas to meet the likely differing demands of future residents and, on this basis, it is considered that the development would afford future residents a satisfactory standard of amenity.

Good quality details have previously been submitted for the landscaping of the amenity spaces in relation to the approved application as required by condition, it is hoped that this will be provided again in time for a supplementary report to overcome the need for another landscaping condition. The plan must indicate that a varied, interesting and well-used amenity area for the benefit of future residents would be capable of being provided on the site. The plans currently indicate the size and locations of planters but the treatments of the space and actual planting, including trees, are not provided.

It is considered that a combination of external amenity space, courtyard space, balconies and internal space that meets adopted guidance is considered to provide for an acceptable situation, as far as residential amenity is concerned.

Impact upon Residential Amenity

In terms of the impact on the amenities of future occupants of the proposed flats, the main considerations would be the sizes of each unit, and the relationship between units and adjacent development. In these terms no different issues are raised between the approved and currently proposed schemes. All units meet the internal floor space guidance of SPG17.

The scheme has been carefully designed so as to maximise the distance between habitable room windows and boundaries, as well as other windows. The applicants have used a combination of obscure glazing, windows arranged at oblique angles, as well as the unusual shape of the 8 storey element of the scheme, to protect amenity and have increased separation distances within the courtyard, so that there is now 20 metres between habitable room windows on either side of the courtyard. It is considered that although the proposal is inevitably tight, given the constraints of the site, the solution works.

The existence of the railway line to the rear is another limiting factor which will impact on outlook to the rooms which join it. This was an aspect of the 2006 scheme which was discussed in some detail along with the aspect of units. Under the approved scheme a family size unit was very reliant on outlook to the north over the trainline, in the proposed scheme it is replaced with one bedroom flats and the situation is not considered to be significantly different. As previously this is a balanced assessment, and is one that has to be made on all sites like this which back onto railway lines, it is considered that the development proposed would provide for an adequate standard of amenity for occupiers of the proposed building. A condition on the 2006 application required the submission of noise insulation details to ensure units with windows facing the trainline do not suffer from unacceptable levels of noise.

In terms of "stacking" of rooms, for the most part this is achieved throughout the proposed buildings and the proposed arrangements, as shown on the plans, would certainly not be so unacceptable so as to justify a refusal on this ground alone.

As the form of the building is not proposed to alter the assessment made previously, in terms on the impact of the development upon people living nearby, remains exactly the same. The southern side of Banister Road immediately opposite the site is the Moberley Sports Centre, so there is no issue about how those two sites relate to each other.

As far as the privacy and amenity of nearby residential properties at upper floor level on the western side of Chamberlayne Road is concerned, it is considered that the building would not lead to significant problems associated with overlooking, overshadowing and over dominance to those properties as the buildings are separated by the road itself. These buildings would be approx. 18m from the nearest window in the new development and this is considered to be a reasonable distance to ensure that privacy and amenity would not be compromised. With regard the impact upon the adjoining building in Banister Road, this is the NOKO building approved as a mixed work/live and residential scheme in 2004. The building should include 57 work/live units and 20 residential flats. The frontage of the proposed building follows the general building line within the street, specifically the NOKO building. This element of the scheme would not unduly harm the amenities of adjacent occupants to the front of the site, whether they are work/live or residential, in terms of loss of privacy, loss of sunlight and daylight and over dominance.

The applicants previously produced two Sunlight and Daylight Reports with this application and compared the reports to Building Research Establishment (BRE) guidance. The report concluded that :-

"there will be no material sunlight and daylight effect on the existing residential building (sic) north-east of the site known as the NOKO building.

When comparing the results of the sunlight and daylight assessments within the living rooms at third floor level it can be seen that prior to development the living rooms will receive high levels of sunlight and daylight and after redevelopment the existing living rooms will still receive high sunlight and daylight levels which will meet and exceed the current discretionary guidance as set by BRE."

A similar conclusion is reached with regards other daylight and sunlight impacts. Your Officers are not in a position to dispute the claims made in this report, in as much as the conclusions relate to loss of sunlight and daylight. The situation, therefore, is that as far as a technical analysis of the proposed relationship between a building of this size and siting, and people occupying property near to it, the impact would be within acceptable limits.

Sustainability Issues

The approved scheme which is currently being implemented on site was required, via its s106 agreement to achieve the 'Very good' Eco Homes rating. As the site is within the South Kilburn Regeneration Area new development would be expected to achieve Code Level 4 for sustainability which is an improvement on the Eco Homes rating previously agreed, though policy CP19 states that this is subject to scheme feasibility. The additional requirements could have fundamental implications for the structure and design of the building which is already significantly underway and given the extant permission officers on balance agree with the applicant that the previously agreed sustainability requirements should be maintained.

Section 106 Agreement

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

Under the previous application a total contribution of £317,813 was sought to go towards the local infrastructure provision. With the breakdown between the provision and/or improvement of education facilities in the Borough, sustainable transport improvements, local public open space improvements and towards the monitoring of air quality and the implementation and monitoring of the Air Quality Action Plan in the vicinity of the land.

Brent's now adopted s106 supplementary planning document seeks, as a standard, a contribution of £3000 per bedroom towards the same mitigation measures as listed above, if a scheme while being acceptable is particularly deficient in a particular area, an increased contribution towards this would be sought. Fewer bedrooms are proposed under the current scheme than the approved scheme (88 compared to 96) and the contributions previously agreed amount to more than the £3000 requirement, however the greater number of units in the development is likely to offset the reduced number of bedrooms in terms of requirements for public transport and open space so the contribution remains appropriate.

In addition, the s106 Agreement must also include:-

- "car-free" scheme, preventing residents not allocated a parking space from applying for car parking permits.
- Sustainability measures, including 10% renewable on site general.
- Join and adhere to the Construction Management Plan (CMP).
- Affordable Housing - a contribution of £110,000 towards the provision or promotion of affordable housing within the borough.
- Section 278 to secure the construction of a lay-by on Chamberlayne Road

Other

A number of conditions were attached to the application 06/2993 to ensure that a high quality development was secured, a number of these conditions have since been approved by officers. However as this is a full new application the development proposed under this application would

not be tied to the details of the conditions, as such, unless the details are resubmitted, the conditions will need to be dealt with again. The applicant has been notified of this and may reprovide the details prior to the committee date, in this event the conditions could be removed, this will be confirmed in a supplementary report.

Conclusions

The principle of the loss of this former petrol station and redevelopment for a mixed use is considered to be acceptable in policy terms. The proposed development is considered to provide an interesting and, although plainly different, fairly unique piece of contemporary architecture in this part of London. The site is identified in the South Kilburn SPD as an opportunity for a "landmark" building and represents the opportunity to provide a significant sense of entering the South Kilburn regeneration area. The quality of accommodation is also considered to be good, given the internal dimensions of each unit, and treatment of external space and is likely to help to set a high standard for future proposals within the area.

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

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

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):

2914/PL/1000
2914/WD/100 X REVISED

2914/PL/101 C
2914/PL/103 C
2914/PL/105 C
2914/PL/107 C
2914/PL/109 C
2914/PL/201 C
2914/PL/203 C
2914/PL/205 C

2914/PL/102 C
2914/PL/104 C
2914/PL/106 C
2914/PL/108 C
2914/PL/110 E
2914/PL/202 C
2914/PL/204 B
2914/PL/206 C

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

- (3) Details of any air-conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority prior to the systems being installed and the approved details should be fully implemented.

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

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

Reason: In the interests of highway safety.

- (5) Notwithstanding the submitted plans this consent does not extend to any shopfront or advertisement proposed or indicated for the site which would need to be the subject of a separate planning, or advertisement consent.

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

- (6) All areas indicated for landscape works on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, prior to completion of work on the site, and such landscaping work to be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme.

The scheme shall also indicate:-

- proposed walls and fencing, indicating materials and heights;
- other appropriate matters within the context of a landscaping scheme, such as details of seating, usage of areas and areas of hardsurfacing;
- treatment of the area fronting Chamberlayne Road and Banister Road;
- treatment of the roof terraces, including methods of screening the areas to prevent overlooking, and balconies;
- proposals for maintenance.

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

originally planted.

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

- (7) Details of materials for all external work (including windows, balcony details), with samples, as well as the precise choice of cladding consisting of sample panels, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development carried out in accordance with the approved details.

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

- (8) A scheme providing for the insulation of the proposed dwelling units against the transmission of external noise and vibration from the adjacent railway line, and the proposed commercial premises, shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the building. Any works which form part of the scheme shall be completed in accordance with the approved scheme before any of the dwelling units are occupied.

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

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

- details of refuse and recycling facilities;

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

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

INFORMATIVES:


None Specified

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

Agenda Item 8

Committee Report
Planning Committee on 6 September, 2011

Item No. 08
Case No. 11/1488

 **Planning Committee Map**
Site address: Maple Walk School, Crownhill Road, London, NW10 4EB
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This map is indicative only.

RECEIVED: 7 June, 2011

WARD: Harlesden

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Maple Walk School, Crownhill Road, London, NW10 4EB

PROPOSAL: Erection of single-storey extension to main school building to provide 1 additional classroom, and erection of detached single storey building containing 2 classrooms

APPLICANT: The Craigmyle Charitable Trust

CONTACT: Christopher Wickham Assocs

PLAN NO'S:

See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site is a triangular plot abutting the rear boundaries of the residential properties along St Johns Avenue, Harlesden Gardens and Crownhill Road. The site is occupied by the Maple Walk School which comprises of a part single, part two-storey school building with associated landscaping and play areas. The site has an area of 0.2ha and is accessed from a service road leading from Crownhill Road.

PROPOSAL

See above

HISTORY

Planning permission (08/2168) for the erection of the school building on the site was approved by the Council on the 27th February 2009. Prior to this the site had been occupied by the Crownhill Sports & Social Club. There is no other planning history on the site considered to be of particular relevance to the determination of the current application.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE9 Architectural Quality
CF8 School Extensions

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

EXTERNAL

Consultation letters, dated the 22nd June 2011, were sent to Ward Councillors and 86 neighbouring owner/occupiers. Five letters of objection have been received in response. The concerns of the objectors include:-

- The proposed extensions would cause a loss of light, outlook and privacy to neighbouring occupiers
- The building works would cause noise disturbance to neighbouring occupiers.
- The proposed development would involve building over an existing sewer pipe.
- The proposed development would exacerbate existing problems of noise and a loss of privacy associated with the existing school.
- The proposed development would remove the possibility of providing a second entrance to the school which could act as a fire escape.

INTERNAL

Highways & Transport Delivery

The Highways & Transport Delivery unit have confirmed that Maple Walk School appear to be actively implementing and enforcing their Travel Plan, agreed as part of the planning permission to erect the school, and that from the available data and observations made during recent site visits that good progress is being made towards meeting the agreed targets. On this basis H&TD raise no objection to the proposed extensions.

Landscape Design Team

The Landscape Design Team have inspected the proposals and confirm that they have no adverse comments to make on the application. They welcome the provision of a sedum roof to the extensions.

REMARKS

The current proposal seeks planning permission for the erection of a single-storey extension to the northern end of the main school building in order to provide one additional classroom and the erection of a detached single-storey building in the southern corner of the site which would accommodate a further two classrooms. The applicant states that the additional classroom space is required to allow a greater degree of dedicated space for particular activities, reducing the reliance on the dual-use of space, and to assist in more comfortably accommodating minor fluctuations in pupil numbers.

IMPACT ON ADJOINING OCCUPIERS

The proposed single-storey extension would be located towards the northern end of the main school building. The extension would have a footprint of approximately 6m by 6.5m and would have a flat roof with a height of approximately 2.7m. At this end, the site narrows to a point between the rear gardens of the residential properties located on either side. At the closest point, the proposed extension would be approximately 1.5m from the boundary with the rear gardens of the properties along Harlesden Gardens. However, due to the modest height of the proposed extension this relationship would comply with the guidance contained in SPG17 which recommends that new development should be set below a line of 45 degrees taken from a height of 2m along the garden boundary. The proposed extension would also comply with 30 degree guidance contained in SPG17 in terms of its relationship with the habitable room windows at the rear of the properties along Harlesden Gardens. As such, overall it is not considered that the proposed extension would have an unreasonable impact on the daylight or outlook of the

neighbouring properties. In terms of privacy, the classroom extension would have a set of glazed doors facing towards the boundary with the rear gardens along Harlesden Gardens, as do the other existing classrooms along this elevation. However, considering that the boundary treatment along this elevation consists of a substantial close boarded fence and that the extension will largely be occupied by primary school children, it is not considered that any significant loss of privacy would occur.

The proposed single-storey detached classroom building would be located in the southern corner of the site, on part of the existing playground. The building would measure approximately 13m in width, 6m in depth and 2.9m in height. Although the proposed building would be close to the boundary with the rear gardens of the properties along St John's Avenue and Crownhill Road, the existing playground level is substantially lower than the level of the surrounding gardens. As such, the roof of the proposed building would be set approximately 1m below the top of the existing garden fences and there would be no loss of daylight, outlook or privacy to the neighbouring properties.

URBAN DESIGN

The proposed extension and single-storey detached building have been designed as simple additions to the site, following the general architectural approach applied to the main school building. The external materials used to finish the structures would also seek to match those of the main school building. Sedum roofs would be installed to both structures which would help soften their appearance when viewed from higher points in the surrounding area. Overall, in urban design terms, it is considered that both structures would constitute sympathetic additions to the site which would not have any significant impact on the overall character of the site.

TRANSPORTATION IMPACT

Planning permission for the school was granted subject to a s106 legal agreement which committed the school to agree and implement a School Travel Plan. The Council's School Travel Plan team have confirmed that Maple Walk School is doing well in terms of implementing and maintaining the initiatives set out in their approved Travel Plan. The monitoring data from the 2010 Progress Review indicated that the school met its target in terms of reducing the number of pupils being picked up/dropped off by car on Crownhill Road and only failed by 1% to meet its target in terms of reducing the number of staff which travel to the school by car. Further evidence of the successful implementation of the Travel Plan was observed during a random site visit by the Highways & Transport Delivery Officer who observed that the vast majority of the pupils leave the school and the surrounding area on foot, including those children making use of the 'walking train' service, one of the measures secured through the Travel Plan. Overall, it is considered that the approved Travel Plan has been an effective tool in reducing the overall transport impact of the school through the promotion of more sustainable forms of transport.

As discussed above, the applicants have stated that the additional classroom space would, as well as reduce the reliance on the dual use of space, in part help more comfortably accommodate fluctuations in pupil numbers. The school have confirmed that they intend to provide an additional 20 places at reception level in the forthcoming school year regardless of whether planning permission for the extensions is obtained or not. At present over 60% of the school population are siblings and it is the schools intention that 50% of these additional reception places would be ring-fenced for siblings of existing pupils. The applicants have stated that although this increase in pupil numbers is not dependent on the success of the current application the additional accommodation would make the expansion of pupil numbers more comfortable. Given that this increase is likely to have a relatively minor impact on the number of parents collecting and dropping off at the school and the relative success of the measures implemented through the School Travel Plan, the Highways & Transport Delivery Officers have advised that they do not expect that the proposed development would be likely to have an significantly adverse transport impact on the surrounding area.

CONSIDERATION OF OBJECTIONS

The concerns of objectors in terms of the physical impacts of the proposed extensions on the outlook, daylight and privacy of neighbouring occupiers has been addressed in the report above. Whilst some disturbance from the undertaking of building works is inevitable this is not normally a reason to refuse planning permission. In any case, the Council's Environmental Health unit have powers to ensure that noisy works are only undertaken within the statutory hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays. Noisy works should not be undertaken on a Sunday or Bank Holiday.

Concerns have been raised that the construction of the detached classroom building would interfere with existing sewers discharging from the properties along Crownhill Road. Concerns related to the impact of development on submerged utilities is not normally a planning consideration that would justify the refusal of planning permission as this would normally be a civil matter that would need to be addressed by the applicant. However, in order to address these concerns it is recommended that an informative be placed on any permission advising the applicant of this as a potential issue.

Concerns have been raised that the development of the detached classroom building would remove the possibility that the site could be connected to an existing rear passage which leads on to St Johns Avenue, thus providing a second means of access to the site which could be used as an emergency exit. Whilst it is clearly essential to ensure the safety of all users of the site, the matter of fire escape would normally be controlled through other legislation such as Health & Safety or Building Control and in order to operate it is considered likely that the school would have already passed any required assessments.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

- 10537/TP/01
- 10537/TP/02

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

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

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


INFORMATIVES:

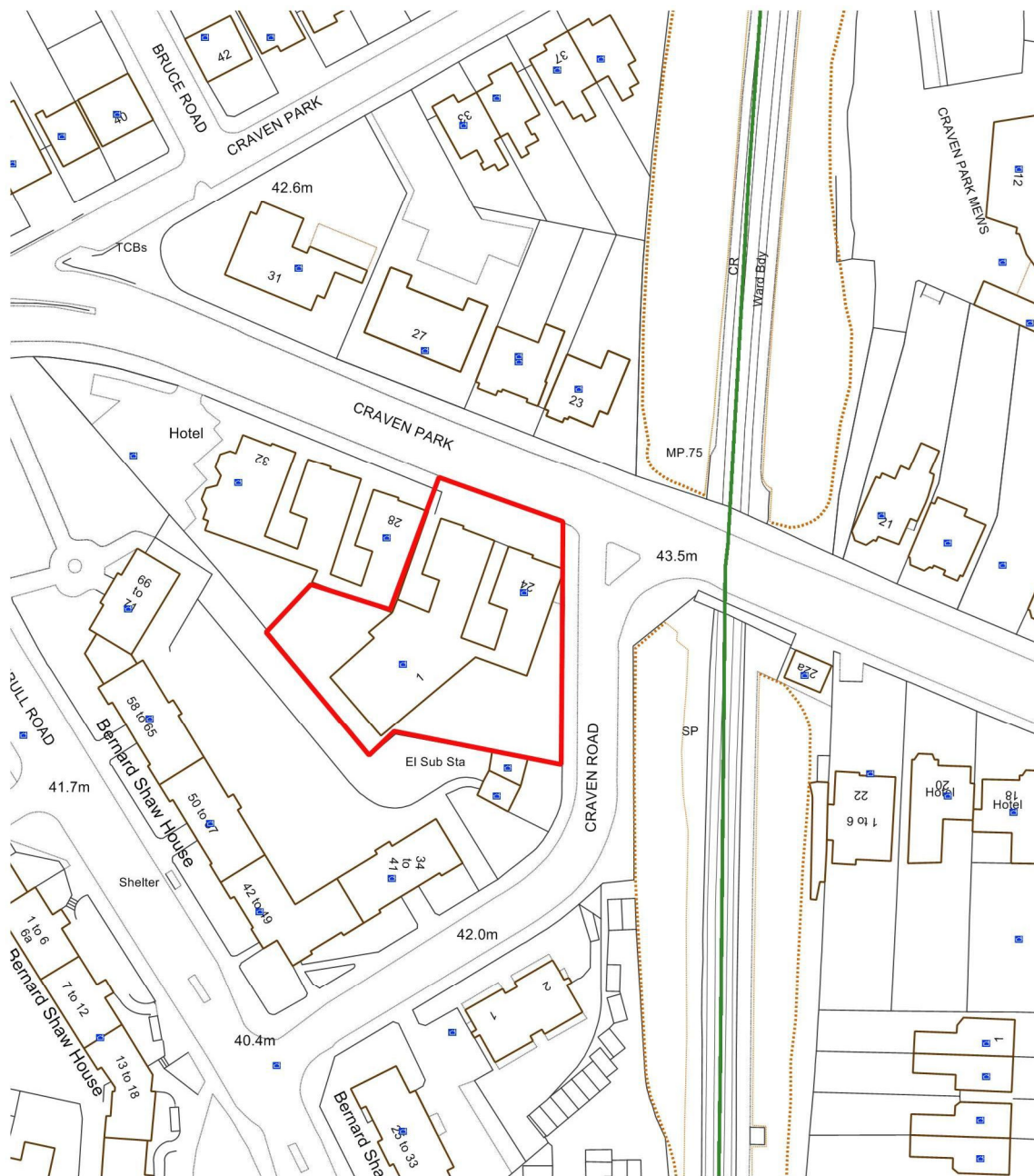
- (1) The applicant is advised to undertake reasonable checks prior to any building works or excavations to ensure that they do not adversely affect any existing sewers. These checks should include discussing the proposal with Thames Water.
- (2) The provisions of The Party Wall etc. Act 1996 may be 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

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Five 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: Cedars Nursing Home, 24-26 Craven Park & 1 Craven Road, Craven Road, London, NW10 8RR
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This map is indicative only.

RECEIVED: 29 June, 2011

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Cedars Nursing Home, 24-26 Craven Park & 1 Craven Road, Craven Road, London, NW10 8RR

PROPOSAL: Extension to time limit of full planning permission 07/1518 dated 30/03/2010 for the demolition of 24-26 Craven Park Road and single-storey extension to existing nursing home, erection of a part three-storey and four-storey building for use as a nursing home providing 53 bedrooms, a part single-storey and three-storey link extension to the existing three-storey (28-bedroom) nursing home, formation of new pedestrian access, provision of refuse and recycling store, 7 car-parking spaces, including 1 disabled bay and 2 cycle bays, and landscaping to site, subject to a Deed of Agreement dated 02/10/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended)

APPLICANT: Gilbert Allan & Co.

CONTACT: Mr Tim Edens

PLAN NO'S:
(See Condition 2 for the approved plans)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of 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
- Contribution of XXXX (£1500 per additional bed unit based on the net increase in bed units) due on Material Start, index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- Car Free, the residents can not apply for on site residents parking permits.
- A requirement to implement sustainability measures implemented on TP6 Form "Sustainability Checklist" submitted with the original application (ref; 07/1518) and measures to ensure that a "Excellent" BREEAM rating has been achieved. Following the completion of construction works, appropriate independent evidence (such as a BRE Post-Construction Review) should be submitted to the Local Planning Authority to verify this.
- Compensatory provision of payment to the Council if an independent review shows sustainability measures have not been implemented on site.

- Additional units to achieve 25% improvement on 2010 Building Regulations. Acceptable evidence for which must be submitted before Material Start and post construction validation of this. Where it is clearly demonstrated that this cannot be achieved on-site, any shortfall may be provided off-site or through an in-lieu contribution to secure the delivery of carbon dioxide savings elsewhere.
- Join and adhere to the Considerate Contractors scheme.
- Fully adhering to the Demolition Protocol for demolition.

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

EXISTING

This application relates to what were originally two large detached dwellings with accommodation in the roof space, which have both been extended and linked at the rear. The properties are currently vacant and in a state of disrepair but have most recently been used as a hotel. The properties are located on the corner of Craven Park (which they face) and Craven Road. Located to the rear of these properties and forming part of the application site is a newer three storey 28 bedroom nursing home which is within the same ownership as the applicants.

To the West of the site are three similar properties which at one time formed part of the same hotel as the application site but that have now been converted into 13 flats.

On the East side of Craven Road by the application site is a branch line railway that is set in a cutting. To the North of the site on the other side of Craven Park are detached properties in use as flats. The character of the area is generally residential.

There are two non illuminated 48 sheet advertisement hoardings located on the flank boundary of 24 Craven Park. This boundary is otherwise formed of a high masonry wall with close boarded fencing on top. Other similar hoardings are located on either side of the railway bridge to the East of the site.

PROPOSAL

Extension to time limit of full planning permission 07/1518 dated 30/03/2010 *'for the demolition of 24-26 Craven Park Road and single-storey extension to existing nursing home, erection of a part three-storey and four-storey building for use as a nursing home providing 53 bedrooms, a part single-storey and three-storey link extension to the existing three-storey (28-bedroom) nursing home, formation of new pedestrian access, provision of refuse and recycling store, 7 car-parking spaces, including 1 disabled bay and 2 cycle bays, and landscaping to site, subject to a Deed of Agreement dated 02/10/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended)'.*

Summary of Development

It is proposed to demolish the two properties presently fronting Craven Park, demolish the single storey addition to the nursing home and to provide a 53 bedroom extension to the nursing home. The extended nursing home would have a total of 81 bedrooms.

The main part of the extension is four storeys high and is arranged on an L shaped footprint facing Craven Park and Craven Road. The fourth storey is set in from the edge of the floor below. A new single storey link to the rear of the extension will connect it to the existing care home

As well as the additional bedrooms the proposed extension will provide a large communal dining room, a large communal lounge, a smaller communal lounge/gallery at second floor, a new kitchen, two communal gardens at ground floor and a landscaped courtyard at first floor. The scheme includes seven off street parking spaces.

HISTORY

07/1518 - Demolition of 24-26 Craven Park Road and single-storey extension to existing nursing home, erection of a part three-storey and four-storey building for use as a nursing home providing 53 bedrooms, a part single-storey and three-storey link extension to the existing three-storey (28-bedroom) nursing home, formation of new pedestrian access, provision of refuse and recycling store, 7 car-parking spaces, including 1 disabled bay and 2 cycle bays, and landscaping to site, subject to a Deed of Agreement dated 02/10/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended) **Granted**

06/0194 - Planning permission refused for the demolition of 24-26 Craven Park Road and single storey extension to nursing home and erection of a part three and four-storey building for use as a nursing home, providing 56 bedrooms, an external staircase and a part single and three storey link extension to the existing three-storey (28-bedroom) nursing home, together with communal areas and parking for 7 cars (as accompanied by a design statement). **Refused 2006.**

94/1848 - Demolition of existing properties in use as nursing home and erection of three storey and part four storey block comprising nursing home.
Withdrawn in 1996.

94/1236 - Erection of single storey extension to provide matron's office and provision of new entrance and reception area.
Approved on 4 October 1994.

93/1853 - Change of use from hotel to nursing home including erection of rear extension to provide lift up to third floor of extension.
Approved on 1 March 1994

91/1853 - Partial redevelopment to provide new three star 95 bedroom hotel with 69 parking space (outline application)
Withdrawn in 1991.

89/1073 - Change of use from homeless family accommodation to hotel.
Approved on 11 October 1989.

88/0694 - Erection of three storey extension to hotel to provide accommodation for homeless persons.
Approved on 22 November 1988.

86/1333 - Change of use to homeless families accommodation, erection of single storey and two storey rear extensions, provision of parking spaces and vehicular access (24-32)
Approved on 5 November 1986.
Details of level or ramped access (Condition 10a) approved on 26 April 1989 (87/0332)

28-32 Craven Park

Planning permission was granted on 3 June 2004 for the following :

Alterations in conjunction with the conversion of existing three-storey hotel into 5 x three-bedroom and 8 x two-bedroom self-contained flats, provision for 12 car parking spaces, cycle parking and amenity area.(Ref 04/0767)

Approved on 2 June 2004.

POLICY CONSIDERATIONS

Policy Considerations

Brent Unitary Development Plan 2004

BE2 – Townscape Local Context & Character

BE3 – Urban Structure: Space & Movement

BE5 – Urban Clarity & Safety

BE6 - Public Realm: Landscape Design

BE7 – Public Realm – Streetscape

BE9 – Architectural Quality

BE12 – Sustainable Design Principles

EP2 – Noise & Vibration

H22 – Protection of Residential Amenity

TRN3 – Environmental Impact of Traffic

TRN4 - Measures to Make Transport Impact Acceptable

TRN10 – Walkable Environments

TRN11 – The London Cycle Network

TRN14 - Highway Design

TRN22 – Parking Standards – non-residential developments

TRN34 – Servicing in New Development

TRN35 – Transport Access for Disabled People & others with Mobility difficulties

PS14 - Parking Standards

PS15 - Disabled Parking Standards

PS16 - Cycle Parking Standards

Supplementary Planning Guidance Note 17 – ‘*Design Guide for New Development*’

Brent Core Strategy 2010

CP15 – Infrastructure to Support Development

CP17 – Protecting & Enhancing the Suburban Character of Brent

CP19 – Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 – A Balanced Housing Stock

Regional Planning Policy

The London Plan – Spatial Development Strategy for Greater London (July 2011)

National Planning Policy Guidance

Planning Policy Statement 1 – Creating Sustainable Communities

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

Planning Policy Statement 3 – Housing

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

Planning Policy Guidance 13 - Transport

SUSTAINABILITY ASSESSMENT

Sustainability and energy are considered to be policy areas that have changed since the 2007 application was determined, the original application did include a 'Sustainability Checklist'. An assessment revealed the impact on sustainability in Brent would be 'Very Positive'. Details of which were secured by the original S106 legal agreement. This will be secured through a new s106 agreement that requires amending to secure the obligations discussed below.

The changes that have occurred to regional and local policy have been applied to this application for an extension of time, these changes relate to sustainable design and construction. The recently published London Plan requires improvements in terms of the carbon dioxide emissions (policy 5.2) and at a local level the 2010 Core Strategy expects BREEAM 'Excellent' to be achieved (policy CP19). Please see the 'remarks' section for further discussion on this.

CONSULTATION

Consultation letters dated 20/07/11 were sent to 102 properties, and to date no objections have been received.

A site notice was displayed on 02/08/2011 and the application was advertised in the local press on 28/07/2011.

Brent Transportation Unit – No objection subject to a revised parking layout being agreed. The submission and approval of which is to be secured as a condition of any approval. The exact wording of this additional condition will be reported in the supplementary report.

Landscape Design – No objection raised subject to a condition requiring the submission and approval of further details of hard and soft landscaping.

Social Services - Housing and Community Care Dept. - No response but it is worth noting that when asked to comment on the 2007 application they welcomed this application and supported the proposal. This was on the basis that Brent lacks capacity in nursing home beds. A recent survey found 98% utilisation of nursing home beds in Brent.

REMARKS

Introduction

This application is for an extension to the time limit for starting work on the original permission 07/1518 reported to Committee on 5 September 2007 (subject to an s106 agreement dated 02/10/08) and judged to be acceptable in principle by Members. The original committee report can be found appended to this report. The report itself does not change as the quantum of development, its design, scale, layout and massing are all to remain the same as previously approved. For this reason the issues discussed in the original report will not be discussed again unless the relevant policies have changed.

The following is a summary of the issues for consideration, relating to the application to extend the time limit of the original planning permission.

Principle of development

Under the adopted Unitary Development Plan 2004 (UDP) and Core Strategy (2010) policies there can be no objection to the loss of the present hotel use which has been vacant since mid 2003. The provision of a replacement nursing home is considered to provide an acceptable alternative use of the site, particularly in view of there being no loss of residential accommodation and the presence of an existing nursing home to the rear to which this use will be intrinsically linked.

The principle of development has already been accepted by Members when it was resolved to grant permission following consideration of the scheme at Planning Committee on 5 September 2007.

Why has development stalled?

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

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

Government response

In 2009 the Government recognised the difficulties facing the development industry, as a result of the recession and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able to apply to their Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Procedural matters

The process is referred to as an extension to time limit of planning permission. More formally, a new planning permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained and updated if necessary. There is scope to impose additional conditions and obligations if necessary too, if these can be justified through policy.

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

Brent's Approach

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

Policy changes since September 2007

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

National policy changes

In terms of national policy statements, none of the changes are considered to affect the way this application should be considered or dealt with;

Planning Policy Statement 3 - Housing (June 2010);
This has only been changed in respect of the definitions of previously developed land.

Planning Policy Guidance 13 - Transport (April 2010);
This has been changed but only in relation to parking standards.

Regional policy changes

The London Plan – Spatial Development Strategy for Greater London (July 2011)
The newly adopted plan includes policy 5.2 relating to minimising carbon dioxide emissions from new developments, this states:

"Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy;

- 1 Be lean: use less energy*
- 2 Be clean: supply energy efficiently*
- 3 Be green: use renewable energy*

The Mayor will work with boroughs and developers to ensure that major developments meet the following targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations leading to zero carbon residential buildings from 2016 and zero carbon non-domestic buildings from 2019."

The policy states that for the years 2010-2013, on non-domestic buildings a 25% improvement on the 2010 Building Regulations should be sought in terms of carbon dioxide emissions reductions.

As this is adopted policy significant weight is given to this when assessing the extension of time limit to this application, this is a material consideration. This policy approach supersedes the 2008 London Plan requirement for major developments to off set 20% of the sites carbon emissions through on-site renewable generation. The requirement to achieve this 25% reduction on carbon dioxide emissions will be secured as an additional Head of Term within the revised s106 legal agreement.

Local policy changes

Brent Core Strategy - 2010

The process to replace Brent's Unitary Development Plan (2004) with a Local Development Framework (LDF) had not been finalised prior to the decision to grant planning permission 07/1518. The Core Strategy DPD was submitted to the Secretary of State on 30 September 2009. The Core Strategy has now been examined and the Council received the Inspector's report on 16 April 2010. This concluded that the strategy was sound subject to a number of recommended changes. The strategy was formally adopted in July 2010.

Of relevance to this extension of time limit application is Core Strategy Policy CP15 (Infrastructure to Support Development, policy CP17 (Protecting and Enhancing the Suburban Character of Brent) which states that the distinctive character of Brent will be protected from inappropriate development and policy CP19 (Brent Strategic Climate Change Mitigation and Adaptation Measures) which states that for non-residential development, a rating of BREEAM 'Excellent' is expected.

SPD "Section 106 planning obligations" (October 2007)

Adopts a standard charge approach for planning obligation contributions. A standard charge will be applied to each bed unit, that developers will be expected to pay as a contribution. This is in relation to the additional physical, social, and economic infrastructure that will be required from new developments. These contributions will be towards education, transport, public space and sport improvements.

The SPD establishes this clear formula for calculating a standard charge in respect of infrastructure requirements. The standard charge approach is sought to provide more clear and consistent guidance to developers, while allowing the Council to adequately plan for mitigation of the effects of developments across the Borough.

The Council will consider on a case by case basis schemes which claim the standard charge is economically prohibitive.

The SPD was adopted in October 2007, which was after the 2007 application was reported to Committee, this explains why the standard charge approach was not applied to the initial grant of permission. It is now a material change to Council policy and the SPD should be applied to all new applications, including those such as this which are for an extension of time. A reduced amount of £1500 per additional bed unit is sought on developments such as nursing homes, care homes and hotels. Accordingly the legal agreement will need to be revised as there is a requirement for £1500 per additional bed unit, this calculation is based on the net increase in bed units. Due to the lack of existing floor plans it is not known how many existing hotel bed units there are, Officer's await confirmation of this from the applicant and the exact contribution sought will be confirmed, and reported as a supplementary report once agreed by the applicant.

Substantial physical changes to the area since April 2007

No changes have occurred along the boundaries of the site and no applications to make changes in the future have been received.

Changes to the scheme

No changes to the scheme approved by Members at Committee in April 2007 are proposed. The only changes required will affect the Heads of Terms. Additional obligations are to be sought through a revised s106 agreement, the additional obligations are to reflect the changes in planning policy that have taken place since 2007 and these are discussed in the paragraph below.

Changes to the planning permission/s106 legal agreement

To reflect the changes in regional and local policy described above, the following changes are proposed to be made to the s106 legal agreement;

1. A requirement to implement sustainability measures implemented on TP6 Form "Sustainability Checklist" submitted with the original application and measures to ensure that a "Excellent" BREEAM rating has been achieved. Following the completion of construction works, appropriate independent evidence (such as a BRE Post-Construction Review) should be submitted to the Local Planning Authority to verify this.
2. Additional units to achieve 25% improvement on 2010 Building Regulations. Where it is clearly demonstrated that this cannot be achieved on-site, any shortfall may be provided off-site or through an in-lieu contribution to secure the delivery of carbon dioxide savings elsewhere.
3. Terms to ensure the payment of £1500 for each net additional bedroom unit (Total amount to be confirmed).
4. Join and adhere to the Considerate Contractors scheme
5. Adhere to the Demolition Protocol

Conclusion

The Government, when introducing this legislation, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive those planning applications which would otherwise lapse during the UK recession. Some policy changes were anticipated in the legislation and although the guidance made it clear that applications to extend planning permissions should not be considered a rubber stamp exercise, it also made clear that LPAs should be positive and constructive in their approach to determining them.

Your officers are of the opinion that there are no planning policy changes which mean permission should not be given to extend the 2007 planning permission. In reaching this decision, your officers have attached substantial weight to the Government's guidance on how to approach these applications and where there have been changes in policy these have been applied, and this is reflected in the need for a revised s106 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
Brent Core Strategy 2010
Council's Supplementary Planning Guidance 17 relating to Design Guide for New Development

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

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

CONDITIONS/REASONS:

- (1) 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):

2809/P01 Rev. C;
2809/P02 Rev. C;
2809/P03 Rev. C;
2809/P04 Rev. C;
2809/P05 Rev. C;
2809/P06 Rev. C;
2809/P08,
2809/P09 Rev. C;
2809-P10 Rev. A
2809-P11

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

- (3) The existing vehicular crossovers shall be closed and reinstated as a footpath and proposed car-parking spaces and associated accesses shall be formed, surfaced and available for use prior to the first occupation of the new accommodation. Thereafter, the parking spaces shall not be obstructed or used for any other purpose.

Reason: To ensure adequate car-parking and access is provided and retained in conjunction with the residential development hereby permitted, in the interests of conditions of general highway safety and the free flow of traffic on the neighbouring highway.

(4) (a) Prior to the commencement of the use of any part of the approved development the following shall be constructed and permanently marked out in accordance with:-

(b) The following shall be commenced within [£] of the commencement of the development:-

- (a) parking spaces;
- (b) turning areas;
- (c) loading bays;
- (d) access roads;
- (e) footways.

shall be constructed and permanently marked out in accordance with:-

- (i) the approved plans;
- (ii) details [including details of lighting and drainage] to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Thereafter they shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose/s. No buildings shall be occupied until such roads have been constructed.

Reason: To ensure a satisfactory design and access to service the development and to enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety within the site and / or along the neighbouring highways and in the interests of pedestrian safety.

(5) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed:-

(a) during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls, fencing and any other means of enclosure to the site, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting to include new trees along the eastern (Craven Road) and northern (Craven Park) boundaries confirming size, density, species and number of trees.

(iii) Physical separation

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

(iv) Seating

Other appropriate matters within the context of a landscaping scheme, such as

details of seating, foot ways and other paved pedestrian and vehicle parking areas.

(v) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

(vi) Other details to include:

Further details of the first floor courtyard roof garden, to include plant details of plant size, density and species.

Further details of the green roof, to include manufacturers specification.

Further details of the refuse/bin store enclosure.

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

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

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

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

- (7) Details of the hard-surfacing of the parking and access areas, including, where necessary samples, of the materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, which shall be carried out in accordance with these approved details.

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

INFORMATIVES:

- (1) During demolition and construction on site:

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

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

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

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

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

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

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

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

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

- (2) 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

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
Brent Core Strategy 2010
SPG17 'Design Guide for New Development'
The London Plan – Spatial Development Strategy for Greater London (July 2011)

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227

APPENDIX

Committee Report Planning Committee on 5 September, 2007	Item No. Case No.	3/01 07/1518
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RECEIVED: 28 May, 2007

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: CEDARS NURSING HOME, 24-26 Craven Park, London, NW10 8TE

PROPOSAL: Demolition of 24-26 Craven Park Road and single-storey extension to existing nursing home, erection of a part three-storey and four-storey building for use as a nursing home providing 53 bedrooms, a part single-storey and three-storey link extension to the existing three-storey (28-bedroom) nursing home, formation of new pedestrian access, provision of refuse and recycling store, 7 car-parking spaces, including 1 disabled bay and 2 cycle bays, and landscaping to site

APPLICANT: Gilbert Allan & Co.

CONTACT: Mr T. Edens

PLAN NO'S: 2809/P01 Rev C; P01 Rev C; P02Rev C; P03 Rev C; P04 Rev C; P05 Rev C; P06 Rev C; P09 Rev C; P10 Rev C & P11 Rev C.

Owing to an Administrative oversight, residents and the applicants were not made aware that the following application was being reported to the Planning Committee on 15th August. The proper notifications have now been put in place and the following application is being reported again to your Committee to enable Members to take account of the views of objectors or the applicant if they wish to speak.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the 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
- Contribution of £7,500 towards the sustainable transport measures and improvements in the local area, to mitigate the increased impacts on the local area and principal access routes.
- Car Free, the residents can not apply for on site residents parking permits.
- A requirement to implement sustainability measures implemented on TP6 Form "Sustainability Checklist" submitted with the application and measures to ensure that a "Very Good" BREAM rating has been achieved. Following the completion of construction works, appropriate independent evidence (such as a BRE Post-Construction Review) should be submitted to the Local Planning Authority to verify this.
- (e) Compensatory provision of payment to the Council if an independent review shows sustainability measures have not been implemented on site.

EXISTING

This application relates to what were originally two large detached dwellings with accommodation in the roofspace, which have been extended (in the case of 24 with a two storey flat roofed yellow stock brick and a single storey extension to 26) and linked at the rear in conjunction with their present use as an hotel. The properties have a stone clad finish on the ground floor with render on the first floor on the front. The properties face Craven Park, one of the main routes through the Borough, being stepped to reflect the other three properties in this group to the West and are set back approximately 4 - 5 metres from the back edge of the pavement. The site is located on the West side of the traffic light controlled junction with Craven Road, a street with one way traffic travelling South from the junction with Craven Park towards Knatchbull Road. The front corner of

24 Craven Park touches the back edge of the pavement in Craven Road, with the rear corner set back 6.5 metres. On the Craven Park frontage of the site there are low brick planters and landscaping with a small tree sited adjacent to the Western boundary of the application site.

To the West of the application site are three similar properties which previously also formed part of the hotel on the application site and which have been recently converted into 13 flats (8 two bedroom and 5 three bedroom) following the granting of planning permission in 2004, which have a car park for 12 cars at the Western end of the frontage.

To the rear of the application site, also within the ownership of the applicant, is a newer three storey 28 bedroom nursing home, which abuts the buildings on the application site through a single storey aside extension. The second floor is set within a mansard profiled concrete tile roof. The elevations of the building are formed of render with some yellow stock brickwork. The building is set at an angle behind a car park with access off Craven Road, some 18 - 31 metres from the back edge of footpath. There are 2 trees sited along the South boundary of this property and immediately to the South of this site is an electricity substation. Beyond around the bend in the road and fronting on to Knatchbull Road is the four storey Bernard Shaw House flats building with its hardsurfaced clothes drying area to the rear of the substation bordering the application site and the associated rear gardens bordering the existing nursing home. To the rear (North West) of the nursing home is its garden area.

On the East side of Craven Road by the application site is a branch line railway that is set in a cutting. To the North of the site on the other side of Craven Park are detached properties in use as flats, two in original properties and two redeveloped sites. The character of the area is generally residential.

There are two non illuminated advertisement 48 sheet hoardings at the application site on the flank boundary of 24 Craven Park. This boundary is otherwise formed of a high masonry wall with close boarded fencing on top. Other similar hoardings are located on either side of the railway bridge to the East of the site.

PROPOSAL

It is proposed to demolish the two properties presently fronting Craven Park and retain the nursing home to the rear, apart from its single storey extension. In their place, it is proposed to erect a building that forms a single storey dining room link and conservatory extension on the South side, with the nursing home. Fronting Craven Park and Craven Road, an L shaped four storey building is proposed that is to be used as a 53 bed extension to the nursing home to take the total number of bedrooms to 81.

On the Craven Park frontage, the four storey building is to be separated from No 28 by a gap of 2.7 metres and set back 3 - 4 metre from the back edge of the pavement, although close to the road junction corner it will be set back on the ground floor by just over 5 metres. On the Craven Road frontage, which will contain the new pedestrian access into the home, the building will be set back 1.8 in the central part and the other two sections by 3 metres. The upper two floors of southern end of the building on this latter frontage extend to the Southern boundary. The southern part of the building extends over the vehicular access into the site and proposed bin storage, whilst the lower section extends over 4 proposed car parking spaces (including a disabled space located along the back edge of pavement) and a vehicle turning area. The other 3 proposed car parking spaces will be sited at right angles immediately adjacent to this covered provision. The remainder of this frontage is to be provided with 1.2 metre high railings. No treatment is specified on the Craven Park boundary to the site. The remaining area to the South of the present home and proposed conservatory extension and car parking will be used as a South facing garden area.

On the Craven Park frontage the third floor is to be set back 2.5 - 3.4 metres at the front with the area to be formed as a green roof. There is also no third floor over the corner feature on top of

which will be a rooflight. The corner feature at first and second floor level is formed of a large glazed panel with hidden mullions and transoms set within a lead sheet facade on both frontages and extending by a shallow angle through the wall on the Craven Road frontage. The corner feature is further accentuated by the inclusion of a brise soleil over the upper sections of the glass panels at first and second floor levels. The glazing will provide lighting to and outlook from a lounge on the first floor and a smaller lounge (referred to as a gallery) on the second floor. The drawings also indicate the third floor flat roof would provide a green roof.

Most of the new bedrooms face out to the two adjacent roads, although 1 at first floor and 2 at second floor level face into the site over the domed rooflight, the first and second floor link extension and landscaping to be formed on the roof of the single storey dining room extension.

The third floor of the accommodation is set back behind a parapet wall from the main frontages on Craven Park and Craven Road. The outer facades of the lower floors are a mix of render and brick to match the existing building. Horizontal galvanised steel railings in horizontal strips are proposed across the first and second floor windows in the central sections on both road frontages. The mix of square and vertical single pane windows are to have powder coated aluminium frames with reconstituted stone lintols over some windows. The finish to the parapets and edge of the feature wall on the corner are not specified. The inner facades of the development appear to be formed of a mix of brick and timber cladding.

Unspecified planting is suggested on the two road frontages in front of the bedroom windows, on the roof of the dining room extension and in the garden to the South of the present home and proposed conservatory extension. The two existing trees on the Southern boundary are indicated to be retained.

HISTORY

06/0194 Planning permission refused for the demolition of 24-26 Craven Park Road and single storey extension to nursing home and erection of a part three and four-storey building for use as a nursing home, providing 56 bedrooms, an external staircase and a part single and three storey link extension to the existing three-storey (28-bedroom) nursing home, together with communal areas and parking for 7 cars (as accompanied by a design statement). Refused 2006.

94/1848 - Demolition of existing properties in use as nursing home and erection of three storey and part four storey block comprising nursing home.
Withdrawn in 1996.

94/1236 - Erection of single storey extension to provide matron's office and provision of new entrance and reception area.
Approved on 4 October 1994.

93/1853 - Change of use from hotel to nursing home including erection of rear extension to provide lift up to third floor of extension.
Approved on 1 March 1994

91/1853 - Partial redevelopment to provide new three star 95 bedroom hotel with 69 parking space (outline application)
Withdrawn in 1991.

89/1073 - Change of use from homeless family accommodation to hotel.
Approved on 11 October 1989.

88/0694 - Erection of three storey extension to hotel to provide accommodation for homeless persons.
Approved on 22 November 1988.

86/1333 - Change of use to homeless families accommodation, erection of single storey and two storey rear extensions, provision of parking spaces and vehicular access (24-32)
Approved on 5 November 1986.
Details of level or ramped access (Condition 10a) approved on 26 April 1989 (87/0332)

28-32 Craven Park

Planning permission was granted on 3 June 2004 for the following :
Alterations in conjunction with the conversion of existing three-storey hotel into 5 x three-bedroom and 8 x two-bedroom self-contained flats, provision for 12 car parking spaces, cycle parking and amenity area.(Ref 04/0767)
Approved on 2 June 2004.

POLICY CONSIDERATIONS

BE1 - An Urban Design Statement should be submitted for all new development proposals.

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 and improvement or variety within an area of poor or uniform character by creating a new area of distinctive quality on suitable sites. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 - Proposals should have regard for the existing urban grain, development patterns and density and should be designed that spaces between and around buildings should be functional and attractive to their users, layout defined by pedestrian circulation, particular emphasis on prominent corner sites, entrance points and creating vistas, respect the form of the street by building to the established line of frontages, unless there is clear urban design justification. Development layouts should also make explicit the movement framework by prioritising movement by foot, cycle and public transport, minimise traffic conflicts between vehicles, pedestrians and cyclists by ensuring clear delineation of routes and unencumbered entrances and circulation and integrate the proposed development with public transport and car parking facilities.

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, the retention of existing trees, shrubs and hedgerows particularly where they form part of the character of the area, 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 treatment (fencing, railings) which complement the development and enhance the streetscene, 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.

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 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.

BE11 - Proposals for higher densities than that prevalent in the surrounding area will be encouraged in appropriate locations which will include town centre locations in Areas of Very Good and Good Public Transport Accessibility and transport interchanges and will be encouraged to include a mix of compatible land uses.

BE12 - Proposals should embody environmental design principles commensurate with the scale and type of development including taking account of incorporating built forms , technologies, orientation and layout that will contribute to reduced energy consumption (ventilation, heating/cooling, lighting) and associated emissions, avoiding negative micro climate effects (e.g. wind turbulence, noise reflection), the potential for the re-use of existing buildings and materials and environmental effect of building materials used, making adequate integrally designed provision for the storage and recycling of waste, the potential for the management or recycling of water, methods to protect important flora, fauna and/or topographical features during construction and to minimise disturbance to the local amenity, methods to maximise recycling and re-use and minimising waste during demolition and construction, sustainable remediation of brownfield sites redeveloped for sensitive uses will be sought and where contamination remains in situ a monitoring regime will need to be agreed, measures to minimise the impact of poor air quality on sensitive users in Air Quality Management Areas and noise levels from traffic, trains other significant noise generators.

BE15 - Particular regard will be had to the design and attractiveness of all development proposals in the vicinity of and visible from Transport Corridors, including Harrow Road, which are also priorities for Townscape and Public Realm enhancement.

EP2 – Noise sensitive development will be permitted unless its users would suffer noise levels above acceptable levels and if this cannot be acceptably attenuated. Necessary noise insulation will be secured by condition.

H11 - Housing will be promoted on previously developed urban land which the plan does not protect for other land uses.

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality creating a clear sense of place, housing

facing streets and defining roads, have access and internal layouts which achieves traffic safety where cars are subsidiary to cyclists and pedestrians, cul-de-sacs should only be used in parts of that cannot be serviced in any other way, appropriate car parking and cycle parking, where dedicated on-street parking is maximised as opposed to in curtilage parking, and avoids excessive tarmac and landscaping and provides an amount and quality of open landscaped areas appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The primary consideration in determining the appropriate density of new residential development will be achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. Surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

H16 - Frontage redevelopment within an existing residential area must make an equal or greater contribution to the character and quality of the streetscene. The spacing around the development should be compatible with the character of the surrounding area.

H23 - Applications for supported housing/day centres should meet a known need in the Borough. They are acceptable in residential areas and on suitable sites in or adjoining town/district centres unless the location and/or scale would be inappropriate in terms of the impact of the proposed client group on residential amenity, unless these can be secured through management measures, the proposed client group would overstress local health and/or social services, overconcentration of these facilities would harm local amenity, the site lacks suitable access for any necessary ambulances and/or minibuses, the site, other than for a client group totally dependent on carers lacks access to local shopping/public transport facilities within 400 metres without gradients steeper than 1:12 on the route or the scale of the development is incompatible with the character of the area.

Where development for other categories of the C2 use class would cause such a problem then conditions will be imposed restricting development to the client group applied for or one or more subcategories of the use class.

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.

TRN10 The walkability of the public environment should be maintained and enhanced especially to key destinations such as schools, shopping centres and public transport and for those with mobility difficulties. New development should have safe walking routes which are overlooked, convenient and attractive within the site and to surrounding facilities and areas. These should normally be along streets or where not practical or desirable overlooked pedestrian routes. There should be level access at pedestrian crossing points

TRN11 - Developments should comply with the minimum cycle parking standards and site facilities in a convenient and, where appropriate, secure location.

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.

TRN23 - Parking for residential development should be to the standard specified in PS14. Lower standards apply for developments of affordable housing and units in town centres with good and very good public transport accessibility. Where development provides or retains off street parking at this level then on street parking will not be assessed. On local access roads outside heavily parked streets parking may be provided on-street for the frontage of the development providing this is safe and sufficient carriageway width remains.

TRN34 - Servicing required to standard

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).

PS14 - Elderly Persons Accommodation Parking Standard 0.1 space per unit plus 1 warden's space.,

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.

PS16 - Cycle parking - 1 space per 5 staff

TEA7 - Small scale hotels will be permitted where they do not result in the loss of a site or accommodation whose best use is for residential purposes or would lead to a loss of a hostel which is needed for homeless accommodation for Brent residents, the scale and intensity of use does not have an adverse impact on residential amenity or character of the area, the original unextended floorspace is at least 150 square metres, it is in an area with moderate or better public transport accessibility, the design is sensitive to and compatible with the character of the surrounding area, it does not create highway safety or traffic problems and preferably located on the London Distributor road network.

SUSTAINABILITY ASSESSMENT

The initial sustainability checklist submitted on behalf of the applicants produced a score of 50.5 % which places the scheme just within the 'very positive' rating.

To ensure these responses are addressed by the applicant if the proposal were to be implemented, these requirements would need to be incorporated within a Section 106 Agreement.

CONSULTATION

Transportation - No objections subject to a Section 106 Agreement to secure £7,500 towards non car access, new parking controls and highway safety improvements in the area.

The proposal will increase the number of bedrooms in the home from 28 to 81 and the maximum staff numbers will increase from 6 to 12. The parking standard for nursing homes allow a maximum of 1 space per 10 bedrooms and the provision of 7 spaces is acceptable as there are good public transport links. The applicants claim the 12 staff members will not be driving to and from the workplace. The facility for two cycles shown adjacent to "stair 3" is acceptable.

Refuse storage has been suitably provided close to the proposed crossover, however the marked "turning bay" in between parking spaces 6 and 7 is very clearly not wide enough or deep enough to allow a refuse truck to enter the site, turn and leave in a forward gear. It might be preferable for such vehicles to pause on Craven Road while bins are collected, outside peak hours. An additional car parking space in place of the inutile bay would be acceptable. The proposed access marked 'pedestrian access' is wide but no longer as a large crossover. This was previously raised as a concern and it is welcomed that it has been deleted from the plans.

Landscape - There are no features of landscape importance of the road frontage.

To the rear is a London Plane by parking spaces 1 - 3 shown to be retained. It is very poor condition (hollow and actively decaying and it has previously been pollarded). It would be safe to retain in the short term provided no root damage occurred during the construction works. However it is not of sufficient value to justify any change to the design and layout to retain the tree.

To the South of the building is a Horse Chestnut shown for retention which is a fairly good specimen with no obvious defects. It is unbalanced, lacking branches on the building side of the tree. However it can be retained for many years.

The proposal provides adequate landscaping to the road frontages and the Craven Road frontages is improved from a landscape point of view. Potentially an improved frontage can be provided.

There are no defined standards for outside/amenity/garden space for nursing homes in the UDP. 2 spaces are provided associated with the dining room. The orientation is such that both will benefit from sunshine at some time of the day, either late morning or early afternoon. Whilst the spaces

are small they are probably sufficient for a nursing home use.
If permission is to be granted, a standard landscape condition should be attached.

Social Services - Housing and Community Care Dept. welcome this application and supports the proposal.
Brent lacks capacity in nursing home beds. A recent survey found 98% utilisation of nursing home beds in Brent.

The application was advertised in the local press, site notices were displayed and notification was sent to the local Members and occupiers of 53 properties in Craven Park, 9 in Craven Road and 38 in Knatchbull Road.

A letter was received from the Chairman of the Tenants Association in Bernard Shaw House was received objecting due to the :

1. loss of sunlight to flats 36 to 49.
2. the loss of privacy to flats 50 to 57 due to the height of the building.
3. the effect on the character of the area at a time when the Council is reducing the size of buildings in the surrounding area by pulling down the tower blocks and replacing with modern buildings.

REMARKS

Amendments to refused proposal

This application is a revision to the application that was refused at planning committee on 09/06/2006. Further pre-application discussion have occurred between the applicants and the Council's Officers. The revisions are set out as follows:

- 1) The number of bedrooms provided has been reduced from 56 to 53.
- 2) The building has been set further away from the neighbouring residential property at No. 28 Craven Park. However sections of this are still closer to the habitable room windows and higher than the existing buildings proposed for demolition.
- 3) The staircase on the flank wall of the building adjacent to no. 28 Craven Park has been removed.
- 4) The third floor section of the proposed building has been set back 1.1m from the main front wall of the 3-storey section of the proposed extension.
- 5) The proposed boundary railings have been reduced in height.
- 6) A brise soleil has been added to the corner feature.
- 7) The gates across the access to the car park have been removed and the wide pedestrian access also removed.

Principle

Under the adopted Unitary Development Plan 2004 (UDP) policies there can be no objection to the loss of the present longstanding hotel use on this site. The provision of a replacement nursing home is considered to provide an acceptable alternative use, particularly in view of there being no loss of residential accommodation and the presence of an existing nursing home to the rear to which this use will be linked.

Design, Appearance, Massing and Scale

In principle there is no objection to the demolition of the present buildings on site. However it is essential that in line with the built environment policies in the UDP set out above any replacement development makes an equal or greater contribution towards the streetscene and it relates to its context. This is a site fronting one of the major traffic routes through the Borough. It also occupies a very prominent corner site. At present on site are two houses that contain a number of interesting features and elements that are similar to the adjacent three properties to the West and are common to the established style of older property in the locality.

The new replacement development is sited further from the retained property to the West, with a gap of 2.7 metres being provided at the front. This gap is more than is presently the case and reduces the impact on the neighbouring property from that which was previously refused. The new building has an overall height of 10.9 metres that is 1.2 metre higher than main ridge of the detached dwellings to be retained to the West and a three storey parapet height, 8.8 metres, that is 1.9 metres higher than the eaves of the neighbouring properties to the West.

The glazed and lead feature on the corner that breaks through the Craven Road elevation provides an interesting feature to address this prominent corner. The use of the first and second floor rooms it serves as lounges will add to the visual interest and provide an interesting outlook for the residents.

On the Craven Road frontage the building is four storeys high overall, 11.5 metres high set back 3 metres from the back edge of pavement with a 16 metre long 1.2 metre forward projection from this. The pedestrian entrance sited on the forward projection of the Craven road frontage provides the development with a more prominent pedestrian entrance than the previous application. As this section of Craven Road Craven Road gradually falls to the South and at the Southern end of the frontage, it turns making the unrelieved second and third floor elevations set up on stilts a more dominant feature in the streetscene. Taking this part of the development to the boundary offers no setting for it. During the planning process the proposed entrance has been made more prominent along the Craven Road frontage. The development of the Craven Road frontage provides greater definition and informal surveillance of the public space along this section of the road.

Amendments to the design, including an increased set-back of the third floor behind a parapet wall and alterations to the proposed fenestration and materials so that they are more in keeping with the character of neighbouring buildings, have addressed previous concerns raised on the design and appearance of the proposed development.

Transportation issues

The number of parking spaces to be provided in conjunction with this extended home is considered to be acceptable. It is anticipated that waste collection lorries would wait in the highway and collect the bin from within the site as the area indicated on the submitted drawings for turning would be too narrow and the available height appears to be too low to accommodate a tall commercial vehicle. Expecting such a vehicle to reverse into or out of the access from Craven Road would involve a dangerous manoeuvre, notwithstanding this being a one way road.

Impact on the amenities of occupiers of neighbouring properties

The South elevation of the proposed development fronting Craven Road, which is part 11 metres/part 9m high and 9.2 metres deep, set at a slight angle with the furthest point being only 1 metre from this boundary, contains minor windows in the second and third floors. The proposed building will be sited 13 metres from the nearest point (rear corner) of the four storey building at Bernard Shaw House which is sited at an angle to the proposed development. The side elevation of Bernard Shaw House facing the application site contains no windows. The garden for this neighboring block is mainly confined to the rear of the building, with the clothes drying area sited behind the electricity substation adjacent to this side elevation of the application development. As a consequence, notwithstanding the lower level at which Bernard Shaw House sits in relation to the application site, it is considered there will not be any appreciable overlooking and the building will not have an overbearing impact on the amenities of the occupiers of these flats in the use of their properties and their garden. With Bernard Shaw House lying to the South of the application site there will be no impact on sunlight arising from the proposed development.

The buildings on the other (East) side of Craven Road, Dunchurch House are far enough away not to be affected by the application proposal, as indeed are the other properties to the East which lie beyond the railway bridge.

The properties to the North, on the opposite side of Craven Park, despite the proposed building being taller and bulkier than the existing properties will not be significantly affected other than in terms of their outlook being altered by this proposal.

There is some impact on the amenities of the occupiers of the recently provided flats within the remainder of the former hotel to the West of the application site. However the proposed building is set further away from side elevation of No 28 Craven Park. The East side elevation of 28 Craven Park is sited on the boundary with the application site. In the approved scheme for the flats there are no windows to habitable rooms on the East side elevation of the first and second floors of 28. However on the ground floor, which has been previously extended the depth of the site, there are three habitable rooms (a kitchen within the rear of the main part of the property, a bedroom and a living room within the rear extension) where the sole source of lighting and outlook is from a window in this side elevation facing the application site. These windows face, in the case of the kitchen the side three storey wall of the main property of No.26 approximately 2.5 metres away, whilst the other two windows face a 6 metre wide courtyard beyond which is a similar flat roofed single storey extension to the rear of 26. Whilst these gaps did not meet the requirements of Supplementary Guidance 17 'Design Guide for New Development' (SPG17), a view was taken when dealing with this application that these deficiencies could be accepted as an exception as there was no other way of providing lighting and outlook to these proposed rooms and in view of the overall benefits deriving from allowing these properties to be converted from a redundant hotel to much needed residential accommodation.

The developer, who also owns the property at No. 28 Craven Park, has offered to reconfigure the layout of No. 28 so that there are no longer any habitable-room windows on the flank wall of this property. As this solution creates other problems and given that the proposed block is further from No. 28 than the existing building it replaces, the Council's officer believes that the existing layout is acceptable.

Under the application proposal, the front 6.8 metres of the development is sited 2.7 metres from the side wall of no. 28. This extends up three floors (9 metres), approximately 1.5 metres above the eaves level of the present building at No. 26. The third floor is to be inset 1 metre from the side elevation and set back 3.2 metres at the front. To the rear of this latter element is the dining room extension, 3 - 3.2 metres high, with its curved elevation which almost touches the side wall of No.28.

Although the three/four storey development extends behind the rear elevation of No. 28, the nearest affected windows in the flats at this neighbouring property serve bathrooms and with respect to the habitable room windows in the rear elevation, it would appear this development will comply with the 2:1 policy as set out in SPG17.

Landscaping

The proposal provides a 2.5 - 4.5 metre deep landscaped area on the Craven Park frontage which will be slightly shorter than existing. On the Craven Road frontage landscaping strips of 3 metres and just less than 2 metres are proposed. These will allow for some planting to be provided to offer some defensible space in front of the ground floor bedroom windows. In this respect it should be noted the Craven Park elevation faces North. Such planting will offer the opportunity to provide a setting for the development although this has to be viewed in terms of the height of the development and proximity to the back edge of the pavement. There is no detail of the planting provided to demonstrate whether it will possess the quality to integrate with the design of the building and make a significant contribution towards the streetscene.

The proposal provides a garden area varying in depth between 2.5 and 9 metres between the existing home and the car-parking and arm of the extension fronting Craven Road. The usefulness of this garden will be affected by its siting next to the car park and height and proximity to the proposed four storey development. The existing rear garden to the home is to be retained.

A landscaped courtyard is proposed to be provided at first floor level on the roof of part of the dining room. The usefulness of this area will be limited by a large rooflight serving the dining room sited within this area and the height of the adjacent three floors of accommodation on one side and the two storey link extension with a lead panelled top on the other, which will have an overbearing effect and limit what may be able to grow in this area. Planting on the roof will also be limited.

Despite the limitations outlined above, it is considered that adequate gardens can be offered to the residents of the 81 rooms and their visitors. The flat roofs of the extensions are proposed as green roofs which will contribute to the biodiversity of the locality. The scheme shows the provision of 1.2 metre high railings along the Craven Road and frontage with no further detail given. This treatment which will remove the high boundary walls and advertisement hoardings is considered acceptable in principle, subject to the details of the railings.

No boundary treatment is shown along the Craven Park frontage. At present there is a series of 0.6 metre high brick walls, some with piers with breaks to provide pedestrian accesses to the properties, to the front of the five similar properties 24 -32, along this section of this main route through the Borough. These form an attractive feature in the streetscene which should probably be retained in the interests of the visual amenity of the locality.

s106 contributions

At the site visit, Councillor Hashmi queried why the S106 contribution of £7,500 was not higher. This will be put towards sustainable transport measures and improvements in the local area, to mitigate the increased impacts on the local area and principal access routes. Further contributions were not sought as the proposed development will not result in an increase in rooms provided, due to the proposed demolition of the existing buildings in hotel use, and the nature of the proposed use providing on-site nursing care is such that it will have a limited impact on other services.

Conclusion

The amended scheme is considered to overcome the reasons for refusing the previous application. The proposed building will provide good quality accommodation for the elderly in an attractive building that makes a positive contribution to the street scene while achieving an acceptable relationship with adjoining buildings.

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 relating to Design Guide for New Development

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

- Built Environment: in terms of the protection and enhancement of the environment
- Housing: in terms of protecting residential amenities and guiding new development
- Transport: in terms of sustainability, safety and servicing needs
- Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
- Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

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

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

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

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

- (3) During demolition and construction on site:)
- (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;
 - (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
 - (c) Vehicular access to adjoining and opposite premises shall not be impeded;
 - (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;
 - (e) No waste or other material shall be burnt on the application site;
 - (f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
 - (g) A barrier shall be constructed around the site, to be erected prior to demolition;
 - (h) A suitable and sufficient means of suppressing dust must be provided and maintained.

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

- (4) Details of soft landscaping, including the retention of existing trees, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The soft landscape works shall be completed not later than the first planting season following the completion of the development. Following its completion, the soft landscaping scheme shall be maintained for a period of five years. If within this period, any tree, shrub or hedge dies, becomes diseased or is removed, it shall be replaced with another of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance, to ensure that the proposed development enhances the visual amenity of the locality and in pursuance of Section 197 of the Town and Country Planning Act 1990, as amended.

- (5) Details of external finishes to the building, including, where necessary, samples of the materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development which shall be carried out in accordance with the approved details.

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

- (6) Details of the hard-surfacing of the parking and access areas, including where necessary samples of the materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, which shall be carried out in accordance with the approved details.

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

- (7) Details of the enclosure of the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and the approved enclosure shall be completed in accordance with the approved details prior to the first occupation of any of the flats.

Reason: To ensure a proper standard of separation from, and standard of amenity with respect to, neighbouring property.

- (8) The existing vehicular crossovers shall be closed and reinstated as a footpath and car-parking spaces and associated accesses shall be formed, surfaced and available for use prior to the first occupation of any of the new accommodation. Thereafter, the parking spaces shall not be obstructed or used for any other purpose.

Reason: To ensure adequate car-parking and access is provided and retained in conjunction with the residential development hereby permitted in the interests of conditions of general highway safety and the free flow of traffic on the neighbouring highway.

INFORMATIVES:


None Specified

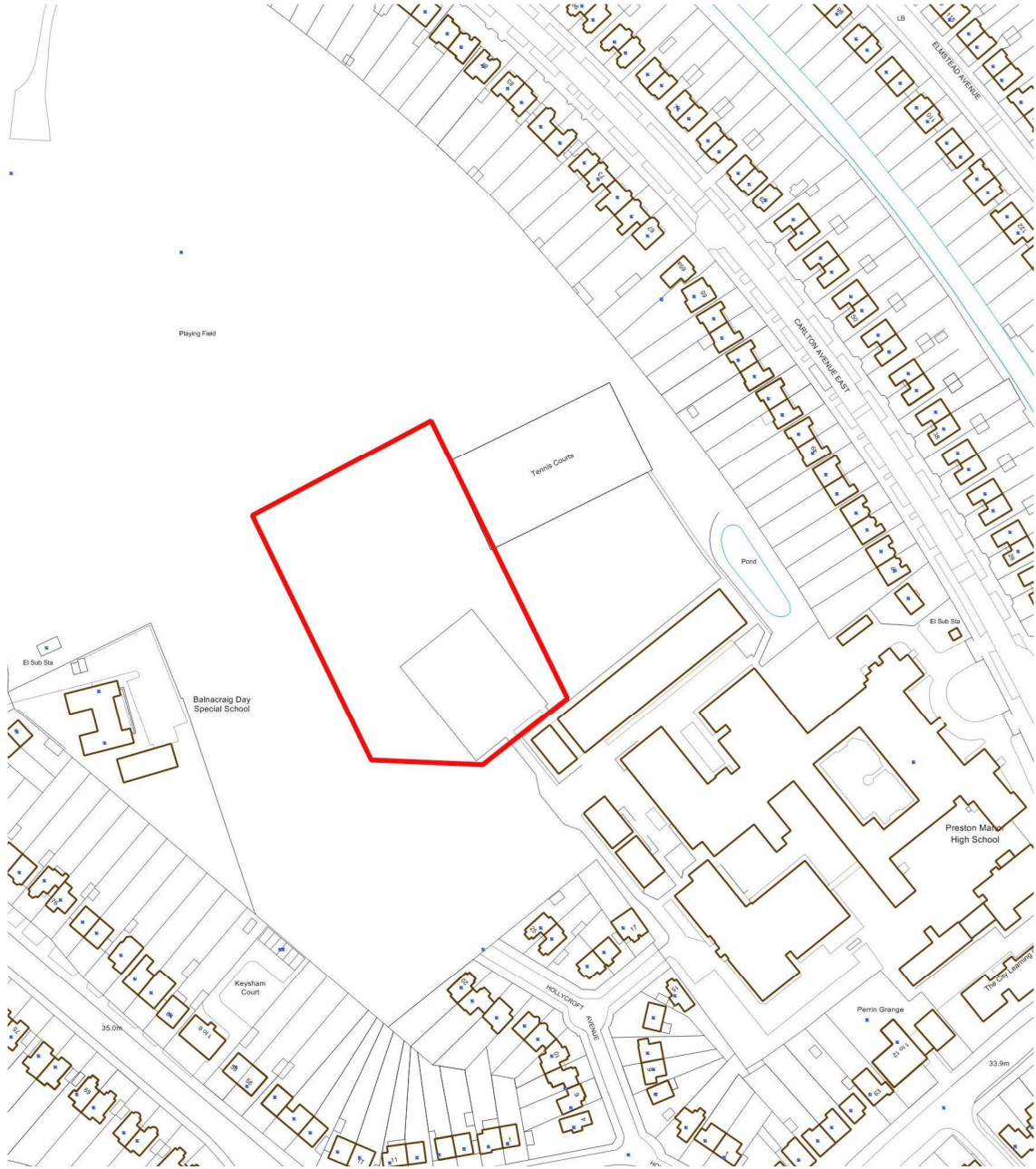
REFERENCE DOCUMENTS:

2809/P01 Rev C; P01 Rev C; P02Rev C; P03 Rev C; P04 Rev C; P05 Rev C; P06 Rev C; P09 Rev C; P10 Rev C & P11 Rev C.

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5376

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	Planning Committee Map
Site address: Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

RECEIVED: 12 July, 2011

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA

PROPOSAL: Installation of a new synthetic turf hockey pitch, the erection of six 14.5m high floodlights and 3m high fencing around the pitch, to be located on the existing playing fields adjacent to Preston Manor High School

APPLICANT: Mr Barrett

CONTACT: HLM Architects

PLAN NO'S:

Please refer to condition 2

RECOMMENDATION

To either:

- (a) Resolve to Grant Planning Permission, subject to a s106 legal agreement, or
- (b) If within a reasonable period the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement, 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:-

- (a) Payment of the Council's legal and other professional costs in
 - (i) preparing and completing the agreement and
 - (ii) monitoring and enforcing its performance.
- (b) Prior to Occupation submit, gain approval for and adhere to a Community Access Plan of the school, covering public access to the hockey pitch for not less than 20 hours a week at rates comparable to council facilities and provide for advertising of the facility for community use

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

EXISTING

Preston Manor High School is located on the corner of Carlton Avenue East and Forty Avenue in Wembley. Its playing fields are located to the rear of the main school building and are bounded by the rear gardens of properties in Hollycroft Avenue, Preston Road, Ashley Gardens and Carlton Avenue East.

The playing fields lie partly within an area of Open Space Deficiency, although the proposed hockey pitch that is the subject of this application falls just outside this area.

Recently planning permission was granted for a new primary school in the north-eastern corner of the high school's playing fields, (10/3203.) Construction of the primary school is currently under-way.

PROPOSAL

Installation of a new synthetic turf hockey pitch to be located on Preston Manor High School's existing playing fields. The proposal includes the erection of six 14.5m high floodlights and 3m high fencing around the pitch.

HISTORY

There have been a number of planning applications submitted in recent years to the High school grounds. A summary of the main recent applications are listed below, but all available records are visible on the planning website, and this list does not contain the majority of condition approval applications:

- Pending Variation of Condition 13 (details of external lighting) of planning permission 10/3203 to allow restricted light spillage to neighbouring gardens in accordance with the submitted lighting plans and specifications (maximum 8.1m high columns to MUGA, 4m high columns to school/carpark areas and 1m high light bollards elsewhere) and installation of all external lighting within 18 months of commencement of development. *Planning permission 10/3203 granted 14/03/11 for Erection of a one and two storey building to form a permanent primary school in the grounds of Preston Manor High School, with a new access between 109 & 111 Carlton Avenue East, comprising new classrooms, small and large halls, staff room, reception, kitchen and office space, with plant and photovoltaic panels, revised landscaping incorporating car park, a new Multi Use Games Area, (MUGA,) play areas, access paths, external amphitheatre and new trees subject to a Deed of Agreement dated 14th March 2011 under Section 106 of the Town and Country Planning Act 1990 (ref 11/2158)*
- Pending Non material amendment arising from survey inaccuracies resulting in minor alterations to site layout and in particular reconfiguration of the Multi Use Games Area (MUGA) of *Full planning application reference 10/3203 dated 14/03/2011 for Erection of a one and two storey building to form a permanent primary school in the grounds of Preston Manor High School, with a new access between 109 & 111 Carlton Avenue East, comprising new classrooms, small and large halls, staff room, reception, kitchen and office space, with plant and photovoltaic panels, revised landscaping incorporating car park, a new Multi Use Games Area, (MUGA,) play areas, access paths, external amphitheatre and new trees subject to a Deed of Agreement dated 14th March 2011 under Section 106 of the Town and Country Planning Act 1990 (ref 11/2088)*
- 14/03/11 Erection of a one and two storey building to form a permanent primary school in the grounds of Preston Manor High School, with a new access between 109 & 111 Carlton Avenue East, comprising new classrooms, small and large halls, staff room, reception, kitchen and office space, with plant and photovoltaic panels, revised landscaping incorporating car park, a new Multi Use Games Area, (MUGA,) play areas, access paths, external amphitheatre and new trees subject to a Deed of Agreement dated 14th March 2011 under Section 106 of the Town and Country Planning Act 1990 (ref 10/3203)
- 17/12/10 Temporary planning permission granted for the erection of a temporary primary school in the grounds of Preston Manor High School, to be accessed from Ashley Gardens, comprising a single-storey modular building incorporating two classrooms, assembly hall, staff room, medical area and ancillary office and storage space (Ref 10/2738)

- 10/01/08 Planning permission granted for the erection of a single-storey block comprising of 14 new classrooms, toilets and office space; the erection of a new sports hall; the relocation of outdoor hard play area and the relocation of 2 existing mobile classroom buildings and removal of 1 mobile classroom (Ref: 07/3033).
- 01/06/2004 Planning permission granted for the erection of two single storey portable buildings for use as classrooms to replace recently fire damaged portable building (Ref: 04/0575).
- 28/01/00 An appealed against the non-determination of an application for the erection of 61 detached and semi-detached dwellings with associated car-parking and amenity space; rearrangement of the existing sports pitches and provision of an all-weather floodlit playing area, and erection of a mixed school building dismissed (Ref: 99/0652).
- 12/10/99 Planning permission refused for the erection of 61 detached and semi-detached dwellings with associated car-parking and amenity space; rearrangement of the existing sports pitches and provision of an all-weather floodlit playing area, and erection of a mixed school building (Ref: 99/0582).

POLICY CONSIDERATIONS

The following are the policy considerations relevant to this application:

National Policies

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

PPG17 states that planning permission for the loss of a playing field should not be allowed unless it meets one of the following criteria:

- (i) the proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;
- (ii) the proposed development only affects land which is incapable of forming a playing pitch (or part of one);
- (iii) the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields or equivalent or better quantity and quality and in a suitable location; or
- (iv) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development if sport to outweigh the loss of the playing field.

PPG17 also states that in considering application for floodlighting, local authorities should ensure that local amenity is protected.

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
- BE8 - Lighting & Light Pollution
- H22 - Protection of Residential Amenity
- TRN3 – Environmental Impact of Traffic

TRN4 – Measures to make Transport Impact Acceptable
TRN11 – The London Cycle Network
TRN22 – Parking Standards – Non-residential developments
OS9 – Dual Use Open Space
CF2 – Location of small scale community facilities
CF10 – Development within School grounds

Brent's Core Strategy (July 2010)

CP17 Protecting and Enhancing the Suburban Character of Brent
CP18 Protection of Open Space
CP23 Protection of Community Facilities

SPD – s106 & Planning Obligations

Brent's - "Planning for Sport and Active Recreation Facilities Strategy 2008."

Institute of Lighting Engineers - Design Guidance notes for Reduction of Obtrusive Light 2005

Government Policy Statement dated 15/08/2011 on Planning for Schools Development - presumption in favour state-funded schools' planning applications.

CONSULTATION

Consultation Period: letters sent on 14/07/11 to 233 properties on Ashley Gardens, Aylands Close, Carlton Avenue East, Forty Avenue, Perrin Grange, Highfield Avenue, Hollycroft Avenue, Keysham Court, Preston Road, Keysham Court, Orchid Court and Carlton Parade.

17 neighbour objection letters raising the following issues:

Object to proposal, when a similar proposal was refused on appeal in 2000:

- Raise objections on the same grounds as the HM Planning Inspector's report findings in 2000. The floodlights will cause an invasion of privacy, and disturbance of residential life to the owners and occupiers of the properties backing onto the playing fields.
- The Inspector's decision appears to have been ignored when a floodlit MUGA for the primary school was allowed until 10pm. A new hockey facility until 10pm would be unacceptable
- Residents recently objected to a large development of housing and flats being built in the fields and now we have the School building: new gyms, extension for a new sixth form block; hall and canteen; then we have the new School building for the Primary and Infants School and this new unwanted Hockey pitch which will never be used.
- In what respect do you feel that the HM Inspectors 2000 Report differs from the situation now arising that makes that report redundant?

Object that development has commenced

- The new Hockey pitch has nearly been built by the school without proper planning permission. It appears to be an unstoppable juggernaut/ undemocratic
- The construction noise has forced neighbours to shut doors and windows and not be able to enjoy their gardens.

Object to lights/ noise/ disturbance

- Can anyone confirm that the proposed lights will not affect the residents adversely? In the 2000 Appeal decision the literature stated there would be light pollution from even the best designed sports installations. Residents are sure that the technology has not changed since then, and feel this will only be known once the lights are installed, causing high visual intrusiveness.
- Creation of noise and light pollution to residents adjoining the playing field, spoiling enjoyment of the garden and forcing residents to keep windows shut and encouraging insects

- 6 floodlights will disrupt sleeping in adjoining bedrooms
- You have not had an authoritative independent inspection of the floodlighting, noise impact, and its affect on the local residents. Please provide a copy of the report and let me know of the parameters used in the calculations,
- What crowd numbers are estimated, and what hours are anticipated for the provision of this facility, and how will it be staffed (including security staff) after usual school hours, particularly during the winter months?
- Health concerns from adjoining residents, particularly those with poor health who have a severe sensitivity to lights already and suffers from migraines. Unwell residents need rest and not excessive noise and light.
- Knowing the management at Preston Manor High School, if this Hockey Pitch is built the School will rent the pitch out in the evenings and at weekends so that there will be noise, lighting nuisance, vandalism in the field in the evenings and at weekends disrupting my sleep and quiet enjoyment.
- The new floodlights will make it impossible to continue astronomy has a hobby by local residents.
- The light spill is likely to be far greater outwards than depicted, as visible at Vale Farm, where the sky is saturated.
- No reference to management of the lights being turned on and off is provided. At Vale Farm Sports Centre and Leisure Golf the lights are on when the facilities are not in use, and can be seen for miles around.
- Object to noise from players/ observers particularly cheering and lights which may breach the Environmental Protection Act 1990

Longer-term management of the site concerns

- Security risk arising from the fields being open to the public late at night, as thefts and intrusions from the school happen now in school hours, and residents do not want access to the public for non-sporting reasons.
- The School have even rented out the fields for parking so this new Hockey Pitch if it is built will be used for car parking for the Stadium & Arena fixtures in the future
- The former Caretakers' house adjacent to the School is now rented out and guarded with high fencing all around it for some reason.
- The school cannot look after the grounds it has as the majority of the boundary fencing between the residents' gardens and the school playing fields is defective and the school will not repair this fencing. There have been many instances previously when school children have been in my garden looking for footballs and this has to stop.
- A strong, 8ft fence should be erected on the boundary to prevent thefts
- The School has proved that it is irresponsible at managing the existing facilities, erecting a skateboard practice structure and long jump alongside adjoining properties, allowing rallies on site with loud speakers, not making staff available when thefts have occurred, residents cannot reach the site manager out of hours, existing noisy netball training occurs until 9pm in a court near out fences and no-one heeds our complaints, the school was used for Event Day parking as recently as 18/07/11. A school's proximity implies noise during school hours, but not after hours if it is a nuisance to residents.
- The recent riots show how crime can occur out of the blue if groups are unsupervised.
- How will public use of the site be supervised? If there are unauthorised uses of the fields, will residents be provided with contact numbers in case of problems?

No real need for the provision

- The Multiple Use Games area facilities provided by the Ark Academy are under-utilised, so why duplicate them at Preston Manor? (- 08/2842 was proposed for basketball and netball. Not hockey)
- The building of a synthetic turf hockey pitch is unnecessary and a waste of Council and income tax payers' money because the school already has ample sports facilities including: enlarged gyms which were recently built; tennis courts and sand pits and the School did have a running and games area in the field before the school started the building a

concrete base on the fields for car parking and hockey pitch area.

- In the 36 years I have lived in the area, I have never seen hockey played on the High School playing fields.
- It is fine for the school to use the pitch but objectionable to rent out the facility when there is already Vale Farm and Ark Academy which can be used.

Harmful to visual amenity

- The proposed New Hockey Pitch will be out of character in the area as the "green" school playing fields have now all been built on
- There will no longer be any "green fields view" which all the residents are paying extra for on their Council Taxes.
- I object to the loss of my green fields view, which is bad because of the hard surfacing and made even worse by the proposed fences and lights

Other

- The proposal will affect the value of our property, is there any recourse?
- The Council does not care for people living in this area. The traffic is so bad, particularly in the morning and after 3.15pm
- The documents associated with 10/3203 (primary school application) did not mention floodlighting. The upgrades to the sports pitches did not consider local residents.
- Residents have not been informed at Consultation Stages of the primary school 10/32033 about floodlights. The consultation is a sham.
- The construction has caused a loss of wildlife locally
- I do not see why as the result of an agreement between a failing Brent Schools Department, tainted by its failures to build primary schools when demand was increasing, and a quango pushing its targets, should cause a threat of intolerable noise, light nuisance and crime increase.
- How can the Council claim to have green credentials when it allows construction on the grass playing fields and light pollution?
- The D&A Statement refers to the wrong year, which does not provide credence for the document.
- Our property deeds state that the school fields cannot be used for this purpose
- Where would any associated car/ coach parking and accesses be located?
- The proposal will generate more litter in the local area

One letter raising the following comments:

- No objections to the principle of a hockey pitch, as long as the lights are not on all night/ late, which would be objectionable

Consultee comments:

Council's Sports and Parks service - supports the provision of a full size hockey pitch in the Borough. There is no similar provision elsewhere in the Borough. Assuming that the facility will be required to be available at an affordable rate to the local community for use outside of curriculum hours it will provide an opportunity for hockey clubs to develop and play in Brent, offering a new sporting opportunity for Brent's young people and adults.

Sport England – No objection subject receiving confirmation that the AGP is 101.4m x 63m (including run-off,) subject to the following condition(s) being attached to the decision notice (if the Council are minded to approve the application):

1. *Details of the surface type for the artificial grass pitch shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.*
2. *Prior to the commencement of the use/development a Community Use Scheme for the pitches shall be submitted to and approved in writing by the Local Planning Authority.*

Environmental Health – No objections subject to conditions regarding hours of use of the pitch, and limitation of external noise amplification systems

Thames Water- No objections, no build-over agreement is required for the pitch

Highways – To be reported in Supplementary

REMARKS

Introduction

This application seeks planning permission for a floodlit synthetic turf pitch that will be installed to national standards. The pitch is to be 91.4m x 55m, with an overall size including run-offs totalling 101.5m x 63m. The pitch will primarily be used for hockey by the High School, but will also have additional markings for recreational senior & five-a-side football. As the pitch is required as a Planning Obligation associated with the Primary School application (ref: 10/3203), it is expected that the facility will also be used by the community out of school hours.

The pitch is to be located within the middle of the High School playing fields. From each boundary it is located as follows:

- North – at its nearest the pitch is approximately 257 metres from the back garden boundary of properties on Carlton Avenue East (screened by the new primary school.).
- East – at its nearest the pitch is approximately 92m metres from the back garden boundary of properties on Carlton Avenue East.
- South - at its nearest the pitch is approximately 68m metres from the back garden boundary of properties on Hollycroft Avenue.
- West - at its nearest the pitch is approximately 109m metres from the back garden boundary of properties on Ashley Gardens.

The pitch surface has been laid on site at the time of writing this report, but none of the supporting infrastructure such as the proposed permanent fencing and floodlights have been installed.

Loss of a playing field

Sport England's Response

An upgrade of the High School's hockey pitch was required as a consequence of the new primary school being constructed on land previously used as playing fields. The statutory requirement to consult them on such an application is set out under Schedule 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (SI 2010/2184.)

Sport England's policy on the loss or development of playing fields is currently framed by Statutory Instrument 1996/1817 (the Town and Country Planning (General Development Procedure) (Amendment) Order 1996;) and is set out in their planning policy statement *A Sporting Future for the Playing Fields of England*. This states that Sport England would oppose the granting of permission for any development which would lead to the loss of, or would prejudice the use of all, or any part of a playing field unless at least one of the following five specific exceptions applies:

- e1) a carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.
- e2) the proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use
- e3) the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any

playing pitch or the loss of any other sporting/ancillary facility on the site

e4) the playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.

e5) the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field.

Sport England has determined that the proposal meets exception e5 of that policy and has required conditions/ obligations to be attached to the planning permission, to include: a Community Use Scheme, and details of the pitch surfacing to be used. The applicants currently propose a pitch that performs to the requirements specified by the FIH (the FIH is the international governing body for the sport of hockey,) for an England Hockey Category 2 and FIH National Pitch. The pitch will be a sand filled synthetic grass carpet, with an overall size including run-offs totalling 101.5m x 63m. The orientation of the pitch reflects best-practice playing guidelines.

Sports England's conclusions are echoed in National Planning Policy Guidance PPG17, which states that playing fields can be redeveloped if (iv) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development if sport to outweigh the loss of the playing field. Furthermore Brent's Core Strategy Policy CP18 protects open space from inappropriate development. The explanatory text states that "development which is ancillary to the main use of the site as open space, or is an essential facility for outdoor sport and recreation... (are) generally considered appropriate." Parts of the High School grounds are in an area of Open Space deficiency, although the red-line application site itself is not. The policy recognises a need to prioritise sports facilities improvements. The proposal therefore complies with planning policies in this respect.

Community Use

Policy OS9 of the Unitary Development Plan states that the dual use of education open space will be promoted, particularly where there is a deficiency of public open space. The dual use of facilities will be sought where schools bring forward significant development proposals. There is a deficiency of pitches within Brent identified within the Council document "Planning for Sport and Active Recreation Facilities Strategy 2008." In addition, as the new primary school (currently under construction in the north-eastern corner of the High School playing fields,) was built on the High School's existing playing fields, in accordance with their playing field policy Sport England required various mitigation measures to compensate for the loss of the original playing fields.

The relevant parts of Sport England's response to previous application 10/3203 stated that:

- ***Development of this site would not be in any way acceptable without off-site re-provision as discussed with the Planning, Sport and Education Departments of Brent Council at previous meetings. Whilst the applicant can demonstrate critical education needs in support of the development, this is not itself justification for any development taking place on playing fields on any site in view of the strict application of playing field protection policy.***
- ***The applicant should be in no doubt that the necessity to meet off-site re-provision (ensuring standards at the replacement site) along with onsite improvements to the Preston Manor School site is obligatory. Failure to comply with this necessity must be considered a breach of any permission provided by the Council. Furthermore, Sport England's application of exception E4 and aspects of E5 of the playing field policy which provides for 'equivalent or better alternative provision' could not be deemed appropriate.***
- ***Sport England has been involved in the negotiations to address the requirements of off-site re-provision and develop the mechanism which resolves our concerns over this***

development. We submit a no objection response to this application on the basis that it will result in a suitable Section 106 agreement, or other legal mechanism delivered to make arrangements for replacement provision and on-site improvements.

- **The S106/Legal Agreement is required to address the following specific matters:-**
 - 1) The applicant is expected to provide a Multi Use Games Area (MUGA) on the new primary school site for use by the school and the community out of school hours.** A community use and access agreement may be necessitated. This aspect can be viewed as a significant improvement upon the existing poor quality of a part of the application site along the northern and eastern boundaries. The upgraded surface should be a minimum type 2 facility in view of Sport England design standards. This facility will provide space, community access, and associated operational lights and it goes some way towards the terms of Exception E5 but is not sufficient to address the entire land-take of the development in isolation.
 - 2) The applicant is expected to upgrade the retained playing fields of Preston Manor High School, with permanent improved drainage measures undertaken.** This aspect goes some way to off-setting the loss of the useable pitch which is affected by the land-take of the proposed primary school, in partial compliance with Exception E5.
 - 3) The Applicant has considered the Council document "Planning for Sport and Active Recreation Facilities Strategy 2008" and have liaised with Brent Sports Services.** Sports Services have identified that within the local area, a site that would make a valuable contribution to playing field provision through an upgrade would be at Eton Grove, Kingsbury. At the site the sum of £7,500 will allow the excavation of a 27m by 25m cricket square, which would be graded and laid with new loam and grass cover, to create a new cricket table. The sum of £7,500 would be sought through the s106 legal agreement to secure these off-site improvement works. Therefore the provision of a new, upgraded cricket table at Eton Grove, as a result of s106 monies arising from the permanent primary school application at Preston Manor High School would then be considered to off-set the use of the playing fields at Preston Manor for new school buildings. Exception E4 of the playing field protection policy could then be applied.

As a consequence of the previous Sport England statutory consultee requirements, the need for the current application arose. Given that community use of the facility was required; this has generated the need to install floodlights, and officers advised for the need for a new planning permission in order for the impacts of this to be properly considered.

Officers recommend that the Community Access Plan (sought by Sport England and the Council's Sports and Parks Departments,) and arrangements are controlled via s106 Planning Obligation. This will require the submission of an agreed plan to cover community access hours of use per week at hire out rates which shall be at the same level as similar council facilities and include information regarding the ongoing promotion of the availability of the facilities. Community users will have access to the school car parking/ secure cycle storage areas in addition to toilets and changing rooms to facilitate use of the pitch in a similar way to the out-of-hours use of the High School Sports Hall facilities currently operates now.

Impact upon residential amenity

Appearance of pitch and fencing

The pitch is located on an area that was previously partly grass and partly a poor-quality hardstanding area used by the High School as a playground and for sports purposes. The proposed fencing around the new pitch is to be a 3m high green weldmesh, which is a common treatment for such facilities in school grounds and is of a design and colour that is not considered to harm the visual amenities of the area in accordance with policy BE2 of Brent's Unitary Development Plan and policy CP17.

Any new external lights other than the floodlights associated with the development will form the subject of a condition requiring the submission of further details prior to installation.

Floodlighting

Brent's Unitary Development Plan saved policy BE8 regarding lighting and light pollution considers lights and states that conditions can be used to control nuisance to residential amenity. Sport England recognise that floodlighting is essential if these types of sport facilities are to be used to their full capacity and increase opportunities for sport. Sport England's Planning bulletin 14 "Intensive use sports facilities revisited" refers to floodlighting. Within this document it is recognised that floodlights which are properly planned and installed by recognised companies are unlikely to result in any adverse impacts on surrounding areas. However, it is necessary to ensure that the floodlighting installation is designed for its intended purpose and for its intended level of competition. Higher columns can lead to better light concentration and significantly less light spillage than lower column heights. Also, due to improved technology and designs, modern columns can be less bulky and therefore will have a better daytime appearance.

As the pitch is intended for predominately hockey use it must be fit for purpose. England Hockey provides guidance of the minimum average levels of illumination required for a successful facility, (500 lux) and this in turn has influenced the height of the proposed six 14.5m high floodlight columns. The design of the lights has been influenced by the need to comply with the England Hockey guidelines, and to minimise the overspill directly around the facility, glare and the skyglow from the facility, thus reducing the impact of the proposal upon adjoining residential properties.

The six "Thron Champion" floodlights have an elevated internal glass within the body of the lamp. This means that the body of the floodlight sits horizontal to the pitch and acts as a front baffle to cut off any unwanted illumination that could produce spill light onto surrounding areas. Due to the fact that the body of the floodlight sits horizontal to the pitch, all light is directed downwards to the pitch and no light is emitted upwards. In addition to this, the Champion floodlight has the option of four different lamp positions. This has the benefit of altering the angle at which the light intensity is distributed from the lamp, therefore changing the elevation of the floodlight and reducing light spillage.

The supporting documents accompanying the application consider light spill (at ground-level,) beyond the designated area, sky glow (light halos emitted into the night sky,) and glare, (lights causing visual discomfort if badly aimed.)

The degree of irritation caused by lights is subjective. The Institute of Lighting Engineers have produced Design Guidance notes for Reduction of Obtrusive Light which dates from 2005. This defines areas by their character, in this case, the site would form category E3, a medium district brightness area described as "small town centres or urban locations." The Guidance defines what may be considered Obtrusive light, and prior to 23.00 hours, in a location such as the site area this is defined as light trespass into windows of Ev 10lux.

A great deal of technical information has been submitted and explained to officers, who have requested an explanatory note for interested parties. The supporting documentation shows that all of the light spillage from the floodlights is contained within the boundaries of the school, meeting the appropriate level on pitch, and that the levels are 0 lux at all of the proximate school boundaries with adjoining properties, many of which are also partly screened by existing trees or boundary fences. The design of the floodlights will prevent light spill upwards from the lights themselves, although officers consider that this may not eradicate the light glow around the pitch arising from reflection for example.

The applicants have provided a pitch-level "horizontal" lighting showing average lux levels on the pitch at ground-level and a lighting contour plan that shows glare at neighbouring windows both for hockey use and for lower illumination levels for other sports such as football, (where the luminance requirements are lower.) The lux plots provided demonstrate that light visible from possible glare arising from the court is less than the ground-level light spillage on court, ("horizontal" plan) but at some points is 0.1 lux on the garden boundaries with neighbouring properties lowering to 0 lux by the houses themselves. The Institute of Lighting Engineers have produced Design Guidance notes

for Reduction of Obtrusive Light (2005) states that levels less than 10 lux at neighbouring windows before 23.00 hours would not be considered obtrusive.

For comparison:

A very dark day would produce a light level of 107 lux

Street lights at their brightness – 10-25 lux

Twilight - 10.8 lux

Deep Twilight – 1.08 lux

Full moon – 0.1 lux

Neighbouring properties are used to street lights illumination within their front gardens, which drop to levels of 0.5- 2 lux on the house frontage. However, whilst there are external lights on and around the High School buildings currently, neighbours are not used to taller lights in the proposed position on the school playing fields. The proposal will result in no light spillage at ground level at neighbouring residential boundaries, but a perceived appearance of a full moon (0.1 lux) at some residents' garden boundaries, with no apparent spill/ glare at the rear dwellinghouses buildings themselves. On the basis of the submitted information officers therefore consider that the proposal will not cause significant detrimental harm to neighbouring properties.

Relevant appeal decision on floodlights at Preston Manor High School

In the late 1990s several applications were submitted on behalf of the school and incorporated floodlights. The last of these applications, related to application 99/0652. This proposed: *Erection of 61 detached and semi-detached dwellings with associated car-parking and amenity space; rearrangement of the existing sports pitches and provision of an all-weather floodlit playing area, and erection of a mixed school building.* Following an appeal and referral to the Secretary of State, the appeal was dismissed for a number of reasons.

A material consideration is the Inspector's Decision Notice in relation to the appeal against application 99/0652 dated 28/01/2000. Within Paragraph 10.16 the Inspector found that the six 15m high lighting columns: *"would not have any material impact on the open prospect currently enjoyed."* She further stated: *"the lighting contour plan demonstrates minimal light spillage at residential boundaries and this could be secured by way of a condition. With the lights switched on, residents would be aware of a pool of light which would alter views of the night sky and there could be some glare if looking directly at the lanterns. However having regard to the distance of the columns from neighbouring properties, I consider that the light would not be unacceptably intrusive."*

Within the previous application 99/0652, a 60m by 50m flood-lit all-weather pitch was proposed. At the time, the pitch was 49m from the nearest house wall on a residential property. Six 15m high floodlight columns were proposed, with light spillage from the floodlights on the nearest residential boundary of 2 lux. The lights were proposed to be in use between the hours of 8am - 10pm Mondays to Saturdays and 9am - 8pm on Sundays and Bank Holidays.

This compares with the current proposal, for a total pitch 101.5m x 63m. From each boundary it is located as follows:

- North – the nearest part of the court to the northern boundary with properties on Carlton Avenue East is 257m, (screened by the new primary school.)
- East – the nearest part of the court to the westernmost part of the nearest back garden boundary for properties fronting Carlton Avenue East is approximately 92m.
- South - the nearest part of the court from the northernmost point of the nearest residential property on Hollycroft Avenue is approximately 68m.
- West - the nearest part of the court to the easternmost side garden of the nearest neighbouring property on Ashley Gardens is approximately 109m.

The nearest boundary to the pitch is that with the southern neighbouring properties on Hollycroft Avenue. The distance between the closest floodlight and wall of the nearest neighbouring house is

shown on plan L(PA)905 P1 to be 86m. The lightspill at this neighbouring boundary is 0 lux, but the light glare is 0.1 lux. Furthermore, officers are now recommending a condition that controls light use within the following hours:

*a) The Hockey Pitch shall only be permitted to be used between
08.00-21.00 hours Mondays to Fridays
08.00-20.00 hours Saturdays and
09.00-19.00 Sundays and Bank Holidays.*

b) Any floodlights associated with the hockey pitch shall be switched off within 15 minutes of these times and the pitch vacated

c) Within these time parameters, the floodlights shall only be switched on when the court is in use

The current proposal therefore represents a significant drop in lux at neighbouring properties with a distance to the lights that is almost double that considered at appeal in 2000, at more restricted times than considered at appeal. Officers also recommend a condition on post-completion testing to ensure no further baffles to the columns are necessary to reduce the impact of the lights post-installation. Furthermore the Inspector found that the floodlights proposed under 99/0652 would not be unacceptably intrusive. Officers therefore consider the impact of the proposed floodlights acceptable.

Noise Impact

The High School are required to allow the use of the hockey pitch out of school hours by the community, (which is a Sport England requirement.) The test here is what considered reasonable with regards to the amenities of surrounding residential properties. A condition of approval will be that no music, public address system or any other amplified sound system shall be installed or used externally on the site without the prior written approval of the Local Planning Authority to limit potential for harm to local amenities.

Environmental Health typically allows such sporting facilities to operate up to 22:00 at night without being concerned about potential noise nuisance. It should be noted that the appeal Inspector in relation to previous application 99/0652 did raise concerns about the use of the then proposed floodlit all-weather pitch until 22.00, which contributed to her dismissal of the appeal. This was both due to the proposed hours of use, and the proximity of the facility to the boundary of properties along Preston Road. However, the hours of use condition suggested (above) is more restrictive in terms of earlier finishing times and in addition, as set out above, the hockey pitch now proposed is nearly double the distance from the adjoining residential boundaries, which will lower noise-levels arising at neighbouring boundaries. Furthermore, during daylight hours, it should be noted that the High School already use the pitch area for sports heavily during the school day, in addition to using the hard-surfaced parts of the site for informal play. In summary, the conditions suggested are considered to reasonably safeguard adjoining neighbouring properties.

Landscaping

There are no trees in the area where the pitch is proposed. The applicants have provided hard landscaping details of the proposed court and access routes to it from existing school facilities. The proposal does not affect the number of trees on site overall, and in fact the applicants have indicated that they wish to retain all trees proximate to school boundaries to help provide a natural screen to adjoining properties and contribute to local visual amenities.

Transportation

The site is located on the western side of Carlton Avenue East (a traffic-calmed local residential access road), immediately north of its priority junction with Forty Avenue (a local distributor road). The main school entrance is located on Carlton Avenue East. A total of 24 school parking spaces are accessed from this entrance including 2 disabled parking bays, plus 12 (incl. two disabled) for the City Learning Centre. A further 15 spaces are located on the western side of the site, accessed via Hollycroft Avenue, whilst further gated accesses are provided into the school

playing fields from both Hollycroft Avenue and Carlton Avenue East. On-street parking in Carlton Avenue East is generally unrestricted. Public transport access to the site is moderate (PTAL 3.) The car parking for the school at 36 standard width spaces accords with Unitary Development Plan guidance and policy TRN22. On site currently there are 3 cycle bays providing 48 spaces with 32 within the playground and 16 within the car park areas. The proposal will increase on-site demand for facilities and accordingly it is usual practice on such proposals to request 3 secure cycle stands, which will form a condition of approval in accordance with policy TRN11.

As the School has an existing Travel Plan, this will be required to be updated as a result of the proposal as a condition of approval in accordance with policies TRN3, TRN4, and TRN22.

Flood Risk

The site area is less than a hectare within Flood Zone 1. In accordance with PPS25 on Development and Flood Risk, the development only needs to consider good practice on drainage. The applicants have proposed 160mm perimeter drains and 80mm lateral drains at 10m centres. These will discharge into the Thames Water sewer via a hydrobrake restricting flow rate at 8 litres per second. Thames Water raise no objections to this strategy.

Environmental Impact Assessment of the Development

The proposed scheme will be unlikely to have any significant environmental effects by virtue of its nature, scale and location and it is therefore considered that no Environmental Impact Assessment is warranted in this instance.

Responses to third party objections that are not addressed above

Object that development has commenced

- *The new Hockey pitch has nearly been built by the school without proper planning permission. It appears to be an unstoppable juggernaut/ undemocratic*
- *The construction noise has forced neighbours to shut doors and windows and not be able to enjoy their gardens.*

Officers are aware that development has commenced on site, and the pitch surfacing has been laid to date. This has been undertaken at the applicant's own risk, and whilst the relevant application is being considered by the Local Planning Authority, and recommended for approval it is not considered expedient to commence enforcement action. Some construction noise is inevitable on projects such as this, particularly in conjunction with the other development associated with the new primary school application 10/3203 approved by Planning Committee in March 2011. The builders on-site are operating within the parameters of Considerate Contractors guidelines.

Object to lights/ noise/ disturbance

- *The new floodlights will make it impossible to continue astronomy has a hobby by local residents.*
- *No reference to management of the lights being turned on and off is provided. At Vale Farm Sports Centre and Leisure Golf the lights are on when the facilities are not in use, and can be seen for miles around.*
- *Object to noise from players/ observers particularly cheering and lights which may breach the Environmental Protection Act 1990*

The hours of use of the lights are restricted to a maximum of 9pm on weekdays, which should enable any local astronomers to continue their hobby after these hours with no change from existing light levels. One of the recommended conditions of approval is that within the hours of use restrictions, the floodlights will only be switched on when the court is in use. The Council has the power to issue an abatement notice in respect of noise or light that is, or is likely to comprise a

statutory nuisance. This is set out in s80 of the Environmental Protection Act 1990. The Council's current assessment is that the likelihood of a *Statutory Nuisance* is insufficient to warrant service of an abatement notice based on "likely occurrence". The key thing here is that a 'Statutory Nuisance' is not the same as disturbance, and requires firm evidence of significant disturbance and ongoing inability to enjoy a residential own premises.

Longer-term management of the site concerns

- *Security risk arising from the fields being open to the public late at night, as thefts and intrusions from the school happen now in school hours, and residents do not want access to the public for non-sporting reasons.*
- *The School have even rented out the fields for parking so this new Hockey Pitch if it is built will be used for car parking for the Stadium & Arena fixtures in the future*
- *The former Caretakers' house adjacent to the School is now rented out and guarded with high fencing all around it for some reason.*
- *The school cannot look after the grounds it has as the majority of the boundary fencing between the residents' gardens and the school playing fields is defective and the school will not repair this fencing. There have been many instances previously when school children have been in my garden looking for footballs and this has to stop.*
- *A strong, 8ft fence should be erected on the boundary to prevent thefts*
- *The School has proved that it is irresponsible at managing the existing facilities, erecting a skateboard practice structure and long jump alongside adjoining properties, allowing rallies on site with loud speakers, not making staff available when thefts have occurred, residents cannot reach the site manager out of hours, existing noisy netball training occurs until 9pm in a court near out fences and no-one heeds our complaints, the school was used for Event Day parking as recently as 18/07/11. A school's proximity implies noise during school hours, but not after hours if it is a nuisance to residents.*
- *The recent riots show how crime can occur out of the blue if groups are unsupervised.*
- *How will public use of the site be supervised? If there are unauthorised uses of the fields, will residents be provided with contact numbers in case of problems?*
- *What crowd numbers are estimated, and what hours are anticipated for the provision of this facility, and how will it be staffed (including security staff) after usual school hours, particularly during the winter months?*
- *The proposal will generate more litter in the local area*

The proposed community use is expected to be largely local in focus. The Police were involved during the consultation stage of the school proposals and have provided their feedback, which has been acted upon. Any access to the school external sports facilities during agreed out of hours will be managed by the school personnel, as the internal sports areas are now. Access outside of these approved hours to external sports facilities will not be permitted. The school has an extensive colour CCTV system, movement activated external lights and modern alarm systems. In the event of alarms being activated outside of approved hours there is a 24\7 keyholding company. As the facility is to be managed by school staff, there is not expected to be any crime or litter implications for local properties arising from the use of the hockey pitch. The recent riots are an abnormal occurrence and appropriate security measures will be taken by the school if such an event was to occur once the facility is operational. Following a past complaint, the Council's Planning Enforcement department have contacted the High School regarding the unauthorised use of the site for car parking for the Stadium & Arena fixtures. This has now stopped.

No real need for the provision

- *The Multiple Use Games area facilities provided by the Ark Academy are under-utilised, so why duplicate them at Preston Manor?*
- *The building of a synthetic turf hockey pitch is unnecessary and a waste of Council and income tax payers' money because the school already has ample sports facilities including: enlarged gyms which were recently built; tennis courts and sand pits and the School did have a running and games area in the field before the school started the building a concrete base on the fields for car parking and hockey pitch area.*

- *In the 36 years I have lived in the area, I have never seen hockey played on the High School playing fields.*
- *It is fine for the school to use the pitch but objectionable to rent out the facility when there is already Vale Farm and Ark Academy which can be used.*

There is a need to upgrade the existing High School pitches, and the School Management team have identified that a hockey facility is the priority for their schoolchildren. Sport England requires for community use of the facility, in addition to Brent's Planning for Sport and Active Recreation Facilities Strategy 2008 identifying the need for improved facilities in the Borough. The existing sports pitch facilities at the Ark School and Vale Farm are predominately use for basketball and netball sports, not for hockey.

Harmful to visual amenity

- *The proposed New Hockey Pitch will be out of character in the area as the "green" school playing fields have now all been built on*
- *There will now longer be any "green fields view" which all the residents are paying extra for on their Council Taxes.*
- *I object to the loss of my green fields view, which is bad because of the hard surfacing and made even worse by the proposed fences and lights*

The subject hockey pitch was previously a mixture of an existing hard-surfaced area and playing field grass. Council Tax valuation is not a planning consideration. Whilst planning case-law sometimes considers large-scale development and loss of view to multiple properties as a material consideration, in this instance the proposed enclosed, floodlit hockey pitch changes the overall character of school playing fields to a small degree (9.5% of the original High School playing fields,) and such sports development is commonly associated with school environments, and as such the partial loss of grass that was not previously hard-surfaced under the hockey pitch is not considered sufficient reason to resist the application on the grounds of visual amenity.

Other

- *The proposal will affect the value of our property, is there any recourse?*
- *The Council does not care for people living in this area. The traffic is so bad, particularly in the morning and after 3.15pm*
- *The documents associated with 10/3203 (primary school application) did not mention floodlighting.*
- *Residents have not been informed at Consultation Stages of the primary school 10/32033 about floodlights. The consultation is a sham.*
- *The construction has caused a loss of wildlife locally*
- *Our property deeds state that the school fields cannot be used for this purpose*
- *Where would any associated car/ coach parking and accesses be located?*

Loss of value to property is not a material planning consideration. Any additional traffic generated by the community-use of the hockey pitch will be out of hours, and therefore will not contribute to traffic associated with the school opening and closing times. Any additional traffic associated with the hockey pitch is anticipated to be small-scale only and a condition of approval is that the existing School Travel Plan be amended to consider how non-car modes of transport can be encouraged. New cycle stores shall also be required as a condition of approval. Any cars using the site will use the Carlton Avenue East entrance. The facility is not expected to generate coach use. Possible nuisance to neighbouring residential properties arising from external lights on site was considered under the primary school application 10/3203 particularly in relation to the Multi Use Games Area proposed for the primary school. The committee report stated: *any external proposed lights will be restricted by condition (condition 13,) to ensure that there is no light back-spill into the residential gardens in accordance with Policy BE8. This ensures that neighbouring amenities are not harmed by the development.* Officers are currently considering this application 11/2158, which neighbouring properties have also been consulted upon. This application is anticipated to be reported to Planning Committee on 28th September 2011. Much of the construction on the High

School grounds that has disturbed wildlife is associated with the primary school. However, the primary school incorporates an extensive landscaping scheme including at least 53 new trees and nature conservation area with log piles, bat and bird boxes. The school playing fields are subject to a restrictive covenant that prohibits the erection of buildings within the school grounds, except for houses or a sports pavilion. The proposal for an enclosed, floodlit pitch is therefore not covered by the covenant.

Summary

As recently as 15/08/11 Steve Quartermain, Chief Planner for the Government department of Communities and Local Government set out a policy statement on Planning for Schools Development, which requires Local Authorities to support state-funded schools' planning applications. The current application arises from the construction of the primary school on the High School playing fields resulting in the need to make improvements to existing sporting facilities in the local area as a Sport England statutory requirement. Officers have carefully considered the implications of the subject hockey pitch, which is objected to by local residents on numerous grounds particularly because of its floodlit nature and access to the community out of school hours. Subject to conditions, the proposal is considered to comply with local and national planning policies and accordingly is recommended for approval subject to a s106 legal agreement to secure community access of the facility.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
Planning Policy Guidance 17: Planning for open space, sport and recreation
London Borough of Brent Unitary Development Plan 2004
Brent Core Strategy 2010
SPD - s106 and Planning Obligations

CONDITIONS/REASONS:

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

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

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

11069/01 - Proposed AWP
11069/02 - Cross Section for Construction
11069/05 - Cross Section for Construction
L(9-)902 Rev P5 - Proposed Pitch Layout
L(PA)903 Rev P1 - Existing Site Survey & Levels
L(PA)904 Rev P1 - Site Location Plan
L(PA)905 Rev P1 - Proposed Pitch Sectional Elevations
L(PA)906 Rev P3 - Sports Pitch Landscape Proposal
L(PA)907 Rev P2 - Indicative Light Spill Diagrams
Preston Sch Wembley Christy Lighting Ltd - Hockey 628aa (Normal to TV)
Preston Sch Wembley Christy Lighting Ltd - Hockey 628aa (Horizontal)
Christy Lighting Ltd - Hockey 618aa (Normal to TV)
Christy Lighting Ltd - Hockey 618aa (Normal to TV)

Design & Access Statement - July 2011
Champion - Thorn lighting

- (3) The proposed six 14.5m high floodlights shall be erected on the site strictly in accordance with the approved details including directional details, style and baffles where applicable, and shall thereafter be maintained in accordance with the manufacturer's guidelines unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of safeguarding local amenity

- (4) a) The Hockey Pitch shall only be permitted to be used between
08.00-21.00 hours Mondays to Fridays
08.00-20.00 hours Saturdays and
09.00-19.00 Sundays and Bank Holidays.
- b) Any floodlights associated with the hockey pitch shall be switched off within 15 minutes of these times and the pitch vacated
- c) Within these time parameters, the floodlights shall only be switched on when the court is in active use

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

- (5) No music, public address system or any other amplified sound system shall be installed or used externally on the site without the prior written approval of the Local Planning Authority. Any proposed system/s shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter only installed in accordance with the details so approved

Reason: To safeguard the amenities of the adjoining occupiers

- (6) Within 3 months of the installation of the hockey pitch three secure Sheffield-style cycle stands finished in dark green or black shall be installed on site in proximity to Carlton Avenue East and thereafter shall be maintained unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure sustainable transport measures are encouraged in accordance with policy TRN11

- (7) Within 12 months of commencement of development, and prior to commencement of the use of the artificial grass pitch, confirmation of the details of the surface type for the artificial grass pitch and its court markings shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England and England Hockey/FIH. The submission shall provide confirmation of post-completion testing of the surfacing to demonstrate that it meets England Hockey/FIH current National standards. If it fails to do so, a mitigation strategy shall set out how any deficiencies shall be overcome, and once the strategy is agreed, this shall be fully implemented. The development shall be maintained in accordance with the approved details.

Reason: In order to ensure a modern, hockey pitch that is fit for purpose

- (8) No other new external lights other than the six 14.5m floodlights shall be installed on site without the prior submission to and approval in writing by the Local Planning Authority. This shall include the specification, manufacturer, lux, model, direction and the siting of each lamp. Thereafter the lights shall be installed in accordance with the details so approved prior installation

Reason: In order to prevent harm to local amenities from light spillage

- (9) Within 6 months of the commencement of the use of the artificial grass pitch, a revised School Travel Plan document shall be submitted to and approved in writing by the Local Planning Authority setting out an update to the existing School Travel Plan in relation to community use of the proposed hockey pitch. The update shall consider include ITrace-compliant monitoring and measures to achieve a target reduction in the proportion of visitors arriving/ departing by car to use the new hockey pitch within 5 years of opening

Reason: In order to promote sustainable transport measures

- (10) Prior to use of the floodlights other than for testing purposes, the applicants shall submit post-completion testing results that demonstrate that the floodlights are substantially in accordance with the approved lightspill and glare plot plans. If the results fail to demonstrate this, a mitigation strategy shall be submitted to the LPA that considers additional floodlight baffles/shielding, light designs and light directions. This information shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the details so approved. The floodlights shall only operate in accordance with these details and no subsequent alterations to the shielding shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To prevent light nuisance to nearby residential properties.

INFORMATIVES:


None Specified

REFERENCE DOCUMENTS:

Planning Policy Guidance 17: Planning for open space, sport and recreation
Brent's Unitary Development Plan 2004
Brent's Core Strategy (July 2010)
SPD – s106 & Planning Obligations
Brent's - "Planning for Sport and Active Recreation Facilities Strategy 2008."
Institute of Lighting Engineers - Design Guidance notes for Reduction of Obtrusive Light 2005

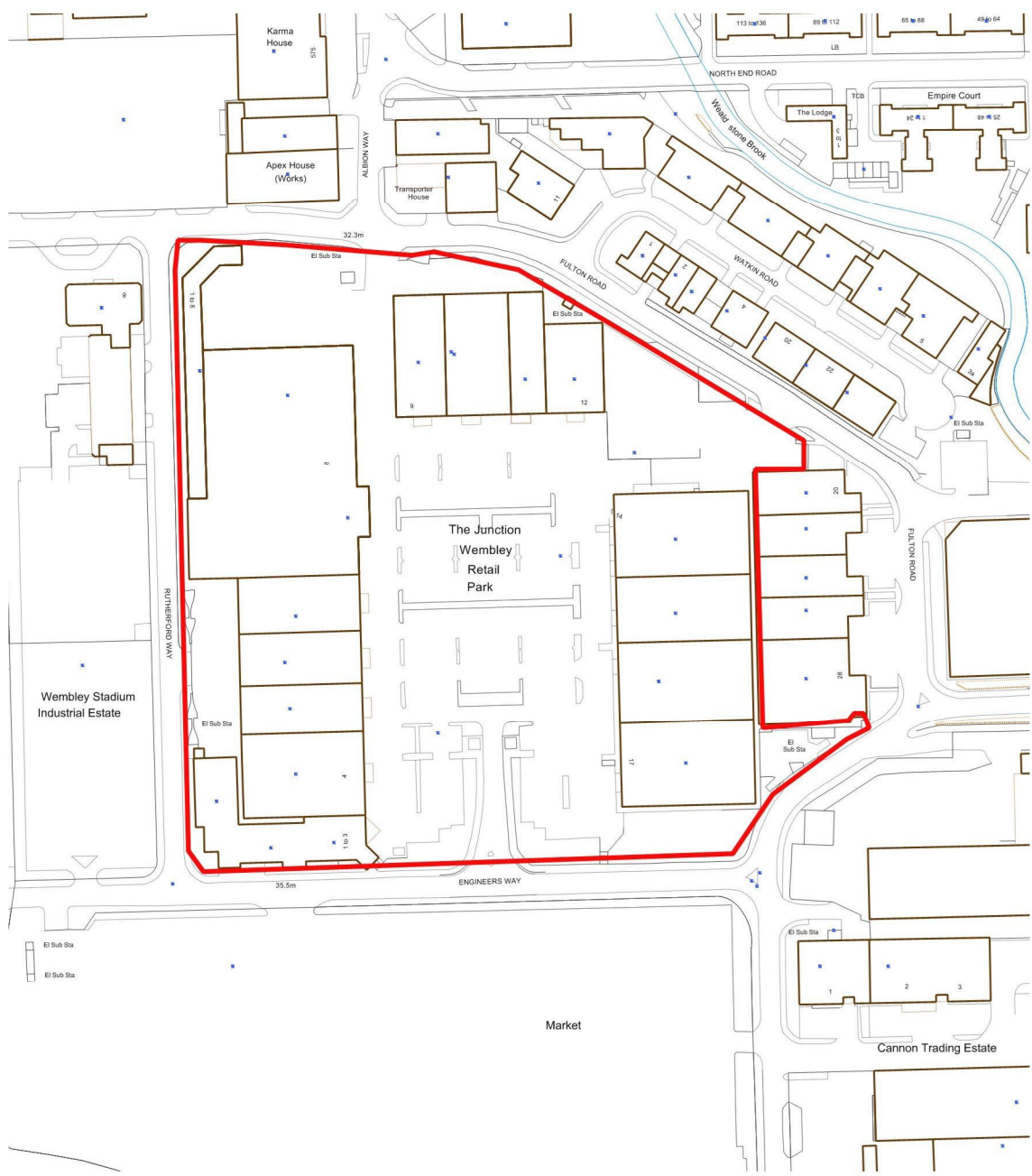
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222

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 **Planning Committee Map**

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

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This map is indicative only.

RECEIVED: 16 June, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

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

PROPOSAL: Internal and external changes to retail park, including extension to and part demolition of units, involving:

- Installation of mezzanine floor within unit "A" of Western terrace (formerly occupied by MFI)
 - Extension and alterations to Eastern Terrace, including part demolition of unit "M" (Comet), subdivision of floorspace to allow creation of servicing bays and associated access, erection of extension to terrace to create new unit, construction of mezzanine floors, alteration to front, side and rear facades of terrace, installation of extract ducts within roof;
 - Creation of servicing yard and associated access within Eastern Terrace and changes to surface levels in service yard;
 - Creation of new access to highway within Fulton Road frontage and alterations to existing access and associated works;
 - Alterations to car parking layout;
 - Landscape works to north and south of eastern terrace;
- Creation of new service yard to serve proposed new unit and unit "N" (Dreams).

APPLICANT: Quintain (Wembley Retail Park) Ltd

CONTACT: Signet Planning Ltd

PLAN NO'S:

Please see condition No. 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

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

- A contribution of £70,175, due upon Material Start and index-linked from the date of committee, for Training, non-car access and wider Transport/Highway improvements and/or Air Quality in the local area.
- Submission, approval and implementation of a Sustainability Implementation Strategy which demonstrates:
 - Compliance with the TP6 Sustainability Check-list ensuring a minimum of 50% score is achieved;

- the delivery of the new-build unit in a form capable of achieving BREEAM Excellent;
- the delivery of the refurbished and new-build units to meet the level of CO2 reduction set out within the Sustainability Statement;
- compensation should the above not be delivered;
- adherence to the Demolition Protocol.
- Join and adhere to the Considerate Constructors scheme
- Notwithstanding the submitted draft Travel Plan, a Travel Plan shall be submitted and approved in writing by the Local Planning Authority prior to first occupation of any of units as newly constructed or refurbished.
- To notify “Brent In2 Work” of all job vacancies, including those during construction and operation of the building.
- To safeguard the south-western corner of the site for future highway widening for a period of 25 years from the date of consent, and to offer that land for adoption upon request from the Council within this period;
- Submission and approval of an ATTrBuTE compliant Framework Travel Plans and Delivery and Servicing Plans prior to occupation, and final Travel and Delivery and Servicing Plans within 6 months of occupation of the development;
- Section 278 Highway Works to provide new access points onto Fulton Road for the service yards and to reinstate the existing access points to footway, in include amendments to Traffic Regulation Orders to prohibit on-street parking opposite the proposed new access for the service yard for Units 5 & N.

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

EXISTING

This application relates to Wembley Retail Park on Engineers Way, a retail park that currently comprises 13 stores set out in a horseshoe arrangement around a 460 space customer car park. The site currently has a combine retails floors space of 20,470 square metres. Originally built in the early 1980s the retail park was the subject of a major refurbishment in the mid 2000s.

The site is situated between Engineers Way (South), Rutherford Way (West), Fulton Road (North) and units 20-28 (even) Fulton Road (East). Vehicle access for customer parking is currently via Engineers Way with additional access for servicing provided from Rutherford Way and Fulton Road.

PROPOSAL

This application proposes the refurbishment of the Eastern Terrace, alterations to the parking and servicing layout, alterations to the site accesses, the construction of a mezzanine floor within unit “A” in the Western Terrace (formerly occupied by “MFI”) and various landscaping works and other external alterations.

The works to the Eastern Terrace include demolition of part of the terrace, construction of an extension to the terrace to provide a new retail unit, alterations to provide rear servicing access for the units within this terrace, the construction of mezzanine floors within the units, external re-cladding and other associated works.

HISTORY

04/2158 – Granted 6 October 2004

Creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new retail units, office units, restaurant and customer/staff amenity building, re-cladding of retail units and provision of new entrance to units

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

05/0227 – Granted 21 April 2005

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

05/1526 – Granted 22 July 2005

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

05/3409 – Granted 24 January 2006

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

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

10/2675 – Granted 27/7/2011

Variation of condition 3 (restriction of retail floorspace to bulky goods) of planning consent reference 04/2158 to remove the bulky goods restriction in relation to the eastern retail terrace (units 14 to 17). Condition 3 is proposed to read:

(Save in relation to the area of the retail park shown edged [Green] on plan [A] which may be used for open A1 retail use). The new retail premises shall be used for the purposes of retail warehousing for the sale of bulky goods and for no other purpose (including any other purpose in Class A1, of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Associated applications

Unit 16:

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

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

Recently submitted applications:

11/1566 – currently being considered

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

POLICY CONSIDERATIONS

NATIONAL

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

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

PPS4 Planning for Sustainable Economic Growth

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

REGIONAL

The Mayor of London
The London Plan 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

- 2.15 Town Centres
- 2.16 Strategic Outer London Development Centres
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a Diverse Retail Sector
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.4 Retrofitting
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.21 Trees and Woodlands

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)
 Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment (April 2004)

LOCAL

Brent Local Development Framework Core Strategy 2010

- CP 1 Spatial Development Strategy
- CP5 Placemaking
- CP 7 Wembley Growth Area
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP 16 Town Centres and the Sequential Approach to Development
- CP19 Brent Strategic Climate Mitigation and Adaptation Measures

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR5 (reducing the need to travel), STR9 (role of GLA Roads and London Distributor Road), STR12 (Air Quality), STR14 (Quality of urban environment), STR15 (Public Realm), and STR29 (Vitality and Viability of the Borough's Town and District Centres, and the role of Wembley and Kilburn as major centres)

Policies

- BE2 Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for disabled people
- BE5 Urban clarity and safety
- BE6 Landscape design
- BE7 Streetscene
- BE8 Lighting and light pollution
- BE9 Architectural Quality
- BE12 Sustainable design principles
- BE13 Areas of Low Townscape Quality
- BE17 Building Services Equipment
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP6 Contaminated land
- EP12 Flood protection
- EP15 Infrastructure
- TRN2 Public transport integration
- TRN3 Environmental Impact of Traffic

TRN4 Measures to make transport impact acceptable
TRN9 Bus Priority
TRN10 Walkable environments
TRN11 The London Cycle Network
TRN12 Road safety and traffic management
TRN15 Forming an access to a road
TRN22 Parking Standards – non-residential developments
TRN31 Design and Land Take of Car Parks
TRN34 Servicing in new developments
TRN35 Transport access for disabled people & others with mobility difficulties
Appendix TRN2 Parking and Servicing Standards
SH2 Major Town Centres
SH19 Rear servicing
WEM9 Comprehensive Development – The National Stadium Policy Area
WEM12 Short stay car parking in the Wembley Regeneration Area
WEM16 Urban design quality – Wembley Regeneration Area
WEM17 The public realm – Wembley Regeneration Area

Brent Council Supplementary Planning Guidance and Documents
SPG3 Forming an access to a road
SPG12 Access for disabled people
SPG17 Design Guide for New Development
SPG19 Sustainable design, construction and pollution control
SPD Section 106 Planning Obligations

Wembley Masterplan 2009

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

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

Key principles that are set out in the Masterplan include:

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

Other Council Publications

Wembley Vision (2002)

Wembley From Vision to Reality (2007)

These two non-planning related documents set out the Council’s Vision for Wembley, with the core principles of New Wembley, Destination Wembley, Multicultural Wembley, Quality Wembley, Quality Wembley, Exciting Wembley, Sustainable Wembley, Brent’s Wembley.

SUSTAINABILITY ASSESSMENT

The applicants have submitted a Sustainability Statement which includes the TP6 Sustainability Checklist, an Energy Assessment and BREEAM pre-assessments for the refurbished and

new-build elements of the proposal.

Sustainability Checklist

The applicants have scored the TP6 Sustainability at 52.5%. Officers have considered the submitted checklist, and have scored the Checklist at 36.3 %. This is due to an absence of sufficient evidence to support many of the measures, some points not being awarded by officers and one point that had been disregarded by the applicant is considered applicable by officers. However, additional points have been allocated in relation to three measures. Your officers consider that, if the approval of additional supporting information is secured through the submission and approval of a Sustainability Implementation Strategy, the checklist will achieve a score of 50.3 %, thus exceeding the minimum level of 50 %.

The Sustainability Checklist is accordingly considered acceptable subject to the submission, approval and implementation of a Sustainability Implementation Strategy.

The Mayor's Energy Hierarchy

The London Plan 2011 requires major schemes to be assessed in relation to the Mayor's Energy Hierarchy and to achieve a 25 % reduction in CO2 over and above the reductions required under the Building Regulation 2010.

Insulation Levels - "thermal efficiency and air tightness".

The submitted sustainability statement specifies U-values (how well a building component, e.g. a wall, roof or a window, keeps heat inside a building) that are considerably lower than the 2006 levels that are also set out within that table. However, the London Plan now requires proposed u-values to be compared to 2010 Building Regulations rather than 2006. As such, the levels are below target levels, but not significantly so. The proposal also specifies that the new-build element will achieve levels of "air-tightness" that are 50 % below target levels. It is assumed that this also relates to 2006 levels.

The statement specifies that the proposed new-build unit will achieve levels of CO2 that are 27 % below Building Regulations 2006 levels, or 3 % below 2010 levels.

The London Plan 2011 requires major developments to achieve levels that are 25 % below 2010 levels and in itself, the above measures would not achieve this target. Based on the figures provided in the Sustainability Strategy, your officers consider that the 25 % London Plan target would require a reduction in CO2 over slightly under 21 tonnes of CO2 per year.

The existing Eastern Terrace is to be renovated and this in itself will achieve significant reductions in CO2 levels. Whilst it is anticipated that the refurbishment of the Eastern Terrace will assist the ability to let and the rental yield of the units within the Retail Park, these units can trade without the works being undertaken. It is accordingly considered that "credit" should be given to the improvements associated with the renovation work.

The Sustainability Statement sets out that the refurbishment of the units will achieve a 420 tonne reduction in CO2 per annum. This reduction associated with the renovation works is many times greater than the reduction in CO2 associated with the London Plan 25 % target for the new-build unit (21 tonnes CO2 per annum).

As such, the proposal, when viewed holistically, will achieve CO2 reductions far in excess of that required and is accordingly considered acceptable with regard to the target reductions.

Decentralised Energy:

The submitted Sustainability Strategy does not consider the feasibility of CHP or CCHP in accordance with the London Plan. However, the scheme proposes only retail use rather than a mix of uses and your officers accordingly consider that CHP or CCHP is unlikely to be feasible for the site. Furthermore, the applicant has estimated that the heat demand for the units comprises

only 2 % of the CO2 demand which also affects the feasibility of CHP. There is no district-wide heating or cooling network in the local area, and, while the Council has aspirations for the provision of a district wide heating network in the Wembley Regeneration Area, given the low heat demand specified within the submitted strategy, your officers do not consider it necessary to require the ability to connect to the system in the future.

Renewable Energy

The applicant has considered a number of different technologies but has discounted them for various reasons. While your officers concur in most cases, the feasibility of mounting PV cells on structures on the roofs to limit the reduction in output associated with the orientation has not been explored. Nevertheless, the London Plan 2011 sets an overall target for CO2 reduction and the proposal goes well beyond the minimum levels set out within the associated policy and as such, the use of “on site renewables” is not required for this development.

Summary – The Energy Hierarchy

Your officers consider that, when considering the proposal holistically, the proposal exceeds the minimum requirements set out within the London Plan and accordingly is considered to be acceptable.

BREEAM

The Sustainability Strategy provides formal confirmation that the units will be “delivered in a state capable of achieving BREEAM “Excellent” and your officers consider that this is in accordance with the Core Strategy in relation to units that will be constructed by the developer to shell and core and then fitted out by the end user. However, the BREEAM pre-assessments only achieve “Very Good” with the assumptions associated with the production of a “green guide”. As such, your officers recommend that the commitment to provide the units in a state capable of achieving BREEAM “Excellent” is captured within the Section 106 Agreement.

Sustainability Conclusion

The proposal is considered acceptable with regard to sustainability subject to the submission and approval of further information that is to be secured through the Section 106 agreement, namely the Sustainability Implementation Strategy and the further information in relation to the BREEAM “Excellent” requirement.

CONSULTATION

Consultation letters sent:	8 July 2011
Site Notice erected:	8 July 2011
Press notice dated:	14 July 2011

Letters were sent to 72 adjoining or nearby owners or occupiers, including the two who submitted letter of objection regarding the previous application to vary condition 3 of planning permission ref: 04/2158 (reference 10/2675).

No responses have been received.

Internal Consultees

Transportation:

No objections on Transport Grounds subject to:

- Financial contributions towards non-car access and wider highway improvements (see Section 106 section of this report);
- Safeguarding the south-western corner of the site for future highway widening for a period of 25 years from the date of consent;
- Submission and approval of an ATTrBuTE compliant Framework Travel Plans and Delivery and Servicing Plans prior to occupation, and final Travel and Delivery and Servicing Plans

- within 6 months of occupation of the development;
- Section 278 Highway Works to provide new access points onto Fulton Road for the service yards and to reinstate the existing access points to footway, in include amendments to Traffic Regulation Orders to prohibit on-street parking opposite the proposed new access for the service yard for Units 5 & N.

The Transport comments are discussed in detail within the remarks section of this report.

Policy:

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

Environmental Health - Noise and Air Quality:

Based on the assumption that in the future the adjacent site will be redeveloped for residential or mixed use the following comments relate to measures required to protect future end users closest to the proposed service corridor:

1. Consideration must be given to the location of sensitive habitable rooms or amenity areas such that they are located , wherever practicable, away from the service corridor's entrance;
2. Mitigation measures will be required to ensure that the retail park does not expose future residents to unacceptable noise levels. In addition, it is likely that any future development will be subject to post-completion testing to verify measures are effective;
3. Outdoor spaces will be exposed to daytime noise levels that should not exceed 55 dB as recommended noise range for gardens by BS 8233:1999.

Details of the ventilation extraction equipment must be submitted prior planning permission granted including the specification of the fan and any silencers fitted. This information should be submitted to the Local Authority for approval prior to granting planning permission if possible.

Environmental Health – Environmental Assessment

A desktop assessment has not been submitted in relation to this application. The site was occupied by the Palace of Engineering in the past, so the potential for underlying contamination exists. This site is of a commercial nature and is to be predominantly covered in hardstanding and essentially “low risk”. However, it is still the developer’s responsibility to identify land affected by contamination, and to secure a safe development and therefore demonstrate that the site is suitable for use, as set out within Planning Policy Statement No. 23. It is therefore recommended that the standard conditions are attached regarding a Site Investigation and remediation works.

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

External Consultees

Environment Agency:

The proposal will only be acceptable if the following measures as detailed in the Flood Risk Assessment and associated drawings submitted with this application are implemented and secured by way of a planning condition on any grant of permission:

- i. Limiting the surface water run-off generated by the 1 in 100 chance in any year critical storm to current rates so that it will not increase due to the effects of climate change.

Reason: To prevent increased flood risk by ensuring the satisfactory storage and disposal of surface water from the site.

Thames Water:

Informatives have been recommended.

Wembley National Stadium Limited: No comments received.

REMARKS

The key elements of the proposal are as follows:

- Renovation of and alterations to the Eastern Terrace;
 - Demolition of part of the southern unit;
 - Construction of a new unit at the northern end of the terrace;
 - External alterations (cladding, fenestration, signage zones etc);
 - Creation of an enclosed rear servicing yard;
- Construction of mezzanine floors (Eastern Terrace and unit "A" of Western terrace)
- Alterations to servicing yard adjacent to Fulton Road;
- Creation of accesses to the highway (Fulton Road) and removal of existing accesses;
- Alterations to parking layout
- Landscaping
- Other associated works

Design and appearance

These comments relate solely to the Eastern Terrace as no external alterations are proposed to the southern and northern terraces.

The eastern terrace is the last remaining terrace within the retail park to be renovated and at present is in a poor state of repair. The proposal removes the existing front servicing bays and replaces these with enclosed servicing areas to the rear.

The proposed design reflects that of a modern retail park development. Large amounts of glazing are proposed facing the central parking and access area whilst the flank and rear walls of the terrace remain relatively blank. Your officers consider the design to be acceptable, subject to the quality of materials and detailing for which a condition is recommended, and it is considered that the proposal represents a significant improvement compared to the existing buildings.

Large signage zones are indicated at the front of each unit and a signage zone that is larger still is indicated on the southern flank walls of the property. Such signage would require advertisement consent and as such, is not the subject of this application.

Increase in "out of centre" retail floorspace

The floorspace provided within the retail park is affected by:

- the part demolition of the southern unit within the Eastern terrace (the Comet unit) (decrease in floorspace);
- the provision of the rear servicing area within space that is currently occupied by units (decrease in floorspace);
- the provision of mezzanine floors within Unit A of the Western Terrace (increase in floorspace);
- the construction of mezzanine floors within Units J and K and the element of Unit M (Comet) that is to remain, within the Eastern Terrace (increase in floorspace);
- the construction of a new unit, including mezzanine floor, attached to the northern flank wall of the Eastern Terrace (increase in floorspace).

This results in a net increase in floorspace of 2,807 square metres, from 20,470 square metres to 23,277.

However, due to the nature of the changes, the amount of floorspace at ground floor level actually decreases by 683 square metres while the floorspace at mezzanine level increases by 3,490 square metres.

This additional floorspace is to be provided within the Eastern Terrace, for which un-restricted Use Class A1 usage was granted recently following consideration by the planning committee on 6 July

2011 (reference 10/2675). An application is also being considered to allow un-restricted retail within units A and B within the Western Terrace and Unit F within the northern terrace (reference 11/1566). The other area of mezzanine floorspace proposed within this application is within unit A and therefore, should application 11/1566 be approved, all of the additional floorspace that is proposed will be able to be used for un-restricted retail purposes.

The applicants have submitted a planning and retail assessment which examines the policy implications of the provision of additional retail floorspace in this location.

Officers consider that much of the discussion set out within the committee report for application 10/2675 remains applicable to this site despite the increase in floorspace and the associated text has accordingly been copied into this report (see text at end of report). In particular, the comments relating to impact on investment in centres, impact on town centre vitality and viability and the impact on development of allocated sites outside the town centres remain applicable to this development.

The retail assessment sets out that mezzanine floorspace is usually considered to trade at approximately 50% of company average. As such, it sets out that the 3,490 square metres of additional floorspace that is proposed at mezzanine level is the equivalent of 1,745 square metres of new floorspace in terms of potential impact. When taking into account the 683 square metre reduction in ground floor space, the proposal would therefore be the equivalent of 1,062 square metres of new floorspace.

Conditions were attached to the 2010 consent (10/2675) which restricted the minimum size of units and restricts the ability of existing retailers from the current town centres to move to the retail park and it is recommended that these conditions are also attached to this consent.

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

Whilst this application proposes a net increase in floorspace (in contrast to the previous application which did not), the retail assessment concludes that most of the trade diversion will be recovered trade currently leaking outside the Wembley catchment area as well as helping to meet the need for new floorspace as estimated in the Retail Need and Capacity Study, 2008. It also highlights the aforementioned condition relating to retailers within the existing town centres which assists in mitigating against any potential impact on in-centre trade and turnover.

Test of scale

The proposal will not have any impact on the position of Wembley within the retail hierarchy of North West London. Your officers consider that the scale of the proposal is appropriate.

Retail Conclusions

Your officers consider that the retail conclusions remain unchanged from the previous application to allow unrestricted retail use within the eastern terrace:

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

Transport

Layout

Customer car parking for a total of 463 cars (incl. 19 disabled and 11 transit sized spaces) and 100 bicycles has been provided in the centre of the retail park, accessed via a priority junction from Engineers Way. Servicing facilities are provided to the rear of the refurbished units with access from Rutherford Way and Fulton Road.

The rear parts of the existing units within the Eastern Terrace will be demolished to provide a

shared covered service yard with 7m headroom, providing individual full-size loading bays for each unit together with a shared access route. To facilitate access, the existing crossover into the service yard from Fulton Road is to be repositioned about 12m westwards and widened to 17m width.

A separate shared service yard for the northernmost unit (Unit 5) and existing unit N is also proposed, with access via two new 11.5m wide crossovers separated by a 6m wide central island from Fulton Road.

The number of car parking spaces within the central car park will also be increased to 499 (incl. 25 disabled) as a part of this proposal, as a result of no longer having to service the units along the eastern terrace from the car parking area. A 3.5m wide footway will be provided along the front of the eastern terrace, of which 2m width will sit below a glazed overhanging canopy to provide weather protection.

The proposed (499) parking spaces falls below the maximum standard (573 spaces) and will serve to bring the retail park into line with current parking standards, with the overall provision of parking averaging about 1 space per 50m², which is considered appropriate being in line with London Plan standards and draft LDF standards. The increase in floor area is considered unlikely to lead to any overspill parking from the site, with the opportunity for on-street parking nearby being very limited due to extensive waiting restrictions, particularly if a CPZ is introduced in the area in the future.

Standard PS15 requires 5% of spaces to be widened and marked for disabled people and the proposed provision of 25 such spaces accords with requirements. The provision of 100 covered cycle parking spaces is sufficient to satisfy the Cycle parking standards.

The car park layout is considered acceptable and the associated improvements to the pedestrian facilities within the site, in terms of new and improved zebra crossing points and a wider covered footway along the front of the eastern terrace, are welcomed.

Transportation expressed concern regarding the access arrangements relating to the new servicing yard for Units 5 and N. However, following the submission of further tracking information and the incorporation of additional signing to make entry and exit arrangements clear, the proposals are considered to be acceptable providing the gates are kept open throughout normal trading hours and adequate visibility splays being provided from the exit.

One upshot of the proposed access arrangements though is that parking along the northern side of Fulton Road directly opposite the access will need to be prohibited at all times. This will affect a length of kerbside space that could accommodate about three cars, along which parking is unrestricted other than on Wembley Stadium event days, when parking along the entire length of Fulton Road is prohibited.

However, the fact that parking space along Fulton Road is generally unoccupied at evenings and weekends suggests that these spaces are only used by either local businesses and their employees or by commuters from nearby Wembley Park station and on this basis, their loss would be unlikely to be particularly contentious.

The works to provide the new accesses and remove the existing accesses will need to be undertaken through an agreement under Section 278 of the Highways Act 1980 and this will also need to include a sum to cover the Highway Authority's costs in processing the Traffic Regulation Order to extend the waiting restrictions as above, estimated at about £5,000.

With regard to the number of loading bays to be provided, information on typical servicing patterns for comparison retail stores was submitted, taken from surveys of stores across the country held on the TRICS database. This suggests that each store could be expected to receive about two deliveries per weekday on average, with a referenced report on Green Logistics suggesting

average dwell times of about 40 minutes for an articulated lorry and 20 minutes for a rigid lorry.

Given that Brent's servicing standards are based on retail uses in general and do not distinguish between food and non-food retail requirements, it is considered reasonable to relax standards in this case on the basis of the evidence presented, particularly if a Delivery and Servicing Plan is secured for the site. As such, the proposed provision of a full-sized bay for each unit, together with standing space for two further lorries, is considered acceptable.

The Delivery and Servicing Plan will aim to identify ways to reduce, retime and consolidate deliveries to balance the demand for servicing facilities with the proposed provision, thus ensuring that there is no need for vehicles to stand in or unload from the public highway. The above will be achieved through co-ordination between the management team and the individual unit occupiers, with surveys being undertaken within three months of occupancy to identify the scope for improved efficiencies. The Plan will need to be an evolving document, but the aim will be to produce a full written plan for approval within six months of occupation (in this case, occupation of 50% of the units might be appropriate). The Delivery & Servicing Plan should be secured through the S106 Agreement, alongside the Travel Plan for the site.

Traffic Impact

Transportation commented that they considered the initial projections of additional vehicle trips (7 trips) were unrealistic. Whilst the applicant contended that the previously submitted estimates were realistic, revised calculations were been produced which only considered how average trip rates per square metre fall as retail parks increase in size, with the additional discounting for mezzanine floorspace or for non-bulky goods retail units now removed from the calculations.

This exercise suggests that the additional floorspace will result in an additional 150 two-way vehicle movements in the Saturday afternoon peak hour to and from the site. These flows have then been distributed onto the local highway network in accordance with the conclusions reached in the Transport Assessment for the recent Wembley North West Lands application (i.e. 35% to/from the north (Forty Lane/Forty Avenue), 27% to/from the east (North Circular Road) and 38% to/from the south (Harrow Road/Wembley High Road).

The resulting increase in flows along Engineers Way amounts to about 10% of existing flows to the east of the site and about 22% to the west of the site, with up to 110 additional vehicular trips predicted through the Engineers Way/Empire Way signalised junction in the Saturday afternoon peak hour (although some traffic to and from the northwest may travel via Fulton Road and Rutherford Way instead).

The Transport Assessment for Quintain's North West Lands application, which included detailed modelling of the Engineers Way/Empire Way junction, was then examined, which concluded that the junction will continue to operate with a practical reserve capacity of 18% during the Saturday afternoon peak period once all the development in the area is built out. On this basis, the applicant's transport consultants consider there to be sufficient spare capacity to accommodate the predicted increase in flows through the junction as a result of this proposal, without specifically needing to re-test the junction to demonstrate this and this conclusion is accepted by Brent's Transportation officers.

The flows to and from the east are not considered to be significant enough to cause any highway capacity issues through the one-way system around Wembley Industrial Estate.

It should be noted that no consideration has been given to potential increases in traffic movements during the weekday evening peak period as might ordinarily be expected for retail use, but the restriction to non-food retail uses means that retail trips are generally far more concentrated into the weekend than might be expected for a food retailer.

Travel Plan

The Travel Plan that was initially submitted was not considered to be acceptable by Transportation. Further information was subsequently submitted with regard to the proposed Travel Plan for the site, setting out how this will be developed and linked to existing Travel Plans for the area.

Although surveys could be undertaken now for the existing retail park, it is noted that many of the units are currently empty and it is not felt by the applicant's transport consultants that meaningful results would be obtained at the current time. Nevertheless, it is considered by Brent's officers that some baseline modal split information could at least be obtained at the present time for the retail park as a whole, as this is not reliant upon all units being occupied.

To address this issue, the applicant proposes that multi-modal surveys be carried out on opening of the extended retail floorspace and that an initial interim Travel Plan then be developed to a full Travel Plan within six months. A list of headings for the full Travel Plan has been submitted, which whilst fairly comprehensive will need fleshing out in due course. The Travel Plan should apply to all units within the retail park (not just those subject to this application) and it must clearly link with the Travel Plan for the wider Wembley area redevelopment proposals.

Given the shortage of time available to prepare an acceptable framework Travel Plan in advance of the Planning Committee, the above approach is considered acceptable. This should be secured through the Section 106 Agreement, with an ATTrBuTE-compliant interim Framework Travel Plan being submitted for approval prior to occupation of any unit (as it is likely that occupiers of at least some of the units will be known in advance) which is thereafter developed into a full Travel Plan with firm targets once more than 50% of the units are occupied.

Safeguarding land for highway works at the south-eastern corner of the site

The previous consents safeguarded land at the south-western corner of the site for future highway widening. It is considered that these works should continue to be safeguarded, with the period extended to 25 years. This has accordingly been detailed within the Section 106 Heads of Terms.

Landscaping

Landscape works are proposed to the north and south of the Eastern Terrace, associated with the revised layout of the servicing yard (north) and the provision of a landscaped to allow improved connectivity to the land to the east of the site (south). These landscaping concepts in themselves are considered acceptable, subject to the approval of the details of the landscaping through condition.

However, the 2004 consent secured landscaping throughout the car park area which was to be delivered with the renovation works (with the renovation works undertaken by the previous owners of the site) and therefore is in breach of planning consent. This issue was highlighted within 2010 application (10/2675) and a condition attached regarding the implementation of these works. These works primarily involved the planting of trees throughout the parking area.

Your officers recommend that a condition is attached to this consent regarding the submission, approval and implementation of such landscaping details as a part of this consent.

Noise and Air Quality

In relation to noise and air quality, the primary alterations to the site relate to the eastern terrace and the associated changes to the envelope of the building and the servicing arrangements. Whilst the adjoining site is occupied by commercial units that are not sensitive at present, it is a potential development site that may include other uses such as a primary school or residential dwellings. As such, the potential impact on adjoining sites has been assessed on a "development site" basis.

The submitted noise reports specifies that noise associated with the proposal can be attenuated to acceptable levels within the adjoining site through the incorporation of measures such as an

acoustic fence, a completely enclosed servicing yard, and adequately specified extract plant. Whilst the main element of the servicing yard has been completely enclosed, the access to that yard, which runs along the site boundary, is screened by a 2.5 m high acoustic fence. The submitted information shows that this will restrict the noise levels at ground level to no more than 55 dBA within the adjoining site, your officers consider that further, robust screening is required to safeguard the amenities of the adjoining site. As such, a condition is recommended requiring further details of this treatment.

In relation to Air Quality, Environmental Health have recommended that details of extract ventilation, including the specification of the fan and any silencers, are submitted prior to the granting of planning permission if possible. However, such details are typically required through condition and your officers consider this to be appropriate in this instance.

Flood Risk Assessment

The subject site is within Flood Risk Zone 1 (low risk). However, the site area is greater than 1 Hectare and as such, a Flood Risk Assessment (FRA) is required.

The Environment Agency initially objected to the FRA. However, following clarification from the applicant regarding the actual extent of works within the site, the Environment Agency withdrew their objection providing a condition is attached regarding the Flood Risk Assessment.

Conditions regarding the use of units

The use of units is controlled by other planning consents (condition 3 of permission reference 04/2158, condition 2 of permission reference 10/2675, and permission reference 11/1566 if approved) and as such, your officers do not consider necessary to attach a further condition relating to the use of the units. It is recommended that an informative attached regarding the conditions on previous consents that relate to the authorised use within other consents.

Conclusion

This application proposes significant improvements to the visual appearance of the Retail Park through the renovation of the Eastern Terrace. The net increase in floorspace that is proposed is considered acceptable having regard to the tests set out in Planning Policy Statement No. 4 and the LDF Core Strategy. With regard to Transport, the proposal is considered acceptable subject to the submission and approval of a Travel Plan and a Delivery and Servicing Management Plan, Section 278 Highway works, Section 106 financial contributions and the safeguarding of the south-western corner of the site for highway widening works. With regard to air quality, the proposal is considered acceptable subject to a condition regarding plant. However, further details of a additional, more robust screening between the servicing access along the eastern site boundary and the adjoining site is recommended through condition. The landscaping proposals are considered acceptable subject to a condition regarding further details of the landscaping, including tree planting within the parking area.

The retail assessment: Extract from the committee report for application 10/2675

Text from application reference 10/2675

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

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

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

Sequential Approach to Development

The applicants have applied the sequential test to the retail floorspace that is proposed to be unrestricted. The submitted retail assessment specifies that the site is out-of-centre but will be edge of centre following the eastward expansion of the town centre (discussed above), but have assessed the proposal on an out-of-centre basis as this reflects the current situation. Your officers consider that the future consideration of the site as edge-of-centre (rather than out-of-centre) would be contingent on the actual expansion of the town centre into the North West Lands and also the expansion of the town centre uses into the Olympic Office Centre site which is situated between Olympic Way and the application site. Nevertheless, this site has been treated as out-of-centre for the purposes of this application by both the applicants and your officers.

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

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

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

The final building within Central Square is proposed to include a retail unit which would be comparable in size to the smaller of the units within the retail park (approximately 750 square

metres). However, the proposals relate to a significantly greater total quantum of floorspace and your officers do not consider that this comprises a site suitable to accommodate the proposed development.

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

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

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

Retail Impact

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

Potential impact on investment in centres

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

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

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

Impact on Town Centre Vitality and Viability

An assessment of the health of the town centre shows that Wembley has a relatively low vacancy rate when compared to the national average, but that there is an under representation of national

multiples and lack of larger units which would be needed to attract them. Although Wembley is a vital and viable centre with a low level of vacancy, it will remain a focus for low key and low value outlets resulting in ongoing decline when compared to neighbouring centres such as Harrow, Ealing and Brent Cross. The centre suffers from an inability to offer a suitable number and range of larger units.

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

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

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

Impact on the development of allocated sites outside the town centres

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

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

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

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

Test of scale

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

Retail Conclusions

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

RECOMMENDATION: Grant Consent subject to Legal agreement

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

London Plan 2011
Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance No 17

CONDITIONS/REASONS:

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

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

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

Plan A	DP-019E	DP-308A
DP-001H	DP-020C	DP-310E
DP-004B	DP-021A	DP-311D
DP-005E	DP-022	DP-312E
DP-006B	DP-023B	DP-313E
DP-007B	DP-051	DP-314B
DP-008A	DP-052	DP315B
DP-009C	DP-301A	DP-316A
DP-010N	DP-302A	DP-317
DP-014A	DP-303A	DP-318A
DP-015L	DP304A	1435.001
DP-016E	DP-305	1435.002
DP-017D	DP-306	1435.003
DP-018G	DP-307A	1435.004

Planning and Retail Statement dated 10 June 2011
Summary Report dated June 2011
Noise Impact Assessment Dated February 2011
Sustainability Statement Rev 03 dated 20 June 2011
Transport Statement incorporating Draft Travel Plan dated 10 May 2011
Marketing Report dated 8 April 2011
Air Quality Assessment dated March 2011
Design and Access Statement dated June 2011
Flood Risk Assessment Revision 022 dated May 2011
Wembley Retail Park – Noise Assessment dated 19 August 2011
Technical Note reference SAW/NM/ITL6110-05 TN dated 19 August 2011

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

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

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

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

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

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

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

- (6) No development shall commence unless revised details regarding the provision of a robust screening treatment between the servicing access road adjacent to the Eastern site boundary and the adjoining site have been submitted to and approved in writing by the Local Planning Authority and the servicing access road shall not be used for servicing purposes unless the approved details have been implemented in full.

Reason: To ensure a satisfactory development that safeguards the amenities of the adjoining site, having regard to the adjoining site as development land suitable for sensitive uses.

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

Reason: To safeguard the amenities of the adjoining occupiers.

- (8) No development shall commence unless details of materials for all external work, including samples, have been submitted to and approved in writing by the Local

Planning Authority. The work shall be carried out in accordance with the approved details.

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

- (9) The hard and soft landscaping of the site shall be carried out in full accordance with a scheme for the landscape works and treatment which has been submitted to and approved in writing by the Local Planning Authority, which shall include the areas detailed within the drawings hereby approved together with landscaping proposals for the car park area. The approved details shall be fully implemented prior to the occupation of any units that have been altered pursuant to this consent. The landscaping scheme shall include:-
- (a) a planting plan, including (including species, plant sizes and planting densities);
 - (b) any proposed walls and fences, indicating materials and heights;
 - (c) any proposed contours and ground levels;
 - (d) any areas of hard landscape works and proposed materials and any furniture;
 - (e) details of the proposed arrangements for the maintenance of the landscape works.

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

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

- (10) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The remediation measures approved pursuant this condition shall be carried out in full.

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

- (11) The development shall not be occupied unless a verification report has been submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- (12) Details of the drainage system for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site and the development shall be carried out in full

accordance with the approved details.

Reason: To ensure an adequate and appropriate means of dealing with surface and foul drainage from the site is provided in the interests of the water environment and the environment of the locality.


- (13) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), WEM009 Wembley Retail Park, May 2011, Revision 022, drawing no. 927-DP-010-N and the following mitigation measure detailed within the FRA: Limiting the surface water run-off generated by the 1 in 100 chance in any year critical storm to current rates so that it will not increase due to the effects of climate change.

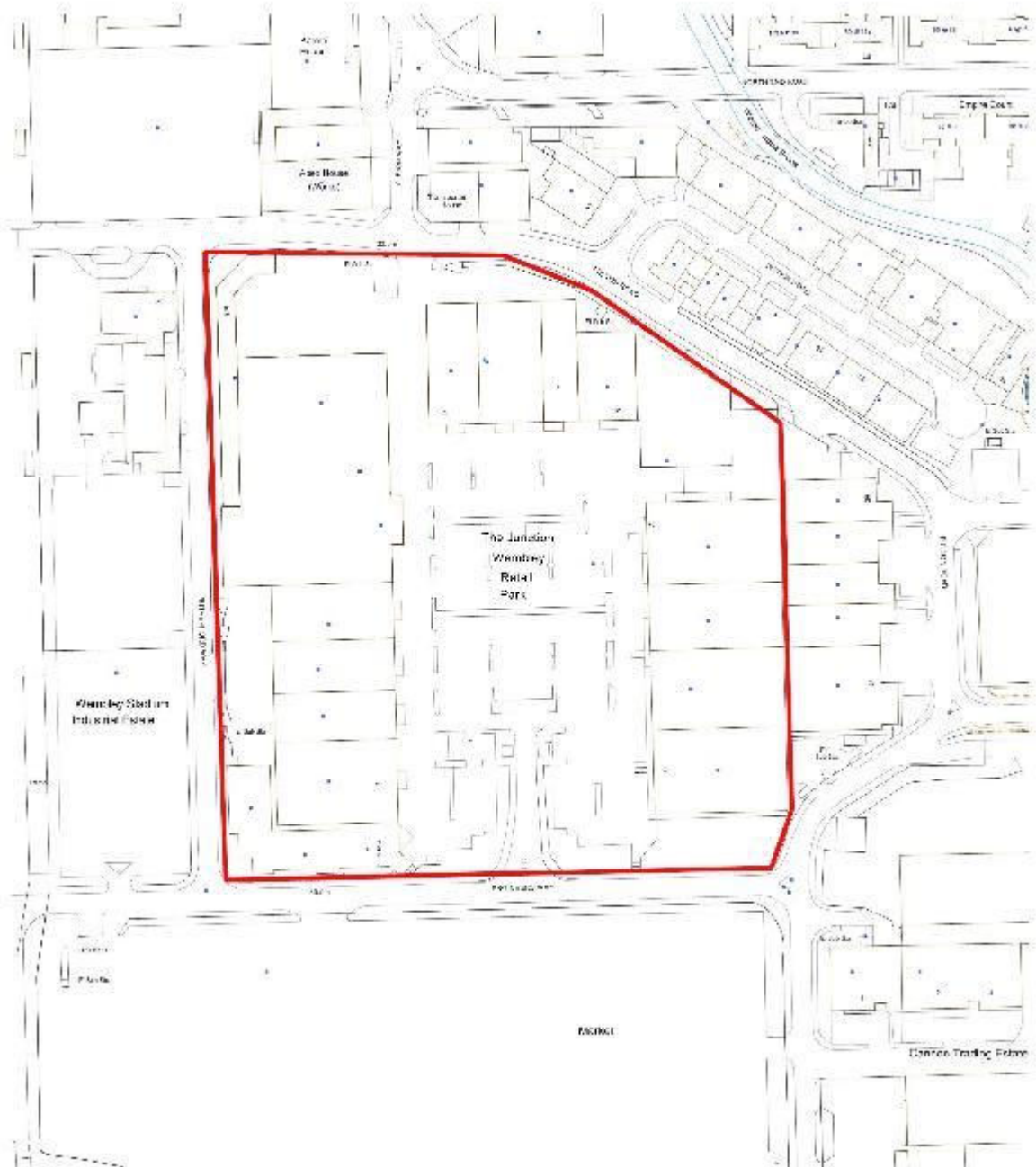
Reason: To prevent increased flood risk by ensuring the satisfactory storage and disposal of surface water from the site.

INFORMATIVES:

- (1) The use of units is controlled by conditions associated with planning consent reference 04/2158 (condition 3) and 10/2675 (conditions 2, 3, 4, 6, 11 and 12). It may also be controlled through permission reference 11/1566 if approved.
- (2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (3) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local waterways.

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

	Planning Committee Map
Site address: 1-11 odd Rutherford Way & 1-17 inc The Junction Wembley Retail Park, Engineers Way, Wembley, HA9	
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This map is indicative only.

RECEIVED: 16 June, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 1-11 odd Rutherford Way & 1-17 inc The Junction Wembley Retail Park, Engineers Way, Wembley, HA9

PROPOSAL: Variation of condition 3 (restriction of retail floorspace to bulky goods) of planning consent reference 04/2158 to remove the bulky goods restriction in relation to units A and B within the Western retail terrace and unit F within the Northern retail terrace.

Planning consent reference 04/2158 was for:
Creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new retail units, office units, restaurant and customer/staff amenity building, recladding of retail units and provision of new entrance to units 6-9, demolition of units 3, 4 and 5, demolition of 3 loading bays to existing units 1a & 1b, erection of extension to units 1a, 1b to include five separate two-storey office units fronting Rutherford Way, extensions to units 2a & 2b to provide additional retail space, erection of part single-storey, part two-storey, customer amenity centre and restaurant/cafe buildings fronting Rutherford Way and Engineers Way, provision of service area with perimeter fence and gates for units A-D off Rutherford Way, provision of service area for units H-E off Fulton Road, provision of service area for units J-M via adjacent industrial service yard off Fulton Road, new central parking layout to include 446 vehicular parking spaces, 24 disabled parking spaces, 9 transit-sized loading bays, 5 cycle-parking areas, new vehicular and pedestrian access off Engineers Way, new pedestrian crossing on Engineers Way and associated landscaping along road frontage to Rutherford Road, Engineers Way, Fulton Road and also within the new central parking area (As amended by letter dated 05 July 2005)

APPLICANT: QUINTAIN (WEMBLEY RETAIL PARK) LTD

CONTACT: Signet Planning Ltd

PLAN NO'S:
Plan A
927-DP-001-H
927-DP-010-M
Planning and Retail Statemnet dated 10 June 2011

RECOMMENDATION

That planning permission is granted.

SECTION 106 DETAILS

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

EXISTING

This application relates to Wembley Retail Park on Engineers Way, a retail park that currently comprises 13 stores set out in a horseshoe arrangement around a 460 space customer car park. The site currently has a combine retails floors space of 20,470 square metres. Originally built in the early 1980s the retail park was the subject of a major refurbishment in the mid 2000s.

The site is situated between Engineers Way (South), Rutherford Way (West), Fulton Road (North) and units 20-28 (even) Fulton Road (East). Vehicle access for customer parking is currently via Engineers Way with additional access for servicing provided from Rutherford Way and Fulton Road.

PROPOSAL

The proposed amendment would remove the “bulky goods” restriction from two units within the Western Terrace (formerly MFI and Allied Carpets, shown as units A and B on the submitted drawings) and one unit within the Northern Terrace (World of Sofas, Unit F detailed on the drawings), thus allowing general retail usage to occur from these units. This is to be considered in conjunction with the previous application to remove the bulky goods restriction in relation to the Eastern Terrace (planning permission reference 10/2675) and the application for extensions and alterations to the units that is also being considered by the Planning Committee (reference 11/1572).

The committee report for the previous application (reference 10/2675) did acknowledge that this further application to remove the restriction on another three of the units had been submitted and members were aware of this when they resolved to grant the earlier application.

The “bulky goods” restriction would be in place for the remaining three units within the Western Terrace (Halfords, Carpet Right and Wickes) and three units within the Northern Terrace (Harveys, Sleepmasters and Dreams).

HISTORY

04/2158 – Granted 6 October 2004

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

05/0227 – Granted 21 April 2005

Demolition of 3 industrial units (Units 15, 16 & 17) and provision of 2 new retail units (Units P & N) fronting onto central parking area with rear servicing area off Fulton Road, partial demolition of Units M, L and K to provide new service yard accessed off Fulton Road, recladding of rear flank elevations of Units J, K, L and M, removal of 3 trees and soft landscaping and provision of replacement soft landscaping along Fulton Road, and provision of canopy over perimeter footway along the frontage of existing and proposed retail units in retail park, in conjunction with Planning Permission 04/2158 dated 05/10/2004 for the creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new

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

05/1526 – Granted 22 July 2005

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

05/3409 – Granted 24 January 2006

Variation of condition 5 (to retain for Unit 14 the 4 car-parking spaces previously required to be removed) of Full Planning Permission reference 05/0227 dated 21 April 2005, for demolition of 3 industrial units (Units 15, 16 & 17) and provision of 2 new retail units (Units P & N) fronting onto central parking area with rear servicing area off Fulton Road, partial demolition of Units M, L and K to provide new service yard accessed off Fulton Road, recladding of rear flank elevations of Units J, K, L and M, removal of 3 trees and soft landscaping and provision of replacement soft landscaping along Fulton Road, and provision of canopy over perimeter footway along the frontage of existing and proposed retail units in retail park, in conjunction with Planning Permission 04/2158 dated 05/10/2004 for the creation of new horseshoe-shaped layout to retail park with central parking area, including the demolition of existing retail units and erection of new retail units, office units, restaurant and customer/staff amenity building, recladding of retail units and provision of new entrance to Units 6-9, demolition of Units 3, 4 and 5, demolition of 3 loading bays to existing Units 1a & 1b, erection of extension to Units 1a, 1b to include five separate two-storey office units fronting Rutherford Way, extensions to Units 2a & 2b to provide additional retail space, erection of part single-storey, part two-storey, customer amenity centre and restaurant/cafe buildings fronting Rutherford Way and Engineers Way, provision of service area with perimeter fence and gates for Units A-D off Rutherford Way, provision of service area for Units H-E off Fulton Road, provision of service area for Units J-M via adjacent industrial service yard off Fulton Road, new central parking layout to include 446 vehicular parking spaces, 24 disabled parking spaces, 9 transit-sized loading bays, 5 cycle-parking areas, new vehicular and pedestrian access off Engineers Way, new pedestrian crossing on Engineers Way and associated landscaping along road frontage to Rutherford Road, Engineers Way, Fulton Road and also within the new central parking area (as accompanied by photographs 1-6, photograph 7 [proposed example canopy], and Schedule of Materials) and subject to a Deed of Agreement dated 21/04/2005 under Section 106 of the Town and Country Planning Act 1990 (as amended) (accompanied by covering letter dated 29th of November 2005).

10/2675 – Granted 27/7/2011

Variation of condition 3 (restriction of retail floorspace to bulky goods) of planning consent reference 04/2158 to remove the bulky goods restriction in relation to the eastern retail terrace (units 14 to 17). Condition 3 is proposed to read:

(Save in relation to the area of the retail park shown edged [Green] on plan [A] which may be used for open A1 retail use). The new retail premises shall be used for the purposes of retail warehousing for the sale of bulky goods and for no other purpose (including any other purpose in Class A1, of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Associated applications

Unit 16:

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

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

Recently submitted applications:

11/1572 – currently being considered, and recommended for approval

Internal and external changes to retail park, including extension to and part demolition of units, involving:

- Installation of mezzanine floor within unit “A” of Western terrace (formerly occupied by MFI)
- Extension and alterations to Eastern Terrace, including part demolition of unit “M” (Comet), subdivision of floorspace to allow creation of servicing bays and associated access, erection of extension to terrace to create new unit, construction of mezzanine floors, alteration to front, side and rear facades of terrace, installation of extract ducts within roof;
- Creation of servicing yard and associated access within Eastern Terrace and changes to surface levels in service yard;
- Creation of new access to highway within Fulton Road frontage and alterations to existing access and associated works;
- Alterations to car parking layout;
- Landscape works to north and south of eastern terrace;

Creation of new service yard to serve proposed new unit and unit “N” (Dreams).

POLICY CONSIDERATIONS

NATIONAL

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

Planning Policy Guidance 24 – Planning and Noise

Planning Policy Statement 25 – Planning and Flood Risk

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

PPS4 Planning for Sustainable Economic Growth

- *EC10 Determining planning applications for economic development*

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

REGIONAL

The Mayor of London
The London Plan 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

2.15	Town Centres
2.16	Strategic Outer London Development Centres
4.7	Retail and Town Centre Development
4.8	Supporting a Diverse Retail Sector
6.3	Assessing Effects of Development on Transport Capacity
6.9	Cycling
6.10	Walking
6.13	Parking
6.14	Freight

LOCAL

Brent Local Development Framework Core Strategy 2010

CP 1	Spatial Development Strategy
CP5	Placemaking
CP 7	Wembley Growth Area
CP 16	Town Centres and the Sequential Approach to Development

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

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

Policies

TRN2 Public transport integration
TRN3 Environmental Impact of Traffic
TRN4 Measures to make transport impact acceptable

TRN9 Bus Priority
TRN10 Walkable environments
TRN11 The London Cycle Network
TRN22 Parking Standards – non-residential developments
TRN34 Servicing in new developments
Appendix TRN2 Parking and Servicing Standards
SH2 Major Town Centres
WEM9 Comprehensive Development – The National Stadium Policy Area

Brent Council Supplementary Planning Guidance and Documents
SPD Section 106 Planning Obligations

Wembley Masterplan 2009

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

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

Key principles that are set out in the Masterplan include:

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

Other Council Publications

Wembley Vision (2002)

Wembley From Vision to Reality (2007)

These two non-planning related documents set out the Council’s Vision for Wembley, with the core principles of New Wembley, Destination Wembley, Multicultural Wembley, Quality Wembley, Quality Wembley, Exciting Wembley, Sustainable Wembley, Brent’s Wembley.

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters sent: 8 July 2011

Site Notice erected: 8 July 2011

Letters were sent to 71 adjoining or nearby owners or occupiers, including the two who submitted letter of objection regarding the previous application to vary condition 3 of planning permission ref: 04/2158 (reference 10/2675).

No responses have been received.

Internal Consultees

Transportation: No objections on Transport Grounds to the provision removal of the bulky goods

restriction subject to the proposed restriction regarding convenience retail.

Planning Policy: The comments from the Planning Policy team have been incorporated into the Remarks section of this report.

Environmental Health: Did not comment on this application.

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

External Consultees

Wembley National Stadium Limited: No comments received.

REMARKS

The use of the units within this retail park is restricted through conditions attached to previous planning consents and as such, the applicants have submitted this separate application to remove the bulky goods restriction for three additional units. However, it was submitted concurrently with the proposals to renovate (including part demolition and part extension) the remaining terrace of the retail park and to construct mezzanine floors within Unit A of the Eastern Terrace (together with other associated works).

This application solely considers the proposed removal of the restriction on retail grounds, but has regard to the additional retail floorspace that would be provided should the renovation application (reference 11/1572) be approved and implemented. The full details of the works are set out within the associated Committee Report, but for the avoidance of doubt, involve a reduction in ground floor retail floorspace (by 683 square metres) and an increase in mezzanine floor retail floorspace (of 3,490 square metres), thus resulting in a net increase in retail floorspace of 2,807 square metres. The proposal also includes a number of improvements to the Retail Park.

Increase in “out of centre” retail floorspace

The existing floorspace of the units A, B, and F totals 4,977 square metres, of which 3,909 square metres is at ground floor level and 1,068 square metres at mezzanine floor level. This proposal would increase the quantum of general comparison retail floorspace (i.e. without the bulky goods restriction) from 6,819 sqm (as consented through reference 10/2675) to 11,796 sqm with this consent, and to 14,603 sqm should the application for extensions and alterations (reference 10/1572) be approved. The total floorspace within the retail park, including the proposed extensions, would be 23,277 sqm, with 8,764 sqm of floorspace to remain subject to the “bulky goods” restriction.

The applicants have submitted a planning and retail assessment which examines the policy implications of the provision of additional retail floorspace in this location.

Your officers consider that much of the discussion set out within the committee report for application 10/2675 remains applicable to this site, and the relevant parts of the previous committee report have been appended to this report (end of Remarks section).

In particular, this relates to the elements of report that discuss the “Sequential Test”, the “Potential Impact on Investment in Centres”, the “Impact on Town Centre Vitality and Viability” and the “Impact on the development of allocated sites outside the town centres”.

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

Neither of the Section 73 applications (this application together with application reference 10/2675 that was approved recently) proposed an increase in floorspace in themselves and the report for reference 10/2675 noted that there would not be an increase in floorspace. Such an increase is proposed within the application for extensions and alterations to the retail park (reference 11/1572, being considered concurrently). However, the Retail Assessments for these two applications

conclude that *it is expected that most of the trade diversion will be recovered trade currently leaking outside the Wembley catchment area as well as helping to meet the need for new floorspace as estimated in the Retail Need and Capacity Study, 2008.* It also highlights the condition regarding the existing retailers within the town centre (the “3 year rule”) which also assists in mitigating against any potential impact on in-centre trade and turnover.

Your officers continue to concur with this view and consider that the proposal is acceptable with regard to in-centre trade and turnover and trade in the wider area.

Test of Scale

Again, this proposal in itself does not propose additional floorspace, but the concurrent application for works looks to increase retail floorspace by 2,807 square metres.

The LDF Core Strategy establishes the policy objective relating to the provision of additional retail floorspace while the proposed condition regarding the total retail floorspace within the “North West Lands”, “Civic Centre” site and Retail Park looks to ensure that the retail provision is in accordance with the level of provision set out within the Core Strategy.

The proposal will not have any impact on the position of Wembley within the retail hierarchy of North West London. Your officers consider that the scale of the proposal is appropriate.

Retail Conclusions

Your officers consider that the retail conclusions remain unchanged from the previous application to allow unrestricted retail use within the eastern terrace:

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

Transport

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

Nevertheless, consideration needs to be given to the potential impact the proposal may have on traffic generation and parking demand for the retail park. In this respect, a supporting statement prepared by i-Transport and submitted with the earlier application for Units 14-17 (ref: 10/2675) would be equally relevant to this application.

This earlier report compared traffic data held for a Saturday afternoon peak hour (2-3pm) for a total of 16 retail parks across the United Kingdom (12 of which purely comprise bulky goods outlets and four of which include “non-bulky goods” stores). Although the shortage of available data (e.g. no London stores were available for comparison) led to quite a large degree of variance between the study sites, the analysis failed to show any significant difference between trip rates for purely bulky goods retail parks and those with an element of non-bulky goods retail. As such, this proposal to relax the restriction on goods sold at Units A, B and F is considered unlikely to give rise to any significant increase in traffic flows to and from the estate.

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

Conditions regarding the use of units

Your officers consider that the conditions attached to this consent should mirror those attached to the previous consent which removed the bulky goods restriction for the Eastern Terrace, save for the changes which are required to remove the restriction in relation to units A, B, and F. The site specific conditions referred to within this report include the 25 year period for un-restricted retail use and the “3 year rule” in relation to the ability for retailers within the existing designated town centres.

Conclusion

Your officers consider that the conclusions in relation to this application remain unchanged from those set out within the report for the previous application, reference 10/2675.

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

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

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

The retail assessment: Extract from the committee report for application 10/2675

Text from application reference 10/2675

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

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

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

will accommodate a major share of this new floorspace. Although the proposal does not result in any increase in retail floorspace, the applicants are proposing an associated legal mechanism to ensure that the relevant capacity figure for 2016 is not breached.

Sequential Approach to Development

The applicants have applied the sequential test to the retail floorspace that is proposed to be unrestricted. The submitted retail assessment specifies that the site is out-of-centre but will be edge of centre following the eastward expansion of the town centre (discussed above), but have assessed the proposal on an out-of-centre basis as this reflects the current situation. Your officers consider that the future consideration of the site as edge-of-centre (rather than out-of-centre) would be contingent on the actual expansion of the town centre into the North West Lands and also the expansion of the town centre uses into the Olympic Office Centre site which is situated between Olympic Way and the application site. Nevertheless, this site has been treated as out-of-centre for the purposes of this application by both the applicants and your officers.

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

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

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

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

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

Your officers consider that the "North West Lands" site, being edge-of-centre following the eastward expansion of the town centre, is a sequentially preferable location for the provision of un-restricted retail floorspace. As discussed previously, the Planning Committee recently resolved

to grant permission for up to 30,000 square metres of retail floorspace within this site. Within the Statement, the applicant sets out that, as a major land owner within Wembley with control over the North West Lands, Stage 1 site and the Retail Park, they can ensure that there is fluid movement from the retail park to the new retail street within the North West Lands upon its completion. The statement specifies that retailers will be encouraged to do so through lease renegotiation, financial inducements and provision of appropriate trading floor plates etc.

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

Retail Impact

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

Potential impact on investment in centres

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

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

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

Impact on Town Centre Vitality and Viability

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

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

Given the low number of key national retailers within the town centre, one of the primary concerns about the proposal was that retailers currently in Wembley may vacate the High Road to occupy

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

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

Impact on the development of allocated sites outside the town centres

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

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

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

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

Test of scale

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

Retail Conclusions

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

Long Term Regeneration of Wembley

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

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Draft National Planning Policy Framework
Planning Policy Statement 1
Planning Policy Statement 4
Planning Policy Statement 12
The London Plan 2011
Brent Local Development Framework 2010
Brent Unitary Development Plan 2004

CONDITIONS/REASONS:

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

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

- (2) Save in relation to the area of the retail park denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H hereby approved, the retail premises shall only be used for the purposes of retail warehousing for the sale of bulky goods and for no other purpose (including any other purpose in Class A1, of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

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

- (3) Unless otherwise agreed in writing by the local planning authority the premises within the area of the retail park retail park denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H hereby approved shall be used only for the purpose of retail warehousing for the sale of bulky goods and for no other purpose whatsoever (including any other purpose within Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification) **save that** until 1 August 2036 such premises may be used for any other purpose within Use Class A1 if at all times prior to 1 January 2016 the aggregate gross internal area which is used for purposes within Use Classes A1 (excluding use for the sale of "bulky goods"), A2, A3, A4 or A5 does not exceed 31,200 square metres at the following locations:

- a). the premises within the area of the retail park retail park denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H and
b). any other premises which are situated within the land identified as the application site within planning application reference 10/3032 and the land identified as the application site within planning permission reference 09/2450.

The use of the premises within the area of the retail park retail park denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H for purposes within Use Class A1 (other than use as retail warehousing for the sale of bulky goods) shall cease

immediately upon the earlier of (a) any exceedance (before 1 January 2016) of such aggregate total area of 31,200 square metres and (b) 1 August 2036.

Reason:

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

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

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

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

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

- (6) The premises within the area of the retail park denoted as Units A, B, F, J, K, L and M on drawing 927-DP-001-H hereby approved shall not be occupied by any retailer occupying premises within the Wembley Major Town Centre and/or Wembley Park District Centre at the date of this planning permission unless:
1. the retailer last occupied premises within the Wembley Town Centre and/or Wembley Park District Centre at least three years prior to the date that the retailer occupies premises within the retail park; and
 2. prior written notice has been served on the Local Planning Authority specifying the identity of the proposed retailer, the proposed date of occupancy within the retail park and the date that the retailer last occupied premises within the aforementioned Centres;

Unless otherwise agreed in writing by the Local Planning Authority

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES:

None Specified

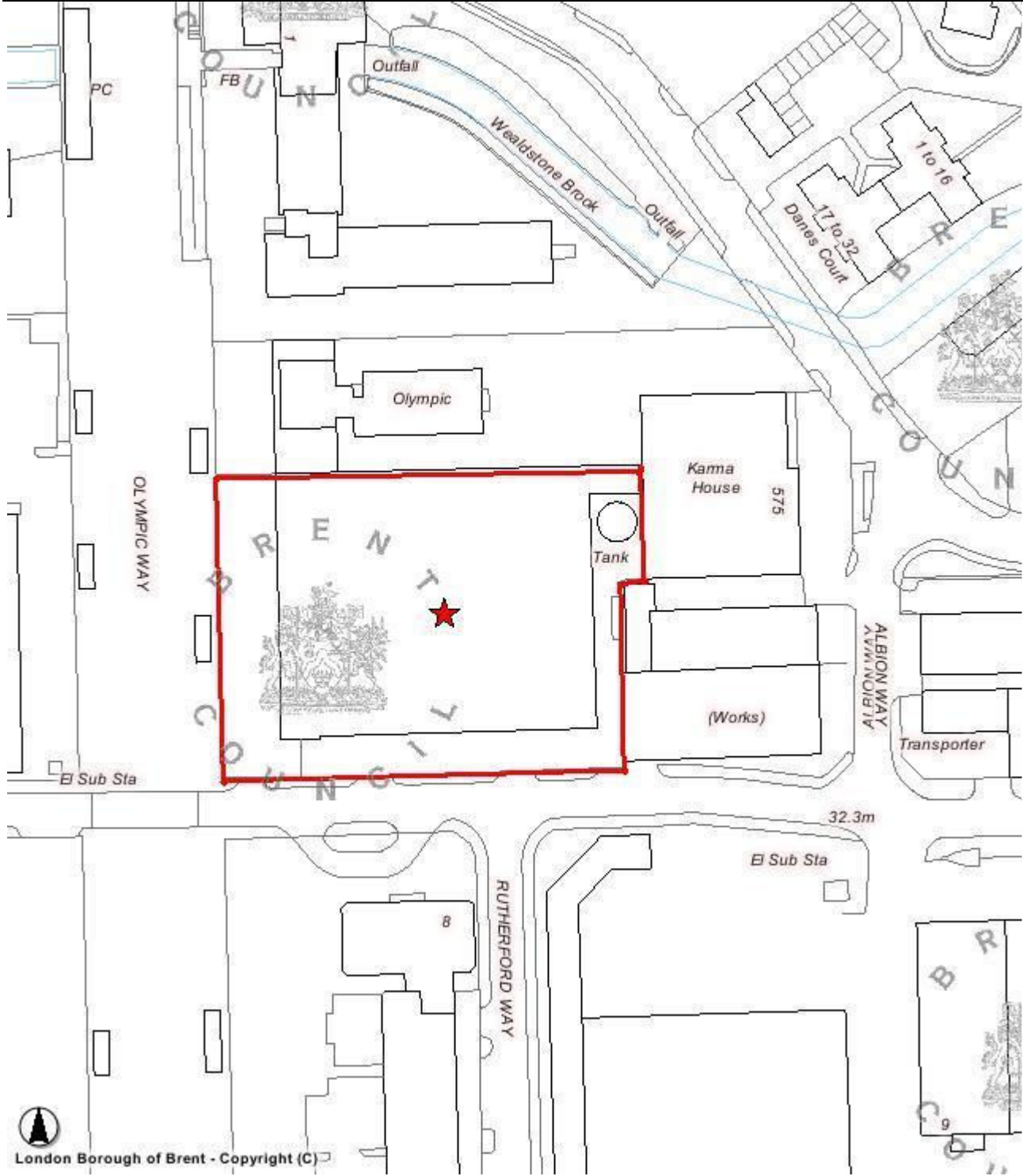
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344

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Planning Committee Map

Site address: Land site of Shubette House, 5 Olympic Way, Wembley

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This map is indicative only.

RECEIVED: 10 May, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land site of Shubette House, 5 Olympic Way, Wembley

PROPOSAL: Proposed variation of condition 2 (approved drawings and documents) of Planning Permission reference 08/3009, dated 14 February 2011 for emolition of existing buildings and erection of 4-, 7-, 11- and 20-storey building, incorporating 158 self-contained residential units, hotel (225-bedroom and 12 apart-hotel rooms), business (Use Class B1) and food and drink (Use Class A3/A4) uses, conferencing facilities, roof terraces, courtyard, basement parking, cycle storage and associated landscaping (parking-permit-restricted scheme).

The proposed variation of condition would allow the following minor material amendments to the approved scheme:

- Relocation of west wall of basement;
- Alteration to basement parking layout;
- Reduction in the level of basement car parking from 129 to 127 spaces;
- Extension at north-western corner of courtyard;
- Rearrangement of 6 residential units in tower/block D to Fulton Road and associated replacement of 6 3-bedroom units with 6 2-bedroom units;
- Relocation of wheelchair accessible units on upper levels of tower block D so that they are adjacent to the wheelchair accessible units on the lower levels of tower block D;
- Central unit in North East Block E enlarged to include the previously recessed balcony space with balcony space now cantilevered over courtyard;
- Elements of balconies over sailing Fulton Road footway replaced with "winter gardens";
- Floor levels increased at ground and mezzanine levels and a corresponding reduction in floor-to-floor heights for upper levels, revised and reduced parapet detail for the tower and revised roof detail for Hotel Block B;
- Areas of void at 10th floor level replaced with areas of flat roof in "dormer" type of arrangement;
- Stack of Oriel features at south west corner of Block B omitted, with extra windows in angled wall at upper levels;
- Screened external plant compound introduced at roof level of lower Hotel North Block A;
- Vertical feature cladding introduced adjacent to main Hotel Block B;
- Omission of aluminium channel break-up of render finish to Hotel courtyard elevation.

APPLICANT: Don Ban Ltd

CONTACT: HTA Architects Ltd

PLAN NO'S:

Please see condition 2.

RECOMMENDATION

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

SECTION 106 DETAILS

The application requires a Section 106 legal agreement in order to secure the following benefits (please note that these have been copied from the Heads of Terms for the original application, reference 08/3009, save for the reference to date from which contributions are index-linked which has been amended to refer to the date of Committee of application reference 08/3009, being 17 June 2009, the reference to works to 3 Olympic Way.

- Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- 20.7% Affordable Housing a measured by Habitable Room to be provided prior to any Occupation, of which a minimum of 12 x 3-bedroom units shall be provided as Social Rented accommodation.
 - 1) Up to a further 14.3% Affordable Housing or provision of £XX for the delivery of AH, to be provide by any Occupation. The level of which to be determined by the submission of an acceptable Toolkit allowing for a return of 15%.
- A contribution of £885,6000, due upon Material Start and index-linked from 17 June 2009, for:
 - 1) £785,600 for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
 - 2) £100,000 payment or value of training and employment schemes associated with the construction of the development and running of the office and hotel for Brent Residents.
- A contribution of £386,200, indexed-linked from 17 June 2009, due on Practical Completion and not required if an acceptable independently inspected financial appraisal showing a return of less than 15%. is submitted to the Council upon PC, for:
 - 1) £136,200 for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
 - 2) £250,000 for off site Open Space and play provision and highways works to North End Road.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Ecohomes rating Excellent / Code for Sustainable Homes Level 3, with compensation should it not be delivered. With reasonable endeavours to achieve Level 4. In addition to adhering to the Demolition Protocol.
- To offset 11.5% of the energy demand from the development through onsite renewables
- The removal of the rights of residents to apply for on-street parking permits
- Join and adhere to the Considerate Constructors scheme
- Prior to occupation secure the provision of 2 Car Club cars in the adjoining or close to the site. The Car Club parking spaces shall be accessible by all members of the car club 24 hours a day, 7 days a week, and should have reasonable mobile phone signal.
- Notwithstanding submitted draft Travel Plan, framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation.
- To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building.
- To allow full public access to the areas land within the Olympic Way and Fulton Road frontages of the building 24 hours a day, 7 days a week except when such access should be reasonably restricted for crowd control purposes during Wembley Stadium events.

XX is defined as:

The market value of the units is defined as the higher of:

1. The market value determined as at dd/mm/yyyy independently by a valuer approved by the Council and inflated to the date of practical completion by a housing price index approved by the Council .
2. The market value determined as at the date of practical completion by a valuer approved by the Council

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

EXISTING

The subject site is situated at the junction of Olympic Way and Fulton Road and is within the Wembley Regeneration Area. It is currently occupied by a two-storey building with a gross floor area of 5,200 m² which was last used for warehouse and distribution purposes. The applicants have specified that the previous occupiers, Shubette of London Limited, now occupy a building within Apsley Way, NW2 and therefore remain in the borough.

To the north of the subject site is Olympic House, a 4- to 7-storey office building. Olympic House is bound to the north by One Olympic Way, a 8- to 13-storey office building. The subject site is bound to the east by Karma House and Apex House. Apex House is a 2-storey warehouse/industrial building whilst Karma House is a 3-storey office/warehouse building with a gross floor area of 3,300 m². Outline planning permission was granted for the redevelopment of the Karma House site to provide a 8- to 17-storey building comprising a 120 room hotel and 108 timeshare/apart hotel units. The Planning Committee resolved to grant consent in July 2005 and the decision was issued in April 2008 following the completion of the Section 106 legal agreement.

The site is within or adjoins the sight lines relating to two protected views, namely Short Distance View 2 (Wembley Park Station, UDP Map WEM2) and Long Distance View 1 (Barn Hill, Wembley, UDP Map WEM1) as defined within UDP Policy WEM19.

Approximately 30 % of the site falls within Flood Risk Zone 2 (Medium probability of flooding) with the 1 in 1000 year design event corresponding to a maximum likely depth of flooding of 0.3 m and duration of 6 hours. The remainder of the site falls within Zone 1 (Low probability of flooding).

PROPOSAL

This application proposes that a number of changes to the scheme are treated as minor material amendments to Planning Permission reference 08/3009.

The full list of changes is set out within the remarks section of the report.

HISTORY

99/0956 – Granted 8/11/1999, but not implemented and now expired

Outline planning consent was granted for the demolition of existing buildings and erection of a 210-bedroom hotel with associated facilities. The time period of this consent was extended to 7 February 2005 (ref: 02/2734 dated 7 February 2003) and then to 6 February 2007 (ref: 04/1930 dated 6 February 2004). Siting and access were considered within this application. However, indicative elevations were also proposed. The ground floor of the proposal covered a large proportion of the site. However, the taller element of the building, which reached a maximum height of 12-13 storeys/42 m above ground level within the indicative elevations, was situated within the Fulton Road frontage and had a width of 40 m within this elevation and only 8.6 m within the Olympic Way elevation.

08/3009 – Granted 14 February 2011. This development has commenced.

Demolition of existing buildings and erection of 4-, 7-, 11- and 20-storey building, incorporating 158 self-contained residential units, hotel (225-bedroom and 12 apart-hotel rooms), business (Use Class B1) and food and drink (Use Class A3/A4) uses, conferencing facilities, roof terraces, courtyard, basement parking, cycle storage and associated landscaping (parking-permit-restricted scheme) and subject to a Deed of Agreement dated 14 February 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

11/0574 – Currently being considered

Details pursuant to condition 10 (Landscaping), 11 (cycle storage), 12 (access road margins and kerb radii), 15 (Air Quality Assessment), 16 (Construction Management Scheme), 17 (Noise insulation), 18 (Training & Employment Initiative), 19 (Site Investigation), 21 (Drainage Strategy), 24 (Privacy Screens for balconies), 25 (layout of Wheelchair Accessible unit), 27 (Construction and Maintenance Strategy), 29 (Pigeon roosting/landing measures) of full application reference 08/3009 dated 14 February 2008.

**POLICY CONSIDERATIONS
NATIONAL**

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

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

Planning Policy Statement 3 – Housing (2006)

This document was published in November of 2006 but will not come into effect for development control purposes until the 1st of April 2007. Its objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

Planning Policy Statement 6 – Planning for Town Centres (2005)

PPS6 sets out the Government’s policies and principles relating to town centre uses, promoting the vitality and viability of town centres. The key objectives are to plan for the growth and development of existing centres and to promote and enhance existing centres by focusing development in these centres, encouraging a wide range of services in a good environment and accessible to all.

Planning Policy Guidance 13 – Transport (2001)

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

Planning Policy Statement 25 – Development and Flood Risk (2006)

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. PPS25 looks to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS).

REGIONAL

NATIONAL

Draft National Planning Policy Framework
Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Statement 12 – Local Spatial Planning
Planning Policy Guidance 13 – Transport
Planning Policy Guidance 24 – Planning and Noise
Planning Policy Statement 25 – Planning and Flood Risk

REGIONAL

The Mayor of London
The London Plan 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

- 2.15 Town Centres
- 2.16 Strategic Outer London Development Centres
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People’s Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affording Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a Diverse Retail Sector
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.4 Retrofitting
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality

- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.21 Trees and Woodlands

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)
 Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment (April 2004)

Supplementary Planning Guidance – Housing (2005)

Supplementary Planning Guidance – Providing for Children and Young People's Play and Informal Recreation (2008)

LOCAL

Brent Local Development Framework Core Strategy 2010

- CP 1 Spatial Development Strategy
- CP5 Placemaking
- CP 7 Wembley Growth Area
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP 16 Town Centres and the Sequential Approach to Development
- CP19 Brent Strategic Climate Mitigation and Adaptation Measures

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR5 (reducing the need to travel), STR9 (role of GLA Roads and London Distributor Road), STR12 (Air Quality), STR14 (Quality of urban environment), STR15 (Public Realm), and STR29 (Vitality and Viability of the Borough's Town and District Centres, and the role of Wembley and Kilburn as major centres)

Policies

- BE2 Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for disabled people
- BE5 Urban clarity and safety
- BE6 Landscape design
- BE7 Streetscene
- BE8 Lighting and light pollution
- BE9 Architectural Quality
- BE12 Sustainable design principles
- BE13 Areas of Low Townscape Quality
- BE17 Building Services Equipment
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP6 Contaminated land
- EP12 Flood protection
- EP15 Infrastructure

H12 Residential Quality – Layout Considerations
H13 Residential Density
H14 Minimum Residential Density
H22 Protection of Residential Amenity
TRN2 Public transport integration
TRN3 Environmental Impact of Traffic
TRN4 Measures to make transport impact acceptable
TRN9 Bus Priority
TRN10 Walkable environments
TRN11 The London Cycle Network
TRN12 Road safety and traffic management
TRN15 Forming an access to a road
TRN22 Parking Standards – non-residential developments
TRN23 Parking Standards – Residential Developments
TRN31 Design and Land Take of Car Parks
TRN34 Servicing in new developments
TRN35 Transport access for disabled people & others with mobility difficulties
Appendix TRN2 Parking and Servicing Standards
SH2 Major Town Centres
SH19 Rear servicing
WEM2 Pedestrian Route/Promenade
WEM4 Residential Development within the Wembley Regeneration Area
WEM5 Relocation of existing businesses
WEM7 Access to development – the National Stadium Policy Area
WEM11 On-street parking controls for Wembley
WEM12 Short stay car parking in the Wembley Regeneration Area
WEM16 Urban design quality – Wembley Regeneration Area
WEM17 The public realm – Wembley Regeneration Area
WEM18 The design of buildings along Olympic Way
WEM19 Views of the Stadium

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road
SPG12 Access for disabled people
SPG17 Design Guide for New Development
SPG19 Sustainable design, construction and pollution control
SPD Section 106 Planning Obligations

Wembley Masterplan 2009

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

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

Key principles that are set out in the Masterplan include:

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

success and continued accessibility of the district.

Other Council Publications

Wembley Vision (2002)

Wembley From Vision to Reality (2007)

These two non-planning related documents set out the Council's Vision for Wembley, with the core principles of New Wembley, Destination Wembley, Multicultural Wembley, Quality Wembley, Quality Wembley, Exciting Wembley, Sustainable Wembley, Brent's Wembley.

SUSTAINABILITY ASSESSMENT

The sustainability proposals were approved within application 08/3009.

CONSULTATION

Consultation letters sent: 19 May 2011

Site Notice erected: 16 May 2011

Press notice dated: 25 May 2011

Letters were sent to 15 adjoining or nearby owners or occupiers.

No responses have been received.

Internal Consultees

Transportation

Transportation initially objected to the revisions to the proposal on the basis that the revisions to the ramp and adjoining (shared surface) servicing / coach parking area would not be acceptable. However, further clarification was provided by the applicant and Transportation withdrew their objection.

Ward Councillors

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

External Consultees

Greater London Authority (the GLA)

The GLA have concluded that the proposal for the variation of condition 2 to allow minor material amendments to the approved scheme does not raise any new strategic planning issues.

Therefore, under article 5(2) of the Town and Country Planning (Mayor of London) Order 2008, the Mayor does not need to be consulted further on this application. The Council may, therefore, proceed to determine the application without further reference to the GLA.

Thames Water

Thames Water have commented that the proposed variation of condition 2 does not affect Thames Water and as such, they have no further observations to make.

Environment Agency

A letter has been received from the Environment Agency specifying that they have no comments to make.

Wembley National Stadium Limited

No comments have been received from WNSL in relation to this application.

REMARKS

This application proposes a large number of changes to the scheme that was considered by the Planning Committee and the Mayor of London in 2009, and for which works commenced on site earlier this year.

The majority of the changes, if considered individually, are likely to be non-material in their nature. However, the proposal as a whole is considered to be material given the number of individual non-material changes and the inclusion of some amendments that are more significant and therefore material.

This report sets out the key amendments that have been proposed, but does not discuss the issues that are not proposed to change materially (such as the proportion of Affordable Housing or the general principles of the uses). Key sections of the officer's reports for the previous application (the Sustainability section, Remarks Section and Supplementary Report relating to application reference 08/3009) have therefore been appended to this report. These have been differentiated by the use of italics.

Key amendments have been set out in bullet point form for the sake of brevity.

- Amendments to layout of basement area, including alterations:
 - The extent of the basement;
 - The layout of parking spaces (car and motor cycle) and accesses;
 - The number of parking spaces (reducing from 129 to 127);
 - layout of cycle parking areas;
 - Location of some cores;
 - Size of plant room;
 - Size and gradient of ramp;
- Alterations to the Olympic Way site frontage to incorporate "landscape feature/basement ventilation" to provide planting and seating which incorporates ventilation from the basement;
- Relocation of external cycle storage area;
- Alterations to size and extent of vehicular ramp to basement;
- Alterations to layout of courtyard, affecting the extent of the shared surface drop-off area and space required for fire truck;
- Various internal alterations to the ground floor internal layouts, not affecting the nature of the use;
- Changes to footprint of development (also affecting floors above), including:
 - Northern wall of southern "block" projects further into courtyard;
 - Southern wall of northern "block" projects further into courtyard;
 - Eastern wall of western "block" projects further into courtyard;
- Provision of additional floorspace (corridor) in north-western corner of courtyard (ground floor only),
- Majority of northern wall of northern block moved further from site boundary;
- Small element of northern wall of northern block moved 0.7 m closer to site boundary at ground floor level only, but height of element reduced;
- Revised layout of bin store and substation within north-eastern block;
- Amendments to kerb detail, ramp and courtyard entrance layout, location, size and design of gates and accesses to highway for vehicular access to Fulton Road, including the narrowing of the vehicular gate to the Courtyard and inclusion of a pedestrian gate and footway;
- Location of refuse storage and cycle storage area within ground floor of taller block swapped;
- Amendments to the number, size and locations of windows in northern elevation of the northern block;
- Room previously denoted as "community room" for residents now denoted as "residents gym";
- Minor changes to general layout of most residential units;
- Location and layout of wheelchair units amended;
- Some recessed balconies within southern facade of northern residential block replaced with projecting balconies;
- Amendments to location and size of some recessed balconies within southern facade of

- northern residential block;
- Amendments to size and layout of some flats, and amendments to schedule of accommodation (see below for further information);
- Projecting balconies within taller element (previously projecting over highway) replaced with projecting enclosed “winter gardens”
- Removal of brise soleil on southern facade of taller element of building;
- Introduction of roof-top plant area on roof of lower element of hotel;
- Reduction in width of usable area of south facing roof terrace for 6th floor residential units with southern block due to increased thickness of parapet wall;
- Amendments to core and layout of roof-top residential external amenity space at 7th floor level;
- Enclosure of part of access to south-eastern roof terrace and inclusion of ramps to roof terrace;
- Hotel room replaced and floorspace used for provision of “Gym” at 8th floor level;
- Depth of recess at 8th floor level within Olympic Way frontage reduced from 6.9 m to 6.1 m;
- Change to design of mono-pitched elements of main hotel roof facing Olympic Way and Courtyard involving the incorporation of “dormer”-like roof features to improve headroom and outlook from rooms;
- Amendments to “shop front” design and layout for commercial units, including amendments to location of doors;
- Reduction in the width of the access way from Olympic Way to Courtyard;
- Amendments to design and location of some windows, including changes to projecting nature of some windows within courtyard elevation of hotel and removal of some projections at south-western corner of hotel within Western elevation;
- Amendments to some indicative materials specified;
- Amendments to heights of floors within building;
- No change to maximum height of Western block (fronting Olympic Way) or to taller element of proposal;
- Increase in height of some parapets (e.g. southern Affordable block increasing from 20.6 to 21.025 and from 23.4 to 23.85, parapet near to northern boundary increasing from 15.65 to 16, southern parapet of northern block increased to 16.93 m);
- Change to the levels within the basement;
- Ground level of adjoining site (3 Olympic Way) now denoted as 0.2 m lower than subject site rather than level;
- Introduction of a balustrade for some roof terraces;
- Signage zones detailed (note: signage is likely to be subject to Advertisement consent due to size and height of signage zones);
- Changes to the design of the recessed balcony elements within the southern facade of the northern residential block;
- Increase in height of lift-overrun for northern block

Principle of use

The proposal does not significantly change the mix of uses within the site. However, the schedule of accommodation is affected by this amendment.

Residential Units:

The total number of units has not changed (158). However, due to the structural implications of the method of construction, the layout has been revised and the layout of units (including the number of bedrooms in some units) has changed. Where this has occurred, the associated units have typically become “over-sized” (i.e. well above the minimum floorspace guidance set out within SPG17). A small number of Studio units have reduced in size from 33 square metres (i.e. the minimum size set out within SPG17) to 32.5 square metres. However, it is considered that this small deficit will not have a significant impact on the usability or quality of these units.

With regard to unit size, the recently adopted London Plan 2011 now recommends greater

minimum levels of floorspace within each unit. However, as this development has commenced on site, it is considered appropriate to continue to apply the Council’s own guidance. It should also be noted that the GLA have not commented on this matter.

The proposed schedule of accommodation is as follows:

	Private	Social Rent	Intermediate	Total
Studio	18	0	0	18
1 bed	50	0	0	50
2 bed	59	4	9	72
3 bed	4	8	6	18
Total	131	12	15	158

Six of the Private 3-bedroom units that were previously approved have now become large 2-bedroom units and one of the private 1-bedroom units has become a Studio unit. Whilst your officers consider that a higher proportion of 3-bedroom private units should normally be sought, the size of the units is such (e.g. 95.9 square metre 2-bedroom unit compared with the minimum of 65 square metres) that it is not considered that the low proportion of 3-bedroom private units warrants the refusal of planning consent.

The proposed number of Affordable Units within the scheme has not changed from that approved. However, the previous consent ensured that all of the Social Rented accommodation was provided as 3-bedroom units. The applicants have agreed in principle to this. However, a revised schedule has not been received. The Section 106 Heads of Terms as detailed within the previous consent and within this report refer to the Social Rented and your officers consider this to be sufficient to secure these units.

Hotel

The nature of the hotel accommodation remains largely unchanged from the previous consent. Proposed amendments to the scheme result in a reduction in the number of rooms by 1 and provision of a small “Gym”, and a small increase in floorspace has been incorporated. This increase in floorspace is considered to be minor in relation to the total floorspace, and your officers consider this amendment to be minor and acceptable.

Design and appearance

Your officers consider that the majority of the changes to the design and appearance of the building, if considered individually, would be non-material. The proposed change to the roof of the main hotel block (the western block) changes the appearance materially. However, it is considered that the design and appearance of the proposed building will remain acceptable subject to a high quality of materials and detailing which are to be approved through condition.

Height and siting

The maximum height of the taller 11-storey and 20-storey elements of the building have not increased and your officers consider it unlikely that the proposal will have a significant additional impact on protected views. The courtyard facades of the building are proposed marginally further into the courtyard. However, your officers do not consider this difference to be significant having regard to the floorspace of the proposal, any associated potential impacts or the quality of accommodation.

The height of parapets at “lower” levels (i.e. up to 8th floor) has increased within the proposal, and a plant area has been incorporated on the roof of the lower element of the hotel. Some of these changes are close to the boundary with other properties such as No. 3 Olympic Way. Your officers do not considered that this will result in significant additional harm to the amenities of the adjoining buildings. However, it is considered necessary to seek further detail of the plant areas

and equipment (including screening and noise levels), and details of the flues and extract/plant termination points. The latter has been indicated at higher roof level of hotel (i.e. 11th floor level), with covered flues (i.e. clad for visual amenity purposes) running up the external facade of the hotel.

Transport and associated layout issues

The submitted plans show indicative layouts and locations for the substation and refuse store for the north-eastern block. However, this includes an excessive distance from the bin store to the collection point and further detail is required regarding the location, internal layout and size of this area. It is recommended that this detail is secured through condition.

The proposal includes significant changes to the vehicular ramp and courtyard. Transportation initially objected to the proposal on the basis that the courtyard coach / servicing drop-off would not be sufficiently sized. However, the applicant has confirmed that a larger proportion of this area will be designed to accommodate such vehicles. Given that this proposal only includes limited amounts of external amenity space, it is vital that a high quality of shared surface is provided which allows use by residents when not in use by coaches / servicing vehicles. Such details are to be secured through condition (as per the previous consent).

The proposal amends the details of the access controls (gates etc). Your officers consider it necessary to attached a condition providing further information regarding this matter to ensure that it does not result in vehicles blocking the highway.

Changes are also proposed within the Olympic Way frontage, including changes to the seating areas so that they function as multi-purpose planters, seating and extract vents for the basement (for fire fighting purposes). While the provision of these features is considered acceptable in principle, a revised landscape strategy has not been produced and the landscaping condition should be amended to reflect this. The previous landscaping condition required details of levels and contours and it is recommended that this is adapted to make it clear that such information should also demonstrate the relationship with ground level surrounding the site.

The proposed car parking layout results in a reduction in the number of car parking spaces (2). However, this decrease is considered to be acceptable and the levels of parking area considered to be in accordance with the Council's approach to parking within the Wembley Growth Area.

The proposal details doors at ground floor level that open outwards over the adjoining land. Whilst this is considered acceptable within the Olympic Way frontage due to the depth of this frontage, it is considered that all doors should opening inwards within the Fulton Road frontage and that this should be secured through condition.

Conclusion

It is considered that the proposed changes do not affect the nature of the proposal and are appropriate to be considered as minor material changes to planning permission reference 08/3009. Those changes are considered to be acceptable, subject to the use of further or revised conditions relating to Plant, landscaping and access controls for vehicles.

Text from Committee Report and Supplementary for application 08/3009 (Sustainability, Remarks and Supplementary Report)

Sustainability:

The applicants have submitted a TP6 "Sustainability Checklist" and an Energy Statement.

The applicants scored their own checklist at 57.5 % which correlates to a "Very Positive" rating, being 7.5 % over the minimum level expected of such applications. However, your officers have scored the proposal as 16 % ("Fairly detrimental"). Whilst a small proportion of this decrease is due to inaccuracies in the statements, the majority relate to the absence of information to

demonstrate that the indicated measures will be implemented. Should the application be recommended for approval, such issues can be resolved through the Section 106 process, requiring the submission and approval of a revised TP6 form which achieves a minimum of 50 % together with a sustainability statement which demonstrates how the measures will be achieved within the development. Your offices consider that, with additional information and some relatively minor alterations to the checklist, the 50 % level is achievable.

An energy statement has been submitted in accordance with the requirements of policy 4A.4 of the London Plan, demonstrating how the proposal will comply with the London Plan objectives to using less energy, supplying energy efficiently and using renewable energy as set out within Policies 4A.1 to 7. Further to the energy efficiency measures that have been proposed, all units within the development are to be served by a centralised CHP system which will provide 80 % of the space and water heating for the residential units and 60 % of the space and water heating for the hotel and commercial units. The development will also have the ability to be linked to a community CHP system should this be delivered in the future. With regard to on-site renewable energy sources, the applicants propose the use of Closed Loop Ground Source Heat Pumps (GSHP) to provide 40 % of the hotel/retail heating requirements, domestic water pre-heating and 60 % of the cooling requirements. The applicants specify that on-site renewables will reduce the CO2 demand of the development by 9 %. However, accordingly to their figures, the proposed GSHP system will reduce the CO2 demand by 7.6 %. This is substantially lower than the 20 % target as specified within London Plan Policy 4A.7 and the applicants have not demonstrated that it is not feasible to achieve a higher level through the inclusion of other technologies such as Photovoltaics. Further detail regarding this was required by the Greater London Authority and this will be discussed further within the Supplementary Report.

The applicants have specified that the proposal will achieve BREEAM "Very Good"/Code for Sustainable Homes Level 3. Given the Growth Area Status of the site, the emerging LDF would require level 4/BREEAM "Excellent". Given the status of the LDF and the viability of the scheme as demonstrated within the Three Dragons Toolkit, you officers consider that the proposed level does not warrant the refusal of planning consent in itself providing that "reasonable endeavours" to achieve Level 4/"Excellent" are required within the Section 106 legal agreement (if approved).

Remarks:

Uses – general principles

The Wembley Regeneration Area is designated within regional and local planning policy and guidance as an area that is appropriate for significant housing and employment growth as well as a regional sport, entertainment and leisure (including hotel) destination.

The emerging LDF directs hotel uses primarily towards the Wembley Regeneration Area whilst the London Plan places Wembley as an opportunity area for leisure based regeneration. London Plan Policy 5F.1 specifies that a strategic policy for the West London Sub-region is to "optimise the development of Opportunity Areas as set out in Policy 5F.2, including the realization of the potential of Wembley as a nationally and internationally significant sports, leisure and business location, co-ordinated with town centre regeneration and new housing", and providing a minimum of 5000 new homes between 2001 and 2026.

Overall, the proposed mix of uses (hotel, residential dwellings, restaurant/bars, office) is in accordance with those specified within the UDP 2004, the 2004 Wembley Masterplan, the 2008/09 proposed revision to the Masterplan and the London Plan.

General layout and massing

The massing of the proposed building is focussed towards the two frontages of the site with the 11-storey element situated within the Olympic Way frontage, reducing the potential for impact of the proposed building on the views to the Stadium along Olympic Way. The tower element has been proposed along the southern site boundary, terminating the northerly view along Rutherford

Way. The submitted documentation demonstrates that the proposal will not have a significant detrimental impact on the protected views to the Stadium from Wembley Park Station and Barn Hill Open Space.

The proposal creates a strong and active frontages to both Olympic Way and Fulton Road. The Olympic Way frontage includes the hotel reception together with a commercial (Use Class A3/A4/B1(a)) unit whilst the second commercial unit, and two residential entrances are situated within the Fulton Road frontage. The vehicles entrances that are situated at the eastern end of the Fulton Road frontage result in an element of dead frontage. However, this is largely unavoidable as vehicle access is required to the site.

The northern element of the proposed building is predominantly set 2.8 m from the boundary, with the cores of this block projecting to the boundary. The 4 storey element of the building accordingly is approximately 7 to 10 m from the southern wall of the adjoining building, Olympic House. Within the western frontage, the proposed building projects to the boundary with Olympic House and accordingly will visually adjoin Olympic House which also projects to the joint boundary. There are high level flank wall windows in the top floor of Olympic House that the proposed building will obscure. Your officers have queried the nature of these windows with the planning agents who are acting for the owners of Olympic House but confirmation of this has not been received. It is likely that these windows will be secondary sources of light and ventilation for rooms that have aspects to the east and west. However, your officers cannot confirm this. To protect the light or outlook to these windows would reduce the development potential of Shubette House and your officers consider that the presence of these windows and associated impact on the adjoining building does not warrant the refusal of planning consent.

Design

Hotel facade

The hotel facade is articulated through the use of two storey splayed windows which provide views from the hotel toward the stadium and break down the visual mass of the building. Indicative materials include horizontal ceramic panels in a range of "warm earth" colours on the main facade of the building and standing seam pre-oxidised copper cladding for the projecting windows. The roof of the building is broken down with variation in the height and pitch of the roof.

Fulton Road facade

The horizontal ceramic cladding continues into the Fulton Road facade for which visual articulation is provided through the varied siting and size of fenestration. The tower element "breaks through" the low rise element of the building, with elements of the tower visible to first floor level. The top residential floor within the low rise element is set in from the main front wall.

Tower

Balconies run around the majority of the facade of the tower. Large vertical panels comprising glass, solid materials and mesh are proposed on the outer edge of the balconies, creating a sense of enclosure for the associated balconies and articulating the tower, reducing its visual scale. The coverage that is provided by the panels together with the proportion of glass or mesh panels varies with the height of the tower to increase the daylight and sunlight reaching the lower flats and increasing the level of enclosure for the more exposed high level flats. A series of aluminium composite boards, louvers and Bris Soleil span the height of the building within the northern and southern elevation, providing a visual break and visually elongating the building. The two top storeys of the tower are recessed from the main external wall and are proposed with curtain wall glazing.

Commercial units

The proposed commercial units are glazed to an approximate height of 6 m providing active frontages to the adjoining streets. Signage zones and grills for air conditioning and plant extract are situated above the glazing.

Courtyard facades

The building facades to the courtyard comprise render with varied fenestration size and location, and bay windows clad in standing seam zinc for the hotel.

It should be noted that all materials specified within the application documents are indicative and details of the proposed materials are required through condition.

Residential layout and quality of residential accommodation

Unit layout

The proposal does not include any units that have a sole aspect to the north. Many of the units fronting Fulton Road are dual aspect with some habitable rooms facing into the courtyard.

The proposed Intermediate residential units within the northern block include habitable room windows that are only 2.8 m from the boundary with Olympic House. Such windows would suffer inadequate outlook and privacy and your officers have accordingly requested alterations to the plans to address this issue. The proposed tower includes west facing windows that are 20 m from the opposing windows of the hotel and east facing windows that are 13 m from the boundary with the adjoining site (Apex House) and accordingly are in accordance with the Council's guidance regarding privacy and outlook.

Tenure mix (incl. toolkit)

The proposed percentage of Affordable housing units is 17 % by unit or 22.8 % by Habitable Room. The applicant submitted a Three Dragons toolkit with the original proposal which adequately demonstrated that the proposed Affordable housing provision, whilst well below the target of 50 %, was the maximum that is financially viable. A toolkit has not been submitted with the current revision of the proposal. However, the alterations have reduced the total number of residential units by 35 whilst the proposed percentage of Affordable Housing units has increased and it is accordingly likely that the scheme is no longer financially viable in the current market. This matter is reflected in the Section 106 financial contributions where an overage has been applied to the proposal, whereby a reduced figure is payable upon material start and the remaining developer contributions are payable if the proposal makes a profit of at least 15 %. The proposed ratio of Intermediate to Social Rented units is 33:67.

Size of residential units

Large family units (3+ bedrooms) comprise a total of 18 % of all units and two thirds of Affordable dwellings. One bedroom/studio flats comprise less than 50 % of the total units. Whilst a greater total proportion of large family private units and the inclusion of 4+ bedroom units would be preferable, given the nature of the site and proposal and the high proportion of three bedroom Affordable units, your officers consider that this does not warrant the refusal of planning consent.

	Private	SR	Intermediate	Total units
Studio	12.98	0.00	0.00	10.76
1	38.93	0.00	0.00	32.28
2	40.46	33.33	33.33	39.24
3	7.63	66.67	66.67	17.72
Total	100	100	100	100.00

Percentage of units by size and tenure

External amenity space

The Design and Access Statement specifies that all units have balconies of at least 6 sqm. The depth of the balconies of the tower units (typically between 1 and 1.2 m, but reaching a maximum of 1.4 m for some units) falls below the minimum of 1.5 m recommended by your officers to maximise the usability of the outside space. However, the applicant has specified that, given the height of the building and design approach, it would be difficult to provide balconies of a greater depth. Given the size of the balconies, the nature and design of the tower, your officers consider

that this does not warrant the refusal of planning consent.

The landscaping strategy includes the provision of a publicly accessible landscaped area within the Olympic Way frontage (approximately 770 sqm), an internal courtyard (approximately 1700 sqm including the servicing/coach area and an area for the restaurant) which would be publicly accessible during the day but closed off at night and during stadium events and two roof terraces (approximately 250 and 295 sqm). Whilst the space within this areas totals approximately 3000 sqm, it should be noted that large areas of these spaces would not be considered “usable external amenity space” due to design and practical reasons. For example, large landscaped buffer areas would be required between the seventh floor roof terrace and the adjoining hotel rooms and private flats. The area within the Olympic Way frontage would also be used for external seating and access for the hotel and commercial unit, part of the internal courtyard would be used as external seating for the restaurant and half the fourth floor roof terrace is proposed for use by hotel customers.

The resulting provision of usable external amenity space for future residents is accordingly likely to fall significantly below the SPG17 standards and the applicants have accordingly agreed in principle to make significant contributions toward off-site provision. This will help to deliver the public open spaces that have been highlighted within the Wembley Masterplan, an approach that your officers consider to be acceptable given the size and number of spaces provided within the scheme which maximise the use of roof terraces and ground floor space for amenity purposes. This has been reflected within the Section 106 element of this report.

The applicants have specified that 194 sqm of children’s play space will be provided within the site. When examining the likely total child yield of the scheme, the proposed provision of on-site play space would correspond to the total number of children under the age of 5 years that are likely to live within the development. This is in accordance with the Mayor’s Supplementary Planning Guidance which specifies that under 5’s playspace should be situated within 100 m of the development. Your officers recommend that the siting and detailed design of the play space and equipment is secured through condition. No play space is provided on-site for older children. However, contributions towards off-site provision have been included within the Section 106 Heads of Terms. This also is accordance with the Mayor’s guidance.

	Age	% total	No. children
<i>Private & Int.</i>	0-4	59	10.6
	5-10	27	4.9
	11-15	14	2.5
<i>Social Rented</i>	0-4	28	8.4
	5-10	42	12.6
	11-15	30	9.0
<i>Total</i>	0-4	39	18.7
	5-10	37	17.8
	11-15	24	11.5

Break down of likely child yield by age and tenure

Relationship with servicing area

A number of units have a sole or primary aspect over the proposed coach drop-off and servicing area. It is accordingly considered vital that this area is well designed and provides a good outlook for future residents. The detailed design of this area can be secured through the recommended landscaping condition. Furthermore, the siting of this are is such that the use of it will generate noise which could result in disturbance of future residents. This has been discussed within the submitted noise assessment and your officers also consider that the hours of use of this space by vehicles should also be incorporated into the Servicing and coach management plan, which is

recommended to be secured through condition.

Inclusive design

The application documentation confirms that all residential units will be built to Lifetime Homes standards. The plans confirm that 7 units that are wheelchair accessible/easily adaptable. However, this falls below the 10 % level specified within the London Plan. The applicant has specified that they will submit revised drawings prior to the determination of this application which detail the additional units required to increase the proportion to 10 %.

Landscape Design

As discussed within the Amenity space section of this report, the landscaped spaces include the Olympic Way frontage, the landscaped courtyard and the roof terraces. The Landscaping Masterplan suggests the provision of a landscaped courtyard that would directly link to a courtyard within the adjoining Karma and Apex House sites. Whilst such courtyards have not been proposed within these sites, the indicative approach is likely to provide a good quality area of open space, but would rely heavily on the detailed design and management of the servicing/coach area within the subject site. Notwithstanding this, it is considered that the revised, more open, format of the proposed courtyard alone is sufficient to provide a good quality of space providing the quality of design and detailing of the space is very good. The Design and Access Statement suggests a high quality scheme. However, such details are indicative and your officers recommend that further information is required through condition.

Transportation

The site has good public transport access (PTAL 4) with Wembley Park underground station and seven bus services within 640 m of the site. The provision of the Wembley Park Boulevard (as proposed within the Quintain outline consent, our reference 03/3200) will increase the PTAL from 4 to 5. This application is accompanied by a Transport Assessment. Transportation have not provided full detailed comment on the revised drawings and any further issues will be discussed within the Supplementary Report.

Parking

A total of 141 parking spaces have been detailed within the submitted drawings, of which 19 are for disabled access. The revised documentation did not detail how the spaces will be distributed between uses. The distribution of disabled parking spaces has been supplied, confirming that 12 disabled spaces will be provided for the private units, 3 for the Affordable units and 4 for the Hotel. The number of disabled parking spaces for the private units falls below the UDP standard of 13 and the disabled parking spaces are also excessively remote from the cores that they serve. The applicant has subsequently confirmed that the parking layout will be revised to provide a total of 131 parking spaces, of which 21 will be disabled spaces and 2 car club spaces. The amendments to the parking layout will also include revisions to ensure that the disabled spaces are appropriately proximate to the associated cores and will include lift access from the Social Rented core to the basement.

	Standard spaces	Disabled	Total
Private	72	14	86
Intermediate	5	1	6
Social rented	16	2	18
Hotel	15	4	19
Car club	2	0	2
Total	110	21	131

The UDP parking standards would allow a maximum of 50-55 parking spaces whilst the commercial units would be permitted between 4 and 6 spaces. The parking standards would

allow a maximum of 124 spaces for the residential units, which may be reduced to 110 when applying the reduction for Affordable housing. The proposed uses accordingly would have a (UDP 2004) maximum parking standard of 185 spaces.

With regard to the private housing, the proposal would have a parking ratio of 0.66 spaces per unit whilst the parking ratio for the Intermediate housing would be 0.67 per unit. The proposed levels are comparable with those approved within other residential schemes in the locality, such as the Quintain Stage 1 developments. The parking ratio for the Social Rented units is 1 space per unit.

Your officers considered the level of hotel parking (19 spaces) to be appropriate. Such levels help to ensure that the majority of hotel visitors do not arrive within private cars.

Given the public transport accessibility of the site (good to very good), your officers consider that the proposed level of parking is acceptable and in accordance with the Council's objectives to promote non-car modes of access. Such limitations on parking provision play a significant role in achieving modal shift (away from the use of private motor vehicles) which is essential in area where significant levels of future development are envisaged, such as that envisaged within the Wembley Masterplan. For such measures to be successful, such proposals should be "parking permit restricted" whereby future residents and occupier are ineligible for on-street parking permits, the proposal should be supported by a Travel Plan and two car club spaces should be provided on or near that site. These matters have been included within the Section 106 Heads of Terms.

Two car club spaces have been proposed within the basement. The provision of surface level Car Club spaces is considered preferable to ensure that the spaces are permanently accessible by any Car Club member, even if they do not reside on-site and that the vehicles are able to receive reasonable mobile phone signal. It is considered that details of access and mobile phone reception should be required through condition and, should these details demonstrate that the basement location is not feasible, an alternative location, either on-site or in the immediate vicinity, should be proposed.

Cycle parking has been specified at a rate of 1 space per unit. The proposed cycle storage areas for the Social Rented and Intermediate accommodation meet these standards. Two areas are proposed for the units accessed from the tower core. It is specified that the ground floor space will accommodate 70 cycles. Whilst the capacity of the basement space has not been specified, it is larger than the proposed ground floor area and your officers consider it to be suitably sized to accommodate at least 61 cycles. A total of 20 secure cycle spaces have been proposed for the hotel and shower/changing facilities are proposed for staff. The Transport Assessment specifies that 20 public accessible spaces will be provided at ground floor level. Whilst, the location of these spaces has not been detailed, there is sufficient space within the ground floor layout for their provision. Your officers consider that the location, design and configuration of all cycles storage spaces should be approved through condition.

The applicants have submitted a draft Travel Plan as part of their Transport Assessment. However, it is considered that the submitted Travel Plan falls short of the requirements for a framework or final Travel Plan. Your officers accordingly recommend that the submission of a framework Travel Plan and full Travel Plan is secured through the Section 106 agreement.

Given the proximity of the site to Wembley Stadium, your officers also consider it essential to prohibit "pirate" parking by visitors to the Stadium on Event Days.

Servicing and Coach drop-off/pick up

Servicing and Coach drop-off/pick up is to be provided on-site within the area adjacent to the vehicle access to the basement. This area is sufficiently sized to accommodate service vehicles and coach parking to, including turning so that they can enter and leave the site in a forward direction providing the management of the area is adequately controlled. Your officers accordingly consider that a coach and servicing management plan should be required through

condition. The Transport Assessment suggests that coaches will only access the site to drop off and pick up passengers but not for parking, but that these vehicles will park overnight elsewhere. However, detail of the overnight parking location has not been provided. Such information can accordingly be incorporated into the management plan.

Your officers also consider that a Construction Management Plan should be required through condition prior to the commencement of the development.

Daylight and Sunlight

The applicants submitted a Daylight and Sunlight Report relating to the proposed development. This report provides a BRE based assessment of the previous form of the proposed development (i.e. prior to the amendments submitted in June 2009). The applicant has specified that potential impacts of the development with regard to both Daylight and Sunlight will reduce significantly following the June 2009 revision of the scheme which moved the tower element of the proposal a considerable distance from the potentially affected buildings.

The following summarises the conclusions specified within the report and your officers comments on those conclusions.

Daylight

With regard to the North End Road (Northway Garages site) approved development (reference 07/2772), all of the windows will continue to meet the target values for Vertical Sky Component (VSC).

Within the approved Karma House development, 19 of the tested windows will not meet the VSC target values. However, the Average Daylight Factor (ADF) values for the associated rooms will still meet the target criterion for living rooms.

With regard to Danes Court, windows to 13 rooms would not comply with the target values for VSC and/or ADF. However, the daylight to these windows is already affected by the presence of overhanging balconies on the Danes Court Properties, and had those balconies not been present, only 8 of the rooms would continue to fall below the target. Furthermore, the affected rooms are bedrooms, kitchens and bathrooms whilst the living rooms of all flats remain above BRE target values. The Appeal decision relating to the Northway Garages Student Accommodation proposal (reference 07/2772) is referred to with the report. Whilst the Council did not raise this as a reason for refusal for the Northway Garages application, it was raised by objectors and accordingly discussed by the Inspector. The Inspector noted that the light to these windows was already affected by the presence of overhanging balconies and this was not considered as sufficient to warrant the dismissal of the appeal.

The impact of the development on the daylight received by Olympic House (the adjoining building to the North) was not discussed within the Daylight and Sunlight report. The BRE guidance is intended for non-domestic buildings where they have some expectation of daylight, which would normally include offices. However, the guidance notes that whether an existing building is a good neighbour is an important issue and in particular, whether it stands a reasonable distance from the boundary and takes no more than its fair share of light. The two main south facing flank walls of Olympic House are situated on the boundary with Shubette House and approximately 7 m from that boundary.

In the absence of information to prove otherwise and given the increase in height of development in proximity to the boundary with Olympic House, your officers must assume that the reduction in the levels of daylight to some Olympic House windows will be below the levels specified in the BRE guidance. However, given the aforementioned proximity of Olympic House to the boundary with the subject site, the existing Olympic House building is considered to be a "bad neighbour" and that a greater amount of flexibility should be taken with the levels of daylight reaching the windows of that office building. Your officers accordingly consider that the absence of detailed information

regarding the levels of daylight received by the Olympic House site does not warrant the refusal of planning consent.

Sunlight

The Daylight and Sunlight report concludes that all Karma House windows that were tested complied with the BRE guidance for Sunlight.

Only one window within the approved North End Road Student accommodation will fall marginally below the guideline percentage.

With regard to Danes Court, all of the living rooms will continue to meet BRE guidance levels. Those windows that fall short of the BRE guidance serve small bedrooms or kitchens which the guidance specifies have a lesser requirement for sunlight.

Again, the levels of sunlight received by Olympic House was not analysed within the submitted report. The BRE guidance specifies that "In non-domestic buildings any spaces which are deemed to have a special requirement for sunlight should be checked", but that care needs to be taken when applying guidelines. If existing building stands unusually close to the common boundary, then a greater reduction in sunlight access may be unavoidable.

As with the analysis of daylight, your officers consider that the absence of such detailed analysis with regard to Olympic House does not warrant the refusal of planning consent due to the proximity of the existing Olympic House building.

It should also be noted that the revisions to the proposal increases the distance between the tower element of the building and the most affected buildings or approved developments. In particular, the shadow casting information shows that, at 21 March, the shadow of the tower no longer reaches Danes Court or the approved North End Road student accommodation, confirming that any reduction in sunlight for these buildings will be significantly lower than that detailed within the Daylight and Sunlight report.

The application documents specifies that the central courtyard within the subject site will receive 60 % sunlight at 21 March in accordance with BRE guidance.

Proposed units

The Daylight and Sunlight report discusses the levels likely to be received by units within the proposed scheme. However, the modelling has not been re-run for the revised layout.

The proposal does not include any units with a sole aspect to the north. The Fulton Road frontage block will limit the provision of sunlight to the 1st to 6th floor eastern and western facing units within the tower and your officers consider it likely that some or all of these units may fall below BRE guidance levels for daylight or sunlight. However, the majority of units within the tower that are situated above this level will receive daylight and sunlight to BRE guidance levels. The Daylight and Sunlight report specifies that the levels of sun light to some habitable rooms within the upper floors of the tower will not be in accordance the BRE guidance for sunlight. However, all such habitable rooms receive adequate winter sunlight and the deficit in overall sunlight is due to the shadow effect of the overhanging balconies. Some units within the Fulton Road frontage include north facing habitable room windows. However, all associated units have other habitable room windows which face directly to the south.

Whilst some units within the proposed development will not achieve levels of daylight and sunlight in accordance with BRE guidance, your officers consider that this does not warrant the refusal of planning consent as the layout of the proposal is such that the proportion of such units has been reduced and to ensure that all proposed units met the guidance would significantly limited the development potential of the site.

Air Quality

The subject site is situated within an Air Quality Management Area and the application is accompanied by a Local Air Quality Assessment.

The submitted report concludes that:

- The release of dust and PM10 may occur during site activities;*
- As the site is located within an AQMA, there is the potential for exposure of future residents to pollution concentrations that exceed AQS objectives;*
- The use of the Modular Build Method (MBM), good site practice and the implementation of suitable mitigation measures, the impact of dust and PM10 released will be reduced and excessive release potential during construction;*
- The proposed development will generate less traffic on the local highway network than the existing B1 use and will be beneficial to local air quality.*

With regard to the potential for exposure of future residents, the submitted Assessment estimates the levels of NO_x to be 44.2 (ug/m³) in 2008, reducing to 38.3 in 2012. This is above the National and European targets of 30 (ug/m³). However, these results relate to the protection of vegetation and ecosystems rather than human health and therefore are unlikely to have a significant adverse effect on future residents.

Environmental Health have commented that the Assessment does not provide enough detail to meet the minimum requirements for such assessments and that it does not take into account local or regional reference data.

It is accordingly considered that the submitted Air Quality Assessment is insufficient to demonstrate that the proposal will not result in additional impact within an Air Quality Management Area, or that the existing air quality conditions are not prejudicial to the health of future residents.

However, it should be noted that the site is within an area that has been identified as appropriate for the approved uses within the UDP 2004, the 2004 Masterplan and the proposed 2009 revision to the Masterplan and it is accordingly recommended that a revised Air Quality Assessment is required through condition.

Wind environment

A Wind Environment Assessment has been submitted with this application which examines the impact of the development on the wind environment in the vicinity of the site. The assessment was undertaken with regard to a previous form of the development for which the tower was situated adjacent to the northern site boundary and the long axis of the tower was oriented east-west rather than the north-south orientation that has been proposed within this application. However, the report specifies that the conclusions of the wind impact assessment as submitted within this report remain valid for the revised scheme.

With regard to pedestrian safety, the wind environment assessment examined the wind condition at the highest recorded level occurring at the Heathrow Met Station occurring at least once a year during a 5 year period. The typical wind conditions (occurring at least 5 % of the time) were examined for pedestrian comfort.

The assessment concludes that the proposed development, whilst resulting in wind velocity increases in some areas, maintains an environment that is within the safety criteria for sensitive pedestrians and therefore has a negligible impact from the baseline with regard to pedestrian safety. The assessment also concludes that, with regard to pedestrian comfort, the wind environment remains within the comfort criteria for pedestrians and the development will have a negligible impact on pedestrian comfort.

The report specifies that the maximum wind speed within the courtyard is 5 m/s. However, no detail been provided regarding the wind environment for the roof terraces. The applicants have specified that they consider such detail to be conditioned as any excessive wind speeds could be

controlled through measures such as screening. Your officers consider it appropriate to deal with this through condition should the application be approved.

Noise

The Noise Assessment places the external facades of the building within Noise Category B and the internal elevations within Noise Category A (noise categories as defined within PPG24) and the design noise levels are detailed within table 0903/T8 and 0903/T9 (Internal Ambient Noise Criteria). The noise assessment addresses noise levels from the adjoining roads and footpaths, from road and rail sources and within the building.

The Noise assessment also examined pedestrian and crowd noise along Olympic Way during a Wembley Stadium sporting event and the noise levels that are permissible for music events at the Stadium. The report specifies that the envelope of the Fulton Road housing is to be designed to provide reasonable control of internal ambient noise at 67 dB outside and therefore will be sufficient to protect from the maximum Music Event noise levels of 63 dB (LAeq, 15 max, 07:00 to 23:00 hours). The report specifies that the design level for the flat will be 55 dB and there may be a need to enhance the envelope to achieve the specified internal noise target during music events, but that confirmation is being sought regarding the expected noise levels at the site location to assess whether such enhancement is necessary.

The event noise levels reported within the supporting documents for the 2006 application relating to Quintain Estates sites W03 and E01 (our reference 06/3632) estimated façade sound levels due to sports and music events at the stadium to be between 56 and 67 dB(A) with higher levels predicted at a height of 107 m AOD. These sites are situated approximately 40 to 140 m from the stadium. Recorded noise levels for a music event (Metallica, 8 July 2007) were reported within the details pursuant application relating to Quintain Site W04 (our reference 07/3442). Noise levels of 63 dB(A) were reported at this site which is situated approximately 210 m from the Stadium.

The subject site is approximately 385 m from the Stadium and therefore, significantly further from the Stadium than the aforementioned sites. Noise levels are accordingly likely to be significantly lower at the subject site than those reported above. However, it should be noted that site W04 is situated to the west of the Stadium whilst the subject site is to the North and one should not assume that noise transfer from the stadium will be identical in this direction.

Your officers consider that a condition should be attached requiring further details regarding sound insulation and the attenuation of noise to ensure that future residents and occupiers are not unduly affected by noise. Such an approach has been used within the Quintain Outline Planning Application (reference 03/3200).

Contamination

This application is supported by a Phase I Environmental Assessment which specifies that the site has a low/medium environmental risk and makes the following recommendations: A number of potential sources of contamination have been identified and a Phase II Environmental Assessment is recommended which shall include an intrusive investigation to target identified potential sources of contamination. The Phase I report envisages that the second report would be secured through planning condition. The report also recommends an asbestos survey, an unexploded ordinance survey and a flood risk assessment.

Environmental Health have commented that the initial assessment is satisfactory, but that conditions should be attached to any approval.

Flood Risk

The site is situated within Flood Risk Zones 2 and 3 as identified within the Environment Agency flood maps and Brent's own Strategic Flood Risk Assessment (SFRA) and as such, must be accompanied by a Flood Risk Assessment which examines the potential of flooding of the

development and from the development.

The Council has applied the Sequential Test to the site. The Test establishes that development is acceptable within this site and but should be directed away from flood risk areas (in particular any residential development) to the fringes and employ mitigation measures to reduce surface water run off.

The SFRA places approximately 30 % of the site within Flood Risk Zone 2. The applicants surveyed elements of the site that are not occupied by the existing building and concluded that the site is significantly higher than the 1 in 1000 year flood level (32.41 m AOD). However, the survey points are outside of the area that would be below this level as detailed within the LiDAR survey undertaken for the SFRA. A LiDAR survey is not as accurate as a full survey and one must also assume that it is an estimation of ground level where a building occupies the area in question.

Nevertheless, the Flood Risk Assessment specifies that the floor levels for all residential properties will be above the design flood levels for the site and that the basement ramp access and stairways will be situated within a permanent lip that is set 600 mm above the 1 in 1000 year flood level.

The Environment Agency has commented that they do not object to the FRA.

The applicant has not directly specified the use of SUDS within the site. However, it is specified that opportunities for the installation of a rainwater harvesting system will be examined at the detailed design stage and some living roofs have been proposed. Policy 4A.14 (Sustainable Drainage) of the London Plan specifies that "Developers should aim to achieve greenfield run off from their site through incorporating rainwater harvesting and sustainable drainage". This is also reflected in the 2008/09 proposed revision to the Wembley Masterplan. The Stage 1 response from the Greater London Authority also specifies that the applicant should seek to provide living roofs on the remainder of the hotel and residential floorspace where appropriate and your officers consider that the potential for the further provision of living roofs and other SUDS measures should be assessed through condition.

Conclusion

After a significant negotiation period and the receipt of significant revisions to the proposal, your officers respectfully recommend that the Planning Committee resolve to grant planning permission for the proposed development subject to a Section 106 agreement and conditions which are detailed within this report. The Committee are reminded that revisions have been sought regarding the configuration of Intermediate residential unit (removing the north facing sole habitable room windows), the layout of the basement to ensure that the disabled parking spaces are appropriately sited and that the Social Rented core includes a lift to the basement, further information regarding on-site renewables and the provision of additional Wheelchair Accessible/Easily Adaptable units. These matters and any additional comments received will also be discussed within the Supplementary Report.

Supplementary Report

Transportation – formal comment received

Formal comment has been received from Transportation regarding the revised drawings received on 4 June 2009.

They have objected to the revised proposal on several grounds. The full discussion is within their comments, but in summary they object to:

- The building oversails the Fulton Road footpath and therefore will endanger public safety and is likely to result in the need to partially close Fulton Road during construction.
- The vehicle access arrangements are considered unacceptable and are likely to result in conditions prejudicial to pedestrian and traffic free-flow and safety, including the combined width of the vehicle accesses, and the fact that the ramps directly adjoin the back-edge of

pavement which is exacerbated by the proximity to Rutherford Way.

- *The proposal, by virtue of the narrowness of the Fulton Road footway and the inclusion of food and drinks uses within this frontage is considered prejudicial to pedestrian safety.*
- *The proposal fails to demonstrate that the servicing/coach area is large enough to accommodate the vehicles likely to access the development.*

Oversailing the footway/road

The oversailing element is a design feature of the tower and provides additional balcony space, but does not include any internal floorspace.

Oversailing the pavement has not often been proposed within Brent though there are examples both in the borough and elsewhere in London. The two primary issues are streetscene and highway/pedestrian flow and safety (in general, during construction and for maintenance purposes).

With regard to highway/pedestrian flow and safety, the applicant has specified that, despite the projection of upper floor elements of the building to the kerb line, there is no need to erect scaffolding over the road itself due to the modular method of construction where elements of the building are constructed off-site and lifted into position using a crane and the balconies of the proposed can then provide the functionality of scaffolding. Whilst such construction is possible, should consent be granted, it is recommended that a method statement is required through condition to demonstrate the method of construction and maintenance of the building to ensure that adequate protection to the public footpath and carriageway is provided.

Whilst the new Wembley Masterplan does not directly address oversailing, your officers are considering whether it should be updated to cover this issue. The Council is also preparing a public realm strategy which may also address this issue. Should the Council's policy with respect to the oversailing issue change before the completion of the s106 agreement this could lead to a requirement for further changes to the scheme.

Proximity of ramps to back-edge of pavement and width of access

This issue has been partly addressed by setting the access ramps to the basement 5 m further back from the back edge of pavement. Further amendments have been requested to reduce the gradient of the ramp and to move the ramp further back to allow cars, service vehicles and coaches to share the same access. The agent has agreed to these further amendments. Your officers accordingly recommend that members delegate authority to determine the application on the basis that such a revision will be made to the proposal.

Width of footway adjoining Food and Drink uses

The applicants have set the building 1 m back at ground floor and mezzanine level, increasing the width of the footway to 3 m. The upper floors oversail this 1 m recess, resulting in the provision of a refuge from rain.

Servicing/Coach access

The applicants have detailed an element of the courtyard that is to be used for servicing and coach parking. Given the scale of the courtyard area, there is sufficient space to provide adequate levels of coach parking and servicing and your officers consider that the detailed layout should be sought through condition.

Other Transportation recommendations

Transportation have also recommended that informatives are attached to any consent advising the applicant of the need to obtain a licence under the Highways Act 1980 to oversail the highway and that the Director of Transport would not be minded to grant such a licence if it resulted in undue disruption to the free flow of traffic and public safety in Fulton Road.

Further discussion of revised drawings

Other alterations associated with the revised drawings are summaries as follows:

Transportation:

The additional amendments described above is likely to result in the number of parking spaces for the private units being reduced to 81. This corresponds to a parking ratio of 0.62 spaces per unit for the private units. This is comparable to other recent schemes in the area, being above the minimum sought for other housing schemes that have been approved in the locality. The provision for the affordable units is unchanged at 24 spaces. The number of disabled parking spaces is also unchanged.

The basement private cycle storage area has been revised to provide 61 spaces. The total number of proposed cycle storage spaces for private units is now 131 (one per private unit).

Public cycle parking spaces (20) have now been detailed. The capacity of the Social Rented cycle store has been reduced to 20 spaces but remains above one space per unit.

Size of commercial units

The above set back of the ground and mezzanine floors results in a reduction in the size of the commercial units of 17.5 and 19 sqm.

Intermediate Residential Units

The north-eastern Affordable (Intermediate) block has been revised. The proposal now includes 2 x 2 bedroom and 1 x 3 bedroom unit on each of the three floors (replacing 1 x 2 bedroom and 2 x 3 bedroom) and the north facing sole habitable room windows have now been removed from the proposal. The revised layout has resulted in changes to the size and siting of windows and doors within this block.

Your officers recommend that an additional condition is attached that requires all north facing windows within the northern element of the building are glazed with obscured glass and fix closed or opening at a high level only. See below for the wording of the condition.

Wheelchair or easily adaptable units

The proposal has now been revised to include one Intermediate wheelchair accessible (2 bedroom unit) and six additional (2 bedroom) wheelchair units. One two bedroom wheelchair unit on the 14th floor has now been changed to a standard unit. The proposal now includes 13 private Wheelchair Accessible unit, two Social Rented and one intermediate and thus corresponds to 10 % of units. The corridor width of one Social Rented Wheelchair unit is insufficient (1.1 m when the minimum is 1.2 m) and, your officers accordingly recommend that a condition is attached required revisions to the internal layout of this unit.

Amenity space:

The revised plans now detail core access to the northern (4th floor) and south-western (7th floor) roof terraces. Access has also been detailed to the south-eastern (7th floor) roof terrace). Privacy screening (1.8 m high) has been detailed around the perimeter of the northern roof terrace and between the southern roof terraces and nearby units.

Children's place space has been indicated on the northern (55 sqm), south-western (85 sqm) and south eastern (60 sqm) roof terraces, with children's play space totalling 200 sqm.

Committee Site Visits

During the site visit, Members asked for clarification on the following points:

- **Confirm how far the amenity space provision is likely to be below SPG17 Guidelines.**

The proposal includes a total of 158 flats which would correspond to a SPG17 external amenity space requirement of 3,160 sqm (20 sqm per flat). The proposed external amenity space totals 3,000 sqm (excluding balconies). However, elements of this amenity space are shared by commercial units (restaurant, hotel, café/bars) or are public spaces and therefore their usefulness by residents is more limited than a separate communal garden. The final layout of the courtyard has not been agreed but is likely to result in a provision of 500 sqm. of external amenity space solely for use by future residents.

- **Confirm that the scheme will meet the Mayor's play space requirement for younger children.**

The Mayor's SPG refers to 10 sqm of play space per child. The applicants have specified a 60 sqm area of children's play space for the Private units, 55 sqm for the Intermediate and 85 sqm for the Social Rented units and the proposed provision is slightly greater than the Mayor's guidance levels relating to under 5's play space.

The Mayor's guidance levels would result in the need for an additional 170 sqm of play space for 5 to 10 year olds and 113 sqm for 11 to 15 year olds.

- **Where in relation to the site will the off-site amenity and play space discussed in the report be provided? Will it be close enough for younger children to use unsupervised.**

The revised Wembley Masterplan specifies the provision of:

- A single large park of at least 1.2 ha in size;
- A minimum of 10m² per child (5-17 years) of 'neighbourhood playable space. With the expected density level, this can be partly accommodated within three district open spaces of at least 0.4 hectares;
- A minimum of 10m² per child (0-5 years) of 'doorstep playable space. This should be provided as an integral part of each development parcel.

The Masterplan provides indicative details regarding the blocks, roads and open spaces within the area. The indicative plans detail the large park approximately 190 m from the subject site. This park is referred to as a "sizeable space" that "should have a significant green, organic and natural character, providing for a range of sporting activities in a contemporary landscape setting".

The provision of a north-east square is also specified within the Masterplan, with the indicative location approximately 90 m from the subject site. The Masterplan specifies that "The North East square will have a much more domestic character, with a local and community focussed landscape setting".

The Mayor's SPG specifies that play and recreational space for 5 to 11 year olds should be situated no more than 400 m from the dwelling and no more than 800 m for 12+ year olds. Both the north-eastern square and the larger park are within this distance of the development as detailed within the indicative Masterplan. Whilst the Masterplan does not secure the exact location of these spaces, it is unlikely that the final location of these spaces is unlikely to be in excess of 400 m from the subject site.

- **Do all the units meet the SPG17 guidelines for internal floors space.**

All of the proposed residential units meet or exceed the SPG17 guidelines for internal floor space.

- **Cllr Powney asked for the affordable split.**

A total of 27 Affordable dwellings are proposed, which corresponds to 17 % Affordable by unit or 22 % by Habitable Room. Of the Affordable dwellings, 18 are Social Rented and 9 are Intermediate, which corresponds to a 67:33 split. There are 6 two-bedroom Social Rented units and 12 with three-bedrooms. There are 6 two-bedroom Intermediate units and 3 with three-bedrooms.

- **Is the hotel parking for staff or patrons?**

The applicants have not specified whether the hotel parking spaces would be for staff or patrons. However, the Transport Assessment specifies that “Staff will be expected to use non-car modes from the outset”. Your officers consider that such matters can be addressed through the Travel Plan and recommended condition No. 6.

Revised Energy Statement

Your officers are currently evaluating the revised energy statement and it is accordingly requested that the authority to determine this application is delegated on the basis that the energy statement complies with Brent Council and London Plan policies and guidance.

Additional comments received

A letter of objection has been received on behalf of Trillium, the owners of Olympic House, 3 Olympic Way which directly adjoins the subject site. This letter raises the following issues:

- No assessment has been made of the impact of the loss of Sunlight and Daylight to 3 Olympic way;*
- The proposal obstructs the south facing windows to 3 Olympic Way and results in maintenance issues;*
- There is insufficient distance between the habitable room windows of the proposed development and 3 Olympic Way;*
- Obscured glazing has not been proposed for the northern façade facing 3 Olympic Way*
- Screening has not been proposed around the roof top amenity space adjacent to 3 Olympic Way.*

The first point has been discussed within the Committee report. The report acknowledged that in its absence of such assessment, it is assumed that there will be an impact on the lower floors of Olympic House but it is highlighted that the BRE guidance specifies that whether an existing building is a good neighbour is an important issue and in particular, whether it stands a reasonable distance from the boundary and takes no more than its fair share of light. Your officers concluded that the likely impact did not warrant the refusal of planning consent due to the proximity of the existing building to the boundary.

With regard to the obstruction of the windows, the proposal will obstruct the two flank wall windows on the fifth floor and six on the sixth floor flank of Olympic House that are situated on the joint boundary. Your officers have viewed the building internally. All of the windows serve rooms that also have large glazed aspects to the east and west. The walls of the building are largely glazed to the east and west with the windows that are to be blocked forming a limited proportion of the glazing within the associated room.

It should be noted that, when Olympic House was constructed, a conscious decision was made to insert windows that wholly relied on the adjoining site to provide light and outlook. Furthermore, to restrict the extent of the building due to the presence of these windows would reduce the development potential of a site situated within the Regeneration Area. Whilst your officers do not consider that this issue warrants the refusal of planning consent, it is considered that the developers should either under the works required to mitigate the highlighted maintenance issues or to pay for such works to be undertaken which is likely to involve blocking up the windows. It is accordingly recommended that this is added to the Section 106 agreement.

Points three, four and five have been addressed through the afore mentioned revisions to the proposal.

An additional letter has also been received from Quintain Estates and Developments which re-iterates their previously expressed view that S106 contributions should be pooled across the entire Wembley Masterplan Area in order to apply consistent principles and evenly distribute costs amongst land owners.

Amended or additional conditions

*Revised Condition 12 (b)
Add "prior to first occupation"*

*Additional condition 22 to ensure privacy of future residents:
Development shall not commence unless details of the provision of privacy screens between the balconies of the "tower" shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full.
Reason: to ensure the privacy of future residents.*

*Addition condition 23 regarding glazing of windows:
Any windows in the northern wall of the Intermediate Housing block or the apart hotel block (including the circulation areas of these blocks) shall be glazed with obscured glass and shall be fixed closed or opening at a high level only (at least 1.8 m above floor level) unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory development that does not affect the privacy of the development hereby approved or that of the adjoining site.*

*Additional condition 24 regarding layout of 1st floor Social Rented Wheelchair Accessible unit
Notwithstanding the plans hereby approved, further revised plans detailing amendments to the internal layout of the 1st floor Social Rented Wheelchair Accessible Unit to demonstrate that it will meet the minimum requirements for wheelchair accessible units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the approved details shall be implemented in full.
Reason: To ensure the development is in accordance with the London Plan policies regarding accessibility.*

*Additional condition 25 regarding accessible balconies over the footway
Notwithstanding the plans hereby approved, further revised drawings which exclude any accessible balcony elements that project over the footway or highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full.
Reason: To ensure the safety of pedestrians and traffic on the adjoining highway.*

*Additional condition 26 regarding Construction and Maintenance Strategy
No development shall occur unless a Construction and Maintenance Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall demonstrate that the construction and any future maintenance of the building can be undertaken without the need for scaffolding or any other items to project over Fulton Road (to the south of the northern Fulton Road kerb) so as to ensure that the proposal will not result in the need to partially or fully close Fulton Road other than the reasonable closure of the footway required to construct the basement or erect scaffolding above the footway. The approved details shall be fully implemented.
Reason: To ensure the free and safe flow of traffic and pedestrians on Fulton Road.*

*Additional condition 27 regarding layout of servicing/coach parking.
Notwithstanding the plans hereby approved, further details of the layout of the servicing/coach parking area shall be submitted to and approved in writing prior to the commencement of works and the approved details shall be fully implemented. The submitted details shall include the vehicle tracking, locations of vehicle parking areas and shall allow full independent access together with egress and ingress in a forward direction and may include the siting of the car club spaces should full access and mobile phone signal to the proposed basement spaces not be feasible.
Reason: To ensure a satisfactory development that is not prejudicial to pedestrian and vehicle free-flow and safety.*

*Additional informative 5 regarding oversailing the highway
The applicant is advised that a licence under the Highways Act 1980 to oversail the highway. The*

Director of Transport would not be minded to grant such a licence if it resulted in undue disruption to the free flow of traffic and public safety in Fulton Road.

Additional Section 106 Heads of Terms L

The submission, approval and full implementation of works or financial contributions to block up or otherwise resolve the future maintenance issues relating to the southern flank wall windows of 3 Olympic Way that are situated on the boundary with 5 Olympic Way.

Additional Section 106 Heads of Terms M

To allow full public access to the areas land within the Olympic Way and Fulton Road frontages of the building 24 hours a day, 7 days a week except when such access should be reasonably restricted for crowd control purposes during Wembley Stadium events.

Comments from Legal Service

It is recommended that:

Condition 10 is amended so that the words “to the satisfaction of the Local Planning Authority” are replaced by “completed in accordance with the approved scheme”

Condition 13 requires further clarification.

Your officers recommend that the following text is inserted after “...and the findings of the assessment shall be fully implemented”, replacing the subsequent text:

“The assessment shall specify the method by which any such materials shall be removed and disposed of, which shall be undertaken by a qualified asbestos contractor prior to the commencement of any demolition works. Documentary evidence which demonstrates that all such materials have been removed from the site shall be submitted to and approved in writing prior to the commencement of demolition works.”

Conclusion:

This application was placed on the Planning Committee agenda prior to the full resolution of all issues as the applicants specified an urgent need for determination and the majority of issues highlighted in the committee report have now been resolved. In order to help promote the regeneration of Wembley and, due to the fact that the revisions that are required constitute technical highways issues regarding access and geometry that are likely to be resolvable without the need for alterations that will significant affect on the nature of development, your officers have respectfully requested that the authority to determine the application is delegated to the Chief Planner.

The Planning Committee would therefore be delegating the authority to officers on the basis that the application will be granted subject to the satisfactory resolution of the layout of the vehicle access and the approval of the energy statement on the basis that it shall be in accordance the London Plan, and to delegate authority to agree amendments to the design of the tower should Council policy in respect of the oversailing issue change before the completion of the s106.

This application is also referable to the Mayor of London, who will be notified of the Council’s intention regarding the determination of the application and who has the authority to determine the application himself.

Recommendation:

That the determination of this application is delegated to the Chief Planner to decide the application on the basis that members would grant planning permission subject to the satisfactory resolution of the width of the vehicle access and location of vehicle ramps and the consideration of the revised energy statement.

Revised condition 12(b), additional conditions 22, 23, 24, 25, 26, 27, 28 and 29, additional informative 5, additional Section 106 Heads of Terms L and M.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

London Plan 2011
Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance No. 3, 4, 12, 13, 17, 19, 21
Council's Supplementary Planning Document: S106 Planning Obligations

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the 14 February 2011.

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):

AL13-018	OLY AL 13-034 Rev F
OLY AL 13-021 Rev F	OLY AL 13-036 Rev F
OLY AL 13-022 Rev G	OLY AL 13-037 Rev F
OLY AL 13-023 Rev D	OLY AL (13) 041 Rev F
OLY AL 13-024 Rev S	OLY AL (13) 042 Rev E
OLY AL 13-025 Rev L	OLY AL (13) 045 Rev B
OLY AL 13-026 Rev L	OLY AL (13) 046 Rev A
OLY AL 13-027 Rev K	OLY AL (13) 049 Rev A
OLY AL 13-028 Rev K	OLY AL (13) 051 Rev E
OLY AL 13-029 Rev N	OLY AL 13-055
OLY AL 13-030 Rev N	OLY AL (13) 061 Rev B
OLY AL 13-031 Rev N	OLY AL (13) 062 Rev B
OLY AL 13-032 Rev K	OLY AL (13) 065 Rev A
OLY AL 13-033 Rev K	OLY AL (13) 066 Rev C

Documents approved within the original consent: reference 08/3009
Design and Access Statement dated 11/06/09
Materials & Finishes
Preliminary Daylight and Sunlight Report for the proposed development dated 16/03/09
Phase 1 Environmental Assessment dated April 2007
Transport Assessment dated October 2008
Environmental Noise Investigation Report dated 20/08/08
Energy statement for planning submission revision D dated 16/01/09
Flood Risk Assessment Report dated September 2008
Wind Environment Assessment dated October 2008
Local Air Quality Assessment dated September 2008
Stakeholder engagement report dated October 2008
Planning Statement dated October 2008
Sustainable Development Checklist dated 29/10/08

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

- (3) The development hereby approved shall be carried out in full accordance with the Flood Risk Assessment STATS36234-001 September 2008.

Reason: To reduce the risk of flooding to the proposed development and future occupiers, and to reduce the impacts of flooding from the development.

- (4) All existing crossovers rendered redundant by this proposal shall be reinstated to footway at the applicant's own expense and to the satisfaction of the Council's Director of Transportation prior to the occupation of the new development.

Reason: In the interests of traffic and pedestrian safety.

- (5) No antennas or telecommunications equipment may be erected on or within the curtilage of the building subject of this application, notwithstanding the provisions of Parts 24 or 25 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance in light of the location of the site and any potential impact on the character of the area or the views to the National Stadium.

- (6) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site and the loading areas indicated on the approved plans shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority. All loading and unloading of goods and materials including fuel shall, where practicable, be carried out entirely within the curtilage of the property.

Reason: To ensure that materials or vehicles awaiting or being loaded or unloaded are parked in designated areas and do not interfere with the free passage of vehicles or pedestrians within the site and along the public highway and in the interests of the visual amenities of the area.

- (7) Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 prior to the occupation of the building details of any advertisements to be erected on site associated with the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be installed strictly in accordance with the details so approved. Details to be submitted shall include: colours, materials, method of attachment and illumination and maximum levels of illumination, where applicable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving local amenity and highway safety on a visually prominent site

- (8) Any windows in the northern wall of the Intermediate Housing block or the apart hotel block (including the circulation areas of these blocks) shall be glazed with obscured glass and shall be fixed closed or opening at a high level only (at least 1.8 m above floor level) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development that does not affect the privacy of the development hereby approved or that of the adjoining site.

(9)

- (10) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The work shall be carried out in accordance with the approved details.

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

- (11) All areas shown on the plan and such other areas as may be shown on the approved plan, including the Olympic Way frontage, internal courtyard and all roof terraces, shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed in full during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:-

- (i) A revised landscaping strategy for the site;
- (ii) Proposed walls and fencing, indicating materials and heights.
- (iii) All hard landscaping including materials
- (iv) Levels and contours within the landscaped areas, including how these relate to adjoining land outside of the site
- (v) The provision of green/living roofs within all roof terraces detailed on the submitted drawings
- (vi) The incorporation of SUDS within the proposal
- (vii) Means by which the ecological value of the area is enhanced, including the provision of bird boxes
- (viii) Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian
- (ix) The detailed size, siting, design and layout of the children's play space including all equipment

(x) The detailed design and layout of the servicing/coach area

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

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

- (12) Details of the provision of a minimum of 185 secure weatherproof cycle parking spaces and 20 publicly accessible cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. The details shall include the configuration and layout and the external appearance of any such areas. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (13) No development shall commence unless further details of the vehicle accesses to the sites which include a 300 mm margin between the vehicle accesses and adjoining walls and the provision of a 4 m kerb radii onto Fulton Road are submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details.

Reason: To ensure a satisfactory development that ensures the safety of future users and the free and safe flow of traffic and pedestrians on the adjoining highway.

- (14) The development shall not be occupied unless a detailed car park management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the means by which the parking spaces will be allocated, secured and enforced between the various users of the site and the approved plan shall be implemented in full for the life of the development. The car park shall be used only for the purposes set out within the approved plan and shall not be used for any other purposes, such as for Wembley Stadium event parking or any other parking for those who do not occupy or patronise the development.

Reason: To ensure a satisfactory development that does not result in overspill parking within the surrounding area.

- (15) A Delivery, Servicing and Coach access/parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building hereby approved. The approved plan shall be fully implemented for the life of the development.

Reason: To ensure a satisfactory development that minimises any potential impacts on the road network.

- (16) Notwithstanding the documents submitted with this application, a revised Air Quality Assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the development should be

completed in full accordance with the approved details.

Reason: To ensure that the development provides a satisfactory standard of accommodation for future residents and does not have an adverse impact on local air quality.

- (17) The development, as hereby permitted, shall not commence until details of a proposed Construction Management Scheme in respect of construction have been submitted and approved in writing by the Local Planning Authority. The scheme shall include construction logistics in accordance with the London Freight Plan 2008. The approved scheme shall be implemented in full.

Reason: To limit the detrimental effect of demolition and construction works on adjoining residential occupiers or the road network.

- (18) No development shall commence unless a scheme providing for the insulation of the proposed building against the transmission of external noise (and vibration) has been submitted to and approved in writing by the Local Planning Authority and those details shall be in accordance with the levels specified within the documents so approved. Any works which form part of the scheme shall be completed in accordance with the approved scheme before any of the permitted units are occupied. The design levels for noise relating to Stadium music events should take account of the maximum possible levels unless the submitted details demonstrate to the satisfaction of the Local Planning Authority that a lower design level is acceptable.

Reason: To ensure satisfactory noise levels for the proposed use.

- (19) No development shall commence unless a Local Training and Employment initiative has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

Reason: To ensure a satisfactory development that maximises the employment opportunities for local residents and businesses.

- (20)
- a) No development shall commence unless a site investigation shall be carried out by an appropriate person to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. Any proposed remediation must be sustained for the life of the development and this must be justified by the applicant. No works may commence on site until a remediation strategy has been submitted and approved by the Local Planning Authority. If during works new areas of contamination are encountered, which have not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority, and
 - b) a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation by a competent person stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use

Reason: To ensure the safe development and secure occupancy of the site proposed for use in accordance with UDP policy EP6.

- (21) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

- (22) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area.

- (23) No development shall commence until details of any CCTV cameras to be used on site are submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented in full. These details shall include the make, model, design and position of any external CCTV cameras

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

- (24) Development shall not commence unless details of the provision of privacy screens between the balconies of the "tower" shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full.

Reason: to ensure the privacy of future residents.

- (25) No development shall occur unless a Construction and Maintenance Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall demonstrate that the construction and any future maintenance of the building can be undertaken without the need for scaffolding or any other items to project over Fulton Road (to the south of the northern Fulton Road kerb) so as to ensure that the proposal will not result in the need to partially or fully close Fulton Road other than the reasonable closure of the footway required to construct the basement or erect scaffolding above the footway. The approved details shall be fully implemented.

Reason: To ensure the free and safe flow of traffic and pedestrians on Fulton Road.

- (26) Notwithstanding the plans hereby approved, further details of the layout of the servicing/coach parking area shall be submitted to and approved in writing prior to the commencement of works and the approved details shall be fully implemented. The submitted details shall include the vehicle tracking, locations of vehicle parking areas and shall allow full independent access together with egress and ingress in a forward direction and may include the siting of the car club spaces should full access and mobile phone signal to the proposed basement spaces not be feasible.

Reason: To ensure a satisfactory development that is not prejudicial to pedestrian and vehicle free-flow and safety.

- (27) Notwithstanding the drawings hereby approved, measures to ensure that pigeons do not roost or otherwise land within the public or communal undercroft, recessed or otherwise covered areas of the building hereby approved, namely the pedestrian

entrance to the courtyard from the Olympic Way frontage, the undercroft area within the Fulton Road frontage and the vehicle access but excluding the ground itself within these areas, shall be submitted to and approved in writing prior to the commencement of works and the approved details shall be implemented in full.

Reason: To ensure that these areas are appropriately usable by future residents, occupiers and visitors and to ensure a satisfactory appearance.

- (28) No external plant, ducting or other associated equipment shall be installed (including any plant within the roof-top plant area on the roof of the hotel) unless further details of the plant, including the full specification of the plant, details of noise levels at the nearest sensitive windows both within and outside of the development, details of any screening of the plant and details of any external have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and the plant shall thereafter be maintained in accordance with the Manufacturer's specifications.

Reasons: In the interest of the amenities of adjoining and future occupiers.

- (29) Notwithstanding the plans hereby approved, further details of the vehicular accesses to the site, including the siting, design and operation of any gates and control mechanisms shall be submitted to and approved in writing prior to the commencement of works. The approved details shall be implemented in full and thereafter maintained.

Reason: In the interest of visual amenity and the free and safe flow of traffic and pedestrians on the adjoining highways and on the internal vehicular accesses.

INFORMATIVES:

- (1) Delete this and enter unique informative here
- (2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (3) There are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building / development work, please contact Thames Water on 0845 850 2777.
- (4) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local waterways.
- (5) Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They further recommend, in line with best practice for the disposal of Fats, Oils, Grease, the collection of waste oil by a contractor, particularly

to recycle for the production of bio-diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.

- (6) The applicant is advised that a licence under the Highways Act 1980 to oversail the highway. The Director of Transport would not be minded to grant such a licence if it resulted in undue disruption to the free flow of traffic and public safety in Fulton Road.

REFERENCE DOCUMENTS:

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

PLANNING & ENFORCEMENT APPEALS

June & July 2011

Received	4/01
Decided	4/02
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Received PLANNING Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: 10/2426 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 23/06/2011 **Appeal Against:** Refusal of planning permission
Location: 8A Monson Road, London, NW10 5UP
Proposal:

Retrospective application for erection of single storey outbuilding in rear garden of ground floor flat

Application Number: 10/2538 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 12/06/2011 **Appeal Against:** Refusal of planning permission
Location: 48 Ledway Drive, Wembley, HA9 9TQ
Proposal:

Demolition of existing dwellinghouse and erection of three 3-bedroom dwellinghouses (one detached and two semi-detached) with three off-street parking spaces and associated landscaping

Application Number: 10/3019 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/06/2011 **Appeal Against:** Refusal of planning permission
Location: 8 Redhill Drive, Edgware, HA8 5JN
Proposal:

Demolition of attached garage and erection of a new single and two storey side and rear extension with integral garage to dwellinghouse

Application Number: 10/3211 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 24/06/2011 **Appeal Against:** Refusal of planning permission
Location: 57 Hardinge Road, London, NW10 3PN
Proposal:

Retrospective application for rear dormer window and rooflight, front dormer window and rooflight, new ground floor rear window and door to main dwellinghouse and outbuilding to rear garden.

Application Number: 10/3229 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 12/07/2011 **Appeal Against:** Refusal of planning permission
Location: 27 The Drive, Wembley, HA9 9EF
Proposal:

Demolition of existing bungalow and erection of a two storey block of flats comprising one x three-bed, one x two-bed and four x one-bed self contained flats, with formation of new vehicular access, five parking spaces, refuse store, cycle store and associated hard and soft landscaping (accompanied by Design & Access and Lifetime Homes Statement, Arboricultural Report, Tree Survey Schedule, Outline Sustainability Statement) as amended by plans received 14/03/11

Application Number: 10/3278 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 24/06/2011 **Appeal Against:** Refusal of planning permission
Location: 47C Cavendish Road, London, NW6 7XS
Proposal:

Window replacement to an existing converted 4-storey residential property housing 4 self-contained flats.

Application Number: 10/3280 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 24/06/2011 **Appeal Against:** Refusal of planning permission
Location: 13A-D inc, Park Avenue, London, NW2 5AN
Proposal:

Window replacement to an existing 3-storey residential property housing 4 self-contained flats

Received PLANNING Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: 11/0090 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 17/06/2011 **Appeal Against:** Refusal of planning permission
Location: 7 St James Gardens, Wembley, HA0 4LH
Proposal:

Conversion of existing dwellinghouse into two self-contained flats and alterations to front garden to include provision for bin storage and cycle parking

Application Number: 11/0102 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 16/06/2011 **Appeal Against:** Refusal of planning permission
Location: 38 Mapesbury Road, London, NW2 4JD
Proposal:

Installation of replacement upvc windows

Application Number: 11/0269 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 28/07/2011 **Appeal Against:** Refusal of planning permission
Location: 93-97 Kenton Road, Harrow, HA3 0AN
Proposal:

Retention of change of use of shop unit at 93 Kenton Road from retail (Use Class A1) to cafe (Use Class A3) with shisha smoking area to the front.

Application Number: 11/0310 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 21/06/2011 **Appeal Against:** Refusal of planning permission
Location: Premier House, 17 Acland Road, London, NW2 5AX
Proposal:

The erection of a rear ground floor and first floor extensions, new basement, new mono-pitch green roof, new front bay to the dwellinghouse

Application Number: 11/0338 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 20/07/2011 **Appeal Against:** Refusal of planning permission
Location: 2 Gladstone Park Gardens, London, NW2 6JU
Proposal:

Conversion of dwellinghouse into 2 one bedroom self-contained flats

Application Number: 11/0567 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 16/06/2011 **Appeal Against:** Refusal of planning permission
Location: Flat 1, 277 Willesden Lane, Willesden, London, NW2 5JA
Proposal:

Conversion of existing ground floor flat into two one bedroom units, with erection of single storey rear extension.

Application Number: 11/0603 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/06/2011 **Appeal Against:** Refusal of planning permission
Location: 203, 203B, Office 1 & Office 2, 203 Kilburn High Road, London, NW6 7HY
Proposal:

1st 2nd and 3rd floor rear extension, hip to gable, rear mansard on existing roof to increase office floorspace.

Received PLANNING Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: 11/0660 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 28/07/2011 **Appeal Against:** Refusal of planning permission
Location: 63 Bassingham Road, Wembley, HA0 4RJ
Proposal:
Retrospective application for existing detached outbuilding

Application Number: 11/0682 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 08/07/2011 **Appeal Against:** Refusal of planning permission
Location: 138 Anson Road, London, NW2 6AU
Proposal:
Erection of first floor side extension to dwellinghouse

Application Number: 11/0692 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 27/07/2011 **Appeal Against:** Refusal of planning permission
Location: 47 Paxford Road, Wembley, HA0 3RQ
Proposal:
Proposed part single and two storey rear extension, rear and side dormer window and installation of one front rooflight to dwellinghouse.

Application Number: 11/0725 **Team:** Southern Team **Application Type** Other CLD
Appeal Received: 07/07/2011 **Appeal Against:** Refusal of planning permission
Location: 99 Priory Park Road, London, NW6 7UX
Proposal:
Certificate of lawfulness for proposed loft conversion including rear dormer and extension to existing two storey rear addition to dwellinghouse

Application Number: 11/0789 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/06/2011 **Appeal Against:** Refusal of planning permission
Location: 307-311 Kilburn High Road, London, NW6 7JR
Proposal:
Change of use class from A4 and D2 to A1, A2 and/or A3 on the ground floor and the construction of 4 flats (2 beds) at first floor level, the erection of second floor extension to accommodate 3 flats (1 x 2bed and 2x 3bed) and a new set back third floor accomadating (1 x 2 bed and a 1 x 3 bed)

Application Number: 11/0927 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 23/06/2011 **Appeal Against:** Refusal of planning permission
Location: 58A Pember Road, London, NW10 5LU
Proposal:
Erection of single storey rear extension to ground floor flat

Application Number: 11/1026 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 19/07/2011 **Appeal Against:** Refusal of planning permission
Location: Flat A, Flat B & Flat C, 84 Pine Road, London, NW2 6SA
Proposal:
Retention of single storey side extension comprising three self-contained flats

Application Number: 11/1354 **Team:** Southern Team **Application Type** Other ADV
Appeal Received: 27/07/2011 **Appeal Against:** Refusal of planning permission
Location: 141-143 Kilburn High Road, London, NW6 7HT
Proposal:
Installation and display of internally illuminated wall-mounted advertisement sign on flank wall of building

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Received ENFORCEMENT Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: E/07/0927 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 27/07/2011

Location: 326 Tokyngton Avenue, Wembley, HA9 6HH

Description:

Without planning permission the erection of a building in rear garden of the premises.

Application Number: E/07/0929 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 29/07/2011

Location: 324 Tokyngton Avenue, Wembley, HA9 6HH

Description:

Without planning permission, the erection of a building in rear garden of the premises.

("The unauthorised development")

Application Number: E/08/0286 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 06/06/2011

Location: 9 Hillcroft Crescent, Wembley, HA9 8EE

Description:

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

("The unauthorised development")

Application Number: E/09/0577 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 11/07/2011

Location: 14 West Court, Wembley, HA0 3QH

Description:

Without planning permission, the erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0032 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 03/06/2011

Location: 186 Princes Avenue, London, NW9 9JE

Description:

Without planning permission, the erection of an outbuilding in the rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0509 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 16/06/2011

Location: 25 Sandhurst Road, London, NW9 9LP

Description:

Without planning permission, the erection of a building to the rear of the premises.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: E/10/0583 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 14/07/2011

Location: 21 Springfield Gardens, London, NW9 0RT

Description:

The erection of a building in rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0652 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 14/07/2011

Location: 14A-D inc, Wrotesley Road, London, NW10 5YL

Description:

The erection of a rear dormer window and hip to gable end roof extension to the premises.

("The unauthorised development")

Application Number: E/10/0663 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 10/06/2011

Location: 70 Basing Hill, Wembley, HA9 9QR

Description:

Without planning permission, the erection of a single and two storey side extension and the erection of a single storey rear extension to the premises.

("The unauthorised development")

Application Number: E/10/0738 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 27/07/2011

Location: 48 Oakington Avenue, Wembley, HA9 8HZ

Description:

Without planning permission, the erection of front boundary walls, pillars, metal railings and metal gates to front of premises.

("The unauthorised development")

Application Number: E/10/0748 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 03/06/2011

Location: 84 Heather Park Drive, Wembley, HA0 1TA

Description:

The breach of Condition 2 (extension not built in accordance with approved plans) of Planning Permission No 08/1291 dated 18/08/2009 for "Demolition of 2 existing detached garages to the rear of No. 82 and 84 Heather Park Drive, erection of single-storey rear infill extensions to both ground-floor flats and erection of detached outbuildings to the rear of 82 and 84 Heather Park Drive".

Condition 2 states:"The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith".

Condition 2 has been breached because a large protruding roof light has been installed to the roof of the rear extension of the premises.

Received ENFORCEMENT Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: E/10/0759 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 13/07/2011

Location: 836 Harrow Road, London, NW10 5JU

Description:

The demolition of a front boundary wall and the formation of a hard surface to front garden of the premises.

("The unauthorised development")

Application Number: E/10/0831 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 15/07/2011

Location: 169 Abbotts Drive, Wembley, HA0 3SH

Description:

Without planning permission, the erection of a boundary wall to front of premises.

("The unauthorised development")

Application Number: E/10/0832 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 13/06/2011

Location: 24 Basing Hill, Wembley, HA9 9QP

Description:

Without planning permission, excavation works to the rear garden and associated installation of hard surface to the rear and side of the premises.

("The unauthorised development")

Application Number: E/10/0883 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 14/07/2011

Location: 74 Elthorne Road, London, NW9 8BL

Description:

Without planning permission the erection of a single storey rear extension with roof terrace and railings to rear of the premises

Application Number: E/10/0900 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 07/07/2011

Location: 100 Dorchester Way, Harrow, HA3 9RB

Description:

The erection of a conservatory at the rear of the existing extension of the premises

Application Number: E/10/0901 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 07/07/2011

Location: 98 Dorchester Way, Harrow, HA3 9RB

Description:

The erection of a conservatory at the rear of the existing extension of the premises.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: E/10/0914 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 02/06/2011**Location:** 11A St Georges Avenue, London, NW9 0JT**Description:**

Without planning permission, the erection of a rear single storey plastic and timber canopy structure to the premises.

("The unauthorised development")

Application Number: E/10/0957 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 20/07/2011**Location:** 30 Bowrons Avenue, Wembley, HA0 4QP**Description:**

Without planning permission, the erection of a plastic, upvc, glass and brick type lean-to extension to side/rear of the premises and the erection of a mono-pitch roof building in rear garden area of premises.

Application Number: E/11/0030 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 22/07/2011**Location:** 724 North Circular Road, Neasden, London, NW2 7QH**Description:**

Without planning permission, the change of use of the rear outbuilding to form a self-contained flat.

("The unauthorised change of use")

Application Number: E/11/0063 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 17/06/2011**Location:** 71 Abbey Avenue, Wembley, HA0 1LJ**Description:**

Without planning permission, the erection of a building, shown cross-hatched on the attached Plan 2, not incidental to the enjoyment of the dwellinghouse in rear garden of the premises.

("The unauthorised development")

Application Number: E/11/0086 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 15/06/2011**Location:** 15 Oldborough Road, Wembley, HA0 3PP**Description:**

Without planning permission the erection of a single storey rear extension to dwellinghouse

Application Number: E/11/0131 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 14/07/2011**Location:** 2 Oxgate Gardens, London, NW2 6EB**Description:**

Without planning permission, the erection of a building in the rear garden of the premises

Received ENFORCEMENT Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: E/11/0135 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 21/06/2011

Location: 12 Alington Crescent, London, NW9 8JN

Description:

Without planning permission, the erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/11/0139 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 15/06/2011

Location: 26 Belvedere Way, Harrow, HA3 9XG

Description:

Without planning permission, the erection of a building in the rear garden of the premises.

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Decisions on PLANNING Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6-Sep-2011

Application Number: 08/1079 **PINSRefNo** A/11/2148235/NWF **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 22/07/2011

Location: 47 Flats 1-3 & 49, Byron Road, Wembley, HA0

Proposal:

Retention of 1 studio flat, 1 three-bedroom flat, 1 two-bedroom flat and 1 two-bedroom maisonette

Application Number: 10/1357 **PINSRefNo** A/11/2146470 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 15/07/2011

Location: 32 Evelyn Avenue, London, NW9 0JH

Proposal:

Erection of a single storey outbuilding to rear garden of dwellinghouse

Application Number: 10/1478 **PINSRefNo** A/11/2146393/WF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 15/07/2011

Location: 61 Beverley Gardens, Wembley, HA9 9RB

Proposal:

Erection of two-storey, end-of-terrace dwellinghouse with single-storey rear and side extension and front porch, installation of vehicle access, provision of car-parking, refuse-storage to front and landscaping (alteration to previously approved scheme 09/1888 to include single-storey side extension)

Application Number: 10/1529 **PINSRefNo** A/11/2146208 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 06/07/2011

Location: 232 Ealing Road, Wembley, HA0 4QL

Proposal:

Part retrospective application to erect a single storey rear extension to shop involving alterations to the unlawfully constructed extension

Application Number: 10/1652 **PINSRefNo** A/11/2147301 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/06/2011

Location: 30 Beaumont Avenue, Wembley, HA0 3BZ

Proposal:

Extension to time limit of planning permission 07/2080, dated 27/09/2007, for demolition of existing three-bedroom bungalow and erection of 2-storey building comprising 2 x three-bedroom, semi-detached dwellinghouses, with alterations to move and widen existing vehicular access and provision of 2 off-street car-parking spaces

Application Number: 10/2058 **PINSRefNo** A/11/2148075/WF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 04/07/2011

Location: 91 Dyne Road, London, NW6 7DR

Proposal:

External insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof, creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse

Decisions on PLANNING Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6-Sep-2011

Application Number: 10/2279 **PINSRefNo** A/11/2148029 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 23/06/2011

Location: 110 Wembley Park Drive, Wembley, HA9 8HP

Proposal:

Change of use from internet cafe (Use Class A1) to mixed use internet cafe (Use Class A1) and radio cab office (Use Class Sui Generis)

Application Number: 10/2442 **PINSRefNo** A/11/2147693/WF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/07/2011

Location: 100 Pound Lane, London, NW10 2HY

Proposal:

Creation of new area of hardstanding for the parking of a vehicle, with access off Bertie Road.

Application Number: 10/2631 **PINSRefNo** A/11/2149749/NWF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 21/06/2011

Location: Garage rear of 70 Minet Avenue, Fairlight Avenue, London

Proposal:

Change of use of a garage into a two-bedroom maisonette

Application Number: 10/2736 **PINSRefNo** A/11/2146934/NWF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 27/06/2011

Location: 229 & 231 Church Road, London, NW10

Proposal:

Proposed single-storey rear extension

Application Number: 10/2781 **PINSRefNo** A/11/2150427/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/07/2011

Location: 21 Eagle Road, Wembley, HA0 4SH

Proposal:

Change of use of existing dwellinghouse to a House in Multiple Occupation (HMO), enlargement of existing single storey side projection and installation of flank wall kitchen window on the ground floor.

Application Number: 10/2847 **PINSRefNo** A/11/2147970/WF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/07/2011

Location: 1 Christchurch Green, Wembley, HA0 4DP

Proposal:

Demolition of garage and erection of a two storey dwellinghouse, installation of vehicular access and associated landscaping

Application Number: 10/3019 **PINSRefNo** D/11/2153938 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 13/07/2011

Location: 8 Redhill Drive, Edgware, HA8 5JN

Proposal:

Demolition of attached garage and erection of a new single and two storey side and rear extension with integral garage to dwellinghouse

Decisions on PLANNING Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6-Sep-2011

Application Number: 10/3025 **PINSRefNo** H/11/2149728 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 20/06/2011

Location: 576-584 Even, High Road, Wembley, HA0

Proposal:

Erection of 3 billboards to roof of property

Application Number: 10/3036 **PINSRefNo** A/11/2153167 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 15/07/2011

Location: 32 Evelyn Avenue, London, NW9 0JH

Proposal:

Retrospective application for first floor rear extension to dwellinghouse

Application Number: 10/3054 **PINSRefNo** H/11/2149300 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 29/06/2011

Location: 813 Harrow Road, London, NW10 5NJ

Proposal:

Replacement of existing, non-illuminated 6m x 3m advertisement unit located on first floor flank wall of No.813 Harrow Road with an internally illuminated 3m x 4.5m advertisement unit

Application Number: 10/3086 **PINSRefNo** D/11/2150702 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/06/2011

Location: 128 Salmon Street, London, NW9 8NT

Proposal:

Demolition of existing single storey side extension and erection of proposed two-storey side and rear extension, 5 flank wall windows, flank wall door and four side rooflights and one rear rooflight to dwellinghouse

Application Number: 10/3115 **PINSRefNo** D/11/2151143 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/06/2011

Location: 138 Anson Road, London, NW2 6AU

Proposal:

First floor side and rear extension and formation of hard and soft landscaping to front of dwellinghouse

Application Number: 10/3131 **PINSRefNo** D/11/2150057 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/06/2011

Location: 37 Hazelmere Road, London, NW6 7HA

Proposal:

Erection of single storey side extension and installation of 1 side timber window on ground floor and 4 side timber windows to side elevation of dwellinghouse

Application Number: 10/3139 **PINSRefNo** H/11/2148316 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 23/06/2011

Location: 3, 1000 North Circular Road, Neasden, London, NW2 7JP

Proposal:

Erection of a free-standing internally illuminated double-faced advertising tower

Decisions on PLANNING Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6-Sep-2011

Application Number: 10/3140 **PINSRefNo** H/11/2148337 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 23/06/2011

Location: 2, 1000 North Circular Road, Neasden, London, NW2 7JP

Proposal:

Erection of a free-standing internally illuminated 48-sheet advertising hoarding

Application Number: 10/3195 **PINSRefNo** A/11/2149142/WF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 01/07/2011

Location: Garden Flat, 88 Brook Road, London, NW2 7DU

Proposal:

Erection of single storey extension to self-contained flat

Application Number: 10/3213 **PINSRefNo** D/11/2151239 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 09/06/2011

Location: 14 Windermere Avenue, London, NW6 6LN

Proposal:

Single storey side/rear extension to dwellinghouse

Application Number: 10/3225 **PINSRefNo** A/11/2147417/NWF **Team:** Southern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 28/07/2011

Location: Rear of 9 Nicoll Road & Car Park rear of 14, High Street, London

Proposal:

Removal of condition 3 of planning permission 09/0828 for the erection of a basement plus 1-, 2- and 3-storey Apart-Hotel, comprising 120 rooms with associated car-parking and landscaping

Application Number: 10/3276 **PINSRefNo** X/11/2149217 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 12/07/2011

Location: 7 Jeymer Avenue, London, NW2 4PJ

Proposal:

Certificate of lawfulness for a proposed erection of new pitched roof extension, rear dormer window and installation of 3 front and 1 rear rooflights to dwellinghouse

Application Number: 11/0133 **PINSRefNo** D/11/2151039 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/06/2011

Location: 6 Briar Road, Harrow, HA3 0DR

Proposal:

Conversion of existing garage into habitable room, linking front porch and garage extension, first floor side extension, rear dormer and 4 roof lights (two front and one on each flank roof slope) to dwellinghouse.

Decisions on ENFORCEMENT Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: E/08/0236 **PINSRefNo** C/11/2146916 **Team:** Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 13/06/2011

Location: 38 Barn Way, Wembley, HA9 9NW

Proposal:

Without planning permission, the erection of a ground floor front extension, alteration and relocation of front boundary and garden wall, the formation of hard surface to the front garden of the premises and the installation of replacement of uPVC windows and wooden entrance door to the premises.

("The unauthorised development")

Application Number: E/08/0588 **PINSRefNo** C/11/2146855

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 06/07/2011

Location: 1 Lydford Road, London, NW2 5QY

Proposal:

Without planning permission, the erection of a single storey side and rear extension, side/front porch on the side of the premises adjacent to 1-12 Mapeshill Place and the formation of a hard surface to the front and side garden area of the premises.

("The unauthorised development")

Application Number: E/10/0107 **PINSRefNo** C/10/2141736

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 30/06/2011

Location: 52A High Road, London, NW10 2PU

Proposal:

Without planning permission, the change of use of the premises from one self-contained flat above a shop to eight self-contained flats above a shop.

Application Number: E/10/0180 **PINSRefNo** C/11/2150497

Team: Southern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 13/07/2011

Location: 6 Furness Road, London, NW10 4PP

Proposal:

The change of use of the premises to eight self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0211 **PINSRefNo** C/11/2151392

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 22/07/2011

Location: 36 & 36A Alverstone Road, Wembley, HA9 9SB

Proposal:

Without planning permission, the change of use of the premises from one house to two units of residential accommodation incorporating one house and one flat to the side of the house.

("The unauthorised change of use")

Decisions on ENFORCEMENT Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: E/10/0327 **PINSRefNo** C/10/2135959**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 22/06/2011**Location:** 27 Preston Road, Wembley, HA9 8JZ**Proposal:**

The unauthorised erection of a part single, part two storey side extension, a part single and part two storey rear extension, a hip to gable roof extension and rear dormer window to the dwellinghouse.

("The unauthorised development")

Application Number: E/10/0392 **PINSRefNo** C/10/2135035**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 10/06/2011**Location:** 7 Berkeley Road, London, NW9 9DJ**Proposal:**

Without planning permission, the erection of a building for the purpose of a residential annex.

Application Number: E/10/0397 **PINSRefNo** C/11/2151201**Team:** Northern Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 19/07/2011**Location:** 1 Dicey Avenue, London, NW2 6AR**Proposal:**

Without planning permission, the erection of side dormer and rear dormer windows, raising of the height of part of the roof to provide a crown roof, installation of three front rooflights, two side rooflights and one rear rooflight to dwellinghouse.

Application Number: E/10/0491 **PINSRefNo** C/11/2146869**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 19/07/2011**Location:** 7 Wickliffe Gardens, Wembley, HA9 9LG**Proposal:**

Without planning permission, the erection of a two storey side and single storey rear extensions to the premises and the erection of a raised patio to the rear of the premises.

("The unauthorised development")

Application Number: E/10/0627 **PINSRefNo** C/11/2148578**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 27/06/2011**Location:** 95 Lindsay Drive, Harrow, HA3 0TH**Proposal:**

Without planning permission, the change of use of the premises into two self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0663 **PINSRefNo****Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 10/06/2011**Location:** 70 Basing Hill, Wembley, HA9 9QR**Proposal:**

Without planning permission, the erection of a single and two storey side extension and the erection of a single storey rear extension to the premises.

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: E/10/0671 **PINSRefNo** C/11/2149625 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 13/07/2011

Location: ASHFORD OFFICES, Ashford Road, London, NW2 6TR

Proposal:

Without planning permission, the change of use of the first floor of the premises from offices to two units of residential accommodation.

("The unauthorised change of use")

Application Number: E/10/0762 **PINSRefNo** C/11/2150532 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 13/07/2011

Location: 230 East Lane, Wembley, HA0 3LQ

Proposal:

Without planning permission, the installation of roof tiles and one rooflight to front elevation of dwellinghouse.

("The unauthorised development")

Application Number: E/10/0794 **PINSRefNo** C/11/2148698 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/07/2011

Location: 12 Greyhound Road, London, NW10 5QG

Proposal:

The erection of a decking and fence enclosure and a close-boarded perimeter fence screen to form a roof terrace on top of the two storey rear extension, the erection of a rear dormer window to the premises and change of use of premises from a single dwellinghouse to five self-contained flats.

("The unauthorised development and use")

Application Number: E/10/0830 **PINSRefNo** C/11/2144627 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 06/07/2011

Location: Alleyway rear of 25-51, Blackbird Hill, London, NW9

Proposal:

Without planning permission, the change of use from an alleyway to mixed use as access way, car repair, car servicing and storage of car-repair equipment, car parts and other equipment associated with the repair and servicing of vehicles.

("The unauthorised change of use")

Application Number: E/10/0943 **PINSRefNo** C/11/2146409 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 27/06/2011

Location: 85 The Avenue, Wembley, HA9 9PQ

Proposal:

Without planning permission, the erection of a first floor rear extension, a roof over the front of single storey elevation of two storey side extension and the erection of a porch to front of premises

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Jun-2011 and 31-Jul-2011

Planning Committee: 6 September, 2011

Application Number: E/11/0084 **PINSRefNo** C/11/2148999&2150807 **Team:** Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 18/07/2011

Location: 1- 4 Moulin Terrace, College Road, Wembley, HA9 8RJ

Proposal:

Without planning permission the erection of terrace comprising 4 x 3-bedroom houses.

("the unauthorised development")

**PLANNING SELECTED appeal DECISIONS between
1-Jun-2011 and 31-Jul-2011
Planning Committee: 6 September, 2011**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 08/1079	Appeal Decision: Appeal Allowed	Appeal Decision Date: 22/07/2011
Team:	Western Team	
Location:	47 Flats 1-3 & 49, Byron Road, Wembley, HA0	
Proposal:	Retention of 1 studio flat, 1 three-bedroom flat, 1 two-bedroom flat and 1 two-bedroom maisonette	
Our reference: 10/1357	Appeal Decision: Appeal Allowed	Appeal Decision Date: 15/07/2011
Team:	Northern Team	
Location:	32 Evelyn Avenue, London, NW9 0JH	
Proposal:	Erection of a single storey outbuilding to rear garden of dwellinghouse	
Our reference: 10/1478	Appeal Decision: Appeal Allowed	Appeal Decision Date: 15/07/2011
Team:	Northern Team	
Location:	61 Beverley Gardens, Wembley, HA9 9RB	
Proposal:	Erection of two-storey, end-of-terrace dwellinghouse with single-storey rear and side extension and front porch, installation of vehicle access, provision of car-parking, refuse-storage to front and landscaping (alteration to previously approved scheme 09/1888 to include single-storey side extension)	
Our reference: 10/1529	Appeal Decision: Appeal Allowed	Appeal Decision Date: 06/07/2011
Team:	Western Team	
Location:	232 Ealing Road, Wembley, HA0 4QL	
Proposal:	Part retrospective application to erect a single storey rear extension to shop involving alterations to the unlawfully constructed extension	
Our reference: 10/2058	Appeal Decision: Appeal Allowed	Appeal Decision Date: 04/07/2011
Team:	Southern Team	
Location:	91 Dyne Road, London, NW6 7DR	
Proposal:	External insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof, creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse	
Our reference: 10/2279	Appeal Decision: Appeal Allowed	Appeal Decision Date: 23/06/2011
Team:	Western Team	
Location:	110 Wembley Park Drive, Wembley, HA9 8HP	
Proposal:	Change of use from internet cafe (Use Class A1) to mixed use internet cafe (Use Class A1) and radio cab office (Use Class Sui Generis)	
Our reference: 10/2631	Appeal Decision: Appeal Allowed	Appeal Decision Date: 21/06/2011
Team:	Southern Team	
Location:	Garage rear of 70 Minet Avenue, Fairlight Avenue, London	
Proposal:	Change of use of a garage into a two-bedroom maisonette	

**PLANNING SELECTED appeal DECISIONS between
1-Jun-2011 and 31-Jul-2011
Planning Committee: 6 September, 2011**

Our reference: 10/2736	Appeal Decision: Appeal Allowed	Appeal Decision Date: 27/06/2011
Team: Southern Team		
Location: 229 & 231 Church Road, London, NW10		
Proposal: Proposed single-storey rear extension		
Our reference: 10/3025	Appeal Decision: Appeal Allowed	Appeal Decision Date: 20/06/2011
Team: Western Team		
Location: 576-584 Even, High Road, Wembley, HA0		
Proposal: Erection of 3 billboards to roof of property		
Our reference: 10/3036	Appeal Decision: Appeal Allowed	Appeal Decision Date: 15/07/2011
Team: Northern Team		
Location: 32 Evelyn Avenue, London, NW9 0JH		
Proposal: Retrospective application for first floor rear extension to dwellinghouse		
Our reference: 10/3139	Appeal Decision: Appeal Allowed	Appeal Decision Date: 23/06/2011
Team: Northern Team		
Location: 3, 1000 North Circular Road, Neasden, London, NW2 7JP		
Proposal: Erection of a free-standing internally illuminated double-faced advertising tower		
Our reference: 10/3195	Appeal Decision: Appeal Allowed	Appeal Decision Date: 01/07/2011
Team: Northern Team		
Location: Garden Flat, 88 Brook Road, London, NW2 7DU		
Proposal: Erection of single storey extension to self-contained flat		
Our reference: 10/3213	Appeal Decision: Appeal Allowed	Appeal Decision Date: 09/06/2011
Team: Southern Team		
Location: 14 Windermere Avenue, London, NW6 6LN		
Proposal: Single storey side/rear extension to dwellinghouse		

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email

Chris Walker, Assistant Director - Planning and Development

**ENFORCEMENT SELECTED appeal DECISIONS between
1-Jun-2011 and 31-Jul-2011****Planning Committee: 6 September, 2011****Introduction**

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

Our reference: E/10/0180	Appeal Decision Date: 13/07/2011
Team: Southern Team	Appeal Decision: Appeal Allowed

Location: 6 Furness Road, London, NW10 4PP

Proposal:

The change of use of the premises to eight self-contained flats.

Our reference: E/10/0397	Appeal Decision Date: 19/07/2011
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 1 Dicey Avenue, London, NW2 6AR

Proposal:

Without planning permission, the erection of side dormer and rear dormer windows, raising of the height of part of the roof to provide a crown roof, installation of three front rooflights, two side rooflights

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made 2 June 2011

by **Doug Cramond BSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2011

Appeal Ref: APP/T5150/A/11/2148029
110 Wembley Park Drive, Wembley, HA9 8HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Abdi Fatah Hared against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/2279, dated 9 June 2010, was allowed on 22 October 2010 subject to conditions.
 - The development permitted is the change of use from internet café (Use Class A1) to mixed use internet café (Use Class A1) and radio cab office (Use Class Sui Generis).
 - The condition in dispute is No 3 which states that: There shall be no advertisements relating to the mini-cab use mounted on the exterior of the building or within the premises.
 - The reason given for the condition is: To ensure that the mini-cab business remains a radio-controlled operation and vehicles or customers do not visit or congregate at the premises, in the interests of the free flow of traffic on the neighbouring highway, consistent with policy SH14 of the Brent Unitary Development Plan 2004.
-

Decision

1. I allow this appeal and vary the planning permission Ref 10/2279, for the change of use from internet café (Use Class A1) to mixed use internet café (Use Class A1) and radio cab office (Use Class Sui Generis) at 110 Wembley Park Drive, Wembley, HA9 8HP granted on 22 October 2010 by the Council of the London Borough of Brent, by deleting condition No 3.

Main Issue

2. The main issue is the effect of the proposal on the free flow of traffic.

Reasons

3. Having regard to the content of the condition and reason and the development plan I shall assess the condition in the context of Circular 11/95: *The Use of Conditions in Planning Permissions*. This Circular sets out at paragraph 14, as a matter of policy, six tests which should all be satisfied when conditions are imposed. In brief, conditions should be:
 - (i) necessary
 - (ii) relevant to planning
 - (iii) relevant to the development permitted
-

- (iv) enforceable
 - (v) precise
 - (vi) reasonable in all other respects
4. The appeal site lies within a section of road with facing secondary shopping frontages and includes a ground floor internet café and residential over. The radio cab office has been established and is a room to the rear which is accessed off a communal rear lane. The use was deemed acceptable by the Council having regard to analysis against Policy SH14 (Mini Cab Offices) in the Brent Unitary Development Plan 2004 (UDP) which particularly seeks to ensure that traffic safety problems do not arise and that such uses are located away from predominately residential areas. However no off-street parking could be provided and so it was deemed that the use should be for radio-controlled operation only and that, in line with the UDP policy, this consent would be granted for a temporary period only to enable monitoring.
 5. The permission was consequently granted for a temporary one year period ending 27 October 2011 (the Decision Notice in error refers to 2010) to allow the Council to "review the position in the light of the impact of this use". Further conditions were applied to seek to prevent use beyond a radio-controlled office; No 4 prevented any waiting area for drivers or customers from being provided and No 3, the subject of this appeal, prevented on-site advertisements to help ensure it remained a radio-base without having vehicles gathering locally. On the Decision Notice this was attached purely in the interests of the free flow of traffic. The Council seeks to widen this out through its appeal statement to also deal with residential amenity.
 6. The appellant argues that with the layout of the premises and the other conditions there are adequate controls in place to prevent drivers, cars and customers gathering and waiting and the prevention of advertisements is therefore unnecessary. The case is made that any advertisements would not be to draw to people to the office but rather to inform people of its existence and telephone number and that services would only be bookable by telephone in any event. Getting the telephone number known locally is an understandable business objective and to have to take advertisements on third party premises rather than using its own property would be an additional cost for a fledgling business.
 7. The road is a wide relatively busy one and both sides have extensive kerbside parking opportunities. It is clear that some visiting by taxis, as with other vehicles coming and going to the numerous businesses, would be most unlikely to interrupt traffic flow or be detrimental to highway safety and residential amenity might not be unduly harmed. In any event, however the nature the business premises is controlled by Condition No 4 which seeks to prevent taxis arriving here. This case made by the appellant is a strong one and furthermore to me of particular and over-riding importance is the fact that the whole permission is due for review in October 2011 and so the effect of a sign and all the other aspects of the operation can be considered in the round at that time. This review can encompass both traffic and residential amenity matters. Taken all factors together the condition the subject of this appeal is not necessary; the Council was being unreasonably over-cautious in its imposition.

8. For the reasons given above, and having regard to all matters raised, I conclude that the proposal to delete the condition in question should be allowed as this course of action would be in accord with Circular 11/95 and would not run contrary to the objectives of the relevant UDP policy SH14; it would not have an unacceptable harmful effect upon the free flow of traffic.

Doug Cramond

INSPECTOR



Appeal Decision

Site visit made on 9 June 2011

by P W Clark MA MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 June 2011

Appeal Ref: APP/T5150/A/11/2149749

Garage to rear of 70 Minet Avenue, London NW10 8AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Orahá against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/2631, dated 20 September 2010, was refused by notice dated 23 December 2010.
 - The development proposed is change of use of garage into dwelling and conversion of garage into 2 bedroom maisonette.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of garage into dwelling and conversion of garage into 2 bedroom maisonette at the rear of 70 Minet Avenue, London NW10 8AP in accordance with the terms of the application, Ref 10/2631, dated 20 September 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6129/01 to 07/13.9.10/A.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. There are four. They are the effects of the proposal on:
 - The character and appearance of the locality.
 - The living conditions of potential future occupants in terms of amenity space, refuse and recycling storage, outlook, privacy and protection from land contamination.
 - The living conditions of neighbours in terms of outlook and privacy.
 - Local infrastructure.

Reasons

Character and appearance

3. Minet Avenue and its neighbouring streets comprise two storey terraces and semi-detached houses in a consistent style. They are mostly constructed in yellow stock bricks with orange brick trim. They have square two storey bays with pilasters rendered and painted. These either terminate in parapets behind which are gables, or the gables are brought forward over the bays. At the rear are two storey projecting wings under pitched, gable-ended roofs. Some of these are constructed in orange brick. The terraces are gable ended except for numbers 68 and 70 Minet Avenue and 91 Harley Road, immediately adjacent to the site, which are hipped.
4. At certain points in this homogenous area, there are infill plots which have been developed, or have permission to be developed. At 1A Minet Road is a conversion of a former coach house. The appeal site faces on to Fairlight Avenue. Opposite is a new development of flats at 89A Harley Road. At 147 Harley Road, permission exists, not yet implemented, for an infill house. The principle of developing this plot in a similar manner would therefore not be out of character.
5. Number 1A Minet Road has resonances with the appeal site in the way accommodation is fitted into the roofspace using rooflights. Otherwise, each new infill is styled in a way particular to the circumstances of each plot, contrasting with the homogeneity of the area so offering no general pattern to follow.
6. On the appeal site, the existing building is constructed in orange brick. This matches some other buildings in the vicinity. Extensions and alterations would be carried out in matching brick according to the drawings, in yellow stock brick according to the application form, but materials can be controlled by condition.
7. The front façade would not be articulated other than by the insertion of new windows and the addition of a new front entrance lobby. It is hardly wide enough to bear more complexity. In any event, the front façade would be partly hidden from view by the front boundary wall.
8. The addition of a gabled roof would complement the gables of the rear wings and front bays of all the other houses in the area. The council comments that concrete roof tiles would be of poor quality but neither the application form nor the application plans propose the use of concrete tiles, so this criticism seems misplaced. In any event, the materials to be used could be controlled by condition, as the Council suggests.
9. In conclusion, with such a condition in place the proposal would show respect for the local context, have regard for the urban grain and provide a creative and appropriate design, specific to the site, with a clear sense of place, in the way required by policies BE2, BE3, BE9(a, b, c, d and f) and H12 (a, b and c) of the Brent Unitary Development Plan 2004 (the UDP). By removing the present lean-to structure in front of the garage it would reduce the amount of space infilled between the building and the road and so comply with UDP policy BE7.
10. The Council suggests that, in the event of the appeal being allowed, a condition should require the submission of a scheme for landscaping the curtilage of the

site. Because the curtilage of the site would be enclosed by high walls, there would be little public interest in the landscaping of what would be a very private, domestic garden. Such a condition would therefore be unnecessary.

Living conditions of potential future occupants

11. The glossary of the UDP defines amenity space so as to exclude a depth of 6m from the front boundary of a site. In this case a new front boundary wall 2.727m high and a new side boundary wall 2.189m high would enclose the front garden, providing it with privacy from the street, so all the front garden may be counted as usable private amenity space. This, together with a tiny courtyard provided at the rear, would meet the Council's standards for outdoor space for a dwelling of this size.
12. The cupboard indicated as a storage space for refuse would be too small to accommodate a wheelie bin which the appellant describes as measuring 0.7 x 0.6m. However, other dwellings in the area appear to make no specific provision to house their wheelie bins, which were being collected from the street on the day of my visit, other than in their front gardens. There is no reason to suppose that a similar arrangement for the appeal site would be unsatisfactory.
13. The principal outlook from the living/dining room would be into the small front garden and onto a wall 2.727m high at a distance varying between 3.3 and 5m. The Council's Supplementary Planning Guidance (SPG17), *Design Guide for New Development* recommends a minimum distance of 10m between a habitable room window on a rear or side elevation and a site boundary but that is for purposes of privacy. No standard is suggested for outlook. In this case, almost all of the Council's standard for outdoor amenity space would be met by this courtyard alone and so the outlook into it should be regarded as adequate.
14. At first floor level the front elevation directly faces no other property across Fairlight Avenue and so a minimum separation is not called into question. The outlook from the first floor bedroom 1 would be into the street and so very similar to the outlook from any other first floor front room in the neighbourhood.
15. The outlook from the living/dining room to the tiny courtyard at the rear would only be 1.696m but this would be from a secondary window; the main outlook would be to the front. The kitchen would also look at right angles into this space. The outlook would be 2.847m to a blank wall but the kitchen is too small to be regarded as a habitable room. These confined outlooks are therefore of little consequence.
16. At first floor level one outlook from bedroom 2 would also be into this space. The height of the boundary wall relative to the floor level of the bedroom would be about 2.2m, above which would be a clear view of sky. This would not meet the Council's standards but its SPG17 recognises that in more dense, or differing urban areas, its standards may sometimes be reduced to a level that is consistent with the effectiveness of the design in minimising negative impacts. In this case, the bedroom would be provided with a rooflight with a clear outlook to the sky which would help to relieve any sense of oppression from the proximity of the boundary wall.

17. The very features which would limit the outlook from the property would provide it with privacy. It would therefore comply with UDP policies BE9(e) and H12(b).
18. The previous use of the premises leads to a suspicion of land contamination but an investigation, including chemical analysis of bore samples, has found that levels of contamination do not require remediation for the use envisaged. The fact that the bore samples do not confirm the Council's suspicions is not a reason to say that they are an inadequate sample. There is no suggestion that the number of samples does not meet appropriate professional standards. The proposal has complied with UDP policy EP6.
19. In conclusion, the proposal would result in acceptable living conditions for potential future occupants. It would comply with the relevant parts of UDP policies BE9, H12 and EP6.

Living conditions of neighbours

20. The flank parapet walls of the existing building would remain unchanged at their existing height, facing towards the rear of number 70 Minet Avenue and numbers 93, 95 and 97 Harley Road. Rising above and behind them would be the new pitched roof. Its ridge would be 2.133m higher than the existing parapets. The existing building fails the Council's SPG17 test for dominance of a neighbour's garden but because the greater height of the ridge would be further away from the neighbours, the proposal would make the degree of failure no worse. It would comply with the test for dominance of the rear elevations of the Harley Road houses.
21. The end elevation of the existing building, facing the flank of the rear garden of number 70 Minet Avenue, would be raised into a half gable. In this case, the degree of failure of the Council's test of dominance of a garden would be worsened but, in mitigation, a lean-to shed extends half way across the garden of number 70 Minet Avenue at this point, so moderating any oppressive effect.
22. In contrast, the outlook from the upper floors of number 93 Harley Road would be improved by the removal of the flank of the existing lean to covering the front courtyard of the appeal premises. This is formed of battened roofing felt. It is unsightly. It would be replaced by a brick garden wall. This would have an improved appearance.
23. As noted above, the first floor window to bedroom 2 would face onto a brick wall. In consequence, it would not look directly into neighbours' gardens as the Council fears. Similarly, the rooflights proposed would be placed too high in the roof pitches for anything other than a view of the sky. In consequence, neighbours' privacy would be respected.
24. In conclusion, the proposal would have acceptable effects on neighbours' outlook and privacy. It would comply with UDP policy BE9(e) which requires their protection.

Local infrastructure

25. Although a small proposal, the development would, of its nature, place demands on local infrastructure and services. The Council records that local schools are already full and so any children arising from the development could not be accommodated without additional investment. Like many inner city

areas, this part of London is short of local open space and sports pitches but investment can permit more intensive use of those that exist.

26. The appeal is accompanied by a Unilateral Undertaking offering a sum of money to be spent towards the provision or improvement of all or some of education facilities in the Borough and sport and/or open space in the local area. This would appear to be necessary for the development to be acceptable, proportionate to the development and related to the development in that the Council has proposals to spend the money on facilities which would serve the proposal. These parts of the Undertaking would comply with the Community Infrastructure Regulations.
27. The Undertaking would also provide for the money to be spent on sustainable transport in the area and would also prevent any resident of the development from obtaining a residents' parking permit. The implementation of the proposal would make a pavement crossover redundant and so permit the provision of an additional on-street car parking space. In consequence the proposal would be unlikely to place a disproportionate burden on local on-street parking or on public transport requiring remediation. The money could be spent on reinstatement of the pavement crossover but this would not be essential to the acceptability of the development. Accordingly, these provisions seem unnecessary and so I take no account of them.
28. Taking into account the parts of the Undertaking which comply with the CIL Regulations, the conclusion is that the proposal would have an acceptable effect on local infrastructure. It would comply with policy CP15 of the London Borough of Brent Core Strategy adopted in July 2010 which requires developments in growth areas to contribute to the infrastructure needs which they cause.

P. W. Clark

Inspector



Appeal Decision

Site visit made on 21 June 2011

by R P E Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2011

Appeal Ref: APP/T5150/A/11/2146934

Willesden Dental Clinic, 229-231 Church Road, London NW10 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr B Vekaria against the Council of the London Borough of Brent.
 - The application Ref 10/2736, is dated 21 October 2010.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Willesden Dental Clinic, 229-231 Church Road, London NW10 9EP in accordance with the terms of the application, Ref 10/2736, dated 21 October 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than two years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - CHUR229-231/1
 - CHUR229-231/2
 - 3) All new external work shall be carried out in materials that match in colour, texture and design details those of the existing building.

Main Issue

2. Since the appeal was submitted, the Council has resolved that it would have refused planning permission for an extension. In its statement the Council says that it is committed to the regeneration of Church End which involves safeguarding the area from development that is deemed to prejudice delivery. The Council considers that the proposed development prejudices imminent regeneration plans for the area.
3. Whether the proposal would prejudice delivery of the regeneration of the Church End area.

Reasons

4. The dental clinic occupies a flat-roofed single-storey building within a parade of shops and businesses that front Church Road. To the north it adjoins a similar but smaller flat roofed single storey building. To the south it adjoins a modern multi storey building with apartments above ground floor level. To the rear is

public car park. Immediately behind the clinic is an open yard in the same occupation. The clinic has previously been extended to the rear across approximately half its width, making the building L-shaped. The proposal is to construct an extension of similar depth that would infill the building and create an approximately rectangular plan. An area of open yard would remain to the rear of the enlarged building.

5. The site location plan is based on an out-of-date ordnance survey base and is at too small a scale to accurately define all the boundaries of the yard. There are apparent discrepancies between that drawing and other plans submitted in evidence by the Council and the Catalyst Housing Group which are based on more up-to-date ordnance survey bases. Whilst these discrepancies may relate to the precise extent of the ownership of the land, they do not appear to materially affect the area of land proposed for the subject extension.
6. The dental clinic and its rear yard are included within the Church End Growth Area by Policy CP10 of the London Borough of Brent Core Strategy (2010) (the CS). This proposes mixed-use regeneration to include a market square, new homes and businesses and other facilities including a new health centre and 'space for 1 new dentist'. It now appears that the health centre is unlikely to proceed. However there is a process of land assembly by the Catalyst Housing Group (CHG) with a planning application expected shortly. The Council intends to assist this process with Compulsory Purchase powers if necessary. Draft Policy CE1 of the Submission Site Specific Allocations DPD indicates amongst other things that the appeal site is included within a row of properties 205-235 that 'may be subject to infill of individual plots' and that the Council will use a Compulsory Purchase Order for comprehensive development of the site as a whole.
7. In representations CHG include drawings which indicate an intention to include the whole site of the existing dental clinic in the intended redevelopment in which the existing building would be replaced by a multi-storey building to include a new dental clinic and apartments. In the alternative, other drawings submitted by CHG indicate what effect the entire exclusion of the Appellant's land might have on the CHG development of adjoining land. However the written representations from CHG indicate that they have been in negotiation with the Appellant who they say 'recognises that [the] area is in need of regeneration and understands that [the CHG] development will give them scope to seek consent to redevelop their site with apartments above a new surgery. [CHG] have always tried to acquire part of their land through negotiation and this is ongoing.' That indicates a midway position.
8. The CHG drawings do not confirm which part of the land CHG wish to acquire. However the Council statement indicates that it relates to the backyard area. That conclusion is supported by CHG's concerns that the Appellant is using that land as parking and because they dispute the Appellant's right to take access from their land. Whatever the merits of that argument it does not bear on the subject proposal. The Appellant's representations make no reference to negotiations with CHG.
9. There appear to be three potential scenarios:
 - i) CHG acquires part of the Appellant's land to the rear of the clinic by negotiation or compulsory purchase through the Council, leaving the remainder of the Appellant's site to either continue in its present use or

to be redeveloped by the Appellant as a new clinic with flats above. That appears to accord with proposals in an outstanding planning application (Council Ref 07/0055).

- ii) CHG acquires the whole site of the clinic for redevelopment and the new dental clinic is created on that site or elsewhere in the development.
 - iii) The Appellant's existing land ownership is entirely excluded from the regeneration scheme.
10. From the CHG representations, it appears that the first scenario accords most closely with their present intention and that their interest lies with land beyond the present rearmost elevation of the clinic building. In that case to infill to the side of the existing rear wing, as proposed, should not prejudice the regeneration. The retention of a single storey flat roofed building in the midst of multi-storey redevelopment might appear odd and would not make the most efficient use of the land. However the independent redevelopment of that site would remain feasible subject to considerations such as whether the clinic would need to be accommodated elsewhere either on a temporary or permanent basis.
11. The second scenario accords with the detailed drawings submitted by CHG. Had the subject extension been constructed by the time that the site was acquired for redevelopment, then it would have the same status as the rest of the clinic and both would be demolished as part of the redevelopment. The addition of this modest extension would only have a small proportional effect in enhancing the value of the site and need not prejudice the regeneration scheme.
12. Only the third scenario would appear to offer the potential to materially prejudice the regeneration in that the exclusion of the entire site would compromise the shape and development potential of the surrounding land. However it does not follow that to allow the subject appeal would have that effect. The construction of the extension would not prevent the incorporation of the remaining part of the open yard into the regeneration scheme. Neither would it prevent the entire site of the clinic from subsequently being redeveloped as part of that scheme.

Conditions

13. As the Appellant indicates that the space is vital then it evidently needs to be provided quickly. If it is not needed than an outstanding unimplemented permission would complicate any necessary acquisition of the site for redevelopment for other purposes. The Council has therefore reasonably suggested that, if the appeal is allowed, the standard 3-year time limit for implementation should be reduced to 2 years. A condition to require implementation in accordance with the approved plans is justified in the interests of certainty. A condition to require matching materials is needed to protect the character and appearance of the area which is being regenerated.

Other Matters

14. The Appellant states that the extra space is 'required for the installation and use of specialist equipment which is in demand and vital by the Dental surgery'. That equipment and its location are not described in the application. I note that the drawings indicate that the extension would allow for the

creation of a new recovery room. In any event there is no reason to doubt the functional need for the space and that has not been challenged by the Council.

Conclusion

15. For the above reasons it is concluded on the main issue and on the balance of probabilities that the proposal would not prejudice delivery of the regeneration of the Church End area and that it would not thereby conflict with CS Policy CP10 or other development plan objectives. The appeal should be allowed.

R P E Mellor

INSPECTOR



Appeal Decision

Site visit made on 9 June 2011

by **P W Clark MA MRTPI MCMi**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2011

Appeal Ref: APP/T5150/H/11/2149728
576-582 High Road Wembley, London HA0 2AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr V Chadha against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/3025, dated 24 November 2010, was refused by notice dated 17 February 2011.
 - The advertisement proposed is three non-illuminated hoardings, (a) 3.55m x 1.75m x 0.2m, (b) 2.64m x 1.75m x 0.2m, (c) 3.55m x 1.75m x 0.2m.
-

Decision

1. The appeal is allowed and consent is granted for the display of the hoardings as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Main Issues

2. Amenity and highway safety are the two main issues.

Reasons

Amenity

3. The site is within Wembley Town Centre. This is a major centre. The site forms part of a secondary parade, comprising banks and betting shops, but is still within a busy part of the centre. At this point, the High Road is rising from west to east to pass over a railway line. The site is at a crossroads where both Ealing and Lancelot Roads rise to join the High Road, so it is prominent.
4. On three of the four corners around this junction, buildings are two and three storeys high. The appeal site is the exception. It forms part of a single storey parade extending along the High Road to the east, terminating against the flank of a taller commercial building. The site is therefore a weak element in the townscape of this important and busy crossroads.
5. The plan of the appeal premises is chamfered to face the crossroads. The central of the three hoardings would be sited above this angled façade. The two longer hoardings would extend symmetrically along the facades on either side. They would therefore relate to the architectural form of the building.
6. The hoardings would be set back from the elevations by 1.5m. Their height would be about one third of the height of the appeal premises and so would not

be out of proportion. In contrast to another advert further along the parade, against which enforcement action is being contemplated, the position and form of the hoardings now proposed would act as an attic storey to the part of the appeal premises which addresses the crossroads and so they would afford the site a greater presence at an appropriate place in the street scene.

7. There is little other advertising material above fascia level in this town centre but most other buildings in the centre are multi-storey with interesting architectural features which advertising would obscure. In the present case, that consideration does not apply.
8. I conclude that in the particular circumstances of this case, the proposal would be beneficial to the townscape and therefore the amenities of the town centre.

Highway safety

9. The Council's highway officers have some concerns that the hoardings would have the potential to cause a hazardous distraction to motorists. There is no evidence to substantiate those concerns. The primary purpose of an advertisement is to attract people's attention but it should not be presumed that it would therefore automatically distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.
10. The positioning of these hoardings would be to one side of a crossroads. They would not be in the direct line of sight of a traffic sign or signal for an approaching motorist. Their size and position would not obstruct or confuse a road user's view, nor would they reduce the clarity or effectiveness of a traffic sign or signal. They could not be confused with a traffic light or signal. Because they would not be illuminated they would not cause glare or dazzle. There would be nothing unusual in the hoardings to cause distraction. They would therefore pass the tests for highway safety set out in paragraph C2 of the Council's Supplementary Planning Guidance number 8 *Advertisements (other than shops)*. I conclude that these hoardings would be unlikely to give rise to a hazard to highway safety.

P. W. Clark

Inspector



Appeal Decision

Site visit made 2 June 2011

by Doug Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2011

Appeal Ref: APP/T5150/H/11/2148316
Unit 3, 1000 North Circular Road, London NW2 7JP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by The Railway Pension Trustees Company c/o Orchard Street Investment Management against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/3139, dated 6 December 2010, was refused by notice dated 21 February 2011.
 - The advertisement proposed is the erection of a free-standing internally illuminated double-faced advertising tower.
-

Decision

1. The appeal is allowed and consent for the display of the free-standing internally illuminated double-faced advertising tower as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The level of luminance shall not exceed 600 cd/m².
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the structure hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) Within one month of the erection of the structure hereby permitted the existing advertising display on the site comprising 1 x 96 sheet lightbox erected on the north flank of the host property which was granted express consent by the local planning authority in 2009 (Ref 09/0783) shall be removed and the external surfacing of building made good to match the main elevation.

Procedural Matter

2. I use the Council's description of the proposal which is more extensive than on the application form.
-

Main Issue

3. I consider that the main issue is the effect of the proposal on amenity of the area.

Reasons

4. The Council refers to development plan policies. The Regulations require that decisions be made only in interests of amenity and, where applicable, public safety. Therefore the development plan policies alone cannot be decisive, but I have taken them into account as material considerations.
5. The appeal site is at the eastern point of a landscaped strip to the north of the existing warehouse at 1000 North Circular Road adjacent to the slip road from the Staples Corner Roundabout to the westbound carriageway of the North Circular Road which is elevated at this point. The landscaped area at this point comprises grass behind a retaining wall about 2 metres in height alongside the footway. Further westwards the landscaped area becomes more banked and natural in appearance and includes some mid sized trees. The proposal is for a double-faced tower a little over 21 metres in height embodying the advertisement display areas of 5 metres by 7.5 metres within its upper part.
6. The landscaped area as it extends westwards is a relatively small but very welcome visual relief from the harsh urban environment that prevails locally through the major highway structures and the commercial premises. However, the siting of the proposed structure at the extreme eastern end of this would not impinge upon its merits. The proposal would sit close to the footway and a bus stop but at this point retaining walls and other built features are the predominant elements, the very sizeable warehouse is unavoidable in the scene and the tower would not unduly impinge upon the amenity of people passing or gathering nearby.
7. The tower is designed to rise above the roof line of the warehouse and consequently have some prominence from the North Circular Road. This aim for prominence is a reasonable objective in this particular location and not dissimilar from the situation one sees with the advertisement structure on the other side of this principal road albeit the built context is somewhat different. The juxtaposition of the proposal and the existing warehouse would be a comfortable one in terms of height and separation and there would not be jarring on the eye or the sense that there was undue clutter. I note the proposal would include the removal of an existing display of a 1 x 96 sheet lightbox on the side of the warehouse and this is an important attribute of the scheme when seen in the round on an assessment of amenity.
8. I consider that because of its suitable design, appropriate height and specific location, the display would not result in harmful visual impact. Its relationship to the neighbouring buildings and existing signage would appear reasonable and there would not be an appearance of a cramped or over-dominant feature. It would not have unacceptable adverse impact upon the character and appearance of the locality.

Conditions

9. The Council's request for a condition referring to specific compliance with the submitted plans is unnecessary as these would have to be followed in any event. The level of luminance should be controlled in the interests of amenity and general highway safety and I consider that the appellant's proposition on this is reasonable for the reasons the company gives. The submission of samples would be an important control in the interests of amenity. A condition relating to landscape would not be relevant in this case as no such works are proposed or necessary. As mentioned above, in the interests of amenity, the removal of the existing lightbox would form an important part of the proposal and should thus be a conditional requirement.

Overall conclusion

10. For the reasons given above, I conclude that the display would not be detrimental to amenity of the area and that the appeal should be allowed.

Doug Cramond

INSPECTOR



Appeal Decision

Site visit made on 24 May 2011

by Christopher Bowden MA (Oxon)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2011

Appeal Ref: APP/T5150/D/11/2151239
14 Windermere Avenue, London NW6 6LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Brecker against the decision of the Council of the London Borough of Brent.
 - The application Ref. 10/3213, dated 15 December 2010, was refused by notice dated 8 March 2011.
 - The development proposed is a single-storey side/rear extension.
-

Decision

1. The appeal is allowed and planning permission granted for a single-storey side/rear extension at 14 Windermere Avenue, London NW6 6LN in accordance with the terms of the application Ref. 10/3213, dated 15 December 2010, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing Nos MB-101B, MB-102B, MB-103B, MB-105B, MB-106B.
 - (3) Notwithstanding condition 2, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural matters

2. The description of the development proposed is taken from the decision notice. I consider that it describes the proposal more accurately than the one given in the application form.
3. The drawings submitted with the appeal include Nos. MB-006 and 107B. Neither is listed in the decision notice and the Council has confirmed that neither was taken into account in its decision. I have not therefore taken them into account in determining the appeal.

Main issues

4. These are the effect of the proposed extension on:
 - the character and appearance of No 14 Windermere Avenue and the Queen's Park Conservation Area; and
 - the living conditions of the occupiers of No 12 Windermere Avenue, with particular reference to outlook and sunlight and daylight.

Reasons

Character and appearance

5. No 14 is a two-storey terrace house. It is post-war infill in an otherwise mostly Victorian terrace. The property lies in a predominantly residential area in the Queens Park Conservation Area (CA). The proposal is for a single-storey extension at the rear of the main house to the side of the existing single-storey rear projection. I noted during my site visit that a conservatory had been added to the rear of that projection in an area shown on the plans as timber decking.
6. The proposal would fill the space between the existing projection and the boundary with No 12 but with a light well between the extension and the rear of the main house. It would not exceed the rearward extent of the existing projection and would have matching brickwork. The roof would be of lead and glazed panels and thus of relatively light appearance. It would rise at angle of some 45 degrees away from the boundary and then broadly level off to meet the higher side wall of the existing projection.
7. In this position, the extension would nestle comfortably against the projection and would not add unacceptable bulk to the house, allowing for the conservatory mentioned above. The shape of the roof differs from those of the rest of the house but this is already characterised by several different roof forms and the one proposed would add further variety and interest without looking incongruous or otherwise detracting from the overall appearance of the building. The extension would not be visible from the street and in this relatively discreet position between the rear projection of No 14 and the back addition of No 12 would be little more than glimpsed from surrounding properties, particularly given vegetation in neighbouring gardens.
8. Overall, therefore, I consider that the scale, form, materials and position of the extension would be sympathetic to and complement the existing house. It would relate satisfactorily to its surroundings and have no material effect on this part of the CA. The proposal would thus preserve the character and appearance of the CA as a whole.
9. I conclude that the proposed extension would not have a materially harmful effect on the character and appearance of No 14 Windermere Avenue and the Queen's Park Conservation Area. As such, I find no conflict with the objectives of Policies BE9, BE25 or BE26 of the London Borough of Brent Unitary Development Plan, adopted in 2004 (UDP), or of the Council's Supplementary Planning Guidance note 5 *Altering and Extending Your Home* (SPG 5) or of the Queen's Park Conservation Area Design Guide.

Living conditions

10. The extension would abut the boundary with No 12, which is set at a lower level. The side wall of the extension would be little higher than the existing

boundary fence and the roof would slope away from the boundary before levelling off. Thus, while the extension would be visible to a greater or lesser extent from both rear- and side-facing windows of No 12 and its side passage, it would not be unduly intrusive or overbearing, taking account of the position of the light well and the appearance of the roof. Similarly, having regard to the positions and orientations of the extension and No 12, and of the existing rear projection of No 14, I do not consider that the proposal would have a significant effect on the amount of sunlight or daylight enjoyed by the occupiers of No 12.

11. I conclude that the proposed extension would not have a materially harmful effect on the living conditions of the occupiers of No 12 Windermere Avenue, with particular reference to outlook and sunlight and daylight. As such, I find no conflict with the objectives of UDP Policy BE9 or of SPG 5.

Conditions

12. Conditions are needed on commencement (to comply with section 91 of the Town and Country Planning Act 1990) and to ensure that development is carried out in accordance with the approved plans, other than as set out in the related decision and conditions. The Council also suggested a condition on matching materials. I agree that a condition on external materials is needed in the interests of the appearance of the development but, given the range of materials proposed, I consider that a standard condition on submission of samples would be more appropriate in this case.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Christopher Bowden

INSPECTOR



Appeal Decision

Site visit made on 26 May 2011

by A D Robinson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2011

Appeal Ref: APP/T5150/A/11/2148235
47 Byron Road, Wembley HA0 3PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Olawunmi Odunaiya (Logicplough Ltd) against the Council of the London Borough of Brent.
 - The application Ref 08/1079 is dated 7 March 2008.
 - The development proposed is the retention of one studio flat, one 3 bedroom flat, one 2 bedroom flat and one 2 bedroom maisonette.
-

Decision

1. I allow the appeal, and grant planning permission for the retention of one studio flat, one 3 bedroom flat, one 2 bedroom flat and one 2 bedroom maisonette at 47 Byron Road, Wembley in accordance with the terms of the application, Ref 08/1079, dated 7 March 2008, subject to the schedule of conditions set out in the attached Annex.

Procedural Matters

2. There is a discrepancy as to the date of the planning application. The appeal form indicates that the application is dated 28 April 2008, but the application is clearly dated 7 March 2008. It could be that the application was not submitted to or registered by the Council until the end of April 2008, but it is the date that is entered on the application documents which is the one that is recorded in the sub headings above.

Main Issue

3. I consider the main issue in this appeal to be the effect of the development on the character and appearance of the streetscene.

Reasons

4. The recent planning history of the site is important to understanding the context for this appeal. In March 2006 planning permission was granted for the demolition of the house that formerly occupied the site and the erection of a three storey building comprising two 2 bedroom flats and one 2 bedroom maisonette.
5. The existing building was then erected. This building is different from the one that was granted planning permission in terms of detailed design and also in the type and number of residential accommodation provided within the building. An application seeking planning permission for the retention of the

building that had been erected was submitted in early 2008. For some reason, this application was never determined by the Council. The failure of the Council to determine this application is unfortunate. Equally, the developer's decision to erect a building which differs from what was granted planning permission is also to be regretted. The Council's inaction on the 2008 application and the decision of the developer to go ahead with a development for which planning permission was not given can only serve to undermine the public's confidence in the planning system.

6. Although the appeal questionnaire indicates that a statement is to be submitted by the Council as part of the appeal process, no statement has been forthcoming. However, the documents attached to the questionnaire include a copy of an officer's delegated report on the appeal proposal, although this is undated. In the absence of any other statement from either the appellant or the Council dealing with the planning merits of the appeal proposal, I have placed some reliance on the delegated report in my consideration of the appeal.
7. The delegated report makes the point that in granting planning permission in March 2006, the principle of developing the site for a mix of residential units within a three storey block was established. The report also confirms that the position of the block within the site and its impact on the amenity of those living in neighbouring properties has also been established. Further, the report says that the quality of the accommodation on offer in terms of size, daylight, outlook and external amenity space is not in dispute. I have no reason to disagree with the conclusions reached by the report on these matters with the exception of the external amenity space. Whilst the amount of amenity space may be acceptable, I have reservations about the quality of the space that has been provided. I will return to this later.
8. To a large extent, the report focuses upon the effect of the building upon the streetscene in terms of design, including the choice of materials, and the treatment of the front garden/forecourt. The appeal site sits on the western side of Byron Road, a wholly residential street. In the vicinity of the appeal site, the western side of the road consists of blocks of flats, mainly built in the inter-war years. The eastern side of the road comprises semi-detached houses, again originating from the inter-war years. Most of the blocks of flats and the houses opposite are set well back from the road providing Byron Road with a degree of space. There are numerous trees along the street, especially on the western side of Byron Road where many of the blocks of flats have mature roadside trees. These trees add to the sense of space and provide a degree of seclusion. The well ordered front gardens of many of the houses on the opposite side of the road add to the sense of space and seclusion in this stretch of Byron Road.
9. The building that has been built is of a modern design. I understand that the building which was granted planning permission five years ago was also of a modern design. The principle of having a building of modern design has thus been accepted by the Council. Although most of the buildings in this part of Byron Road date from the inter-war years and are of designs and built in materials that are redolent of that period, I do not consider that the clean, simple lines of a building of modern design necessarily jars with the other properties in the street. Rather, it acts as a contrast.

10. The Council says that the building that has been built does not achieve the same standard of design as the scheme granted planning permission in March 2006, but the Council has not provided any drawings of the earlier scheme to enable me to assess the detailed differences between the two schemes. I accept that there is little to break up the large expanses of brickwork and rendering and that little thought has been given to the treatment of windows. These give the existing building a somewhat bland appearance. However, this is far from saying that the building represents an incongruous and unattractive addition to the streetscene. The blandness of the building has to be seen in the context of its surroundings. None of the properties in this part of the street can be said to be architecturally distinctive or distinguished. The streetscene owes more to the trees along this part of Byron Road and the space between and around buildings than to the buildings themselves. Within this context, the blandness of the design is not a matter which would justify the dismissal of the appeal.
11. As for materials, I note that the Council approved the choice of brickwork in July 2006, but no approval has been forthcoming for the rendering or timber on the external surfaces of the building. In addition, no approval has been given for the treatment of windows. Indeed, no approvals were forthcoming for any other details required by a condition in the March 2006 planning permission. The delegated report refers to the poor quality of the rendering and external areas of timber and to the low quality of the windows that have been installed. I acknowledge that the treatment of the fenestration within the building could be more interesting, but I do not consider that the windows that have been installed and the quality of rendering and external areas of timber are such as to justify the dismissal of the appeal in this regard. The external materials and the treatment of windows are part and parcel of the blandness of the building. There are not, in themselves, harmful.
12. What is difficult to understand is why, if the Council found the design of the building, the choice of external materials and the treatment of windows so objectionable, no enforcement action was taken. After all, the Council knew at least in January 2008, when it took enforcement action over the alleged use of the building as a house in multiple occupation, that the building had been built and was not in accordance with the planning permission.
13. As already pointed out, the streetscene owes much to the trees and the space in and around buildings, particularly the blocks of flats. These elements impart a degree of spaciousness to this part of Byron Road and a degree of seclusion to the blocks of flats. This does not apply to the appeal development. The building is set some way back from the road which should provide opportunity, amongst other things, for landscaping to contribute to the tree cover along the street and to provide a degree of screening of both the building and for those occupying it from the street. Instead, the area between the building and the road is a sea of block paving. No attempt has been made to provide any landscaping. This means that the building is unduly conspicuous within the streetscene and the development as a whole pays little respect to the prevailing character of this part of Byron Road.
14. In my view, this is a matter that is capable of being remedied by the imposition of a suitably worded condition. The delegated report suggests that this course of action may be the appropriate one to take. A poorly drawn and insufficiently detailed plan was provided with the planning application to demonstrate how the front of the site was to have been laid out. This does not provide the basis

- for making good the deficiencies in the treatment of the front of the site. What is required are detailed proposals drawn up by someone who is appropriately qualified and submitted to the Council for approval. Once approved, the proposals should be implemented within a limited timeframe. The proposals should include not only soft and hard landscaping but also the provision of clearly laid out parking spaces and a properly designed refuse bin storage facility.
15. I conclude that whilst the building that has been built is bland and not of the highest quality, it does not, in itself, adversely affect the character and appearance of the streetscene in this part of Byron Road. However, the absence of landscaping and the poor quality of the treatment of the front of the site means that the building sits poorly in the streetscene. However, as already mentioned, this is a matter which is capable of being remedied by properly executed proposals that have been submitted in response to a condition.
16. If the front of the site is properly dealt with then adopted Unitary Development Plan Policies BE2 and BE6 and adopted Core Strategy Policy CP17 would not be breached. The former is concerned with protecting the suburban character of the Borough, whilst the former two are concerned with ensuring that proposals take account of the character of their surroundings and include landscaping that contributes positively to the public realm.
17. I return to the quality of the amenity space that has been provided at the rear of the building. This is not a matter that is pertinent to a consideration of the effect on the streetscene, but it is important for the rear garden to be properly laid out to meet the needs of occupants of the building for outdoor amenity space. It is particularly important that this is done where children might be involved. Most of the residential units within the building are capable of accommodating families. The rear garden should be laid out in such a way as to not only to meet the requirements of occupants of the building for amenity space but also to provide a degree of privacy for those whose windows open directly onto the rear garden.
18. At the moment, what is at the rear of the building is a wide expanse of poorly maintained grass. This falls far short of what is needed. It also contrasts with the well maintained amenity areas around the adjoining flats, Garden Court to the south and Byron Court to the north. Again, I consider that this is a matter that is capable of being remedied by a suitably worded condition requiring a detailed scheme for the rear garden area to be submitted for approval and for the scheme then to be implemented within a short time. I note that a condition requiring details of the layout of the rear garden to be submitted for approval was attached to the March 2006 planning permission, but nothing was done to satisfy the condition.

Other Matters

19. The body representing the residents of Garden Court have raised a number of concerns. The Residents Association mentions that it did not wish to see the old house on the site demolished to make way for a block of flats, but the principle of redeveloping the site for flats was established in early 2006 when planning permission was granted for the erection of a three storey block of flats. The Residents Association also refers to the disruption that took place when the flats were being built. However, building works were completed a long time before the consideration of this appeal. Complaints needed to be

made at the time to the planning authority or the environmental health department of the Council, depending on the nature of the complaint.

20. The Residents Association point to the poor standard of workmanship in the building. This may or may not be true, but it is a matter essentially for consideration by the Council under the Building Regulations. This also applies to the complaint about broken drain covers and broken drains.

Conditions

21. I have already referred to the imposition of conditions requiring details of the layout and landscape treatment of the area in front of the building and the layout of the garden area to the rear of the building to be submitted for approval. The conditions as worded meet the tests set out in Circular 11/95 "*The Use of Conditions in Planning Permissions*" as being necessary, serving a planning purpose, relevant to the development and being reasonable in all respects. The onus is on the Council to ensure compliance with these conditions.
22. In addition to these conditions, I am imposing a condition linking the planning permission to the submitted plans and drawings. This is important because it is these plans which define the scope and nature of the development. There is now a formal procedure in place for the consideration of amendments to the permitted scheme.

Conclusions

23. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Alan D Robinson

Inspector

ANNEX

Schedule of conditions in respect of planning permission granted for the retention of one studio flat, one 3 bedroom flat, one 2 bedroom flat and one 2 bedroom maisonette at 47 Byron Road, Wembley.

- 1) This planning permission is in respect of the following approved plans and drawings:
 - No. 786676/SITE/01 1:150 Ground Floor Plan;
 - No. 786676/SITE/02 1:100 First Floor Plan;
 - No. 786676/SITE/03 1:100 Second Floor Plan;
 - No. 786676/SITE/04 1:100 Roof Plan;
 - No. BY004 1:100 Side Elevation;
 - No. BY005 1:100 Front Elevation;
 - No. BY005 1:100 Rear Elevation;
 - No. BY006 1:100 Side Elevation;
 - Unnumbered 1:500 Site Map; and
 - Unnumbered 1:1250 Site Map.

- 2) Notwithstanding the details of the area between the front of the building hereby permitted and Byron Road shown on approved plan No. 786676/SITE/01, within four months of the date of this decision a detailed scheme for this area shall be submitted to the local planning approval for its written approval. For the avoidance of doubt, the submitted scheme shall include:
 - Provision of four parking spaces;
 - Provision of refuse bin storage facility;
 - Construction of new 4.1 metre wide crossover to Byron Road and closure of existing crossover; and
 - Tree and shrub planting, provision of grassed areas and formation of paved areas. The details of tree and shrub planting shall include the position, species and size of plants.

Within four months of the date of the Council's written approval, the scheme shall be implemented in accordance with the approved details.

Thereafter, the parking spaces and refuse bin storage bin facility shall be retained and used solely for their respective purposes. Any trees or shrubs which within five years of the initial planting die, are removed, become seriously damaged or diseased shall be replaced with the same species and of similar height unless the local planning authority agrees in writing to any variation.

- 3) Within four months of the date of this decision, a detailed scheme for the garden area at the rear of the building hereby permitted shall be submitted to the local planning authority for its written approval. For the avoidance of doubt, the submitted scheme shall include:

- Tree and shrub planting, provision of grassed areas and formation of paved areas. The details of tree and shrub planting shall include the position, species and size of plants;
- Means of safeguarding the privacy of those occupying ground floor accommodation from those using the rear garden.

Within four months of the date of the Council's written approval, the scheme shall be implemented in accordance with the approved details.

The rear garden area as laid out in accordance with the approved details in shall be retained thereafter as amenity space. Any trees or shrubs which within five years of the initial planting die, are removed, become seriously damaged or diseased shall be replaced with the same species and of similar height unless the local planning authority agrees in writing to any variation.



Appeal Decisions

Hearing held and site visit made on 21 June 2011

by Terry G Phillimore MA MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 July 2011

Appeal Ref: APP/T5150/A/11/2146470 (Appeal A)
32 Evelyn Avenue, London NW9 0JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Panchal against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/1357, dated 29 May 2010, was refused by notice dated 28 January 2011.
 - The development proposed is erection of a garden room.
-

Appeal Ref: APP/T5150/A/11/2153167 (Appeal B)
32 Evelyn Avenue, London NW9 0JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Panchal against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/3036, dated 25 November 2010, was refused by notice dated 10 May 2011.
 - The development proposed is a first floor back addition.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for erection of a garden room at 32 Evelyn Avenue, London NW9 0JH in accordance with the terms of the application, Ref 10/1357, dated 29 May 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 32 Evelyn Avenue.
 - 3) No development shall take place until full details of the 'green roof' on the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: PA-LocR1, 32EV-EX1, 32EA PR01A.

Appeal B

2. The appeal is allowed and planning permission is granted for a first floor back addition at 32 Evelyn Avenue, London NW9 0JH in accordance with the terms of the application, Ref 10/3036, dated 25 November 2010, and the plans nos. PA-LocR1, 32EV-FRA1b.

Procedural Matters

3. At the hearing the above descriptions of the developments were agreed to be suitable in resolving discrepancies between the descriptions given on the application forms and decision notices. The Appeal B proposal has already been implemented and the application was retrospective.

Main Issues

4. The main issues are:

Appeal A The effect the proposal would have on the character and appearance of the area.

Appeal B Whether there is adequate information on which to consider the proposal including having regard to its effect on the character and appearance of the area and the living conditions of neighbouring occupiers.

Reasons

Appeal A

5. The proposed outbuilding would occupy the full width of the rear part of the garden. It would project around 0.5m above the side boundary walls. The proposed green roof, as described at the hearing, would add only a small amount to the height.
6. The property has a basement extension under the full depth of the garden. This is lit by roof lights in an angled lightwell roof constructed against the rear elevation and a light bubble within the garden area. These features are not shown on the proposed plan, but planning permission for the basement was granted on 12 May 2011 pursuant to an appeal against an enforcement notice (ref APP/T5150/C/10/2135797). A condition required submission of details of a scheme for installing a green roof over that part of the basement extension which has not been timber decked. An area of decking would be removed to allow for the current proposal.
7. There is a variety of outbuildings in the rear gardens of houses in the vicinity in terms of the scale and design of these. The Council indicated that the planning histories of these are mixed, and drew attention to the potential use of its enforcement powers. Nevertheless, there is no evident strongly established local pattern against which to consider the proposal. This garden is a little shorter than many of the others nearby, and the proposal would leave no garden area to the sides of the outbuilding. However, the dimensions of the proposal are relatively modest, and an open garden area would remain between this and the rear of the house. It would not be noticeably out of character or obtrusive as perceived from neighbouring properties. There would be no harmful cumulative impact arising from the presence of the basement extension.

8. Deducting the footprint occupied by the lightwell structure would reduce the size of the remaining garden area below the 50sqm normally sought by the Council. However, the low form of the structure means that it does not significantly intrude visually on the open area. While the appellant suggested that the structure could be removed and replaced by flush rooflights, even with the existing structure in place there would be an adequate remaining garden area to provide for the external amenity and functional needs of the occupiers.
9. I conclude on this proposal that there would be no harm to the character and appearance of the area such as to result in a breach of policies BE2 and BE9 of the Brent Unitary Development Plan 2004 or policy CP 17 of the Brent Core Strategy 2010.

Appeal B

10. The proposal involves a widening of a pre-existing rear first floor extension. The plan submitted with the application (drawing no. 32EV-FRA1a) did not accurately show the extension as built and its context, in particular with respect to window positions and details and an existing rear roof dormer extension.
11. With the appeal the appellant submitted revised drawing no. 32EV-FRA1b. The Council expressed some continued reservations about the accuracy of this, but at the site visit the extension as built appeared not to differ in any material way from this plan. Since the proposal was described as retention of the extension, which existed and could be seen by those who might be interested, the appeal can be determined on the basis of the revised plan without prejudice to any party.
12. An appeal against an enforcement notice relating to a larger first floor rear extension was dismissed on 12 November 2009 (reference APP/T5150/C/09/2102529). The Inspector assessed that this would result in some loss of sunlight to the adjoining rear elevation. He also found that, seen from ground level, the cumulative mass, height and bulk of the various extensions resulted in the house appearing overbearing and an unduly dominant feature, out of scale and character with the surrounding houses.
13. At the site visit the Council agreed that the current extension due to its limited depth does not breach the relevant test in paragraph 3.4 of the Council's Supplementary Planning Guidance on 2 storey rear extensions. In these circumstances there is no material adverse effect on the neighbouring property. Shallow first floor extensions are a feature of the area, and the proposal although enlarged from the original does not depart significantly from this pattern. Even added to other extensions it does not result in a development that is out of keeping with the surroundings.
14. It can be concluded on this proposal that there is no harm to the character and appearance of the area or neighbouring living conditions and the requirements of the above policies are met.

Conditions

15. On Appeal A, use of the outbuilding should be restricted having regard to its nature and to safeguard amenity. Details of the green roof should be approved to ensure that the appearance and dimensions of this are satisfactory. A condition specifying the approved plans is needed for the avoidance of doubt

and in the interests of proper planning. As set out above, a condition requiring removal and replacement of the existing lightwell structure would not be reasonable or necessary.

16. On Appeal B, no conditions are needed since the proposal is retrospective.

Conclusions

17. For the reasons given above I conclude that the appeals should be allowed.

T G Phillimore

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Stanway AADipl DipTP DipDS RIBA MRTPI	Stanway Little Associates
R Panchal	Appellant
S Panchal	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Rachel McConnell BA MA	L B Brent
Tim Rolt BA(Hons) BTP MRTPI	L B Brent
Harini Boteju BSc MSc	L B Brent

DOCUMENT SUBMITTED AT THE HEARING

Full size copy of drawing no. 32EV-FRA1b



Appeal Decision

Site visit made on 26 May 2011

by A D Robinson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 July 2011

Appeal Ref: APP/T5150/A/11/2146393
61 Beverley Gardens, Wembley, HA9 9RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Jane Brannan against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/1478, dated 8 June 2010, was refused by notice dated 5 August 2010.
 - The development proposed is the erection of a two storey, end of terrace dwelling house with single storey rear and side extensions and front porch, installation of vehicle access, provision of car parking, refuse storage to front and landscaping (alteration to previously approved scheme 09/1888 to include single storey side extension).
-

Decision

1. I allow the appeal, and grant planning permission for the erection of a two storey, end of terrace dwelling house with single storey rear and side extensions and front porch, installation of vehicle access, provision of car parking, refuse storage to front and landscaping (alteration to previously approved scheme 09/1888 to include single storey side extension) at 61 Beverley Gardens, Wembley in accordance with the terms of the application, Ref 10/1478, dated 8 June 2010, subject to the schedule of conditions set out in the attached Annex.

Procedural Matters

2. Although the planning application and the appeal were made in the name of Ms Jane Brennan, it appears from the final comments made on behalf of the appellant that the name is incorrectly spelt and it should be Ms Jane Brannan, which is the name that appears on the Unilateral Undertaking. Accordingly, I am treating the appeal as being made by Ms Brannan.
3. The Council's decision notice cites two reasons for refusal. The first is concerned with the effect of the single storey side extension on the character and appearance of the area. The second is concerned with the effect of the development on local services in the absence of a legal agreement to provide an appropriate contribution to these services. During the appeal process, the appellant has submitted a Unilateral Undertaking to provide a contribution of £9,000 towards education facilities, sustainable transport and sport and/or open space in the area.
4. The Unilateral Undertaking has been copied to the Council but no comments have been received. Notwithstanding that no response has been received from the Council, it seems to me that the Unilateral Undertaking meets the Council's

requirements, as set out in its appeal statement and in the officer's report on the planning application, insofar as the amount of the contribution is concerned and the services that it is going to be spent on. Accordingly, I do not consider that the Council's second reason for refusal remains at issue in this appeal.

Main Issue

5. The effect of the addition of the single storey side extension on the character and appearance of the area and the property that has been granted planning permission.

Reasons

6. The appeal site lies on the western side of Beverley Gardens, a street within a well established residential area which predominantly consists of pairs of semi-detached houses showing a variety of detailing and materials. The site comprises the side garden to No. 61. Originally, this was one of a pair of semi-detached houses. However, planning permission was granted a few years ago for a house to be built in the side garden of the adjoining property, No. 63. This house has now been erected. Subsequently, planning permission has been granted for a house to be constructed in the side garden of No.61 (application No. 09/1888). When this house is built, it will form part of a short row of four terraced properties.
7. The current proposal is for the erection of a house identical to the dwelling that was granted planning permission under application No. 09/1888 with the exception of the addition of a single storey side extension under a shallow sloping roof. The Council points out that the house was granted planning permission because it still left a gap between it and the boundary with the neighbouring property to the south, No. 59. The Council argues that the side extension would fill this gap which would be out of keeping with the pattern of development in the locality.
8. The gap that would exist between the house that has been granted planning permission under 09/1888 and the boundary with No. 59 is not typical of the area. Many, if not most, of the gaps between the pairs of semi-detached houses are narrow. By their narrowness, these gaps do little to contribute to a sense of space within the area. Side extensions are a characteristic of the area. Both within Beverley Gardens and in other streets, a number of properties have side extensions which go up to or almost up to the boundary with the neighbouring property. In this context, I do not consider that the proposed side extension would introduce an alien feature into the area.
9. The Council claims that the proposed side extension would have an awkward relationship with No.59. Nos.61 has an unusual relationship with No.59. Unlike most of the other properties within the street which occupy a similar building line, No.61 is set well back from the street and behind the front elevation of No.59. In this recessed position vis a vis the flank elevation of No.59, the proposed side extension would not be seen as visually linking up with No.59. In addition, the ground drops sharply away to the west from Beverley Gardens with the result that No.61 lies at a much lower level than No.59. When seen from the street, the proposed side extension would be at a much lower level than No.59 which occupies higher ground nearer to the street. This change in levels would also assist in ensuring that the side extension would not be seen as linking up with the adjoining house.

10. The fall in ground levels and the set back or recessed position of the side extension would also ensure that the extension would not form a conspicuous element within the street scene. As for the relationship of the extension to the house that has already been granted planning permission, I do not agree with the Council that the shallow roof of and degree of glazing within the extension would be incongruous when seen against the permitted house. By its height and its slightly recessed position behind the front of the permitted house, the side extension would clearly be seen as a subordinate element to the house. The roof shape and size of windows would be different from the house but these would emphasise the subordinate nature of the extension.
11. Accordingly, I conclude that the single storey side extension would not adversely affect the character and appearance of the area or the house that has already been granted planning permission. As such, I do not consider that Policy CP17 of the Brent Core Strategy (CS) or Policies BE2, BE7 and BE9 of the Brent Unitary Development Plan (UDP) would be breached.

Other Matters

12. I have had regard to the representations made by local residents, who object to the proposal. Their objections are supported by the Member of Parliament for the constituency, Mr Barry Gardiner. A common theme of these representations is an anxiety that the proposed house could be used as flats. Local residents point out that this could lead to increased levels of noise and disturbance, make for difficulties for refuse and other large vehicles to use local roads and place undue pressure on limited on-street parking capacity.
13. It is important that planning applications and appeals are considered on the merits of what is being proposed and not on speculation as to what potential alternative uses could be made of a site. I consider that the imposition of a suitably worded condition would meet the anxieties of local residents by limiting the use of the property to that of a single dwelling house. In effect, this means that if the use of the property as flats was contemplated then another planning permission would have to be sought. This would place control with the Council in the first instance.
14. Many of the representations made by local residents touch on the principle of developing the site for a house. The principle of erecting a house on the site was established when the Council granted planning permission for application 09/1888. This appeal focuses on the addition of a single storey side extension to the house already granted planning permission. Neither these nor the other arguments raised are sufficient to outweigh the considerations which have led to my conclusion on the main issue in this appeal.

Conditions/Obligation

15. The Council has suggested that should the appeal be allowed then conditions similar to those attached to the previous planning permission (09/1888) be imposed in this case. I have considered these conditions in the light of the advice contained in Circular 11/95 "*The Use of Conditions in Planning Permissions*". Amongst other things, the Circular indicates that conditions should only be imposed if they are necessary, relevant to the development being proposed, enforceable and reasonable in all other respects.
16. I consider that the Council's suggested conditions meet the relevant tests set out in Circular 11/95 and I shall impose them, although I have made a number

of amendments to the wording of the suggested conditions in the interests of clarity and enforceability. In addition to the suggested conditions, I am imposing a condition linking the permission to the submitted plans. This is important because it is these plans which define the scope and nature of the development. There is now a formal procedure in place for considering amendments to the permitted scheme.

17. As further extensions, alterations to the roof and the erection of other buildings could affect the amenity of neighbours and detract from the appearance of the property and the locality; I am withdrawing a range of permitted development rights. As additional side windows, use of the roof of the rear extension as a roof terrace and change of rear first floor windows to glazed doors could lead to overlooking of neighbours, I am prohibiting the carrying out of such works. Separate planning permissions would have to be sought for these works. As the use of the property for flats could intensify pressures on parking within the street and lead generally to a level of activity that would be out of kilter with the locality, I am restricting the use of the property to a single dwelling. I have not found it necessary to limit the use of the property to a single family dwelling. It does not matter whether the property is occupied by a couple or a family. It is enough to limit the use to a single dwelling.
18. To assist the development in blending in with its surroundings, I am requiring a scheme of hard and soft landscaping to be submitted. As the approved plans lack some details, I am requiring these to be provided. These include details about the provision of refuse storage facilities. To ensure that the development blends in with No. 61, I am requiring details of external materials to be submitted. Similarly, I am requiring the previously permitted works to the roof of No.61 to be carried out in conjunction with the works to create the additional dwelling so that the roofs of the two dwellings merges one into the other. Finally, to safeguard the amenity of those living nearby during the construction process, I am requiring the submission of a construction method statement. This marks a different approach to that adopted by the Council, but I have doubts as to whether the Council is able to control parking within the street by a planning condition.
19. With regard to the Unilateral Undertaking, I consider that this satisfies the requirements of the Community Infrastructure Levy Regulations in that the amount and nature of the contribution is necessary and reasonably related to the proposed development and the demands that those occupying the development would make on local services and facilities. As such, the Undertaking that has been submitted is compliant with CS Policy CP18 and UDP Policies CF6, TRN2, TRN3 and TRN11.

Conclusion

20. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Alan D Robinson

Inspector

ANNEX

Schedule of conditions in respect of planning permission granted for the erection of a two storey, end of terrace dwelling house with single storey rear and side extensions and front porch, installation of vehicle access, provision of car parking, refuse storage to front and landscaping (alteration to previously approved scheme 09/1888 to include single storey side extension) at 61 Beverley Gardens, Wembley, HA9 9RB.

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans (hereafter called the approved plans):
 - Plan No DS/513B S01a 1:1250 location plan
 - Plan No DS/513B S02c 1:200 existing site plan
 - Plan No DS/513B S03a 1:100 existing site as seen from Beverley Gardens
 - Plan No DS/513B S04b 1:200 existing site cross sections
 - Plan No DS/513B S05d 1:200 proposed site plan
 - Plan No DS/513B S06c 1:100 proposed layout plan
 - Plan No DS/513B S07e 1:100 proposed front elevation as seen from Beverley Gardens
 - Plan No DS/513B S08d 1:100 proposed side and rear elevations
- 3) Notwithstanding the provisions of Classes A, B, C, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the dwelling shall not be extended, the roof altered or ancillary buildings erected.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or glazed doors, other than those expressly authorised by this permission, shall be constructed on the southern flank wall of the development hereby permitted.
- 5) The first floor windows on the western rear wall of the development hereby permitted shall not be converted to glazed doors.
- 6) The roof of the rear extension hereby permitted shall not be used for a roof terrace.
- 7) The whole of the site edged red on approved plan DS/513B S01a shall be used as a single dwelling house only and for no other purpose (including any other purpose in Use Class C3 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 8) No development hereby permitted shall begin until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The details to be submitted shall include:

- (i) Measures to be taken for the protection during the course of construction works of the tree next to the proposed crossover of the kerb;
- (ii) Position, density and species of trees and shrubs to be planted, including trees to be planted along the rear boundary of the site and a low hedge, no more than 850mm in height, to be planted along the frontage of the site facing Beverley Gardens;
- (iii) Position, height and materials of walls and fences; and
- (iv) Timetable for the implementation of the approved hard and soft landscaping.

Any trees, shrubs or hedging plants which form part of the approved landscaping scheme and die, are removed, are seriously damaged or become diseased within five years of the initial planting shall be replaced with trees, shrubs or hedging plants of the same species and of similar height unless the local planning authority agrees in writing to any variation. Any walls and fences which form part of the approved landscaping scheme shall be retained thereafter.

- 9) No development hereby permitted shall begin until the following details have been submitted to and approved in writing by the local planning authority:
- (i) Design of windows to the proposed dwelling house;
 - (ii) Design of the chimney stack;
 - (iii) Existing and proposed ground levels on the site; and
 - (iv) Position and screening of the storage area for refuse bins.

Development shall be carried out in accordance with the approved details.

- 10) No development hereby permitted shall begin until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development hereby permitted shall begin until written confirmation has been provided to the local planning authority that the works to the roof of No. 61 Beverley Gardens can be implemented in accordance with the approved plans and also the drawings of the approved Certificate of Lawfulness (09/0877). The works to the roof of No. 61 shall be carried out before or concurrently with the construction of the dwelling house hereby permitted. The dwelling house hereby permitted shall not be occupied until the works to the roof of No. 61 have been completed. Fourteen days written notice shall be provided to the local planning authority of the occupation of the dwelling house hereby permitted.
- 12) No development hereby permitted shall begin until a method statement has been submitted to and approved in writing by the local planning authority. The method statement shall include hours when construction shall take place, measures to be taken to minimise noise emissions during construction, means to be taken to suppress dust during construction, where vehicles and plant associated with the construction of the development are to be parked within the site and the means for dealing with waste arising from construction. Development shall be carried out in accordance with the approved method statement.



Appeal Decision

Site visit made on 2 June 2011

by **D Cramond BSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 July 2011

Appeal Ref: APP/T5150/A/11/2146208
232 Ealing Road, Wembley, HA0 4QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bebrak Ghany against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/1529, dated 15 June 2010, was refused by notice dated 16 August 2010.
 - The development proposed is to erect a single storey rear extension.
-

Decision

1. I allow the appeal, and grant planning permission to erect a single storey rear extension at 232 Ealing Road, Wembley, HA0 4QL in accordance with the terms of the application, Ref 10/1529, dated 15 June 2010, with plan Ref 272/01, subject to the following condition:
 1. The 'access area' indicated on the plans shall be retained for the storage of waste / recycling receptacles and shall not be used for any other purpose without the prior written approval of the Local Planning Authority.

Procedural Matters

2. The development has been largely completed; this does not alter my approach to determining the merits of the proposal.
3. The views of local residents and other interested parties have been taken into account in reaching this decision.

Main Issue

4. The main issue is the effect of the proposal on rear servicing and highway safety.

Reasons

5. The appeal property is a mid terrace retail unit with residential accommodation over. It fronts the busy Ealing Road and there is a narrow cul-de-sac rear service lane shared with other commercial premises leading in off the secondary road, Braemar Avenue. The proposal is a single storey flat roofed rear extension with ground coverage a little under 12 square metres to act as a cool room for the appellant's shop.
6. The Council is concerned that this extension would remove the ability to accommodate a transit van sized vehicle on the site meaning that deliveries

would have to be via the busy main street with all its competing functions or from the lane but with resultant congestion, inconvenience and safety issues because any van would block the lane whilst present. The London Borough of Brent Unitary Development Plan 2004 (UDP) includes policies which are very pertinent to this matter. UDP policies SH19 and TRN34 are concerned with rear servicing and explicitly seek its retention. The proposal would clearly not accord with these policies.

7. An appreciable level of development has taken place at the rear of this commercial parade. This is such that off-lane servicing is not available or is extremely tight for most shops and there is clearly considerable reliance on co-operative short term parking on the lane or use of the main road to the front. The Council makes the point that most of this development appears to have been undertaken pre-UDP but, nevertheless, it is a factual context for the current proposal. It would be understandable for the appellant to feel the refusal of planning permission might be a case of 'closing the stable door after the horse has bolted'.
8. These tight long established urban situations do require mutual co-operation to function effectively and there is no doubt there would be reliance upon this at this lane whether or not the appeal proposal was allowed. The lane has no defined turning area in the public domain and the scheme would not alter that fact. It is a short cul-de-sac that is lightly used and its exit onto Braemar Avenue offers reasonable visibility and a relatively safe approach whether in forward or reverse gear. Some deliveries for any of the shops will no doubt be undertaken via the front and there is nearby space, albeit with competing parking demands, where this could reasonably take place.
9. The servicing demands of these small shop premises, taken in the context of this wider area with its extensive retail and commercial activities, community facilities and leisure opportunities would be modest. They would not run contrary to UDP policy TRN3 which seeks to protect an area from unacceptable environmental impact from traffic generation and the scheme would not conflict with policy TRN22 which relates to parking provision rather than servicing requirements. The appellant has determined that his business interests are best served by a cool store rather than a delivery space and given that the failure to have such a space would not cause unacceptable harm to the wider public good that is a factor in favour of the proposal.
10. In all the circumstances I conclude that the failure to comply with UDP policies SH19 and TRN34 is outweighed by other material considerations, most notably related to the physical characteristics of adjoining properties, the nature of the rear lane and the main road to the front and having regard to the small scale of the appeal property.

Conditions

11. The Council suggests a commencement condition; however, work is largely completed. Similarly the call for a condition to deal with external materials is unnecessary as those which have been used, and are in part shown on the submitted plan, are visually satisfactory. I agree with the Council that the open area to the rear of the site should be conditioned to be retained for waste storage and recycling receptacles in the interests of proper and convenient provision for this important aspect.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would not have an unacceptable adverse effect on rear servicing and highway safety. Accordingly I allow the appeal.

D Cramond

INSPECTOR



Appeal Decision

Site visit made on 1 June 2011

by **D Cramond BSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 July 2011

Appeal Ref: APP/T5150/A/11/2148075
91 Dyne Road, London NW6 7DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Debbie Yap against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/2058, dated 29 July 2010, was refused by notice dated 24 September 2010.
 - The development proposed is external insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof, creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse.
-

Decision

1. I allow the appeal, and grant planning permission for external insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof, creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse at 91 Dyne Road, London NW6 7DR in accordance with the terms of the application, Ref 10/2058, dated 29 July 2010, subject to the conditions set out in the attached schedule.

Procedural matters

2. I use the Council's description of development which is more extensive than on the application forms.
3. I am determining this appeal on the plans considered by the Council and not amendments submitted by the appellant during the course of the appeal.

Main issue

4. I consider the main issue to be the effects of the proposal on the character and appearance of the host dwelling and the locality.

Reasons

5. The appeal property is an early 20th century semi-detached house, in a street of similar properties creating a pleasant residential character. It has an

ornate and attractive front elevation and a more austere and plain rear elevation. The house backs on to a rail line screened by vegetation and at lower level. Part of the rear of the premises is open to glimpses from the nearby main road (Willesden Lane) lying at right angles to the south west along with its associated bridge over the railway. The side elevation is largely screened from view by the proximity of the adjoining dwelling.

6. The proposal, as noted above, is extensive. However by reason of a previous planning permission (ref 10/1221, dated 23 July 2010) the great majority of the list of works has been approved by the Council. The addition to this approved scheme relates to the proposed external cladding of the flank and rear walls by use of insulating material with a render type finish. It is this work which is of concern to the Council. Having considered all relevant issues including, amongst other matters, the planning history, living conditions for neighbours, the principle of a single family dwelling and the character and appearance of the property and the wider area, I am satisfied that I need only concern myself with this external cladding; the other elements are non controversial and there is a fall-back status for them.
7. The site lies within the North Kilburn Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The Brent Unitary Development Plan 2004 (UDP) includes policy STR 16 which broadly reflects S72(1). UDP policy BE26 calls for particular care to achieve sympathetic alterations and extensions in Conservation Areas and draws attention to the need to consider any relevant design guidance. More generally UDP policy BE9 seeks architectural quality and, amongst other matters, underlines the need for development to be appropriate to its setting, respect though not necessarily replicate, adjoining development and employ suitable materials for the context.
8. As previously indicated, the side elevation sits very inconspicuously. The proposal would see the cladding stopping well short of the front corner of the building. The projection of the cladding would be hardly discernable from the road and in any event the adjoining property has a projection in its brickwork construction; sides locally are not all flat elevations. Furthermore, a rendered or part rendered finish for an elevation would not be unique in this area as properties opposite make some use of this finish.
9. Turning to the rear elevation, the Council is right that the upper level of this can be viewed from Willesden Lane and is set amidst a scene of brick dwellings. I do not see a render finish as being intrinsically harmful to the streetscene on the rear of a building in a row of architecturally undistinguished rear elevations with only limited similarities between them. I say this especially when views of the scene are likely to be limited to glimpses and often filtered by the intervening vegetation. The cladding would change the proportion of the dormers somewhat but I am satisfied that they would not become out of scale and it is apparent that there are a range of dormer types and sizes locally. The appeal property is not even symmetrical at roof level with the adjoining semi-detached house as things stand. The cladding proposed for the sides of the dormers is a more modest 50mm rather than the 100mm thickness for the main walls.

10. No special features or notable detailing of the house would be covered; the focus on these dwellings and the major contribution to the qualities of the Conservation Area stems from the front elevations. The cladding with the altered main roof form would sit comfortably at the rear. Deeper window reveals would result and there would be a projection evident, if one looked carefully, relative to the brickwork on the neighbouring dwelling. However these need not be over-riding concerns as the eye will be looking at the wider scene with its range of window types, shapes and sizes and the built context which includes elevational stepping. I also note that some windows are to be replaced and there would be an opportunity to position these more closely to the external plane; this is an approach offered by the appellant and one which could be dealt with via planning condition.
11. In this instance the evidence put forward for the energy improvement merits of external cladding of these parts of this particular building, which does not have cavity walls and would present major difficulties and costs to deal with via overall and equivalent insulation internally, is persuasive. There would be compliance with the objectives of PPS1: *Delivering Sustainable Development* and its supplement, cited by both principal parties, particularly in terms of seeking to tackle climate change. Furthermore the scheme would accord with UDP policy STR 13 which seeks development with a reduced overall demand for energy and UDP policy BE12 which calls for built forms and technologies to contribute to reduced energy consumption and associated emissions.
12. There would be no conflict with S72(1) of the Act; there would be preservation of the character and appearance of the Conservation area. The scheme would also accord with the UDP policies cited in paragraph 7 above. The Design Guide for the Conservation Area which sets itself against rendering or cladding cannot be expected to cover every eventuality and the restoration work proposed to, for example, the front elevation will fully accord with the guidance and make a positive contribution to the streetscene.
13. In my support for the proposal I bear in mind that the render finish for the cladding is available in a range of colours. Selection of a suitable colour, more muted than the stark white shown on some illustrations, is something that both principal parties have indicated as a matter to be potentially dealt with via condition. I consider that this approach would be appropriate and I turn to the question of conditions below.

Conditions

14. In addition to the standard three year commencement condition I shall, for the avoidance of doubt and in the interests of proper planning, include a condition requiring that the development would be carried out in accordance with listed, approved, plans.
15. The Council suggests a number of conditions. Access to external areas should be suitably controlled in the interests of protecting residential amenity for neighbours. The call for a landscape scheme is appropriate in the interests of visual amenity within this Conservation Area and for the same reason it is reasonable that details of all external materials be submitted and agreed. This latter element shall, for the avoidance of doubt, include the colour of proposed render. Photovoltaic panels on the front gable and roof-lights should be flush with the roof covering to protect the appearance of the building and the area.

16. As noted above, I shall add a condition requiring the submission of details of any new windows and for sectional plans to show their relationship to the external plane to be submitted in the interests of visual amenity.
17. To assist with conciseness and precision, and bearing in mind advice in Circular 11/95, I shall not in every instance use the same wording for conditions as put forward by the Council.

Overall conclusion

18. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host dwelling and the locality. Accordingly I shall allow the appeal.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: B3.G20:- E02A, E03A, P00A, P01A, P02A, P03A, P-01A, P-02A, S01A & S02A and B5.G20:- E01D, E02E, E03E, E04B, P00G, P01F, P03F, P-01D & S01F
- 3) Access to the roof of the single storey extension shall be limited to the terrace area designated by railings and no access, other than for maintenance, shall be provided to the area identified as a 'wild flower meadow'.
- 4) The areas so designated within the site, including the green roofs and the front garden, 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.
- 5) Notwithstanding the approved plans the photovoltaic panels on the front gable and the roof lights shall be detailed to be flush with the roof covering.
- 6) Details of materials for all external work, including hardstanding material for the front garden and colour of render for the elevations, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details and permanently retained as such thereafter.
- 7) Details of any new windows shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. Such details shall include sectional drawings to demonstrate the relationship of the window to the external elevation of the dwelling. The work shall be carried out in accordance with the approved details



Appeal Decision

Site visit made on 7 June 2011

by Siân Worden BA DipLH MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 July 2011

Appeal Ref: APP/T5150/A/11/2149142
Flat 7, 88 Brook Road, London NW2 7DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kersey Properties against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/3195, dated 30 November 2010, was refused by notice dated 4 February 2011.
 - The development proposed is a single storey extension to Flat 7.
-

Decision

1. I allow the appeal, and grant planning permission for a single storey extension at Flat 7, 88 Brook Road, London NW2 7DU in accordance with the terms of the application, Ref 10/3195, dated 30 November 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan (scale 1:1250) and 2129 12A plan and elevations.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development

Main Issues

2. I consider that the main issues in this case are the effect of the proposal on the;
 - living conditions of neighbouring occupiers with regard, particularly, to its size, scale, proximity to boundaries and means of access, and on
 - the character of the existing building and surrounding area.

Reasons

3. The existing building is located at the end of what was the garden to the main dwelling which is now converted to flats. It is single-storey with a gabled roof and is currently used as a dwelling. The proposed development would be an approximately 5m deep extension to the front which would continue the existing roof height and pitch, and the line of the side elevations. The existing form of the building is simple, its front and rear elevations would be little altered and, in my view, the increased length would not appear excessive or out of scale.
4. To each side, furthermore, are tall close-boarded fences which, as the building fits quite snugly between, would afford little opportunity for side-on views of the proposed extension. It would not, however, be any closer to the boundary fences than the existing dwelling. The reduction in depth and rearrangement of the proposed internal layout has dispensed with the criticism concerning the outlook of future occupiers which the previous inspector considered so serious as to justify dismissal.
5. The rear windows of the flats in the main building at No. 88 look towards the appeal building but the proposed extension would be some distance away beyond the garden. Although the building would be visible I do not consider that the proposed extension to it would be incongruous or harmful to the outlook from these windows. The windows proposed in the front elevation would allow light to emanate from the dwelling but to my mind this would not be at such a level as to be distracting, polluting or contrary to UDP Policy BE8.
6. The access way to the dwelling runs in a tunnel through the main house and alongside its fenced back garden. The proposed extension would enable Flat 7 to have three bedrooms but the accommodation overall would be modest and unlikely to lead to a considerable increase in the number of occupiers, whether in a single family or as individuals. Whilst there might be an increase in activity and traffic, including to and from the two parking spaces shown within the site, I do not, therefore, consider that this would be sufficient to harm the living conditions of the existing occupiers of the main house. The previous appeal would have resulted in a four bedroomed dwelling. Even then the inspector considered that, although there would have been an uncharacteristic level of activity which would have had a significant impact on existing occupiers, this did not in itself warrant dismissing the appeal.
7. In its backland location and being of a single storey the existing dwelling is atypical of the general character and traditional layout of the surrounding area, mainly semi-detached houses with front and back gardens. The rear boundary to the site is screened with mature trees although it is possible to see the building through these from Ainsworth Close behind. It can also be glimpsed along the access way from Brook Road. From neither of these viewpoints or from the surrounding dwellings, however, would the proposed development be a significant feature. It would not, therefore, make the uncharacteristic location and style of the existing dwelling more apparent than they are now, or result in it being obtrusive or harmful to the character of the existing property or wider area.
8. My overall conclusion is that the proposed development would be of a scale, massing and height appropriate to its setting and location, and would respect the characteristics of the adjoining development. It would also be laid out to promote the amenity of users and provide, in particular, a satisfactory level of

outlook for existing and proposed residents. In these respects it would thus conform with Policy BE9 of the Brent Unitary Development Plan 2004. The adopted Core Strategy is now part of the development plan and thus proposals must be in accordance with it. As I consider that the proposal would not erode the character of suburban housing or be an out-of-scale building which would fail to respect the setting of existing dwellings it would not, however, be contrary to Policy CS 17. In my view the changed definition of previously developed land in PPS3 *Housing*, which no longer includes private residential gardens, has little weight in this case.

9. In the light of Circular 11/95 *The Use of Conditions in Planning Permissions* I have attached conditions suggested by the Council which will protect the appearance of the existing buildings and surrounding area. I have not, however, required the flank windows to be obscure glazed or non opening as, in the absence of any evidence of potential overlooking or loss of privacy, I do not consider that to be necessary.
10. For the reasons given above I conclude that the appeal should be allowed.

Siân Worden

Inspector



Appeal Decision

Site visit made on 18 July 2011

by Paul Crysell BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 August 2011

Appeal Ref: APP/T5150/A/11/2150747

Adjacent to Woodcock Park Bowling Club, Shaftesbury Avenue, Harrow HA5 0RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval for the siting and appearance of development permitted by part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Vodafone against the decision of The London Borough of Brent.
 - The application Ref 10/3175, dated 10 December 2010, was refused by notice dated 31 January 2011.
 - The development proposed is the installation of a 12.5 metre telegraph pole (telecommunications installation) with 1 No. equipment cabinet and I No. meter cabinet and ancillary development.
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Decision

1. I allow the appeal and give approval for the siting and appearance of the development proposed in application Ref: 10/3175, dated 10 December 2010 in accordance with the submitted plans (Drawing Nos: 100B, 201B, 301B and 400B). The approval is for the installation of a 12.5 metre telegraph pole (telecommunications installation) with 1 No. equipment cabinet and I No. meter cabinet and ancillary development adjacent to Woodcock Park Bowling Club, Shaftesbury Avenue, Harrow HA5 0RF under the provisions of part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) subject to the following conditions:
 - 1) The telecommunications mast shall be painted dark brown and the cabinets shall be painted dark green.
 - 2) No development shall take place until details of root protection measures have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with these proposals.

Main issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area including the Mount Stewart Conservation Area.

Reasons

3. The proposed mast and cabinets would be sited at the back edge of the footpath between a bowling green and Shaftesbury Avenue at the southern end of Woodcock Park. The purpose of the installation is to improve 3G and mobile

- broadband services in this part of Harrow where the present coverage is, according to the appellant, limited with interrupted services and dropped calls a common occurrence. The Council does not dispute the need for a mast and having regard to the appellant's coverage plots, I have no reason to disagree.
4. The area is predominantly residential with housing facing the appeal site on the opposite side of the road. There are two schools close to the proposed site which is also within 100 metres of the Mount Stewart Conservation Area (CA). Apart from the dense vegetation surrounding the bowling club this part of Shaftesbury Avenue is open and spacious, characteristics which are reinforced by the generous width of the road, the verge and the footpath. A number of trees flank the road and those next to the bowling club would provide a backdrop for the mast and help to moderate its impact.
 5. The mast is designed to look like a telegraph pole but it would be noticeably higher than either the existing poles or the streetlights in Shaftesbury Avenue. The appellant explains that this is necessary to overcome obstacles that would otherwise affect coverage. Consequently, it would be possible to see it in longer distance views from both directions along Shaftesbury Avenue including from parts of the CA. Most of the mast would be seen against the trees next to the site although I accept that the effect would be reduced in winter because many of the trees are deciduous. Even so, the trunks would continue to provide a vertical emphasis and a foil to the man-made form of the camouflaged mast. The equipment and meter cabinets would, in some respects, have more impact because they are bulkier objects but I do not consider they would result in the visual clutter feared by the Council because there is no other street furniture nearby.
 6. The appellant has provided information on alternative sites which have been investigated but rejected for various reasons. I appreciate that it would be preferable to locate the mast away from a residential neighbourhood but the site has the advantage of being on relatively high land and adjacent to a major area of open space. The installation would also have the potential to be used for shared services. In the context of the surrounding area, I do not consider the location would be result in the conspicuous form of development the Council fears.
 7. A number of residents and a local councillor have raised concerns, some of which I have covered above. It is suggested that the installation could be a target for vandals although there is no information to show why it should lead to anti-social behaviour. Health and safety concerns have also been identified. This is not normally a matter for the planning system although I accept it can be a material consideration. In this instance the installation would meet the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Having regard to the advice in PPG8¹, I consider there are no grounds to dismiss the appeal because of the risk to health.
 8. My overall conclusion is that the need for improved coverage justifies the siting of the development in the proposed location. I am satisfied that the impact on the street scene would not be so severe to adversely affect the character and appearance of the area including the nearby CA. Consequently I find that the proposal would not conflict with policy CP17 of the Brent Core Strategy intended to protect the suburban character of Brent or policies BE2 and BE7 of

¹ Planning Policy Guidance Note 8 *Telecommunications* (PPG8)

the Brent Unitary Development Plan (UDP) covering townscape and streetscape respectively. I also consider the proposal would comply with the objectives of policy BE19 of the UDP. This is the most relevant plan policy in relation to telecommunications development and sets out the criteria to be taken into account where telecommunication apparatus is proposed.

9. The Council has suggested two conditions if the appeal was allowed. The first covers the colour of the mast and the cabinets while the second requires details to be provided of root protection measures. I consider both are necessary to minimise the impact of the development and to avoid damage to nearby trees.
10. For the reasons given above and having regard to all other matters raised, I allow the appeal.

P R Crysell

INSPECTOR



Appeal Decision

Site visit made on 5 July 2011

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 July 2011

Appeal Ref: APP/T5150/C/11/2150497

6 Furness Road, London NW10 4PP

- The appeal is made by Maha Ali under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: E/10/0180) issued by the Council of the London Borough of Brent on 28 February 2011.
 - The breach of planning control alleged in the notice is "change of use of the premises to eight self-contained flats".
 - The requirements of the notice are "Cease the use of the premises as eight self-contained flats and its occupation by more than ONE household, remove all items, materials and debris associated with the unauthorised change of use, including all kitchens, except ONE, and all bathrooms, except TWO, from the premises".
 - The period for compliance with these requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(b).
 - The planning application deemed to be made by section 177(5) does not fall to be considered, because the prescribed fees were not paid within the specified period.
-

Decision

1. The appeal is allowed and the enforcement notice is quashed.

Reasons for the decision

2. The premises affected by the notice are stated to be "6 Furness Road" as outlined on the notice plan, but there are two separate properties here, Nos 6A and 6B, and no No 6 as such. No 6A consists of a ground-floor entrance and corridor leading to stairs to two upper floors. There are three studio flats and a one-bedroom flat on the first floor, numbered 1 to 4, and a studio flat and a one-bedroom flat on the second floor, numbered 5 and 5B. No 6B has its own ground-floor entrance, which gives access to a ground-floor shop unit at the front, currently used by a property company, and two ground-floor studio flats at the rear. Photographs taken by the Council indicate that Nos 6A and 6B were separate at the time when the notice was issued.
 3. The notice should separately identify each property and the flats in each of them if it is intended to apply to both Nos 6A and 6B, as appears to be the case. The description of the change of use should distinguish between Nos 6A and 6B and, in the case of No 6B, describe it in terms that recognise that there is a shop unit in the property. Precision about these matters is necessary for the notice to contain enforceable requirements appropriate to the property to which they apply.
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4. I can correct any misdescription in the notice and vary its requirements if I am satisfied that I can do so without causing injustice. I have not exercised this power on this occasion, for the following reasons: -
- the changes would be too extensive;
 - more information would be needed about the uses taking place;
 - Nos 6A and 6B are in different ownerships and persons would be affected by the changes who are not parties to the appeal; and
 - the appellant and other affected persons might have wished to raise other grounds of appeal and to pay the fees for the deemed planning application if the notice had been in different terms at the outset.
5. The notice is defective and cannot be corrected without causing injustice. The appeal has therefore succeeded and the notice has been quashed.

D.A.Hainsworth

INSPECTOR



Appeal Decision

Site visit made on 5 July 2011

by R E Watson BA (Hons)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 July 2011

Appeal Ref: APP/T5150/C/11/2151201

1 Dicey Avenue, London, NW2 6AR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr S A Khan against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/10/0397.
 - The notice was issued on 9th March 2011.
 - The breach of planning control as alleged in the notice is the erection of side dormer and rear dormer windows, raising of the height of part of the roof to provide a crown roof, installation of three front roof lights, two side roof lights and one rear roof light to dwelling.
 - The requirements of the notice are to remove the side dormer window and replace it with tiles which match the tiles used on the remainder of the roof.
 - The period for compliance with the requirements is 6 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)[a, c & f] of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed and the enforcement notice is quashed. I have taken account of the views of local residents and other interested parties in reaching this decision.

Application for Costs

2. An application for a full award of costs was made by Mr S A Khan against the London Borough of Brent. An application for a partial award of costs was made by the London Borough of Brent against Mr S A Khan. These applications are the subject of separate Decisions.

Appeal made under Ground (c)

Planning Background

3. In June 2010 the Appellant submitted an application for a Certificate of Lawfulness for a roof extension which had been carried out at the appeal property. The detailed calculations made at the time, and agreed by both parties, revealed that the total volume of the extensions amounted to 54.606m³. This took the development beyond the limit below which planning permission was not required by virtue of the provisions of Schedule 2 – Part 1 – Class B to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008. Accordingly, the Council refused to issue a Certificate.

4. After submitting and then withdrawing an application to retain the roof extensions when he was advised that the Council were unlikely to grant permission, the Appellant then decided to reduce the volume of the extensions below the 50m³ permitted development limit by reducing the size of the rear dormer extension. This was carried out in February 2011. The extensions now total 48.535m³, a figure which the Council have not explicitly disputed.

Reasons

5. I accept that the extensions, when originally undertaken, exceeded the permitted development limit. I have noted the Council's argument that it is not appropriate to redesign an unauthorised development so that it sits within the realms of permitted development. I have also taken account of their reference to a Court of Appeal decision in 1968 (*Garland v Minister of Housing and Local Government* and another) which established that the whole of an unauthorised extension is unauthorised, not just the part that was over the permitted development limits. However, in this case the arguments flowing from these references would only assume relevance if the enforcement proceedings had been initiated prior to the revisions being made to the original unauthorised development. In this case, therefore, the critical question is precisely when the Council took enforcement action.
6. The written evidence before me clearly demonstrates that the amendments to the extension were completed in February 2011, with a completion certificate issued by the Council's Building Control Department, dated 23rd February 2011. The Appellant's Agent wrote to the Council in a letter, accompanied by plans, dated 19th February 2011 confirming that the works had been carried out. The Notice was not served until 9th March 2011, after the alterations had been made to the original extensions.
7. I am satisfied from the evidence that what exists on site does not require planning permission and has not done so since February 2011, before the Notice was served. The earlier breach of planning control had been rectified prior to the service of the Notice. Accordingly, I am satisfied that the development to which the Notice relates is lawful by virtue of the provisions of General Permitted Development Order, as amended and is immune from enforcement action. I conclude that the appeal under ground (c) succeeds. Consequently, I intend to quash the enforcement notice. The appeals made under grounds (a) and (f) do not need to be addressed.

R E Watson

Inspector