



## Planning Committee

**Wednesday, 14 December 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  
joe.kwateng@brent.gov.uk, (020) 8937 1354

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

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 8
<b>Extract of Planning Code of Practice</b>		
<b>NORTHERN AREA</b>		
3. Garages R/O 129-145, 145A & Land R/O 151-157, Melrose Avenue, London, NW2 4LY (Ref.11/2414)	Dudden Hill	13 - 30
4. 493 Kenton Road, Harrow, HA3 0UN (Ref. 11/2529)	Kenton	31 - 42
5. 201 & 203 Kenton Road, Harrow, HA3 0HD (Ref. 11/2187)	Kenton	43 - 50
6. Northwest Jamathkhana, Cumberland Road, Stanmore, HA7 1EJ (Ref. 11/2123)	Queensbury	51 - 60
<b>SOUTHERN AREA</b>		
7. 113 Bryan Avenue, London, NW10 2AS (Ref. 11/2665)	Brondesbury Park	61 - 74
<b>WESTERN AREA</b>		
8. 15 Steele Road, London, NW10 7AS (Ref. 11/1699)	Stonebridge	75 - 80
9. Land rear of 12, Central Way, London, NW10 (Ref. 11/2623)	Stonebridge	81 - 100
10. First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10 (Ref. 10/3221)	Stonebridge	101 - 138
11. 159 Harrow Road, Wembley, HA9 6DN (Ref. 11/2416)	Tokyngton	139 - 148
12. 28 Berkhamsted Avenue, Wembley, HA9 6DT (Ref. 11/2042)	Tokyngton	149 - 156
13. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

## SITE VISITS – SATURDAY 10 DECEMBER 2011

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
11/2416	159 Harrow Road, Wembley, HA9	10	Tokynghon	9:40	139 - 148
10/3221	First Central, Coronation Road Lakeside Avenue, NW10	10	Stonebridge	10.10	101 - 138
11/2424	Garages rear of Melrose 129-145, 145A and rear of 151-157 Melrose Avenue NW2 4LY	3	Dudden Hill	11:00	13 - 30
11/2123	Northwest Jamathkhana, Cumberland Road, Stanmore, HA7 1EJ	6	Queensbury	11:45	51 - 60

**Date of the next meeting: Wednesday, 18 January 2012**

The site visits for that meeting will take place the preceding Saturday 14 January 2012 at 9.30am when the coach leaves Brent House.



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

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday, 23 November 2011 at 7.00 pm

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

ALSO PRESENT: Councillor Muhammed Butt

Apologies for absence were received from Baker, Mitchell Murray and Singh

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

None declared.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 25 October 2011 be approved as an accurate record of the meeting.

#### 3. **66 Springfield Mount, London, NW9 0SB (Ref.11/2182)**

PROPOSAL:

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

RECOMMENDATION: Grant planning permission subject to conditions.

Steve Weeks, Head of Area Planning reiterated his advice to members that allowing the garage to be used as ancillary living accommodation not specially restricted to a named person(s) was likely to lead to difficulties in enforcing against inappropriate use of the building. He continued that without clear conditions of use the building could potentially be used as independent accommodation (e.g. tenanted), resulting in a significant intensification of use of the site compared with the current use as a single family household. With that in view, he drew members' attention to suggested conditions with reasons as set out in the report, if members were minded to grant planning permission contrary to his recommendation for refusal.

Mr Robert McAteer, the applicant, in reference to the conditions suggested for the grant of planning permission considered that condition 1 which sought prevent future alterations to the building and condition 2 that restricted the use of the roofspace of the converted garage were unreasonable. He confirmed his acceptance of condition 3 for reinstatement of the drop kerb and condition 4 which sought to prevent the erection of fences, or other means of enclosure on the site.

In responding to the above, the Head of Area Planning stated that the conditions suggested were to allow the Local Planning Authority to exercise proper control over the development in the interests of amenity and to maintain access to the available amenity area. He continued that conditions 1 and 2 were aimed at removing permitted development rights, encouraging enforcement of planning conditions and preventing over-intensification of use of the building to the detriment of the amenities of future occupiers.

Members were minded to approve the application contrary to officers' recommendation for refusal. In accordance with the Planning Code of Practice voting on the substantive recommendation for refusal was recorded as follows:

FOR: Councillors Sheth and McLennan (2)

AGAINST: Councillors Cummins, Daly, Hashmi, Kabir, CJ Patel and RS Patel (6)

ABSTENTION: None (0)

DECISION: Planning permission granted subject to conditions.

#### 4. **338-346 inc, Stag Lane, London, NW9 (Ref.11/1743)**

##### PROPOSAL:

Variation of condition 2 (approved plans and documents) to allow minor material amendment comprising:

- Installation of additional door to front elevation to create an extra commercial unit
- Removal of part of the existing building at the rear
- Installation of 2 satellite dishes to rear extension roof
- Modification to ground floor front glazing, removal of rear ground floor windows, alterations to rear extension roof design plus removal of door to south elevation of rear extension
- re-positioning of bin, cycle storage and plant areas

of full planning permission 09/1947 dated 21 April 2011.

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

DECISION:

- (a) Granted 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.

**5. Flat G01, Jubilee Heights, Shoot Up Hill, London, NW2 3BD (Ref.11/2278)**

PROPOSAL:

Retrospective application for garden decking with balustrade at front of flat

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

**6. Garages rear of, Magnolia Court, Harrow, HA3 (Ref.11/2402 )**

PROPOSAL:

Demolition of existing garages, erection of seven self-contained flats (4 x 1-bedroom, 2 x 2-bedroom, and 1 x 3-bedroom), with associated landscaping, bicycle storage and refuse storage, alterations to existing vehicular access and new pedestrian access and 7 parking spaces (as per revised plans received on 9 November 2011).

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, addressed the following issues raised by members at the site visit:

#### Hedgerow and Ash Tree

The removal of the 4m hedgerow and Ash Tree at the entrance of the site was necessary to meet transportation requirements for a safe access for pedestrian and vehicular traffic. He continued that the loss of 2 Ash Trees which would be removed as a result of the development would be replaced with Ash Trees with semi mature trees in a more suitable location within the site, a proposal that was supported by the Council's Tree Protection Officer and would be secured through condition 7.

#### Site boundary and security

The Area Planning Manager drew members' attention to an amendment in condition 7 as set out in the tabled supplementary report which required a timber fence of at least 2m plus 0.3m of trellis in height being erected on the site boundary alongside Magnolia Court. In reiterating the recommendation for approval, he added that the other issues raised in respect of the site being in flood zone 2, the impact of the development on outlook and overlooking had been addressed in the main report.

Mr Harsha Padhye, an objector, raised the following concerns on the proposed development:

- (i) The height of the two-storey development would be overbearing, leading to loss of daylight and outlook.
- (ii) The proposed development would result in loss of security and maintenance.
- (iii) As Magnolia Court and the surrounding streets were always fully parked, the proposal would create parking problems in the area.

Mr Robert Dunwell, Chair of Queensbury Area Residents' Group of Associations (QARA) stated that the implications of the site being located within flood zone 2 were not covered. He claimed that under Planning Policy Statement 25 (PPS25) flood zone assessment statement should have accompanied the report for members' consideration. Mr Dunwell considered as irrelevant, comments by officers on issues of overbearing and height and urged members to take them into account in deciding the application.



Mr Sentur Attur, the applicant's architect stated that the proposal had been improved with a reduction in the building envelope, relocation of refuse storage and an increase in parking provisions from six to seven. In reference to the conditions recommended, he stated that the boundary height would provide adequate security and maintain residential amenity. He added that the existing garages which were derelict encouraged vandalism and compromised security. He continued that the communal gardens provided exceeded the minimum requirements, thus enhancing amenity space for the residents. Mr Attur noted that the Department of Environment had not raised objections to the application.

In responding to members' comments and questions, Rachel McConnell confirmed that a 1metre set in had been provided for the 2 storey building and that the boundary treatment would be of timber fencing. She added that the proposal did not raise issues of outlook, privacy and size of units as it complied with the Supplementary Planning Guidance 17 (SPG17).

**DECISION:**

- (a) Granted planning permission, subject to conditions as amended in condition 7, 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.

**7. 182-184 Preston Road, Wembley, HA9 8PA (Ref.11/2432)**

**PROPOSAL:**

Retrospective application for an existing canopy structure to the rear of premises

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

Neil McClellan, Area Planning Manager, informed members that the applicant had submitted revised drawings to correct an error, hence an amendment in condition 2. He also informed members about an amendment in condition 4 which would restrict the hours of operation to 22:00 hours.

**DECISION:** Planning permission granted subject to conditions as amended in condition 4 and informatives.

**8. Wembley Arena, Engineers Way & Wembley National Stadium, Olympic Way, Wembley, HA9 (Ref.11/2367)**

**PROPOSAL:**

Erection of temporary structures, a temporary retractable walkway and cable bridge across Engineers Way, vehicle and pedestrian access areas, temporary secure perimeter fencing and civil engineering works to level surface of land to north of Engineers Way. Proposal includes the temporary closure of Engineers Way from the 18th July 2012 to the 13th August 2012. The proposed temporary works are to facilitate the hosting of events at Wembley Arena and Wembley National Stadium during the London 2012 Olympics.

**RECOMMENDATION:**

Grant temporary planning permission subject to the final agreement of the Environment Agency.

In reference to the tabled supplementary report, Neil McClellan, Area Planning Manager amended condition 1 as set out in the supplementary report and updated members that as the additional information on site drainage had overcome their concerns, the Environment agency had withdrawn its objection to the proposed development.

**DECISION:** Temporary planning permission granted subject to conditions and an amendment in condition 1.

**9. 72, 72A, 74, 74A & Garages rear of 58-74, Harrow Road, Wembley, HA9 6PL (Ref.09/2619)**

**PROPOSAL:**

Retrospective planning permission for the change of use of 74 Harrow Road from retail (Use class A1) to community centre and place of worship (Use class D1), to be used in conjunction with the existing community use and place of worship at 72 Harrow Road and for the change of use of garages to the rear to classrooms and washrooms ancillary to 72 & 74 Harrow Road and for the replacement of the existing frontage to the ground floor of 72 & 74 Harrow Road.

**RECOMMENDATION:** Grant planning permission subject to conditions.

Neil McClellan, Area Planning Manager, in responding to a request made on behalf of the applicants for use of the rear service area for funerals suggested an additional condition. The condition would require the applicant to submit a management plan setting out a scheme for managing the use of the premises including appropriate restrictions on numbers, hours of use and the means of managing special events, within 3 months of the decision. He also amended conditions 1 and 3 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in conditions 1 and 3 and an additional condition requiring a management plan for managing the use of the premises.

**10. Planning Appeals 1 - 31 October 2011**

RESOLVED:

that the appeals for the period 1 to 31 October 2011 be noted.

**11. Special Item**

RESOLVED:

that the briefing paper previously circulated be noted.

**12. Any Other Urgent Business**

None raised at this meeting.

The meeting ended at 7:50pm

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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**Committee Report  
Planning Committee on 14 December,  
2011**

Item No. 03  
Case No. 11/2414

 **Planning Committee Map**  
Site address: Garages R/O 129-145, 145A & Land R/O 151-157, Melrose Avenue,  
London, NW2 4LY  
© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

**RECEIVED:** 28 October, 2011

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Garages R/O 129-145, 145A & Land R/O 151-157, Melrose Avenue, London, NW2 4LY

**PROPOSAL:** Erection of five x two-storey dwellinghouses with basements comprising two x four-bed semi-detached houses and three x four-bed terraced houses, eight car-parking spaces, provision of bin store and bicycle stands, with associated hard and soft landscaping and means of enclosure (in place of one x three bed and two x four bed dwellinghouses and eight parking spaces which formed part of the previously approved scheme with LPA ref: 06/1117).

**APPLICANT:** Mr Tony Gates

**CONTACT:** Claridge Architects

**PLAN NO'S:**

See condition 2

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## **RECOMMENDATION**

To:

- (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

## **SECTION 106 DETAILS**

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

1. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
2. A contribution of £27,000, index-linked from the date of committee for Education, Sustainable Transportation, Sport and Open space improvements in the local area
3. A clause stating residents of the new properties will not be entitled to the allocation of CPZ parking permits.

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement by 23 December 2011.

## EXISTING

The application site comprises the western part of a backland site surrounded on all sides by the rear gardens of adjoining residential properties on Melrose Avenue, Gay Close, Kenneth Crescent and Riffel Road; access into the site from Melrose Avenue lies between 145 and 147 Melrose Avenue. It is currently a development site with an extant permission for five houses.

Melrose Avenue is defined in the UDP as being heavily-parked, and lies within Controlled Parking Zone "MW", which operates 08.00–18.30 Monday to Saturday. Access via public transport is fairly low with a PTAL rating of level 2. Willesden Green Station (Jubilee tube) is within walking distance of the site, but only one bus route is locally available (i.e. within 640m).

## PROPOSAL

The application is for full planning permission to erect five x two-storey dwellinghouses with basements comprising two x four-bed semi-detached houses and three x four-bed terraced houses in place of the one x three bed and two x four bed dwellinghouses approved in 2006.

Please see *Remarks* section, below, for further discussion on the proposal and how it differs from earlier permissions.

## HISTORY

The site has a recent history of a number of applications related to residential development.

1. The first application (LPA ref: 06/1117) proposed six dwellinghouses and was approved by Members of the Planning Committee on 21 December 2006:

*06/1117 Demolition of 60 garages and a 2 storey dwellinghouse and erection of 6 x 4 bed houses with 12 parking spaces and subject to a Deed of Agreement dated 7th December 2006 under Section 106 of the Town and Country Planning Act 1990, as amended **Granted** 28/12/2006*

A number of details pursuant applications were submitted to discharge the conditions of the 2006 approval:

- **07/1936** Details pursuant to condition no. 15 (boundary treatment) **Granted** 06/09/2007
- **07/2920** Details pursuant to condition 4(a) (external materials) **Granted** 09/11/2007
- **07/2642** Details pursuant to condition 4(f) (external lighting) **Withdrawn** 04/12/2007
- **07/2296** Details pursuant to condition 10 (Details of the surface and foul water drainage) **Withdrawn** 04/12/2007
- **08/0086** Details pursuant to condition 10 (Drainage details + gullies at the highway boundary with Melrose Avenue) **Granted** 07/03/2008
- **08/0088** Details pursuant to condition 4c (Boundary treatment), 4g (Arrangements for temporary storage of dustbins prior to collection), 5b (Proposed walls and fences indicating materials and heights) & 5c (Screen planting along the boundaries) **Withdrawn** 19/03/2008
- **08/0085** Details pursuant to condition 13a (Speed table at site entrance), 13b (Removal of parking bay opposite the site entrance) & 14 **Granted** 07/03/2008
- **08/0076** Details pursuant to condition 8a (Site investigation) **Granted** 07/03/2008
- **08/0074** Details pursuant to condition 4b (Areas of hard landscape works), 4h (Arrangements for the allocation of parking spaces), 5d (Adequate physical separation, such as protective walls and fencing between landscaped and paved areas), 5e (Areas of hard landscape and proposed material) & 9 (Details of access road) **Withdrawn** 19/03/2008

- **08/0072** Details pursuant to condition 6 (Protection of existing trees on site) & 16 (Protection of existing trees in adjoining gardens) **Withdrawn** 19/03/2008
- **08/0070** Details pursuant to condition 4d (Window Details) and 4e (roofing materials) **Granted** 07/03/2008
- **08/0068** Details pursuant to condition 5a (identification and protection of existing trees) **Withdrawn** 19/03/2008
- **08/0081** Details pursuant to condition 4f (All external lighting within the development) **Granted** 07/03/2008
- **08/0082** Details pursuant to condition 17 (details of storage of dustbins within the curtilage of each of the proposed houses) **Granted** 07/03/2008
- **08/0545** Details pursuant to condition 4(e) (roof sample) **Withdrawn** 02/04/2008
- **09/1909** Details pursuant to conditions 4(b) (hard landscape works), (c) (boundary treatment), (g) (temporary storage of dustbins) & (h) (allocation of parking spaces), 5 (landscaping), 6 (tree protection), 8(b) (site investigation), 9 (access road), 12 (residents' garages) and 16 (tree protection) **Withdrawn** 23/09/2009
- **09/2618** Details pursuant to condition 8(b) (site investigation) (as amended by agent's e-mail received 27/01/2010) 1117 **Granted** 27/01/2010
- **10/0425** Details pursuant to condition 4 (b,c,g,h) 5 Details of materials) 6 (landscaping) 9 (management Plan) 12 (Revised access road and parking layout) and 16 (Tree Root Protection) **Granted** 02/03/2010

2. Following commencement of the 2006 scheme, further applications were submitted to increase the number of units on the site by replacing three as-yet unconstructed houses with five houses. The first application, made in 2007, was refused under delegated powers on 21/09/2007:

***07/2277** Erection of 5 two-storey, four-bedroom dwellinghouses with basement level, 10 car-parking spaces, provision of bin store and bicycle stands, with associated landscaping **Refused** 21/09/2007*

The second application, made in 2008, was scheduled to be refused under powers delegated to the Director of Planning but it was called in by Councillors:

***08/0683** Erection of 5 two-storey, three-bedroom dwellinghouses with partial basement level (in place of the development previously approved under ref. 06/1117, for 6 four-bedroom dwellinghouses without basements), 10 car-parking spaces, provision of bin store and bicycle stands, with associated landscaping to site **Appeal Allowed** 14/05/2009*

It was initially presented to the Planning Committee with a recommendation for refusal on 29 April 2008. Members deferred the decision and advised that officers met with the applicants to discuss amendments to the scheme and to give Members an opportunity to make a site visit. Minor changes were made which allowed officers to support the proposal, and it was reported for the second time to the Planning Committee on 13 August 2008 with a recommendation that planning permission be granted subject to the completion of a satisfactory Section 106 legal agreement.

Members however voted to refuse the application on the following grounds:

1. *The increase of dwelling units from 3 to 5 within the same site area would give rise to an overdevelopment of this backland site which is exacerbated by the inherent constraints of the site which include its elongated form, a substandard access, proximity of existing housing and limited opportunities for landscaping and is thus contrary to policies BE2, BE7, BE9 & H12 of Brent's Unitary Development Plan 2004 and the Council's SPG17 'Design Guide for new development'.*

2. *The increase of dwelling units from 3 to 5 within the same footprint of this backland site necessitated the reduction in amenity spaces of the proposed dwellings and in the distances between proposed flank walls and rear garden boundaries of the dwellings surrounding the site which has resulted in cramped form of development and overbearing relationship with the neighbouring rear amenity spaces thus contrary to policies BE2, BE7, BE9, H12 & H15 of Brent's Unitary Development Plan 2004 and the Council's SPG17 'Design Guide for new development'.*

The applicant's appealed the decision to the Planning Inspectorate (PINS ref: APP/T5150/A/08/2091690) and submitted a Unilateral Undertaking to meet the planning obligations. The appeal was allowed on 14 May 2009. The Inspector summarised his decision as follows:

*"I therefore conclude that the proposal would provide acceptable living conditions for its future occupiers and would not significantly harm the living conditions of occupants of neighbouring properties particularly in terms of visual impact. It would comply with policies BE2, BE7, BE9, H12 and H15 of the London Borough of Brent Unitary Development Plan 2004 (UDP) and the SPG. These policies seek to ensure that, amongst other matters, development is designed with regard to the local context; makes a positive contribution to the character of the area; is of a high quality of design and materials; and, for proposals involving backland sites, pays special attention to density, building height, privacy and outlook."* (Inspector's decision letter, APP/T5150/A/08/2091690, 14 May 2009)

A details pursuant application was submitted to discharge the conditions of the 2009 allowed appeal:

**10/0424** Details pursuant to condition 6 (materials) 7 (landscaping) 9 (boundary details)  
**Granted** 02/03/2010

3. Works commenced on the basements of the five new houses in 2011 and these works caused local residents to contact the Council's Planning Enforcement Team with concerns that the development was not being undertaken in accordance with the approved plans. Two enforcement cases have been opened:

**E/11/0703** Breach of conditions (not in accordance with approved plan) of p.p. 08/0683 (temp.desc.) **EBOC** 30/09/2011

**E/11/0560** Breach of conditions 5, 6 (landscaping) of p.p. 06/1117 (temp.desc.) **EBOC** 03/08/2011

This is discussed further in *Remarks* section, below.

## **POLICY CONSIDERATIONS**

### ***Local***

For the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the statutory development plan for the area is the Unitary Development Plan (UDP), which was formally adopted in 2004, and the Core Strategy, adopted in 2010.

### ***Brent UDP 2004***

The following are the policies within the UDP relevant to this decision:

### Strategic

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

### 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.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- 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.

### Housing

- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15 Backland development special regard will be paid to the density and height of the proposal which should be subsidiary to the frontage housing; the privacy and outlook from existing dwellings and in particular gardens
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

### Transport

- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14 Residential car parking standards

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

### *Core Strategy 2010*

**CP17 Protecting and Enhancing the Suburban Character of Brent** - the distinctive suburban character will be protected from inappropriate development and development of garden space and infilling of plots with out-of-scale buildings will not be acceptable.

### *Other Council Policies*

The Council produces a series of Supplementary Planning Guidance Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. These SPG were subject to widespread public consultations as part of the UDP process before being adopted by the Council and given this widespread public consultation the Planning Authority would suggest that considerable weight be attached to them.

#### *Supplementary Planning Guidance No. 17 - Design Guide for New Development*

Adopted by the Council in October 2001, SPG17 aims to encourage high quality design in all new development; protect the character and amenities of existing areas that are worth preserving; create clear and useable guidance for all those involved in the planning and design process; and ensure the effective use of urban land and resources and support sustainable urban regeneration. It is intended to supplement the policies and guidance found in the borough's UDP.

#### *Supplementary Planning Document S106 Obligations*

### **Regional**

#### *London Plan 2011*

### **National**

#### *Planning Policy Statement 3 – Housing (3<sup>rd</sup> Edition, 2010)*

This document's objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

## **CONSULTATION**

Consultation letters were dispatched to local residents on 10 November 2011.

### **Local**

Nine local residents have objected to the proposals on the following grounds:

- Loss of light
- Loss of privacy
- Overbearing impact
- Access arrangements
- Increased pressure on existing parking
- Loss of retained tree

- Quality of proposed landscaping
- Noise and disturbance from additional residents
- Noise, disturbance and vibration arising from works
- Drainage

## ***Internal***

### *Transportation*

No objections subject to a Section 106 Legal Agreement confirming payment in the sum of £7,500 towards highway safety improvements, better non-car access and new parking controls and a permit-free clause. A condition is also recommended requiring the proposed cycle stands to be covered.

### *Landscape*

No objections subject to a condition requiring a comprehensive landscape scheme, tree protection measures and a landscape maintenance and management schedule.

### *Environmental Health*

No objection subject two conditions to secure during construction (1) dust mitigation measures and (2) measure to protect the amenity of neighbours.

## **REMARKS**

### ***1. Introduction***

#### *1.1 Background to this application*

This application stems from assistance the Council's Building Control officers have given the applicant to ensure the scheme is structurally sound; during the process of submitting an application to amend certain aspects of the scheme other inconsistencies in the approved plans and the works undertaken have come to light and these are addressed within the proposals.

#### *1.2 Differences between the proposed scheme and the earlier approvals*

The proposed scheme does not differ significantly from that which was allowed at appeal in 2009, however the application is described as to replace the three houses approved in 2006 because it appears the payment required by the Unilateral Undertaking made pursuant to the 2009 application was not made. As such the works that have been undertaken to date have not implemented the 2009 permission.

The key differences are: (1) the increase in the size of the basements to all five houses; and (2) the use of part of each for bedrooms.

The application also clarifies the site levels. In terms of impact on neighbouring residential amenity, it is only the levels which would alter the impact which was considered acceptable by the Inspector in his decision in May 2009.

### ***2. Levels***

#### *2.1 Original levels*

The original application in 2006 (06/1117) and the 2009 appeal scheme (08/0683) both showed the site as completely level, with the ground level at the mid-point of the site the same as the ground level at the eastern and the western edges. The Inspector for the 2009 appeal did not note any significant difference in ground levels.



The early applications and details submitted pursuant to conditions did, however, show that the western part of the site was known to be higher than the neighbouring Gay Close properties' gardens, by approximately 0.4-0.5m. This change in levels is shown on the section on approved plan 0703-01-103 Rev J *Proposed Site Plan*, submitted as part of the most recent approval (08/0683), and on approved drawing 0703-01-sk05 Rev D *Boundary Fence Detail*, submitted as part of details pursuant application 07/1936 to discharge condition 15 of permission 06/1117.

It is only from this last drawing, 0703-01-sk05 Rev D *Boundary Fence Detail*, that a better understanding of the levels can be gained. The drawing has a small site plan which includes spot levels for the site and the boundary. It shows that the eastern part of the site was 43.133, falling to 42.366 at the western part. These figures are assumed to be metres above ordnance datum, or AOD.

It appears that during the developer of the 2006 permission, who no longer has any interest in the site, used the western part of the site to dump spoil arising from the works to construct the three houses on the eastern part of the site. This would have obscured the true ground level to some extent and may have made an accurate assessment of the original ground level by the new developer, the local planning authority and the Inspector difficult.

The applicant purchased the site after the 2009 appeal and has always worked to the assumption that the completed site should be level as that was what was granted planning permission as evidenced by the long section shown on approved plan 0703-01-103 Rev J *Proposed Site Plan*; any change in levels would therefore be accommodated by raising or lowering the ground to meet the level of the part already constructed.

The applicant commenced works on the western part of the site, removed the debris left by the original developer and excavated only so far as was necessary to ensure the finished ground floor level would match the finished ground floor level of the houses already completed.

## *2.2 Existing and proposed levels*

The matter has been complicated by the fact the developer has completed the basements and back-filled the surrounding excavations with earth to the level of the top of the basements. This has raised the existing ground levels above the original levels, as the original ground level of approximately 42.37 is 0.67m below the intended finished floor level of 43.03. Thus local residents have observed correctly that the gardens have been increased in height and this has raised concerns that their privacy would be harmed.

Your officers have discussed this matter with the applicant and further drawings have been received which show the intended levels for the gardens and provide sections through the boundary to show clearly the relationship between the proposed houses, their gardens and the gardens of neighbouring properties.

This additional information—which shows levels which are consistent with the information on drawing 0703-01-sk05 Rev D *Boundary Fence Detail*—shows the level of the gardens for the three terraced houses to be between 42.32 to 42.38 (south to north). These levels, taken from drawings 09051/DT.01 Rev A and 09051/DT.02, suggest the level of the gardens will be reduced from their existing level and, when completed, will not differ significantly from the original levels of the site. The applicant has confirmed that this is their intention.

The five houses themselves will be higher than their garden, which was not originally expected, but this should be offset by the fact that, as demonstrated on approved plan 0703-01-103 Rev J *Proposed Site Plan*, the finished floor level of the houses was anticipated to be the same across the site. On balance, however, it is likely that officers, at the time of approving the 2006 application, and the Inspector, at the time of allowing the 2009 appeal, thought the buildings would have sat lower within the site than is now proposed.

### 2.3 Summary

The western part of the site was always known to be higher than neighbouring gardens, although extensive measurements were never provided. On balance it appears the Gay Close properties' gardens were between 0.34m-1.1m below the original level of the western part of the site.

The ground levels within the western part of the site have recently been raised approximately 0.6-0.7m above their original level, but some of the earth will be removed and the level will be reduced back to the level which was approved in 2006 and 2009; this is believed to be the original level of the site.

Since the level of the ground around the house will be 42.88, on the balance of the evidence the five houses themselves will be higher than was expected by approximately 0.5m. The houses will have one or two steps from the patios down to the gardens to accommodate this change in ground levels, with the gardens as a similar level to the original site.

### 3. *Impact on neighbouring amenity*

On developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

The Inspector, when considering the impact of the appeal scheme on neighbouring residential amenity in 2009, stated:

*“With regard to neighbouring occupiers, the proposed [house type 2] dwelling located towards the northwest corner of the site would be situated close to, and project above, the boundary fence that separates the appeal site from the rear of properties that front Melrose Avenue. As a result, the proposed dwelling would be visible from the rear of these properties, particularly Nos. 155 and 157.*

*However, the modest height of the [house type 2] dwelling, coupled with the absence of any 1st floor windows in the northern elevation, would mean that the proposed building would not appear overbearing or oppressive to neighbouring occupiers of the Melrose Avenue properties nor would it prejudice the privacy and enjoyment of their rear gardens.*

*For similar reasons I reach the same conclusion in terms of the relationship between the proposed [house type 2] and [house type 1] dwellings located towards the southern boundary of the site and the properties along Kenneth Crescent which are set at a slightly higher level than the appeal site. The difference in level would help further reduce the visual impact of the [house type 1] and [house type 2] buildings when viewed from existing properties, by lowering the profile of the proposed dwellings. Equally, there would be no significant harm arising from overbearing impact or loss of privacy as a result of the relationship between the [house type 2] and [house type 3] dwellings and the properties that front Gay Close, given the angle of view and the distance involved between the existing and proposed dwellings.”*

(Inspector's decision letter, APP/T5150/A/08/2091690, 14 May 2009)

In light of that assessment, the only two points to be considered are: (1) whether the end-terrace houses (house type 2) still have an acceptable relationship with Melrose Avenue properties to the north and Kenneth Crescent properties to the south in respect of overbearing impact; and (2) whether the increased height of the first floor rear windows of the terrace houses would result in a greater loss of privacy for residents of Gay Close.

### *3.1 Overbearing impact*

The apparent increase in the level of the base of the houses means the flank elevation of the southern terrace house now breaches the 45 degree line; although the terrace is shown to comply on drawing 09051/DT.03 the 45 degree line should be taken from a point 2m above ground level at the garden edge of the neighbouring site and not from the application site.

It is the southern part of the terrace which breaches the 45 degree line: approximately 0.2-0.3m of the eaves of the house would be above the 45 degree line. In light of the fact that SPG17 is guidance only, the relatively small breach of 45 degree line and the Inspector's comments on the previous scheme, your officers do not consider this to be a reason for refusal.

The semi-detached houses are also higher than their gardens but the houses still fall comfortably within the 45 degree line and your officers do not consider that the change would materially change the impact of the houses on neighbouring residential amenity.

### *3.2 Loss of privacy*

The buildings would not get any closer to the boundaries than the scheme allowed at appeal in 2009; no new windows are proposed either. In this respect the relationship between the scheme and neighbouring residents is unchanged.

The increase in the height of the terrace houses relative to neighbouring properties, however, does change the relationship between the houses and the properties on Gay Close. Officers are of the opinion that any such change will be minimal and measures can be taken to mitigate the impact: for instance, the applicant has undertaken to remove the first floor rear projecting balconies. Plans showing this change will be provided before the committee date and Members will be updated in a Supplementary Report. Further the boundary fence can be returned to the previously approved height (see section 5.2, below) and additional tree planting can be provided (see section 5.1, below). The applicant has undertaken to make these changes also.

## **4. Standard of accommodation**

The change in levels between the houses and the gardens does not have a material effect on the likely standard of accommodation and the living conditions of the occupants. The key issues in respect of standard of accommodation are whether the bedrooms within the basements would offer sufficient sunlight, daylight and outlook for occupants.

Basements were proposed to each of the five houses as part of the approved scheme (08/0683) but did not match the footprint of the ground floor. These have been expanded to match the footprint and as such the amount of internal floor area has increased. In order to maximise the use of the space, the applicant proposes to use part of the basements to the semi-detached houses as a bedroom and most of the basements to the terrace houses as two bedrooms with a bathroom and utility room.

In order to provide an acceptable standard of accommodation for the occupants of those bedrooms the applicant has provided additional lightwells to each of the houses, to the side of the semi-detached houses and to the front of the terraces.

The lightwell to serve the bedroom in the basement of the semi-detached houses would be 3.7sqm in area and the bedroom would have glazed double doors opening onto the space to maximise the amount of light entering the room. The bedroom would be the fourth of four and as such the need to comply fully with policies on standard of accommodation is less pressing than for a primary or secondary bedroom. Although the outlook would be extremely restricted, the lightwells would be sufficient for the bedrooms to be habitable.

The lightwell to serve the front bedroom within the basements of the terrace houses would also have a lightwell of similar size and as with the semi-detached houses this is considered acceptable in light of the fact this bedroom is likely to be the fourth of four in terms of preference for occupation. The lightwell to the rear bedroom is large with outlook of between approximately 3.2-4.0m. This significantly larger lightwell befits the bedroom which is larger internally than the front room and therefore more likely to be used consistently.

In reaching the conclusion that the living conditions of the occupants would not be harmed by the restricted outlook and daylight/sunlight offered by some of the small lightwells, significant weight is given to the fact the properties are four bedroom houses with two storeys of habitable accommodation above ground with large private gardens, which significantly reduces the likelihood that occupants will have to rely on the outlook and daylight/sunlight from their bedroom.

## **5. Landscaping, trees & boundaries**

### **5.1 Landscaping & trees**

A comprehensive landscape scheme has been approved in the past (details pursuant application LPA ref: 10/0424) and a condition is required to secure those details once again; the applicant has been advised to provide those details before the committee date to enable Members to make a decision with all the facts before them, particularly since the tree belt is required to mitigate the impact of the increased height of the building and the associated perception of loss of privacy.

The lightwells to the front of the terrace houses will result in the loss of three areas of soft landscaping; this loss should be offset by providing additional soft landscaping elsewhere in the scheme. Furthermore the lightwells to the rear of the houses have increased in size but although this requires a revised landscaping scheme, it is not likely to materially affect the capacity of the gardens to accommodate suitably sized trees.

The works to form the basements and the subsequent addition of a layer of earth on top of the original ground level are likely to have had a significantly negative impact on the retained trees in the western part of the site. A condition will be imposed to secure a replacement semi-mature (minimum 20-25cm girth) trees at a ratio of two new trees to one lost tree (2:1) should any of the retained trees die within the next five years.

A landscape maintenance and management schedule is also required by condition.

### **5.2 Boundaries**

The boundary fence to the site is generally 2.4m high measured from ground level within the site. This is because original 2006 application envisaged a higher than usual boundary fence since the original wall to the site was in places rather high; at the time many residents were concerned that the boundary wall or any proposed replacement should retain that original wall height, which in places was significantly over 3m. Condition 15 of permission 06/1117 required the boundary treatment to be between 2.5m and 3.5m.

When it came to discharge condition 15 (details pursuant application LPA ref: 07/1936) the proposals set out a timber fence which would be 2.1m and 3.1m high; this difference in height was necessary to accommodate the changing levels between the site and neighbouring rear gardens. Some residents objected to the proposals as the fence would not be high enough and some objected because it would be too high; your officers presented a balanced approach to Members for their determination at committee on 5 September 2007 whereby the fencing along the western side would not exceed 2.79m above the ground level of Gay Close properties.

Since this approval the fence along the boundary with Gay Close has been lowered, apparently without authorisation. A number of spot levels and sections have been provided by the applicant and these are shown on drawings 09051/DT.01 Rev A and DT.03. The Gay Close boundary remains the only area of concern, with the works to remove the top section of the fence resulting in a fence which is between 2.3-2.55m above the ground level of neighbouring gardens, substantially lower than the 2.79m maximum approved by the Planning Committee in 2007. This means the altered fence is between 1.50-2.16m above the original ground level of the site (see discussion above, section 2.3). The lower parts, which are between 1.5-2.0m, would not provide an adequate level of privacy for residents of Gay Close or for future occupants and their enjoyment of their gardens.

Your officers support the proposals to raise the height of the fence along the boundary with Gay Close so it is at least 2.0m from the ground level of the site; this means the maximum height of the fence measured from the gardens of Gay Close properties would be 2.8m, not significantly dissimilar to what was granted approval at committee on 5 September 2007. Details of this will be secured by condition.

## **6. *Parking and access***

There are to be five no. four-bed dwellings, all of which will be two-storey plus basement properties. The same number of car spaces (eight) is proposed as was allowed at the 2009 appeal. The access arrangements from Melrose Avenue are also kept as previously negotiated.

For a four-bedroom dwelling in a location with fairly low PTAL ratings, the maximum amount of parking permissible is 2.0 car spaces, as set out in the full standard under PS14 of the UDP-2004.

For the five x four-bedroom dwellinghouse the maximum permissible spaces would be ten spaces; the proposed parking provision is therefore acceptable. The maximum standard for the whole site has risen to 16 car spaces, from the 14 spaces identified for the approved scheme under ref. 08/0683, however the already built dwellings are provided with parking in line with standards (three no. four-bedroom houses with six no. car spaces). This is considered acceptable since the approved scheme proposed large family house and the proposed houses are not significantly dissimilar; overspill parking will be controlled by a clause within a s.106 agreement to prevent residents from applying for parking permits for the Controlled Parking Zone along Melrose Avenue.

Six cycle spaces have been shown close to the proposed properties, plus another eight towards the already built properties. These 14 stands for eight properties is above the minimum provision set out in PS16 of the UDP. This provision is welcomed by the borough transportation officer, although the stands should be covered against the elements and for added security; a suitable condition is proposed.

Refuse and recycling stores are shown on the frontages of the newly proposed properties. This is acceptable provision of refuse storage, within easy reach of the turning area for refuse vehicles.

The increase in the number of bedrooms is not considered to have a significant effect in terms of parking and access and your officers find the proposals acceptable in this respect.

## **7. S.106**

Supplementary Planning Document on s.106 Planning Obligations was adopted in 2007 and updates and expands the relevant policies on infrastructure contributions contained in the UDP 2004. It establishes a clear formula for calculating such contributions where they are needed to mitigate the effects of development on local facilities and services. The SPD has been through public consultation and has been formally adopted and significant weight should be given to it.

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

The applicant has agreed in principle to a section 106 legal agreement to meet the standard charge, but without such an agreement to secure measures to mitigate the harm caused by the scheme, it would conflict with the aims and objectives of UDP policies TRN3, TRN4, TRN11, OS7, CF6 and EP3 and the provisions of the SPD on s.106 Planning Obligations; accordingly two recommendations are proposed, to allow officers to refuse the scheme should the s.106 agreement not be completed in time.

## **8. Response to objectors**

Residents have objected on a number of grounds, most of which are addressed within the discussion of the proposals above.

Some residents have objected due to the noise, disturbance and vibration arising from the works. This is not a material planning consideration as it is controlled by separate Environmental Health legislation. Recent heavy rainfall resulted in a collapsed fence which has distressed some residents on Kenneth Crescent; this is a civil matter between the land owners and not something which can be taken into consideration when determining the application for planning permission. Your officers understand, however, that the applicant has written to the affected properties and given them his undertaking that the fence will be repaired.

Some residents have objected due to increased noise from the increased number of residents within the houses. The number of bedrooms within the five houses has increased from 15 to 20; there is no evidence to suggest this increase would materially increase the noise generated by the site.

Finally, residents have objected to the change in ground levels due to the problems with drainage and increased pressure on the base of their fences. This scale of drainage is not normally covered by the borough's planning policies but your officers have liaised with the borough's Building Control officer who will require a land drain as part of the measures to ensure the structural soundness of the basements; as a result your officers do not consider this to be a reason to refuse planning permission.

## **9. Conclusion**

The application would provide an acceptable standard of family accommodation and is not expected to materially harm the amenity of neighbouring occupants. The scheme is judged to be in general accordance with the national, regional and local policies and approval is recommended, subject to a s.106 agreement to secure the standard charge.

## **REASONS FOR CONDITIONS**

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

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

Brent Unitary Development Plan 2004  
Brent Core Strategy 2010  
The London Plan 2011  
Council's Supplementary Planning Guidance No. 17  
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  
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):

09051/OS; 09051/S.00 Rev A; 09051/S.00; 09051/DT.01 Rev A; 09051/DT.02; 09051/DT.03; 09051/GA.00 *House Type 2 & 3 Basement FI*; 09051/GA.01 *House Type 2 & 3 Ground FI*; 09051/GA.01 *House Type 2 & 3 Ground FI [sic]*; 09051/GA.03 *House Type 2 & 3 Roof Plan*; 09051/GE.00 *HT 2 & 3 Elevations*; 09051/GE.01 *HT 2 & 3 Elevations*; 09051/GS.00 *HT 2 Section*; 09051/GA.00 *HT 1 Basement & Ground*; 09051/GA.01 *HT 1 First & Roof Plan*; 09051/GE.00 *HT 1 Elevations*; 09051/GE.01 *HT 1 Elevations*; 09051/GS.00 *HT 1 Section AA*;

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

- (3) Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellinghouses or their curtilage shall be carried out, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the restricted size of the site for the proposed development no further enlargement, increase or alteration beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority, to prevent an over development of the site and loss of amenity to adjoining occupiers.

- (4) During construction works on site no materials shall be burnt on site and all excavated topsoil shall be stored for reuse in connection with the landscape works scheme.

Reason: In the interests of local amenity.

(5) Details, including samples of materials, proposed for:-

- (a) all external surfaces of the building
- (b) windows
- (c) roofing materials
- (d) all external lighting within the development

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with any such approval. Wherever possible, recycled construction materials and/or re-used steel joists/girders shall be employed.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted, in the interests of visual amenity.

(6) All areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within three months of the date this permission was issued.

Such landscape works shall be completed in accordance with the approved details prior to the occupation of the buildings.

Details shall include:-

- (i) Identify all retained trees and provide details of appropriate tree protection measures to be kept in place throughout the duration of the works;
- (ii) Existing contours and spot levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;
- (iii) Hard surfaces including details of materials and finishes. These should have a permeable construction;
- (iv) All planting including location, species, size, density and number;
- (v) Specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces); and
- (vi) A detailed (min. 5-year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

Any retained trees and shrubs or those 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. In the case of the loss of retained trees these shall be replaced at the ratio of 2:1 (two new trees to one lost tree).

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.



- (7) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority within three months of the date this permission was issued.

These works shall be completed in accordance with the approved details prior to the occupation of the development. The fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Such details shall include:

- (i) Specify type of fence, e.g.; palisade, close-board etc;
- (ii) Specify all dimensions including height, length and thickness and shall be along the western boundary a minimum height of 2.0m measured from the gardens within the site and a maximum of 2.8m measured from the gardens of Gay Close properties; and
- (iii) Details of any alterations, extensions or repairs to existing boundaries.

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

- (8) Details of the provision of a secure, covered storage area for a minimum of 14 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority within three months of the date this permission was issued. . 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.

Reason: To ensure satisfactory facilities for cyclists.

#### **INFORMATIVES:**

- (1) During demolition and construction works on site:

- The best practicable means as specified in the British Standard Code of Practice BS5228:1997 shall be employed at all times to minimise the emission of noise from the site;
- The operation of the 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 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
- Vehicular access to adjoining and opposite premises shall not be impeded;
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only.

Reason: To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance caused by construction and demolition works. Please contact Chris Taylor on 0208 937 5159 should you have any queries relating to the above.

- (2) The applicant is advised that the development is within an Air Quality Management Area and construction works are likely to contribute to background air pollution levels. During construction works the applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the operation, to include

measures to minimise the drop height of materials, damping from skips and spoil tips, sheeting of lorry loads during haulage, and utilising screening on site.

**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



**RECEIVED:** 21 October, 2011

**WARD:** Kenton

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

**LOCATION:** 493 Kenton Road, Harrow, HA3 0UN

**PROPOSAL:** Full planning permission sought for change of use of ground floor to a restaurant/shisha cafe (Use Class A3), installation of extract ventilation duct to western elevation, installation of bi-fold doors to frontage, erection of free-standing open sided Vergola roof cover to north and east elevation for covered shisha area and associated landscaping to forecourt including erection of low boundary wall.

**APPLICANT:** Mr Ahmed Mansour

**CONTACT:**

**PLAN NO'S:**

HA3 OUN/01

HA3 OUN/02

HA3 OUN/03

HA3 OUN/04

HA3 OUN/05

HA3 OUN/06

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## **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**

Councillor Suresh Kansagara

### **Date and Reason for Request**

14 November 2011

### **Details of any representations received**

1. This is purely a residential area including the Harrow side of the road and this would be the only commercial building in the vicinity
2. The building is near to a school and its proposed usage would not be appropriate in this area especially taking into account Brent's policy to discourage smoking
3. There is no provision for parking. This would be a major issue should this application go ahead which would be exacerbated by the close proximity to two places of worship in the Greek Orthodox Church and St Augustine's.
4. Impact on neighbours in the residential area. The proposed outdoor smoking area would have a detrimental effect on surrounding neighbours especially in the nearby flats.

**Name of Councillor**

Councillor Reg Colwill

**Date and Reason for Request**

14 November 2011

**Details of any representations received**

As above.

**Name of Councillor**

Councillor Bhiku Patel

**Date and Reason for Request**

14 November 2011

**Details of any representations received**

As above.

**RECOMMENDATION**

Refusal.

**EXISTING**

The subject property is a ground floor vacant unit within a detached 2-storey building located on Kenton Road, on the south-western corner of its junction with Cranleigh Gardens. The surrounding uses are predominantly residential. The site does not contain a listed building and is not located within a conservation area.

**PROPOSAL**

Full planning permission sought for change of use of ground floor to a restaurant/shisha cafe (Use Class A3), installation of extract ventilation duct to western elevation, installation of bi-fold doors to frontage, erection of free-standing open sided Vergola roof cover to north and east elevation for covered shisha area and associated landscaping to forecourt including erection of low boundary wall.

**HISTORY**

**97/2171** - Change of use to restaurant (Use Class A3) – refused 22/05/1998 and dismissed at appeal

**93/1829** – Use of ground floor of building as A1 (retail) and yard at rear as ancillary storage – refused 26/06/1995 but use allowed on appeal

**89/1828** – Erection of 2 storey side extension, provision of off-street parking and use of premises as public house – refused 24/04/1990 and dismissed at appeal

**POLICY CONSIDERATIONS**

**Adopted Brent Unitary Development plan 2004**

**BE2:** Townscape

Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Proposal should not cause harm to the character and/or appearance of an area

#### **BE7: Streetscape**

A high quality of design and materials will be required for the street environment. Within residential areas, the following will be resisted:

- (a) the excessive infilling of space between buildings and roads
- (b) the loss of paving, front walls, railings, or hedges of character to the street
- (c) hardstanding occupying more than half of a front garden area
- (d) forecourt parking where this would cause (b) or (c) and where such parking would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem

#### **BE9: Architectural Quality**

Extensions and alterations to buildings should embody a creative and appropriate design solution, specific to their site's shape, size and location.

#### **BE17: Building-Services Equipment**

All air cooling, heating, ventilation, extraction and conditional systems, as well as any ancillary plant, ducting and equipment likely to be visually intrusive, should in the first instance, be accommodated within the internal envelope of proposed buildings.

Where this is not possible they should be located in visually inconspicuous positions, with a minimal effect on the use, character and appearance of proposed and nearby buildings, and local amenity. Where building services equipment's cannot be satisfactorily relocated or 'designed-out' through the use of passive systems, then it should be considered as part of an overall integrated architectural design.

#### **H22: Protection of Residential Amenity**

The establishment of new incompatible non-residential uses in predominantly residential areas will not be permitted.

#### **TRN3: Environmental Impact of Traffic**

Where a planning application would cause or worsen an unacceptable environmental impact from traffic it will be refused.

#### **TRN22: Parking Standards - Non-Residential Developments**

Non-residential development should make provision for vehicular parking in accordance with the maximum standards set out in the UDP.

#### **TRN34: Servicing in New Development**

The provision of servicing is required in all development covered by the plan's standards and the loss of such facilities shall be resisted

#### **SH10: Food & Drink (A3) Uses**

Proposals for A3-A5 uses should not result in the creation of traffic congestion, car parking problems or a reduction in highway safety. In considering proposal, consideration must be given to the proximity of residential accommodation, the specific nature and size of use proposed, the character of the area and concentration of A3 units in locality, whether the proposed hours of operation would result in residential disturbance and the practicality of providing extract ducting, ventilation, grease traps &/or noise insulation.

#### **SH11: Conditions for A3 Uses**

Appropriate conditions may be applied relating to hours of use, scale and number of functions, noise and emissions of fumes, use of forecourts, the disposal of refuse, or restricting the sale of hot food to be consumed off the premises

#### **SH17: Isolated shops**

The change of use of isolated shops to non-retail use will not be permitted if there are no other protected retail frontages within 400m. Where an isolated shop has been vacant for over a year, appropriate alternative uses will be permitted.

#### **SH23: Forecourt Trading**

Planning permission for forecourt trading will be granted only where such development will not cause obstruction to pedestrians, prams and wheelchairs nor result in an adverse effect upon the character and appearance of the area in which it is to be located.

### **CONSULTATION**

Public consultation undertaken between 27/10/2011 and 18/11/2011. 43 letters of objection were received during the consultation period, in addition to a petition signed by 350 local residents. In summary, the following issues were raised in the objections and petition:

- increased traffic congestion and impact on highway safety and on-street parking;
- no details of parking;
- poor public transport accessibility;
- noise, odour and general disturbance from change of use on neighbouring residents;
- noise pollution from position of ducting adjacent to residential property;
- loss of privacy;
- lack of adequate bin storage;
- impact of security of neighbouring residents;
- inappropriate use for a residential area;
- litter;
- Close proximity to schools;
- proposed extension, ducting & change of use will have detrimental impact on appearance of area;
- concentration of A3-A5 uses in local area;
- Inaccurate plans;
- impact on health of users from use promoting smoking;
- Approving application would create precedent for future applications;
- loss of value of properties in local area;
- increase in anti-social behaviour & crime.

#### *Officer Comments*

All of the above issues are addressed within the assessment of the planning application within the remarks section, apart from the last four issues on the list which are discussed below:

*Impact on health and close proximity to schools:* The practice of shisha smoking is not illegal, providing the premises operating such a use complies with the requirements set out in Environmental Health legislation relating to smoking in non-enclosed environments.

*Creation of precedent for future applications:* Each planning application must be considered on the merits of the proposal and therefore the issue of whether approving the application would create a precedent for future applications, viewed in isolation, would not be considered to warrant refusal of the application.

*Impact on neighbouring property values:* The impact of a proposed planning application on nearby property values is not a material planning consideration.

*Increase anti-social behaviour and crime:* Such issues would be a police matter were they to occur. In determining the planning application, the Council cannot speculate as to whether or not crime and anti-social behaviour would result from a proposal and no evidence to substantiate this has been provided.

## **London Borough of Harrow**

No comments were received

### **Transportation**

The proposal can be supported on transportation grounds subject to conditions requiring details of on-site cycle parking provision and that the existing crossovers onto Cranleigh Gardens are reinstated to footway at the expense of the applicant.

### **Environmental Health**

Standard conditions relating to further details of the kitchen extract ventilation system being provided and approved prior to works commencing on site and a control on hours of operation and a restriction that no amplified music or sound be permitted in the smoking area.

### **REMARKS**

#### Background

The existing ground floor unit is currently vacant; in 1993 its lawful use as a retail unit (Use Class A1) was established although it appears the last use of the site was an estate agent (Use Class A2). There is a residential unit located above the premises which is accessed from a door on the Cranleigh Gardens elevation.

The site has a history of previous planning applications to change the use of the unit into an restaurant and public house. Planning permission was refused for a 2-storey side extension and change of use of the premises to a public house in 1989 under planning reference 89/1828. The application was refused on the basis that the use of the premises as a public house would result in inadequate provision of parking, generation of traffic and loss of amenity to neighbouring residents through noise and other disturbance.

A further application for a change of use of the premises from retail use to a restaurant was refused and dismissed on appeal under planning reference 97/2171. The Inspector agreed with the Council's decision that the proposed change of use would be likely to result in unacceptable noise and general disturbance to the amenities of neighbouring residential occupants and would exacerbate car-parking and traffic congestion problems in the locality.



## Proposal:

The proposal involves changing the use of the premises to a restaurant/shisha cafe (Use Class A3). As part of the conversion, an extract ventilation duct would be positioned on the western flank wall of the property. External alterations would be made to the frontage of the property, with bi-fold doors inserted on the Kenton Road frontage and free-standing canopies projecting 3.6m from the external elevations installed along the eastern and northern flanks of the building within the forecourt of the property. The canopy would facilitate the creation of a covered area for the shisha use within the existing forecourt of the property which is estimated to accommodate approximately 30 people. The submitted layout indicates a boundary wall would be erected around the forecourt addressing the Kenton Road frontage 0.4 metres high with indicative planting shown.

The internal layout of the unit would be altered to create a restaurant area in the front of the unit capable of accommodating an additional 30 people, with a kitchen located to the rear of the unit. The proposed hours of opening would be 09:00 - 23:00 on weekdays, 10:00 -24:00 on Saturdays and 09:00 - 23:00 on Sunday & bank holidays. The proposed internal seated area combined with the covered external area would allow space for approximately 60 patrons. 4-5 full-time would be employed.

### **Key planning considerations:**

It is noted that the plans submitted do not accurately depict the existing building on site; inaccuracies range from the detailing of fenestration and elevational treatments, roof design, dimensions and scale of the building, positioning and number of chimneys and omission of part of the building to the rear (although this does not appear to form part of the site, and is linked to the access to the upper floor flats). However, as the proposal seeks to change the use of the premises, it is considered that an assessment can be made of the principles of the proposed change of use and consideration of the external changes as shown. Your officers consider the following to be the key planning considerations in relation to the proposal:

- (1) Whether the principle of the change of use can be accepted;
- (2) Whether the proposal will have an acceptable impact upon the character of the building and the character of the wider locality;
- (3) Whether the proposal will have an unacceptable impact upon neighbouring residential amenity;
- (4) Whether there will be unacceptable impacts on traffic movements, highway & pedestrian safety and parking capacity within the locality.

#### **(1) Whether the principle of the change of use can be accepted**

The lawful use of the unit in planning terms is an A1 retail unit. Policy SH17 in the Unitary Development Plan 2004 (UDP) set out that the principle of the change of use to a non-retail use can be accepted if there are other protected retail frontages within 400m or if the unit has been vacant. In the case of this site, there is the Gooseacre Local Centre (on Kenton Road) within 400m and the existing shop is currently vacant. As such, the principle of the change of use can be accepted however consideration must be given to the impacts if the change of use, in particular on residential amenity.

#### **(2) Whether the proposal will have an acceptable impact upon the character of the building and the character of the wider locality.**

As stated above, due to the inaccuracies within the submitted plans, it is not possible to make a full assessment of the design merits of the proposal. Notwithstanding this, it is considered that the introduction of two large canopies on both the eastern and northern flank elevation projecting 3.6m

from the walls will be out of character in this residential area. Due to inaccuracies in the plans, it is not clear whether the height of the canopies will be 3m or 2.5m however the expense of these additions would appear prominent in the streetscene and detract from the character of the existing building.

In terms of the proposed extraction flue, Policy BE17 outlines that extraction equipment should be located within the internal envelope of the building however this would not be possible in this instance given the corner location of the site. Where this is not possible, the policy states that the duct should be located within a visually inconspicuous position, with minimal effect on the use, character and appearance of nearby buildings and local amenity.

The proposed extraction duct is located on the western elevation of the building, adjacent to the boundary shared with the dwelling house 491 Kenton Road. It is shown in submitted plans to be a steel duct 0.3 metres wide, terminating 2 metres above the eaves of the roof of the building. The position, size of the flue and projection above the eaves level of the roof will mean the extract flue will be visually prominent when viewed from Kenton Road, constituting an unsightly addition to the property that would be out of character with the suburban surroundings. This would be detrimental to the character of the building, the visual amenities of neighbouring residential occupants and the character of the streetscene, contrary to policies BE2, BE9 and BE17 of the adopted Unitary Development Plan 2004.

Other alterations to the frontage, in particular to the shopfront, do not appear to have a significant impact on the character of the property and if planning permission were to be granted, full details could be secured by condition.

### **(3) Whether the proposal will have an unacceptable impact upon neighbouring residential amenity.**

The site is within a predominantly residential location and is located immediately adjacent to dwelling house No. 491 Kenton Road on its western boundary and No. 1 Cranleigh Gardens on its southern boundary. Historical plans show that the residential unit above is accessed from the Cranleigh Gardens elevation however there is an additional door on this elevation which does not provide access to the commercial units. It is not clear whether this serves further residential units as this has not been shown on the submitted plans and there does not appear to be any planning history relating to this.

Policy SH10 of the UDP sets out that consideration must be given to the close proximity of residential accommodation, the nature and scale of the proposed use, the impact of the proposed hours of operation and positioning of any extract ventilation ducting on residential amenity in proposals for A3-A5 uses. Policy H22 UDP sets out that the establishment of incompatible uses in predominantly residential areas will not be permitted.

It is considered that the proposed A3 use of the premises, including the outdoor shisha area, would give rise to unacceptable noise, odour and general disturbance for neighbouring residential occupants. The use of the forecourt area for external seating and the potential to fully open the frontage of the unit with bi-fold doors would mean that noise from the proposed unit could not be contained within the building. The noise and disturbance to the neighbouring residential occupiers would be unacceptable, particularly in the evenings when the ambient noise level is likely to be low. In addition, the odour as a result of the intensity of smoking is likely to have an impact on not only the amenities of the residential unit above but also neighbouring properties.

Consideration must also be given to the associated noise and disturbance of people entering and leaving the premises. The issue of the use on the adjoining residents is allied to the lack of parking provision and the accessibility of the site (this is discussed in the transportation section below). Parking is likely to take place in Cranleigh Gardens, Oakdale Avenue, Hillview Avenue and other adjoining streets and the associated increase in activity is considered unacceptable. The parking of

vehicles within the residential area, the consequent revving engines, slamming of car doors, manoeuvring of vehicles and general noise from customers would be unduly intrusive and cause increased noise and disturbance to residents.

The extract ventilation duct is proposed on the western elevation of the building adjacent to 491 Kenton Road. The duct is indicated to terminate 2 metres above the eaves of the roof. There is residential accommodation on the upper floor flat above. The eaves level of neighbouring No. 491 Kenton Road is set below that of the subject property. In terms of the proposed level at which the duct terminates above the eaves, it is considered to be sufficient for odours and fumes to disperse so as not to have an unacceptable impact on neighbouring amenity, subject to a satisfactory extract system being installed. Environmental Health have outlined that if the application was to be recommended for approval, a condition requiring further details in relation to the extract ventilation system should be applied to ensure the amenity of nearby residents would be protected. Such a condition could be applied if the proposal was to be recommended for approval.

Concern has also been raised with regard to the loss of privacy as a result of the proposal. Given that the unit is located on the ground floor, it is not considered that there will be significant impacts on the existing levels of privacy enjoyed by neighbouring residents though it is acknowledged above that pedestrian movements are likely to be intensified.

The impact upon the security of neighbouring properties was also raised as a concern within the objections received in relation to the proposal. Given the relationship of the building to neighbouring properties, the proposal does not reduce the existing level of enclosure or alter the relationship with the neighbouring properties. Whilst it is noted that it is likely that the proposal will intensify the use of the site, it is not considered that the proposal would compromise the security for neighbouring residential occupants.

#### **Parking, highways and transportation:**

The site is located at the junction of Kenton Road (which is a London Distributor Road), with Cranleigh Gardens which is a local access road. It benefits from a 4.2 metre crossover from Cranleigh Gardens which serves the forecourt to the front of the building. There is a further redundant 4.2 metre crossover on Cranleigh Gardens towards the rear of the site. The property also benefits from a rear access to a service yard via a shared driveway, but the shared driveway does not appear to form part of the site.

The site has poor access to public transport accessibility, with a Public Transport Accessibility rating (PTAL) of 1 (very low) as defined by Transport for London, with only the 183 bus passing within 640 metres of the site. As such, it is likely that a high proportion of patrons and staff will travel by car. At present, there is a forecourt which can accommodate at least four cars off-street. The introduction of the roof canopy in the forecourt would remove all the existing off-street parking provision to the front of the site.

The adopted Unitary Development Plan (UDP) sets out parking standards for new development. It outlines that the existing lawful use as a retail (A1) unit would be a maximum of 1 space for any unit below 400m<sup>2</sup>. This is the same allowance for an A3 use, meaning the parking allowance for the site would not be altered by the proposal in terms of the adopted parking standards.

The refusal of the previous application in 1997 on parking is acknowledged by Transportation however since that time parking standard have changed and they raise no objection to the loss of on-site parking subject to the reinstatement of the existing crossover. In addition, surrounding streets such as Cranleigh Gardens are not classed as heavily parked and as such, the overspill parking as a result of the proposed use could be readily absorbed. The associated noise and disturbance of the use of on street parking on the surrounding residential streets is discussed in the section on residential amenity above.

In terms of servicing, there is a requirement for a transit sized loading bay. Given the inaccuracies in the plans, it is not clear how this can be accommodated to the rear of the site though it may be possible that this could be provided however further details would need to be submitted.

**Cycle/refuse storage:**

Bin storage would be located within the back yard of the unit which could be accessed by the shared driveway to the rear of the unit. The yard is of adequate size to accommodate refuse and can be considered acceptable.

No means of cycle storage have been provided within the site. Parking standards as set out within the UDP would require 1 cycle space per 20 seats to be provided which would mean 3 spaces should be provided. The lack of provision would therefore be contrary to policy TRN22 of the UDP however if planning permission were granted, this could be secured by condition.

Conclusion:

It is considered that whilst the loss of a A1 use is not resisted, the impacts of the change of use on the amenities of neighbouring residents is considered unacceptable, in particular with regard to the external use of the premises and the associated noise and disturbance in addition to the impacts on the surrounding streets through patrons leaving the site. In addition, the proposal is considered unacceptable in terms of the impacts of the physical works on the character of the area. As such, refusal is recommended.

**REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

**CONDITIONS/REASONS:**

- (1) The proposed change of use of the unit to a restaurant/shisha cafe (Use Class A3) in a residential area, would give rise to the unacceptable noise, odour and general disturbance which would have an unacceptable impact on the amenities of neighbouring residential occupants both adjoining the site and those in the surrounding residential street. The proposal would therefore be contrary to policies H22, SH10, SH17 and SH23 of the adopted Brent Unitary Development Plan 2004.
- (2) The proposed change of use, by reason of inadequate information regarding servicing of the unit and lack of provision of secure cycle parking, would be prejudicial to the free flow of traffic and highway safety in the locality and fail to comply with policy objectives. The proposal would therefore be contrary to policies TRN3, TRN22, TRN34 and SH10 of the adopted Brent Unitary Development Plan 2004.
- (3) Notwithstanding the inaccuracies on the proposed plans, the positioning, design, size and visual prominence of the proposed extract ventilation duct and proposed roof canopies within the forecourt would represent unsightly additions to the building that would be out of character with the building and the suburban character of the locality, to the detriment of the character of the building, the wider streetscene and neighbouring residential occupants. The proposal would therefore be contrary to policies BE2, BE7, BE9, BE17 and SH23 of the adopted Brent Unitary Development Plan 2004.

- (4) Insufficient information has been submitted to demonstrate that the proposed extraction flue will not have an adverse impact on the amenities of surrounding residential occupiers as a result of cooking smells and odour. This would be contrary to policies H22, BE17 and SH10 of Brent's Unitary Development Plan 2004.

**INFORMATIVES:**

None Specified


**REFERENCE DOCUMENTS:**

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

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## Committee Report Planning Committee on 14 December, 2011

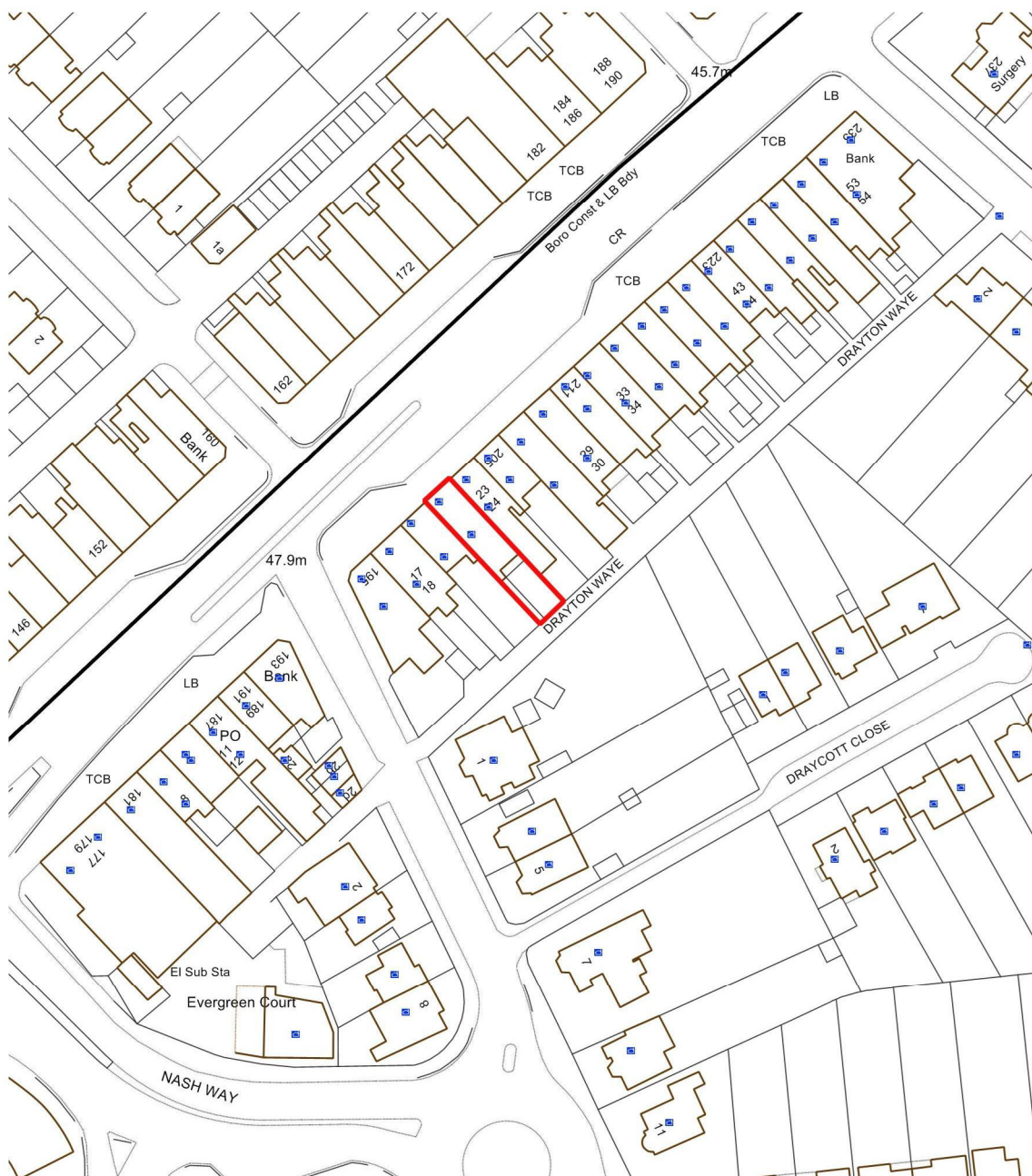
Item No. 05  
Case No. 11/2187



### Planning Committee Map

Site address: 201 & 203 Kenton Road, Harrow, HA3 0HD

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This map is indicative only.

**RECEIVED:** 14 October, 2011

**WARD:** Kenton

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

**LOCATION:** 201 & 203 Kenton Road, Harrow, HA3 0HD

**PROPOSAL:** Change of use of ground floor premises at 201 Kenton Road from a retail unit (use class A1) to mixed use comprising a retail unit at the front of premises and a dining hall at the rear to be used in connection with an adjoining restaurant at 203 Kenton Road with associated alterations.

**APPLICANT:** Mr Rajendra Shah

**CONTACT:** Mr Emad Al-Ebadi

**PLAN NO'S:**  
See Condition 2.

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## **RECOMMENDATION**

Grant Consent

## **EXISTING**

The application site is a 3-storey property with retail use on the ground floor and residential at first floor and second floor level. It is located within a Primary Shopping Frontage. It is not located in a Conservation Area and is not a listed building.

## **PROPOSAL**

Change of use of ground floor premises at 201 Kenton Road from a retail unit (use class A1) to mixed use comprising a retail unit at the front of premises and a dining hall at the rear to be used in connection with an adjoining restaurant at 203 Kenton Road with associated alterations.

## **HISTORY**

**E/11/0222** - change of use of the premises from a shop to a mixed use as shop and function hall (Use Class D1) - awaiting outcome of planning application.

**04/2492** - change of use from Retail Use Class A1 (Dry Cleaners) to Non-Retail Use Class A3 (Restaurant), installation of new shopfront and extractor flue - REFUSED 27/09/2004.

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

TRN25 - Parking In Town Centres

SH19 - Rear Servicing

SH7 - Non-retail uses appropriate to primary shopping frontages

SH10 - Food and Drink (A3) Uses

## **CONSULTATION**

Sixteen neighbours were consulted alongside the Council's Transportation, Environmental Health and Brent Streetcare departments on 21st October.



No objections have been received from the Council's internal departments, however three objections have been received from three neighbours on the following grounds:

- noise and disturbance impacting on residential occupiers directly above the premises;
- problems with congestion at the alleyway, no designated smoking area and likely subsequent use of alley as a smoking area leading to noise and disturbance;
- existing servicing and waste problems will be exacerbated and will not be appropriately managed;
- the proposal will result in both nos. 201 and 203 being used as banqueting facilities of more than 80 people and will cause larger cumulative impacts with regard to parking, noise and disturbance etc;
- the proposal will cause problems relating to crime and disorder, particularly at closing time;
- lack of car parking for visitors of the premises;
- loss of a retail unit within the primary retail frontage;
- an alcohol and entertainment license has been granted for no. 203 only and not 201; and as a result there is a discrepancy between the licensing application, which showed the units to be used as two separate uses, and the planning application, which proposes a door between nos. 201 and 203;
- in light of the door being included between the two units as part of the application, the sound proofing proposed as part of the licensing permission would not be honoured;
- the agent acting on behalf of the applicant is an elected member of the council staff who would be making personal gain as part of this proposal, and the application is a conflict of interest.

*Officer Comment:* This is noted and has been declared on the application form. The application is assessed against current planning policy and other material planning considerations.

## **REMARKS**

### ***Key considerations***

The key considerations for this application are:

- (a) Whether the principle of the change of use from A1 to A3 is acceptable;
- (b) Whether there would be an adverse impact on the amenities of nearby residents;
- (c) Whether the proposal would result in unacceptable highway impacts.

### ***Assessment***

#### **(a) Whether the principle of the change of use from A1 to A3 is acceptable**

The application site is located within the Kenton Road Primary Shopping Frontage. The planning history for this site reveals that an application has been previously refused for a proposed change of use at these premises from an A1 retail shop to an A3 use, under planning reference 04/2492 (refused 27/09/2004) as it would have resulted in the loss of a retail shop and an excessive concentration of non-retail units within a primary shopping frontage.

UDP policy SH7 sets out the circumstances in which retail units can be converted to other uses in primary shopping fronts. The relevant criteria in the policy are as follows:

- Retail uses may not be converted to other uses where applications will result in an excessive concentration of units, or continuous non-retail frontage within any parade or street block;
- The application should not generally increase the proportion of non-retail frontage to over 35%. However, if vacancy rates exceed 10% of primary frontage then non-retail changes of use may be permitted to a maximum of 50%.

A retail survey of Kenton High Street was undertaken on 15/11/2011 (201/203 Kenton Road as existing A3 premises), which showed that A1 uses stood at 36.3% within the primary retail area, vacancies stood at 5.1% and other uses stood at 58.6%. The proposal, as existing, therefore meets policy SH7 and the principle of the change of use is considered acceptable. It is however recommended that if planning permission is granted, a condition should be imposed to ensure that the retail frontages are kept as two separate units.

**(b) Whether there would be an adverse impact on the amenities of nearby residents.**

UDP policy SH10 sets out the circumstances for which A3 uses are acceptable within the borough's centres. It states that A3 uses should not result in the creation of traffic congestion; car parking problems; a reduction in highway safety and should not adversely affect the amenity of residential occupiers.

Account will also be taken of:

- The proximity of residential accommodation;
- The specific nature and size of the use proposed;
- The character of the area and the concentration and existing level of disturbance from A3 and similar uses;
- Whether the proposed hours of operation would result in residential disturbance; and
- The practicality of providing extract ducting ventilation, grease traps and/ or noise insulation.

The change of use proposes a restaurant seating area (79 sq m) to provide 40 additional seats which will form part of the existing restaurant at 203 Kenton Road, and a sweet shop providing a serving counter (23 sq m) within unit 201 Kenton Road.

An application was approved in 1999 for the change of use from A1 retail to A3 restaurant at number 203 Kenton Road, which restricted the premises' opening hours to 08:00 to 23:00 Sunday to Thursday and 08:00 to 23:30 Friday to Saturday. This application proposes slightly different opening hours for the A3 use at number 201 Kenton Road, from 06:00 to 23:00 Monday to Saturday and 06:00 to 22:00 on Sundays and Bank Holidays. The different opening hours can be considered acceptable as the additional seating area in no.201 can be closed using the internal door whilst the adjoining restaurant remains open. The sweet shop's operating hours are proposed to be from 11:00 to 23:00 Monday to Saturday, and 11:00 to 18:00 on Sundays and Bank Holidays.

There are a number of residential uses located above 201 and 203 Kenton Road, however the proposed opening hours are not unusual for a shop/ restaurant and are considered to be acceptable. Although the operating hours for number 201 Kenton Road will be earlier than that of number 203 Kenton Road, deliveries for the whole premises will be restricted to arrive between 07:30 to 18:00 to ensure there will be no significant impact on residential amenity. The sweet shop, in consideration of its small size and use, is not anticipated to cause any impact on amenity and as such it is not considered necessary to apply a condition to impose different restrictions to the A3 use to the rear.

An earlier application (LPA Ref: 04/2492) was refused on 27/09/2004 as the proposed extractor flue, by virtue of its low level and proximity to residential properties, would have resulted in significant harm to the amenities of residents in the residential accommodation above the application premises because of the emission of smells and fumes. No new kitchen or extraction flue is proposed within no. 201 as the kitchen of no. 203 is to be utilised to enable operation as one unit and accordingly Environmental Health have raised no objections. Although some concerns have been raised with regard to the lack of a designated smoking area, this is not considered to be a significant issue within a town centre location where there is generally high footfall and ambient noise.

It has been noted that there have been two complaints at the address relating to noise in recent years. The first, recorded in 2002, related to noise from a low level extraction system which has now been resolved, and the second complaint related to noise from a party in May this year at the restaurant at number 203 Kenton Road. No further complaints have been received, but a condition will be imposed to ensure that no music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

### **(c) Whether the proposal would result in unacceptable highway impacts**

No objections have been raised by the Council's Transportation department, providing access is retained through the new dining room to the retail area at the front for servicing purposes; and a door is retained between the front and rear to allow this to happen.

In addition, prior to occupation of the development, at least 2 bicycle parking spaces shall be provided within the site for the use of staff and visitors. The proposed plans have been revised to adhere to the Transportation Department's requirements and now show that three car parking spaces and two cycle parking spaces will be provided to the rear of the premises.

With regard to visitor parking and accessibility, the restaurant is in a Controlled Parking Zone (CPZ) operating from 7am to 7pm Monday to Friday on Draycott Avenue, and from 8am to 6.30pm Monday to Friday on the rest of the surrounding streets. Additionally, there are a number of pay and display bays on Kenton Road and Upton Gardens which operate Monday to Saturday 8am to 6.30pm with a maximum stay of two hours. Parking provision is therefore considered acceptable as it is likely that most journeys will be made in the evening when there are no parking restrictions in the locality. The restaurant is in a town centre location which has a high level of public transport accessibility (PTAL Level 5) and it is feasible that a number of journeys will be made to the restaurant by public transport. As such, it is not considered that the proposal will result in significant issues relating to parking.

### **Response to objections**

Objections have been raised on the loss of a retail unit at the premises. Although the previous application refused the change of use from A1 to A3 (LPA Ref: 04/2492) as the proposal would take the non retail frontage to less than 35%, the most recent survey has shown that the proposal would not take the A1 frontage to less than 35% and is therefore acceptable. A condition will be imposed to ensure that the retail frontages are kept as two separate units.

The proposed change of use relates to 201 Kenton Road, which was granted an alcohol and entertainment licence dated 10th June 2011 subject to two conditions; that a sound engineer be appointed to check and ensure the quality of soundproofing at the premises; and a noise limiter set at a level agreed by the council's Licensing Unit shall be used at all times. The objections raised by residents state that a music license has been granted for no. 201 and not 203 Kenton Road, and as the plans show a door between the two premises the noise problem would be exacerbated and would have an unacceptable impact on residential amenity.

It is noted that there are inconsistencies in licences for both properties; 201 Kenton Road is licensed for entertainment only (no alcohol) and 203 Kenton Road is licensed for alcohol until 11pm daily (no entertainment) and although a joint use for either may deem both licenses invalid, this is not a planning issue and should be considered by licensing separately. A condition shall be imposed to provide adequate soundproofing for both properties to limit any noise impact on residential amenity. It is not unusual that two A3 units could be located side by side in a town centre location and as such, it is not considered that the amalgamated units will result in significant amenity concerns above those associated with two separate units.

Concerns have been raised by objectors with regard to lack of parking for visitors, servicing and waste facilities which would be exacerbated by the amalgamation of the two properties.

Amendments have been made to the application which has secured improved waste facilities and is considered acceptable. There are unlikely to be any problems with visitor parking as the restaurant is located in an area of high public transport accessibility (PTAL 5) and could be accessed by a number of buses and by two rail stations (buses 114, 183, 223, H9/H10 and H18/H19; Kenton station - Bakerloo and London Overground lines, and Northwick Park - Metropolitan line) and visitors could feasibly travel to the premises by public transport. In terms of parking provision, there is pay and display parking to the front of the premises, on-street parking in the surrounding streets. The proposal is acceptable in terms of parking and servicing.

## **Conclusion**

The proposed change of use from retail (Use Class A1 unit) to non-retail (Use Class A3) would not take the existing retail provision below 35% and would meet UDP policies SH7 and SH9. The proposal meets the UDP policies on parking, servicing, and impact on amenity. Approval is recommended.

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

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

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

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

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

Transport: in terms of sustainability, safety and servicing needs

## **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):

EAK/KENTON/02 AMENDMENT A - Floor Plan Proposed dated 29/11/11.

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

- (3) (a) The designated restaurant area (A3 Use) and shop (A1 Use) within the premises at 201 Kenton Road shall only be open from 08:00 to 23:00 Mondays to Saturdays, and 08:00 to 22:00 Sundays and Bank Holidays and shall be cleared, with all ancillary activity completed, within 30 minutes of this closing time.

(b) The premises at 203 Kenton Road (A3 Use) shall only be open from 08:00 to 23:00 Sundays to Thursdays and 08:00 to 23:30 Fridays to Saturdays and shall be cleared, with all ancillary activity completed, within 30 minutes of closing time.

(c) No deliveries to either 201 or 203 Kenton Road shall take place outside of the hours of 07:30 and 18:00.

Reason: To protect the amenities of nearby residential occupiers.

- (4) Number 201 and 203 Kenton Road, shall be maintained as two separate, independent retail frontages to the Kenton Road High Street frontage. Internal access shall be maintained between the frontage retail use (A1) and restaurant seating area (A3) to the rear at 201 Kenton Road.

Reason: To protect the amenities of the Kenton Road and ensure adequate access is provided for servicing.

- (5) No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (6) No development or occupation shall take place until a scheme of sound insulation for the buildings (201 and 203 Kenton Road) has been submitted to and approved in writing by the Local Planning Authority. The sound insulation shall be provided in accordance with the approved details prior to commencement of use.

Reason: To safeguard the amenities of the occupiers.

- (7) Prior to occupation, provision shall be made for two cycle parking spaces, three car parking spaces, storage for the disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) at the rear servicing area of the numbers 201 and 203 Kenton Road in accordance with the approved plans and shall be permanently retained thereafter. The layout shall not be altered except with the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the management of refuse, free flow of traffic or conditions of general safety along the neighbouring highway and to ensure a satisfactory standard of amenity by providing and retaining adequate on site car parking and waste management.


#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Laura Jenkinson, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5276

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 **Planning Committee Map**  
Site address: Northwest Jamathkhana, Cumberland Road, Stanmore, HA7 1EJ  
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This map is indicative only.

**RECEIVED:** 12 August, 2011

**WARD:** Queensbury

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

**LOCATION:** Northwest Jamathkhana, Cumberland Road, Stanmore, HA7 1EJ

**PROPOSAL:** Demolition of central and rear parts of existing building and erection of replacement two storey extension behind existing two storey frontage element of community centre building.

**APPLICANT:** Imara UK Ltd

**CONTACT:** The JTS Partnership

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

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## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, 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 Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance;
- (b) A contribution of £5,000, due on material start and, index-linked from the date of committee for Local environmental improvements and street trees;
- (c) Prior to Occupation submit, gain approval for and adhere to a Travel Plan;
- (d) A contribution of £15,000 to enhance sustainable transport facilities and parking controls in the area, index-linked from the date of committee, to be paid in the event that adequate alternative off-site parking is no longer provided by agreement at a nearby site and/or failure to comply with the terms of the Travel Plan.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement by 14 January 2012.

## **EXISTING**

The site is located on the corner of Cumberland Road and Lowther Road, within the Honeypot Lane North Borough Employment Area. Surrounding uses include offices, a building supplies



yard, and other light industrial uses. A Morrison's supermarket and petrol filling station, with associated car parking, occupy a large area on the opposite side of Cumberland Road. The Jubilee railway line lies to the north-east of the site, with the nearest residential on the far side. The existing building is used as a community centre for the Ismaili Community. Change of use from warehouse to community use was granted in 1983.

## **PROPOSAL**

Demolition of central and rear parts of existing building and erection of replacement two storey extension behind existing two storey frontage element of community centre building.

## **HISTORY**

**09/0484** - An outline planning permission is sought to demolish the existing building, and to establish the principle of a new purpose built community centre building with a floor area of 3932 square metres - granted 03/06/2009

**00/0370** - Renewal of the planning permission under ref 95/0762 for erection is single storey extension - granted 12/04/2000

**95/0762** - Planning permission was granted for the erection of single storey side extension on 25/07/1995

**83/1953** - Planning permission granted for change of use of premises to Community Centre for Ismailia Community on 22/02/1984

**1934** - Part of Laing's Queensbury Industrial Estate.

## **POLICY CONSIDERATIONS**

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

#### *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.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

#### *Transport*

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the

- proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

#### *Community Facilities*

- CF2 Location of small scale community facilities
- CF4 Community facilities capable of holding functions should have an acceptable transport impact. Where the number and/or scale of functions could have an unacceptable impact on residential amenity these will be limited by condition.
- CF14 Places of worship permitted where there would be no loss of residential amenity or unacceptable transport impact.

#### ***Brent Supplementary Planning Guidance***

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

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

##### *SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003*

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

##### *SPD "Section 106 planning obligations"*

#### ***Brent's Core Strategy 2010, adopted in July 2010***

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

#### **CONSULTATION**

A total of 16 adjoining owner/occupiers were consulted regarding the application. No comments or objections were received.

#### *External Consultees*

#### **London Underground**

No objection but suggest informative advising contact prior to commencement with LU prior to commencement of construction.

### **Thames Water**

No objection with regard to sewerage infrastructure.

### *Internal Consultees*

### **Environmental Health**

Contaminated Land- As development is utilising the existing footprint, it is unlikely that any potential contaminants will be disturbed as such an informative is proposed.

Air Quality - The development is within an AQMA and construction works are likely to contribute to air pollution. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated during construction and demolition works,

*Officer Comment:* An informative will be imposed advising the applicant of these matters.

### **Landscape & Design**

A tree protection plan will be required covering trees within the site and an existing street tree in Cumberland Road. Consideration should be given to the provision of a green roof, further planting and permeable paving materials.

### **REMARKS**

#### *Principle of Development*

The Northwest Jamatkhana serves the Ismaili Community, which has approximately 1000 members in an area extending from Wembley out to Chorleywood and Harrow. Outline planning permission was granted in 2009 to redevelop the site to provide a new purpose built community centre with a floor area of 3932 sq m. The intention of this application was to improve facilities with the application assessed on the basis that the number of people who attended the centre would not increase significantly. This scheme has not been implemented due to the cost of carrying out such extensive works.

This application has been submitted which proposes to retain and convert the two storey offices at the front of the site (facing Cumberland Road) and erect a two storey extension on the same footprint behind. It is the intention that the existing prayer hall will be of a similar size to the existing hall (607 sq m) however relocated to the new first floor, with the ground floor providing community space (including social hall and library) and ancillary facilities. The footprint of the building will be unaltered however the overall floorspace is proposed to increase from 1200 sq m to 2000 sq m through the provision of the additional first floor level. As with the previous application, it is not anticipated that attendance will significantly increase as a result of the proposal, despite the increase in floor area.

The building is proposed to be used as a community and religious centre (Use Class D1) which is unchanged from its current use. The principle of extending the building for this use is considered acceptable subject to meeting other policy requirements

#### *Design & Amenity*

In terms of the design of the building, consideration must be given to both how the extension relates to the existing building and in the context of the local area.

The existing two storey flat roof building (to be retained) which faces Cumberland Road is of a fairly traditional appearance and screens the existing warehouse style extension to the rear. The proposed extension will be set behind the existing two storey building (7.3m high) and is proposed to be 9.3m high to the eaves and 10.5m to the ridge. Whilst it is considered that a better overall design could be achieved with the proposal incorporating an extension over the existing building to fully screen the taller rear extension, given that the proposed extension will be set behind the existing building thereby reducing its prominence and that the general character of the area is industrial, the proposal without such alterations can be considered acceptable. However, the proposed detailing of the elevations and the extent of render proposed is not considered appropriate. As such, it is recommended that a condition is imposed requiring revised details of the elevational treatment/detailing.

In terms of the access to the building, this is proposed to be on the side elevation facing Lowther Road which is the existing arrangement. The proposal does incorporate an entrance canopy that will assist in providing a more defined access for the building. The new main entrance on Lowther Road will be provided with level thresholds. There are also proposed to be lifts between the ground and first floor levels and disabled toilet facilities on both levels to comply with accessibility requirements.

It is considered that the proposed extension will not impact on any residential properties, although it may be visible from the first floor rear windows of properties on the other side of the railway tracks. The nearest adjoining property, Freetrade House at 1 Lowther Road, is a part 3, part 4 storey building. The car park would provide adequate separation of the two buildings, as is the existing situation. Properties opposite the site on Lowther Road would also not be significantly affected by a building of this scale.

#### *Landscaping*

In terms of the existing landscaping on site, it is considered that this could be improved as part of this proposal. This may include the removal of part of the hedge along the Lowther Road frontage to improve legibility with regard to the main entrance location. In addition, further planting could be provided to screen the car park. It is recommended that the revised plans are secured by condition. As the landscaping will be restricted by the extent of hardstanding for parking, contributions will be secured by way of Section 106 to environmental improvements and street trees.

#### *Refuse*

Details of refuse storage have not been provided however there is adequate space within the site for a dedicated area to be provided. As such, details are proposed to be required by condition.

#### *Transportation*

Policy CF14 of Brent's UDP 2004 states that the provision of religious meeting places for all denominations is permitted, where there will be no unacceptable transport impact. The site has moderate access to public transport services (PTAL 3) with close access to Queensbury Underground Station and local bus services. Cumberland Road is a local distributor road on which on-street parking is restricted between 8am-6.30pm Mondays to Saturdays. Lowther Road is a local commercial access road along on which unrestricted parking is available along its southwestern side but prohibited on its northeastern side during the day.

In terms of visitor numbers, as stated above, it is not anticipated that the attendance will increase as a result of the proposal. In terms of typical usage, the main prayer room is designed to cater for a general maximum assembly of 125-200 people for evening prayers (7.15-8pm) during the majority of the week, peaking at 500-600 people for Friday evening prayers. The building is occasionally used for funerals and festivals, which generally attract higher attendances.

There is currently parking on site accessed from Lowther Road. This provides 24 parking spaces which is comfortably within the maximum standards for such a use. It is noted that there are no designated disabled parking bays; PS15 requires at least 6% of the total number of bays to be

widened and marked for disabled parking; this would equate to two spaces. It is recommended that the details of the disabled bays are secured by condition in addition to the provision of secure cycle parking (6 spaces).

In terms of overspill parking, a Transport Statement has been submitted with the application which includes a detailed survey of travel patterns for a Friday evening. This showed that 196 visitors (35.5% of the total) driving to the site with a further 235 (42.6%) travelling as car passengers. This clearly exceeds the parking available within the site. The centre currently has an agreement with Morrison's (opposite, on Cumberland Road) and B&Q on Honeypot Lane to allow parking on their sites at certain times. The provision of on-site parking and any arrangements for off-site parking will need to be set out in the submitted Travel Plan.

A contribution of £15,000 to enhance sustainable transport facilities and parking controls in the area to be paid in the event that adequate alternative off-site parking is no longer provided by agreement at a nearby site and/or failure to comply with the terms of the Travel Plan will be secured through the Section 106.

#### *Conclusion*

The proposal is to extend an existing community facility to provide better facilities for its users. It complies with Council objectives to protect existing community facilities. Subject to the suggested conditions and planning obligations, in particular with regard to transportation matters, it is considered that the development can be supported.

## **REASONS FOR CONDITIONS**

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

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

## **CONDITIONS/REASONS:**

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

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

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

following approved drawing(s) and/or document(s):

(20) 001; (20)002; (20)003; )(20) 004 (21)001; (21)002;(21) 003; Waterman Boreham Travel Plan (27 July 2011); Waterman Boreham Transport Statment (27 July 2011)

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

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

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

- (4) Notwithstanding the details shown on the approved plan, further details of the parking layout showing the provision of widened bays marked for disabled use shall be submitted to and approved in writing by the local planning authority. The spaces shall be widened and marked out prior to occupation of the proposed extension in accordance with the approved details.

Reason: To ensure there is an acceptable provision of disabled parking on site.

- (5) Notwithstanding the details shown on the approved plan, elevation plans revising the treatment/detailing of the external elevations shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The development shall be carried out in full accordance with the approved plans.

Reason: To ensure a acceptable design of development is achieved.

- (6) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on the site. Any approved planting shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction.
- (b) the location of and details of any external lighting.
- (c) proposed boundary treatments
- (d) all planting including location, species, size, density and number;
- (e) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

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

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

- (7) Prior to commencement of the development, details of secure bicycle storage to accommodate 6 bicycle spaces shall be submitted to and approved in

writing by the Local Planning Authority . The works shall thereafter be carried out fully in accordance with such approved details prior to occupation of the development.

Reason: To ensure there is secure cycle storage provision.

- (8) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (9) Notwithstanding the plans hereby approved, a full tree survey of trees both within and outside the application site that are likely to be affected by the proposal together with a tree-protection plan and construction method statement for the proposed works, specifying the method of tree protection in accordance with BS 5837:2005 shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing on site. Works shall be carried out in full accordance with the approved tree-protection plan and construction method statement. Works shall not commence on site until the Local Planning Authority has been on site and inspected the required tree protection measures.

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

#### **INFORMATIVES:**

- (1) The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; use of tall plant; scaffolding; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.
- (2) The applicant is advised that during demolition and construction on site:
- The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site
  - The operation of site equipment generating noise and other nuisance-causing activities, 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
  - Vehicular access to adjoining premises shall not be impeded
  - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only
  - No waste or other material shall be burnt on the application site
  - A barrier shall be constructed around the site, to be erected prior to work commencing

A suitable and sufficient means of suppressing dust must be provided and maintained

It is important that the workers are vigilant for signs of potential contamination in the

- (3) soil during excavation works. This may include obvious visual or olfactory residues, fuel or oil stains, asbestos, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Environmental Health must be notified immediately. Tel: 020 8937 5252 Fax: 020 8937 5150 Email: [env.health@brent.gov.uk](mailto:env.health@brent.gov.uk)

**REFERENCE DOCUMENTS:**

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





**RECEIVED:** 5 October, 2011

**WARD:** Brondesbury Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 113 Bryan Avenue, London, NW10 2AS

**PROPOSAL:** Demolition of existing warehouse building and erection of four 5 bedroomed terraced dwellinghouses.

**APPLICANT:** Brent Council.

**CONTACT:** Mr Geoff Brocklehurst

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

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### **RECOMMENDATION**

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

### **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.
- Payment of £60,000 (£3,000 per bedroom space) for Education, Sustainable Transportation and/or Open Space & Sports in the local area, due on Material Start.
- Join and adhere to the "Considerate Contractors Scheme".

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

### **EXISTING**

This is a large vacant, detached warehouse building on the northern side of Bryan Avenue in one of the Council's Areas of Distinctive Residential Character (ADRC). The building provides a single level of storage floorspace although there are two areas of mezzanine storage also in place.

### **PROPOSAL**

See above.

### **HISTORY**

The existing warehouse building is currently vacant, but has previously been used for storage purposes giving it a lawful warehouse use.

Since 1998 Brent's health and social care community equipment was provided from the joint store at No.113 Bryan Avenue. The equipment ranged from small kitchen items to larger items such as

hoists, electronic beds and mechanical bath chairs. The store also used to undertake minor adaptations, such as grab rails and banister rails.

The use ceased some years ago when it became clear that the current building was not fit for purpose, with insufficient storage capacity insufficient and no on-site facility for cleaning/decontamination of collected equipment.

## **POLICY CONSIDERATIONS**

### **NATIONAL**

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

### **REGIONAL**

#### ***The Mayor of London***

The London Plan 2011

### **LOCAL**

#### **Brent Local Development Framework Core Strategy 2010**

CP 1 Spatial Development Strategy

CP 2 Population and Housing Growth

CP 5 Placemaking

CP 6 Design & Density in Place Shaping

CP 15 Infrastructure to Support Development

CP 21 A Balanced Housing Stock

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

Strategy

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

BE9 Architectural Quality

H12 Residential Quality – Layout Consideration

H13 Residential Density

EMP9 Local Employment Sites.

TRN3 Environmental Impact of Traffic

TRN11 The London Cycle Network

TRN23 Parking Standards – Residential developments

TRN34 Servicing in new developments

PS14 Residential parking standards.

CF6 School Places

Brent Council Supplementary Planning Guidance and Documents

SPG17 Design Guide for New Development

SPD Section 106 Planning Obligations

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

A total of 82 addresses, and the 3 Brondesbury Park ward Councillors, were consulted about the application on 18 October 2011. A total of 12 objections, all from Bryan Avenue properties, have been received raising some, or all, of the following points:

- How will car parking be dealt with? Bryan Avenue already suffers from a high demand.
- Concern over possible social housing on the site.
- Why can't the site be used as a park instead?
- Overdevelopment of the site.
- The houses should not come forward of other houses nearby.
- The houses should not be any higher than other houses nearby.
- The design of the houses is out of character with the area (which is an ADRC)
- Development will impact on the side facing windows at No's 109/11 resulting in a loss of light.
- Parking must not be allowed in the front gardens.
- The proposed refuse/bicycle storage in the front garden areas is too large.
- Parking should be provided on the site.
- What benefits will other residents enjoy from this development when they are going to be impacted upon by this development?
- More green space should be included in the development.
- There are inaccuracies in the submitted plans eg: windows shown on elevation that are not on plans. (For Members information, this has been resolved).
- The development fails to comply with the adopted policies of the Council.

In addition, Councillor Shaw has indicated that she supports the objections raised by the residents.

For the sake of completeness, a number of objectors do acknowledge that the removal of the existing warehouse building can only be a good thing for the area, but feel that this proposal has a number of problems.

## **HEAD OF CONSERVATION & DESIGN**

No objections. See "Remarks" section.

## **TRANSPORTATION ENGINEER**

No objections. See "Remarks" section.

## **ENVIRONMENTAL HEALTH OFFICER**

The previous industrial use and proposed residential development means that it is necessary to confirm that there are no contaminants on site. Conditions are recommended to this effect. In addition, a condition requiring control over demolition works is also suggested. The site is within an Air Quality Management Area.

## **LANDSCAPE DESIGNER**

There is sufficient scope for a quality landscaping scheme to form part of this development. It is important that existing trees, in particular the street tree outside the site, are protected whilst building works take place. A condition covers this point.

## **REMARKS**

This application envisages the demolition of the existing warehouse building on site and the erection of four 5 bedroom dwellinghouses in its place. The information submitted with the application indicates that the houses will be for private sale, rather than for social housing which,

as explained above appears to be a concern for a number of residents. The existing structure is of negligible architectural quality and its existence on the site is a material consideration in weighing up the merits of this current proposal, certainly in terms of design and impact on neighbours, but also possible implications of the warehouse use re-commencing. The proposal raises a number of issues:

### **Design Considerations**

As explained above, the existing long-established building does make a contribution to the streetscene, but it is widely acknowledged to be a negative one. The properties to the east and opposite the site consist of two storey semi-detached buildings whilst to the west, and set back from the road, is the two storey block of flats known as Grange House. To the rear on Harlesden Road is the Rising Sun public house and the flatted development known as Digit House. Whilst the site falls within one of the Council's ADRC's this designation derives from the residential quality of the wider area, rather than the specific group of buildings in the vicinity of the application site.

The site is an unusual shape with the main section the site of the warehouse building itself, but also having an additional rectangular shaped piece of land to the north-west corner sited behind the building (see site plan). It has a width of approx. 23 metres at the front, increasing slightly to the rear (approx. 25 metres). It is also of variable length with the site 25 metres long adjacent to No's 109/111 Bryan Avenue, but approx 31 metres deep at its deepest point towards Grange House. The existing building has a double pitched roof with a maximum height of 8.5 metres. In comparison, the new terrace would have a total of 4 pitches (one over each house) each rising to a height of 9.3 metres and the existing residential buildings in Bryan Avenue are approx 8.7 metres in height, not including any chimney.

A form of building similar to the traditional terrace form is proposed with four properties located together to the front of the site, set back a minimum of 4.5 metres from the back edge of the footpath (5.0 metres in the case of the western most house). The properties provide three levels of accommodation and incorporate a 2-storey bay type feature with a gable to the rear. Although different to the character and appearance of the existing buildings further up the hill on Bryan Avenue, the design and appearance of the terrace is considered to have the necessary architectural quality to represent a positive intervention in this ADRC. As explained earlier, the Head of Conservation & Design has considered this proposal and has concluded that it is acceptable. The proposals are now considered to respect the suburban "building line". The fact that the houses protrude slightly further toward the road than the existing houses to the east, and the existing warehouse, has been mentioned by a number of residents as an area of concern. However, Officers are clear that the breaching of what has traditionally been known as the building line (whereby nothing should be allowed to come forward of what is around) is not, in itself, a significant problem and that what is more important is how any development relates to its setting. The new houses would be approx 1.0 metre further forward than the existing building. As explained above, it is considered that the proposed building, whilst different, would be acceptable in design terms, and the proposal must be seen in the context of what is currently on the site, namely the vacant warehouse building.

The slight increase in scale and height, in relation to the neighbouring buildings, as set out above is also considered to be acceptable as the overall impact on the streetscape is an improvement, particularly when we consider the existing buildings. For clarity, whilst the existing building is located on the western and eastern boundaries, the new terrace would be set off these by approx 1.0 metre on both sides helping to compensate for any increase in height of the building. As explained, at its highest point the new development would be 0.8 metres higher than what is on site at the moment and only 0.6 metres higher than the existing residential buildings nearby. The choice of materials is considered to be sympathetic to the context and helps the building sit in the streetscape quite comfortably

The majority of the elevations visible from the public highway are proposed as stock brick, with

materials conditioned for future consideration. The roof is indicated as natural finish slate (or similar). The flank walls are proposed in hanging tile to match the roof which can work providing the materials used are of excellent quality. Again the matter is conditioned. The proposed dwellings, whilst different, relate to the proportions and style of the neighbouring buildings, but with an obvious contemporary design which is considered to be acceptable.

For the information of Members, it is considered that it is necessary to remove permitted development rights for these 4 houses to avoid future extensions that would detract from the quality of design that is a material consideration in this application. It is considered that not only could uncontrolled extensions detract from architectural quality but they could also impact on people living nearby to their detriment.

### **Quality of accommodation**

All units are proposed as 5-bedroom units and have internal floor areas of approximately 130sqm. This comfortably exceeds the 4 bedroom, 3 storey house minimum unit size requirement set down in the Mayors 2011 London Plan of 113 square metres (there is no standard for 5 bed units, although the supporting text indicates that an additional 10 square metres should be added to the 4 bedroom standard) and well in excess of the 105 square metres minimum required by the Council's own SPG17. The layout provides good access to light and outlook for all habitable rooms.

In terms of external space the houses would each have front gardens ranging from 29 to 36 square metres, which would not be counted as useful sitting out space, but which would provide a visually attractive treatment in terms of outlook to the front. To the rear the irregular shape of the site means that whilst one of the central houses would have 42 square metres of garden space, slightly below the 50 square metres set down in SPG17, the other three units would provide for 87, 95 and 198 square metres of useable external space which would contribute to an acceptable quality of residential accommodation. In terms of the house with the smallest garden, the spacious nature of the internal accommodation provided, on balance, compensates for the external shortfall.

### **Neighbouring amenity**

As explained above, the existing building is located in a part of Bryan Avenue that does not have a consistent character of development around it. Whilst the two storey building to the east does represent the type of property most prevalent in the road, to the west is a flatted development set well back from the road and behind is a public house beer garden and another flatted conversion scheme. As a result, there are different considerations in terms of assessing the impact of this application on each of these neighbours.

As far as the sites to the rear are concerned, the removal of the existing building would be an immediate benefit, with the structure sited right to the boundary with the public house. In visual terms the demolition of the warehouse must be considered a benefit. The new buildings would be sited approx 9.0 metres from the rear boundary in terms of the eastern most house. Whilst this is less than the 10 metres normally sought, it is considered that the fact that the nearest most affected neighbours are not residential and there is a well-established tree screen on the rear boundary means that the relationship would be acceptable. A similar conclusion is reached in terms of the relationship between the new houses and Digit House on Harlesden Road. The unusual shape of the site means that the separation distance between existing and proposed windows here would be well in excess of 20 metres.

As explained above Grange House to the west is sited approx 20 metres back from the Bryan Avenue footpath with a landscaped area in front of it. At the moment, the front facing windows are impacted upon, in visual terms, by the flank wall of the existing warehouse building built onto the side boundary. The proposed houses take advantage of the existence of this building to provide a replacement that would have no greater impact on Grange House than the existing structure. The

increase in height at eaves level (of approx 1.0 metres) is compensated by the fact that the building would be pulled off the boundary by a similar amount. Obviously the proposed residential buildings will have windows to serve rooms in a way that the existing warehouse building does not. However, the location of the new openings on the rear elevation would be at a very oblique angle in terms of its relationship with the front of Grange House and this, along with the separation distance of 14 metres between windows means that privacy will be protected.

The unusual shape of the existing warehouse building means that whilst it is approx 11 metres long on the boundary with Grange House it is approx 19 metres in length on the boundary with No's 109/111 Bryan Avenue. The proposal seeks to demolish the warehouse and erect a house 11 metres in length, a distance of 1.0 metre away from the boundary on its length. As explained above, although the development involves increasing the eaves height of the building by approx 1.0 metre a range of other mitigating factors serve to make this relationship an acceptable one. These include a significant reduction in the overall length of the building and the relocation of the structure further away from the boundary. Whilst design is always a subjective assessment, it is also considered that the fact that the unattractive warehouse building is to be replaced by a contemporary interpretation of the residential terrace must also weigh in the balance of supporting this application.

That said, the applicant has been asked to pay particular attention to the relationship between the proposal and No's 109/111. To this end, as well as confirming that any openings on the flank wall of the eastern most house serve only a stairwell and will be obscure glazed, thus preventing any overlooking, the changes have also been looked at by an independent consultant. Whilst they have not produced a full report they have confirmed that the resiting of the new building and the reduction in the overall length of the building, as compared to what is there at the moment, would not result in any overall loss of light to existing side facing windows even taking into account the slight increase in height as mentioned elsewhere in this report.

As with the relationship with Grange House, what does change is the introduction of residential windows where none exists at present. Therefore, there will be opportunities for rear facing windows in the nearest house to look down their new garden and also into the rear portion of the land behind No's 109/11. This will create what might be considered to be the usual relationship between properties found in all residential roads and the rear of the new house would be no further into the site than the rear of No's 109/11 reinforcing what be considered a "normal" relationship between buildings. For clarity, there is only one window serving the first floor bed 2 that would have the views described here and the second floor openings would be prevented from looking down by the proposed two storey bay extension, a consistent feature throughout the development. There is no doubt that things will alter for those living immediately next to this site in the event that the development is implemented, but it is considered that those changes would not be so detrimental so as to justify withholding consent on the grounds of residential impact.

There is a change in levels from Bryan Avenue sloping down to Harlesden Road and a levels condition is suggested to ensure that this does not cause difficulties when the development is implemented.

### **Highway Considerations**

The site currently comprises a vacant B8 warehouse building of approximately 400sqm floor area and has a double width vehicular crossover on the Bryan Avenue frontage.

Bryan Avenue is a local access road which is not defined as being "heavily parked" within the Brent UDP. The site lies within CPZ "GS", which operates 08:30 – 18:30 Monday to Friday, and has moderate accessibility with a PTAL rating of level 3. No tube or rail services are within walking distance of the site, but nine bus routes are locally available.

The existing B8 warehouse can be permitted car parking at a rate of 1 car space per 150sqm. This is the standard set out in PS6 of the UDP-2004 for sites which are not within town or district centres and do not have high PTAL ratings. Since the floor area of the building is very close to 400sqm, no more than 2 car spaces should currently be provided. However, in terms of servicing facilities under PS19, a unit of this size should really be provided with a full-sized loading bay. This is not possible within the site, so would have to be on-street in the event that the use was ever resurrected here.

The proposed residential development can be permitted up to 2.0 car spaces per 5-bed dwellinghouse, giving a total allowance of 8 spaces (a significant increase over the existing allowance). This is the full standard set out in PS14 of the UDP-2004, which is applied when sites do not have "good" PTAL ratings or better. The proposed absence of any off-street parking for the four new dwellings would therefore accord with standards.

However, Policy TRN23 requires that when off-street parking is not provided to the maximum permitted level, the impact on on-street parking conditions needs to be assessed. On-street parking can be counted along the frontage of the development only, provided the street is lightly parked and is not classed as a distributor road. In this case, the site has a frontage of 24m and as long as the existing redundant crossover to the site is reinstated to footway (at the developers expense), then four on-street parking spaces could be provided along the site frontage and counted towards the above standard.

As the road is not heavily parked, there would be no particular highway safety concerns if parking from these new houses extended further along the street, with six spaces in total (based on a proxy of 75% of the maximum standard) been considered to be the most likely quantity to accommodate. All reinstatement of crossovers and alterations to on-street bays need to be carried out at the applicants expense before the dwellings are occupied. The Transportation Engineer does not object to the application in traffic safety terms.

The plans provide details of refuse and recycling storage facilities and secure, covered cycle parking facilities. These are acceptable in technical highway terms, as they will be provided within dedicated structures in the front garden, although precise details of these will be conditioned in order to ensure that their visual impact is acceptable. It may be that something smaller, with bicycles stored in the rear gardens instead, would be more appropriate and avoid cluttering the front garden area.

As explained above, this proposal does not provide any off-street car parking spaces and relies, therefore, on the future parking demands of the occupants of the new houses to be provided on street. A number of residents have indicated that they would not wish to see any parking in front gardens and this is the basis on which this application should be considered. However, the Transportation Engineer points out that as each of the proposed dwellings is set back approx 5 metres from the highway boundary, this would allow one off-street car parking space to be provided for each dwelling at the same time as providing sufficient soft landscaping to meet Council guidance. Members will be aware of the fact that the Council does grant consent for off-street parking in appropriate locations, providing that it meets certain criteria (most obviously the need for adequate landscaping to be provided). In addition, the recently adopted Crossover policy seeks to ensure that where new crossovers are allowed they are carefully thought through, in terms of their siting, so that off-street parking does not result in an unnecessary loss of on-street parking or landscaping. An approach here could arrange the site with single spaces in each house whilst still retaining two on-street spaces for use by visitors, therefore meeting the likely demand for parking within and along the frontage of the site, without inconveniencing any other existing residents in the street.

The issue is a balanced one, as explained, and Planning Officers favour the current proposal, as do a number of residents, but Transportation colleagues have drawn attention to the second approach.



In either situation, the applicant would need to contact the Head of Highway & Transport Delivery in order to arrange for works to be undertaken within the public highway to the front of the site, including works to provide and reinstate vehicular crossovers and to amend on-street road markings.

### **Planning Obligations**

In order to mitigate the impact of the increased number of occupants on the local area specifically in terms of education, sustainable transport, open space and sports a contribution of £3000 per new bedroom (total £60,000) is required in accordance with SPD: S106 Planning Obligations. In addition, the applicant is asked to sign up to the Considerate Contractors Scheme which is a well-established approach in order to help to minimise disruption to people living nearby.

### **REASONS FOR CONDITIONS**

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

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

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".

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

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

### **CONDITIONS/REASONS:**

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

- A\_EX\_00.
- A\_EX\_EL\_01.
- A\_EX\_02.
- A\_EL\_01.
- A\_EL\_02.

- A\_CON\_00.
- A\_DM\_00.
- A\_ST\_00.
- A\_PL\_00 A.
- A\_PL\_01 A.
- A\_PL\_02.
- A\_PL\_03.
- A\_PL\_50.
- Design & Access Statement (September 2011).

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

- (3) No further extensions shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C & D of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2008, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason:

In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

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

Reason: In the interests of highway safety and in order to allow the Council to secure proper control over the development.

- (5) The windows in the flank walls of the building shall be glazed with obscure glass and shall open at high level only (not less than 1.8m above floor level). They shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (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) The areas so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of

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

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.

- (8) Detailed drawings showing all existing trees, including the street tree to the front of the site, which are not directly affected by the buildings and works hereby approved shall be submitted to the Local Planning Authority prior to demolition and construction works. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted or their soil levels within the tree canopy altered at any time without prior approval in writing of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced in the next planting season with a tree of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

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

- (9) Detailed drawings shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development.

- 10) Details of:

- all fencing, walls, gateways and means of enclosure and;
- refuse/recycling/bicycle stores

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 stores, fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Reason:

In the interests of the visual amenity and character of the locality.

- (11) Following the demolition of the warehouse building 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 written report is subject to the approval in writing of the Local Planning Authority.

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

- (12) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- (13) The development is within an Air Quality Management Area (AQMA) and construction works could contribute to background air pollution levels. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the operation, the details of which must be submitted to the Local Planning Authority for approval, prior to commencement of the development and fully implemented whilst the works are taking place.

**Reason:** To minimise dust arising from the development.

#### **INFORMATIVES:**

- (1) The applicant is advised that during demolition and construction on site:
- The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site
  - The operation of site equipment generating noise and other nuisance-causing activities, 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
  - Vehicular access to adjoining premises shall not be impeded
  - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only
  - No waste or other material shall be burnt on the application site
  - A barrier shall be constructed around the site, to be erected prior to work commencing
  - A suitable and sufficient means of suppressing dust must be provided and maintained
- (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](http://www.communities.gov.uk)


**REFERENCE DOCUMENTS:**

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

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**Committee Report  
Planning Committee on 14 December,  
2011**

**Item No. 08  
Case No. 11/1699**

 **Planning Committee Map**  
Site address: 15 Steele Road, London, NW10 7AS  
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This map is indicative only.

**RECEIVED:** 26 September, 2011

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** 15 Steele Road, London, NW10 7AS

**PROPOSAL:** Proposed change of use from existing office ancillary to the garage workshop to a radio controlled mini cab office (Use Class Sui Generis)

**APPLICANT:** Autos Motors Ltd

**CONTACT:** Draw - IT

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

---

## **RECOMMENDATION**

Approve

## **EXISTING**

The premises, currently used as a vehicle repair workshop (Use Class B2) are situated on the eastern side of Steele Road, within Park Royal Strategic Industrial Land.

Vehicle access to the premises can be gained via Steele Road to the front, and Corby Road at the rear. Potentially up to 5 cars can park within the service areas either side of the building.

The property is not within a Conservation Area, nor is it a Listed Building.

## **PROPOSAL**

Proposed change of use from existing office ancillary to the garage workshop to a radio controlled mini cab office (Use Class *Sui Generis*)

## **HISTORY**

There are no recent planning applications for this site.

## **POLICY CONSIDERATIONS**

Brent Unitary Development Plan 2004

*SH14 Mini-Cab Offices*

*SH19 Rear Servicing*

*TRN4 Measures to Make Transport Impact Acceptable*

*TRN22 Parking Standards: Non-residential developments*

*EMP8 Protection of Strategic & Borough Employment Areas*

Brent Core Strategy – July 2010

*CP12 Park Royal*

*CP20 Strategic Industrial Locations*



### **Main Policy Considerations;**

Principle of use in Strategic Industrial Location

Transportation implications of use

Impact on neighbouring occupiers

### **SUSTAINABILITY ASSESSMENT**

N/A

### **CONSULTATION**

In total 17 neighbouring and surrounding properties were consulted on 18 October 2011 along with Brent's Transportation Unit.

Five letters objecting to the change of use of have been received. The concerns raised in the objection letters are summarised as follows:-

- *Steele Road is already busy and there is no further room for the extra vehicles a mini-cab business would bring.*
- *The existing use as a garage has resulted in vehicles awaiting repair being parked on the surrounding highways. Allowing a mini-cab use will exacerbate the problem.*
- *Concern that large numbers of cars will be parked on Steele Road, however if assurances can be made that mini-cabs will not be parked up outside the premises, and that drivers are not based at the office this objection can be withdrawn.*

*Transportation;* - On the basis that this is proposed to be a radio-controlled only operation with no customers being picked up from base, or drivers visiting base then there is no objection on Transportation grounds.

Site visited on 11/11/11.

### **REMARKS**

This application proposes a change of use to part of the existing B2 premises to accommodate a radio controlled mini-cab operation. At the moment the building is a vehicle workshop, with small ancillary office areas to the front and the rear. The proposal is to change the use of the existing office area at the front, which is 6m<sup>2</sup> in area into a radio-controlled mini-cab office. No customer or driver waiting areas are proposed.

#### Policy context and principle of change of use to radio controlled mini-cab office;

The site is within designated Strategic Industrial Land (SIL) and under this policy the Council will protect such designated areas for employment uses characterised by use classes B1, B2 and B8, or *Sui Generis* uses that are closely related. The same policy context is set out in UDP policy EMP8.

The proposed change of use would see a very minor loss of B2 floorspace, and the proposed replacement mini-cab operation would not normally be considered to be a closely related use found in industrial areas. However the critical point is that the proposal is for a radio controlled only mini-cab office, and given the minor amount of floorspace involved on balance this change would not undermine the role of the Strategic Industrial Land.

UDP policy SH14 states that mini-cab offices and similar operations will be permitted only if traffic safety problems would not be caused, and where they are located away from pre-dominantly residential areas. Regard must be had to the concentration of such uses though.

The policy also states that where sufficient off-street parking cannot be provided then consent may be granted for a radio controlled operation only, on a temporary basis so the use can be monitored.

As the proposal is so minor in floorspace Officers consider that it will not undermine the employment land hierarchy, and as it is for a radio controlled office only there is no conflict with LDF Core Strategy policy CP20 or UDP policy SH14. However, before the proposed change of use can be considered acceptable, in all respects, the other, more direct, impacts of the proposed development must first be considered.

#### Impacts of the Proposed Use on Surrounding Area

Surrounding uses are commercial, there are a variety of light industrial and general industrial uses along Steele Road. There are no residential units located nearby.

The main area of concern surrounding mini cab uses is often the impact on parking and traffic. As this is proposed a radio controlled mini cab office only, by its nature there would be no customer collections from base, nor would drivers be permitted to drive to base and wait there for jobs. On this basis Officers do not consider that the change of use will give rise to parking problems or generate extra traffic on the surrounding roads. If well managed on-site and with the controls imposed through planning conditions it is probable that the use would have very little impact on the surrounding industrial area.

Any permission will be subject to conditions restricting its use as an office only, with no customers allowed to be picked up from site and no drivers visiting/collecting from site. It is recommended that the permission be granted on a temporary basis in the first instance so that this use can be monitored and a 1 year temporary permission is recommended. This 1 year temporary permission will allow the local planning authority, in conjunction with Highways Officers to review the situation and assess what impacts the use (if any) has had on the surrounding area in terms of noise and parking.

The nature of this site in Park Royal industrial estate means it unlikely that members of the public would be attracted to base, Steele Road does not experience high numbers of pedestrian footfall. The conclusion may be different if it were close to a transport interchange, or close to a high street.

#### Transportation Implications

In terms of considering this application, no objection has been raised by Transportation Officers in relation to the use.

As no increase in floor space is proposed, and this is for a radio controlled only operation the change of use does not affect parking or servicing standards, as set out in the 2004, UDP.

Transportation officers have noted that there is parking available within the front and back yards of the premises, accessed from both Steele Road and Corby Road. However a condition is recommended controlling these spaces for the existing B2 vehicle repair workshop only, these parking spaces are not permitted to be used in association with the proposed mini-cab office as this would be contradictory to it being a radio controlled base only.

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

## Conclusion

The proposed change of use is acceptable in policy terms and the proposal is considered to comply with policies EMP8, SH14, TRN22 of Brent's Unitary Development Plan 2004, and LDF Core Strategy Policy CP02.

Accordingly, it is recommended that planning permission be **granted, subject to conditions.**

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Brent Core Strategy 2010

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

Employment: in terms of maintaining and sustaining a range of employment opportunities

Transport: in terms of sustainability, safety and servicing needs

Park Royal: to promote the opportunities and benefits within Park Royal

### **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 S.1  
Plan S.2  
OS Sitemap  
Land Registry site plan

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

- (3) This permission shall be for a limited period of 1 year only expiring 12 months from the date of the decision notice when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) and the use hereby approved shall be discontinued.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period on the neighbouring highways and local area.

- (4) The mini-cab business shall operate only as a radio-controlled, mini-cab office from which cars are directed and no drivers or customers shall visit the premises at any time.

Reason: To accord with the terms of the application and ensure that vehicles and customers do not visit or congregate at the premises, in the interests of the free flow of traffic on the neighbouring highway and the amenities of occupiers of neighbouring properties, consistent with policy SH14 of the Brent Unitary Development Plan 2004.

- (5) The proposed off-street parking area(s) as indicated on drawing S.2 shall only be used in conjunction with the existing vehicle repair business, and at no time is it permissible for these spaces to be used by mini-cab drivers for collection or waiting purposes.

Reason; In the interests of maintaining the free flow and safe movement of traffic.

**INFORMATIVES:**

None Specified


**REFERENCE DOCUMENTS:**

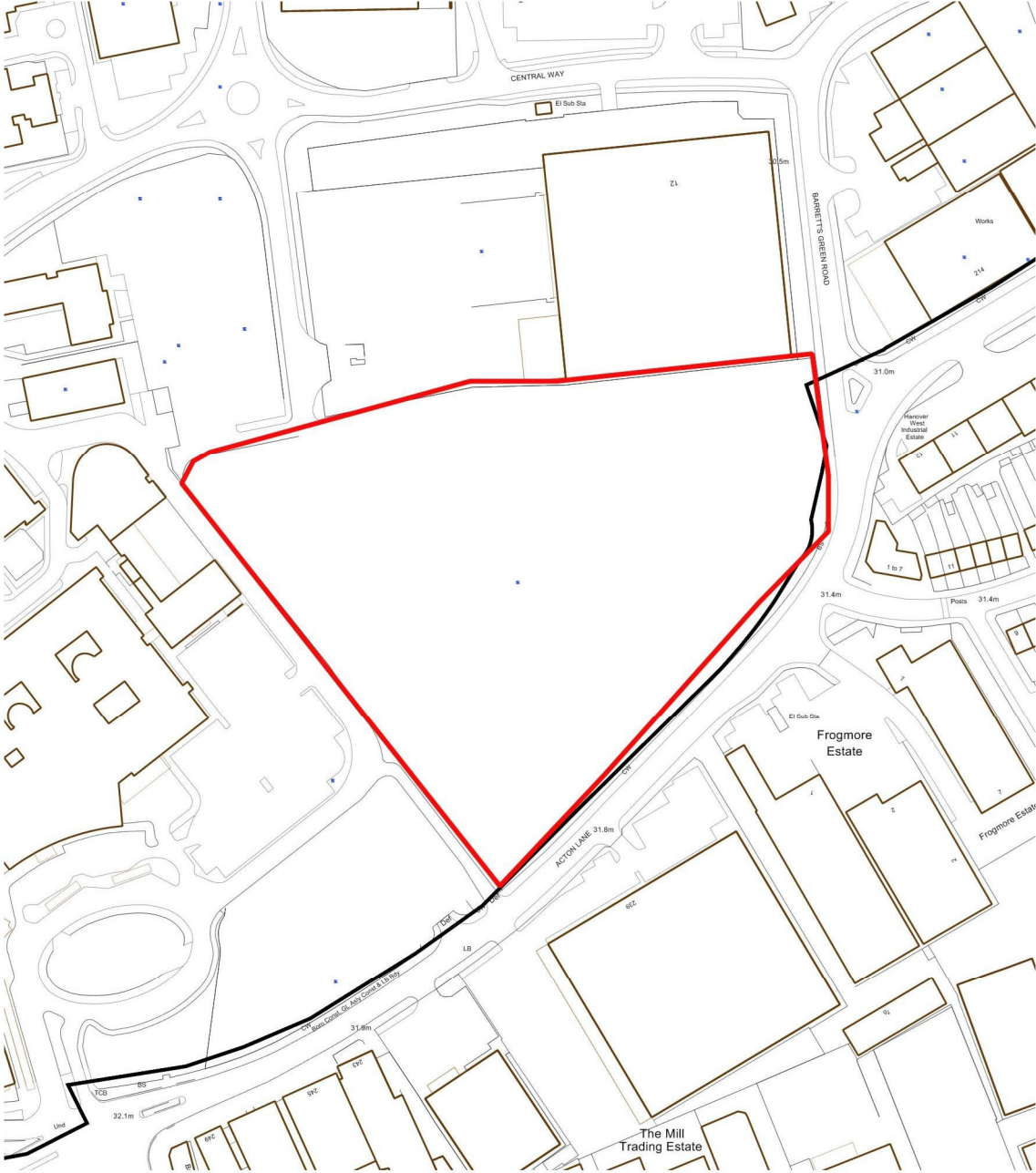
London Borough of Brent, UDP 2004  
Brent Core Strategy 2010

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

**Committee Report  
Planning Committee on 14 December,  
2011**

**Item No. 09  
Case No. 11/2623**

	<b>Planning Committee Map</b>
Site address: Land rear of 12, Central Way, London, NW10	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

**RECEIVED:** 5 October, 2011

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Land rear of 12, Central Way, London, NW10

**PROPOSAL:** Redevelopment of site comprising of 9 units for B1(c), B2 and B8 uses, with associated landscaping, service areas, parking and cycle parking.

**APPLICANT:** Scottish Widows Investment Partnership (Scottish Widows PLC)

**CONTACT:** PRC Group

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

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### **RECOMMENDATION**

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

### **SECTION 106 DETAILS**

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

- (a) *Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.*
- (b) *A contribution of £60, 625.00 for: Sustainable Transportation in the local area including but not limited to Fast Bus; Training for local people to maximise opportunities associated with the development; Environmental & Sports improvements in the local area. All payments are to index-linked from the date of committee.*
- (c) *Sustainability - Compliance with the sustainability checklist ensuring a minimum score of 50% is achieved and a 'BREEAM' excellent rating, with compensation should it not be delivered. Compliance with the Energy Strategy Report produced by Kier - Issue 1. In addition to adhering to the Demolition Protocol.*
- (d) *To achieve 25% improvement on the 2010 Building Regulations Carbon Dioxide Target Emission Rates, as set out in the Kier Energy Strategy Report. 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.*
- (e) *Bus lane – safeguarding of a strip of land along Acton Lane (the southern boundary of the site) as shown on drawing 9012/PL002 for future highway widening to facilitate the potential addition of a bus lane to the carriageway. This strip has to be safeguarded for a maximum period of 15 years from commencement on site until such time as the Council serves the notice to adopt.*
- (f) *Submission and approval in writing of a revised Framework Travel Plan and to fully implement the Framework Travel Plan approved by the Council, (or as amended by agreement of the Council and the Owner in writing) on first occupation of any of the units.*
- (g) *Join and adhere to the Considerate Contractors Scheme*

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission 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 site comprising an area of 2.63 hectares, is a triangular plot of land bounded by Acton Lane to the South, Central Middlesex hospital buildings to the West, a recently constructed five to ten storey residential block to the north, with the remainder of the northern boundary formed by a warehouse development.

Vehicle access to the site is from the north, via Central Way.

The site is currently a cleared site and was last occupied and used by Central Middlesex Hospital and Hammersmith Medicines Research (HMR). When the hospital site was undergoing redevelopment this part of the site was disposed of and released for redevelopment.

Since this time the site has been cleared and outline planning consent granted for 8 mixed use business units (ref; 99/0618). The time period for the submission of Reserved Matters was extended under planning consent 05/2174. The reserved matters relating to appearance, landscaping, layout and scale were then approved in June 2008 (ref; 08/1761).

Prior to the expiry of the above mentioned planning permission a material start was commenced on site. The initial 15m of estate access road was constructed, and the first instalment of the s106 planning contribution was paid. This material start has safeguarded the planning permission in perpetuity, in theory this development could be fully implemented as all pre-commencement conditions have been satisfied.

## **PROPOSAL**

***Planning permission is sought for the redevelopment of the site to provide a mixed use employment scheme, comprising of 9 units for B1(c), B2 and B8 uses. These uses will be accommodated within a range of unit sizes, totalling 14, 992m<sup>2</sup> of floor space.***

It is proposed that the nine individual units be arranged into five separate blocks, located around a central access road. These nine individual units will range in floor area from 1006m<sup>2</sup> – 3062m<sup>2</sup>, and building heights from 11 – 13.5m overall.

To serve the development 140 parking spaces are proposed (including 10 disabled bays), as well as a large number of cycle spaces. Vehicle servicing areas are also proposed, these are to be accessed via the central access road.

Associated soft landscaping improvements are also proposed around the perimeter of the site, and within the central area.

## **HISTORY**

### **99/0618**

Clearance of site and redevelopment to provide 9 mixed business-use buildings, layout of estate roads and vehicular and pedestrian access (Outline Application). **Granted.**

### **05/3174**

Variation of condition 1 (to extend the original time limit of 1st August 2006 for the submission of reserved matters by 2 years to 1st August 2008) of Outline Planning Permission reference 99/0618, dated 01/08/2003, for clearance of site and redevelopment to provide 9 mixed-business-use buildings, layout of estate roads and vehicular and pedestrian access, subject to a Deed of Agreement dated

08/06/2006 under Section 106 of the Town and Country Planning Act 1990 (as amended). **Granted.**

**08/1761** Approval of Reserved Matters relating to appearance, landscaping, layout and scale, pursuant to outline planning permission 05/3174 dated 13/06/2006. **Granted**

**08/1930** Approval of Condition 5 (access road layout & parking), Condition 6a (refuse and waste storage) and Condition 7 (landscape & boundary treatment) of planning permission 05/3174. **Granted**

**11/0279** Approval of Condition 6(b) (lighting scheme) of planning permission 05/3174. **Granted**

## **POLICY CONSIDERATIONS**

### **National Policy Context**

Planning Policy Statement 1: Delivering Sustainable Development (Feb 2005)

Planning Policy Statement 4: Planning for Sustainable Economic Growth (Dec 2009)

Planning Policy Guidance 13: Transport

Planning Policy Statement 25: Development & Flood Risk

### **Regional Policy Context**

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

The following London Plan Policies are considered to be particularly relevant to this application:

- *2.17 Strategic Industrial Locations: - The Mayor will, and boroughs and other stakeholders should, promote, manage and where appropriate, protect the strategic industrial locations.*
- *4.1 Developing London's Economy: - Promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.*
- *5.1: - Climate Change Mitigation.*
- *5.2 Minimising Carbon Dioxide Emissions: - Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy.*
- *5.3 Sustainable Design & Construction:*
- *5.7 Renewable Energy:*
- *5.11: - Green Roofs & Development Site Environs*
- *5.12; - Flood Risk Management*
- *5.13; - Sustainable Drainage*
- *6.13; - Parking*

### **Sub-Regional Context**

Park Royal Opportunity Area Framework (OAPF) – This is a non-statutory planning framework document issued by the Mayor of London as Park Royal has been identified as an opportunity area within the London Plan. Although non-statutory this is considered to be a material consideration.

### **Local Policy Context**

#### **Brent UDP 2004**

- BE2** *Townscape: Local Context & Character*
- BE3** *Urban Structure: Space & Movement*
- BE4** *Access for Disabled People*
- BE5** *Urban Clarity & Safety*
- BE6** *Public Realm: Landscape Design*
- BE7** *Public Realm: Streetscape*
- BE8** *Lighting & Light Pollution*



**BE9** *Architectural Quality*  
**BE12** *Sustainable Design Principles*  
**BE13** *Areas of Low Townscape or Public Realm Quality*  
**BE33** *Tree Preservation Orders*

**EP2** *Noise & Vibration*  
**EP3** *Local Air Quality Management*  
**EP6** *Contaminated Land*  
**EP12** *Flood Prevention*

**TRN1** *Transport Assessment*  
**TRN2** *Public Transport Integration*  
**TRN3** *Environmental Impact of Traffic*  
**TRN4** *Measures to Make Transport Impact Acceptable*  
**TRN10** *Walkable Environments*  
**TRN11** *The London Cycle Network*  
**TRN22** *Parking Standards Non-Residential Development*  
**TRN31** *Design and Land Take of Car Parks*  
**TRN34** *Servicing in New Development*  
**TRN35** *Transport Access for Disabled People*  
**PS6** *Parking Standard*  
**PS16** *Cycle Parking Standards*  
**PS19** *Servicing Standards*  
**EMP5** *Designation of Strategic Employment Areas*  
**EMP8** *Protection of Strategic Employment Areas*  
**EMP10** *The Environmental Impact of Employment Development*  
**EMP11** *Regeneration of Employment Areas*  
**EMP12** *Public Realm Enhancements in Employment Areas*  
**EMP18** *General Industrial Developments*  
**EMP19** *Warehouse Developments*

**PR1** *Major Developments in Park Royal*  
**PR3** *Public Realm Improvements in Park Royal*

**Brent Core Strategy 2010**

**CP3** *Commercial Regeneration*  
**CP12** *Park Royal*  
**CP14** *Public Transport Improvements*  
**CP15** *Infrastructure to Support Development*  
**CP19** *Brent Strategic Climate Change Mitigation & Adaptation Measures*  
**CP20** *Strategic Industrial Locations*

**Supplementary Planning Guidance (SPG) 17** - "Design Guide for New Developments".

*SPG 17 sets out the Councils minimum design standards to ensure that development does not prejudice the amenities of the occupiers of neighbouring properties or the occupiers of the application site.*

**Supplementary Planning Guidance (SPG) 18** - "Employment Development".

*SPG 18 sets out design guidance for employment uses to ensure that the proposed development does not prejudice against the employment land and to minimise impact to the nearby residential uses.*

**Supplementary Planning Guidance (SPG) 19** - "Sustainable Design, Construction & Pollution Control".

*SPG 19 complements existing design and planning guidance on urban design, transportation, economic and community issues. It focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants.*

## **Supplementary Planning Document – “Section 106 Planning Obligations”**

### **Main Considerations;**

- (a) Principle of use
- (b) Employment and regeneration benefit
- (c) Layout and visual impact
- (d) Scale and quantum of development
- (e) Impact on transport network
- (f) Sustainability credentials and climate change mitigation
- (g) Environmental impacts of development

### **SUSTAINABILITY ASSESSMENT**

(See Remarks section for detailed discussion)

### **CONSULTATION**

**A number of site notices were erected around the site on 1 November 2011  
Press Notice advertised on 27 October 2011**

#### **Public**

177 letters were sent to individual addresses on the 18<sup>th</sup> and 26<sup>th</sup> October 2011. This included addresses in the London Borough of Brent, and London Borough of Ealing. To date no representations have been received.

Stonebridge Ward Councillors were consulted, and to date no responses have been received.

#### **Statutory Consultees**

*-London Borough of Ealing;* No response received.

*-Environment Agency;* No objection subject to a condition ensuring the development is carried out fully in accordance with the Baynham Meikle Partnership Flood Risk Assessment (file reference NSB/8274 second issue and dated 2<sup>nd</sup> November 2011) and the outline mitigation measures detailed within the FRA.

*-Park Royal Partnership;* No response received.

*-Thames Water;* No objection raised, but informatives recommended.

#### **Internal**

*-Landscape Design:* The retention of three protected trees within the centre of the site is welcomed. During construction these should be protected to BS5837, with approval and supervision to be agreed with the Council's Tree Protection Officer.

On the whole the proposed landscape strategy is acceptable. Proposed tree, shrub and hedge species are all considered to be acceptable. So too are the sizes and densities proposed.

Overall no objection.

*-Environmental Health;* Officers have considered the land quality assessment and contamination report and concur that there is no danger of contamination to site end users. In line with the recommendation made in these reports Officer's advice that conditions should be attached to any

permission, and that these conditions will require a ground gas risk assessment to be undertaken.

The noise survey date has been considered, and based on the assumptions that have been made Officers consider that the predicted noise levels will have a negligible impact on background noise levels. This is considered to be reasonable and no further information is requested.

As the development is within an Air Quality Management Area it is requested that a method statement be required as a condition of any approval.

Overall no objection.

*-Transportation:* No objection raised, but minor amendments to the parking layout have been requested. Subject to s106 measures to secure the bus lane widening and a standard contribution there is no objection. More detailed discussion can be found in the following 'remarks' section.

## **REMARKS**

### **SITE LOCATION**

The site is located in Park Royal, London's largest industrial and Business Park. Approximately 40% of the Park Royal estate is within Brent, 50% in Ealing and 10% in Hammersmith & Fulham. Surrounding uses are a mixture of B1(c), B2, B8, hospital buildings and key worker housing. The principle of employment uses is acceptable in this location.

The site is designated as Strategic Industrial Land in Brent's Core Strategy, and is subject to a Site Specific Allocation (PR3) which supports industrial/employment uses. This allocation supports industrial and employment uses and hospital expansion on this site. The entire Park Royal area is also identified as an Opportunity Area in the London Plan (2011).

### **PRINCIPLE OF DEVELOPMENT, REGENERATION & EMPLOYMENT BENEFIT;**

The site is located within designated Strategic Industrial Land (SIL) and the proposed mix of B1(c), B2 and B8 uses complies with London Plan policy and local policy, as set out in the 2004 Brent UDP and the 2010 Brent Core Strategy. Local Development Framework Core Strategy Policy CP20 states that in Strategic Industrial Locations employment uses characterised by B1, B2 and B8 uses will be supported. And the regeneration of SIL is supported where proposals will not undermine the employment land hierarchy. Within this policy context the principle of this mixed-use industrial/employment development is fully supported in this location.

The site has an existing planning consent for the development of 8 buildings for uses B1, B2 and B8 totalling 12, 567m<sup>2</sup> floorspace, this has been partially implemented. This current proposal seeks to maximise the potential of this brown field site by intensifying the use of the site through an increase in floorspace of 2424m<sup>2</sup>, this represents an increase of 19% on the previous consent.

<b><i>Application</i></b>	<b><i>Proposal</i></b>	<b><i>Amount of Floorspace (m<sup>2</sup>)</i></b>
<b>05/3174</b>	Clearance of site and redevelopment to provide 9 mixed business-use buildings, layout of estate roads and vehicular and pedestrian access (Outline Application).	12, 567
<b>11/2623</b>	Redevelopment of site comprising of 9 units for B1(c), B2 and B8 uses, with associated landscaping, service areas, parking and cycle parking.	14, 991

The proposed development, if built and occupied would bring significant employment benefits to the Borough through job creation by developing and making efficient use of this empty site.

The proposed scheme would be in accordance with the Park Royal Opportunity Area Planning Framework (OAPF), published by the Mayor of London. It would help to meet two of the frameworks principle objectives which are to;

- *Protect and maintain Park Royal as the largest industrial location in London*
- *Increase employment opportunities to meet the 11, 000 new jobs target, over the next 20 years.*

#### **QUANTUM OF DEVELOPMENT:**

<b>Unit</b>	<b>Ground GIA (m<sup>2</sup>)</b>	<b>First GIA (m<sup>2</sup>)</b>	<b>Total GIA (m<sup>2</sup>)</b>	<b>Ground GEA (m<sup>2</sup>)</b>	<b>First GEA (m<sup>2</sup>)</b>	<b>Total GEA (m<sup>2</sup>)</b>
<b>1</b>	<b>809.6</b>	<b>142.7</b>	<b>952.3</b>	<b>852.8</b>	<b>159.6</b>	<b>1012.4</b>
<b>2</b>	<b>1090.4</b>	<b>176.9</b>	<b>1267.3</b>	<b>1130</b>	<b>195.3</b>	<b>1325.3</b>
<b>3</b>	<b>1170.7</b>	<b>185.8</b>	<b>1356.5</b>	<b>1208</b>	<b>201.3</b>	<b>1409.3</b>
<b>4</b>	<b>1031.9</b>	<b>173.2</b>	<b>1205.1</b>	<b>1065.9</b>	<b>187.9</b>	<b>1253.8</b>
<b>5</b>	<b>1540.8</b>	<b>249.9</b>	<b>1790.7</b>	<b>1599.9</b>	<b>274.8</b>	<b>1874.7</b>
<b>6</b>	<b>1364.9</b>	<b>200.1</b>	<b>1565</b>	<b>1435</b>	<b>223</b>	<b>1658.27</b>
<b>7</b>	<b>2556</b>	<b>375.5</b>	<b>2931.5</b>	<b>2648.82</b>	<b>414.1</b>	<b>3062.9</b>
<b>8</b>	<b>1954.7</b>	<b>318.5</b>	<b>2273</b>	<b>2036.1</b>	<b>352.4</b>	<b>2388.53</b>
<b>9</b>	<b>797.9</b>	<b>140</b>	<b>937.9</b>	<b>850.09</b>	<b>156.7</b>	<b>1006.79</b>
<b>TOTAL</b>			<b>14, 278.4</b>			<b>14, 991.72</b>

#### **LAYOUT & DESIGN APPROACH:**

The proposed layout provides for an inward looking development, with the nine units located around the edges of the site. This helps to shield much of the service yard activity from adjoining sensitive users, and from the public realm.

Units 1-5 are positioned along the northern edge of the site, this results in a terrace of units which measures 160m wide. These units vary in size from 1012 -1874m<sup>2</sup>, and each unit contains ancillary office space at first floor.

Unit 6 is detached and is sited along the south eastern boundary, shared with Acton Lane. The office space at first floor has been positioned to overlook Acton Lane, this enhances the appearance of the scheme and this will help to provide an active frontage along Acton Lane. The unit will measure 1658m<sup>2</sup> in floorspace and is set back from the site boundary by 6m to allow for future bus lane widening improvements along Acton Lane, and boundary landscaping treatment.

Units 7-8 are sited along the western boundary that is shared with the Central Middlesex Hospital site. These are the two largest units within the scheme with Unit 7 measuring 3062m<sup>2</sup> and Unit 8 measuring 2388m<sup>2</sup>. Again these units are inward looking, and the first floor office space overlooks the active frontages. To the rear of these units a screen of new trees are proposed to be planted, these will assist in screening the units from the neighbouring hospital buildings to the west.

Unit 9 is detached and sited within the north western corner of the site, this is in close proximity to the vehicle access point from Central Way. This is the smallest unit, measuring 1006m<sup>2</sup>. This unit is positioned away from the western and northern boundaries, with new tree planting proposed along the boundaries of the site. It is worthy to note that this unit is smaller in floor area, and sited further away from the boundaries than the unit that was approved under planning permission 05/3174.

All units will be accessed from a central access road, this serves all the parking areas, and loading and turning areas reserved for servicing and delivery vehicles.

The proposed layout responds to Acton Lane by providing a perforated urban form, and where practical the office elements to each unit have been orientated to provide natural surveillance and provide active frontages.

There are three mature trees within the centre of the site, these are protected by a Tree Preservation Order. The development proposes to retain these as part of the overall landscape strategy.

Provision has been made for the safeguarding of a strip of land along Acton Lane to enable bus lane widening improvements at a future date if such works are deemed necessary by Transport for London. The requirement for any development to include scope for bus lane improvements is set out in the Site Specific Allocation. This requirement was also secured when granting the previous planning permission 05/3174.

The units all follow a similar built form, proposing to make use of a number of different cladding materials to give contrast and variety to the elevations. The materials will be in neutral colours, greys and silvers. The main pedestrian entrances to each unit are defined through the use of double height glazing features. The doors, windows and glazing elements have been located at the front of all units, this provides interest and active frontages.

### ***Landscape Strategy;***

An Ecological report has been prepared by Aspect Ecology and shows that there are no specific statutory or non-statutory designations. The report finds that the site is currently dominated by hardstanding, with limited planting and that any existing habitats offer negligible ecological value.

The proposed scheme will provide an improvement in biodiversity through increased soft landscaping, new tree planting, and new shrub planting selected from native species.

In support of the proposal an Arboricultural Survey has been submitted. This identifies that none trees will need to be felled along the Acton Lane boundary, and of these none all are assessed and found to be in a 'generally fair condition'. The removal of these trees will allow 28 new native trees along this boundary and in total 68 new trees site wide to enhance the amenities of the area.

The survey found evidence on site of Japanese Knotweed, this was recorded close to the north western site margin in an area approximately 2m in diameter. A planning condition is recommended to require its removal prior to a material start on site.

A comprehensive detailed site wide landscaping scheme is proposed which aims to strike a balance between delivering public realm improvements and creating a high quality working environment. External public facing boundaries are defined by hedging and uniform tree planting, coupled with mesh fencing between the buildings. Internal site planting will generally consist of individual trees and shrub beds.

The detailed Landscape strategy is met with approval by Brent's Landscape Officer's.

### **SCALE OF DEVELOPMENT;**

All units range in height from 11m – 13.5m, and as this is a speculative development the individual unit sizes are market led at this stage. Surrounding buildings vary in their height between 10m and 35m in height. The key working housing block that has recently been erected on Central Way, is immediately to the north of the site. This is part 5-storey's rising to 9-storey's high. The 5-storey element is adjacent to the application site and is 16m high with the 9-storey element rising to 36m high. No habitable windows are positioned on the south facing elevation overlooking the application site, meaning none of the residential units are reliant on this site to maintain reasonable daylight and outlook.

Unit 9 which is closest to the residential block is 9.4m high at eaves, rising to 10.8m high and this is broadly in line with the scale of the approved scheme (05/3174), that can in theory can still be implemented. Furthermore the current proposal would provide greater separation between Unit 9 and the adjoining development, and the relationship is certainly no worse than the valid planning permission 05/3174.

In this location there are a variety of surrounding uses, with buildings displaying much variety both in terms of footprint and height. Officers consider that the proposed scheme would see the introduction of a range of units, with varying footprints and heights that are in keeping with the surrounding forms of development. The scale of the units would not result in harm to any sensitive users of neighbouring sites.

### **TRANSPORTATION IMPACTS;**

The proposed scheme is sufficient in scale to potentially impact on the local transport network. As such a full Transport Assessment has been prepared by *Royal Haskoning* and submitted in support of the application.

#### ***Parking and access***

Only one point of vehicle access is proposed, and this is via the existing un-adopted Southern arm of the four arm roundabout junction of Central Way and McNicol Drive. An extension to this will form the spine road through the site. Pedestrian footways are also proposed either side of the access road.

The majority of the site has a public transport accessibility level of 3, with the very eastern end of the site achieving a rating of 4.

Parking standard PS6 in the 2004 UDP supports parking at a level of 1 space per 150m<sup>2</sup>, and with the amount of floorspace proposed this would equate to 99 parking spaces. It is proposed to provide parking in excess of this, a total of 140 spaces are proposed (including 10 disabled bays). An increase of a third is supported in Park Royal under policy PS3 provided (a) it is a key regeneration proposal supportive of regeneration in the area; and (b) the transport and environmental impacts of the scheme is acceptable; and (c) the proposal secures significant and sufficient public transport/walking/cycling improvements, and/or contributions towards on-street parking controls, and implementation of a green transport plan. As these criteria will be satisfied an increased amount of 133 spaces would be acceptable. Therefore the 140 spaces being proposed exceed even the more relaxed standard supported under PS3, and Units 3, 5, 6 and 7 are all shown to have excessive parking.

Cycle parking is provided for 44 cycles which is acceptable.

In terms of access the Central Way access is adequate to serve the development. The layout of the spine road generally accords with the previous consented scheme with 7.3m wide carriageways, and 2m wide pedestrian footways either side. It is noted that a minor change to the bend of the spine road has been incorporated and there is some concern that this may compromise servicing from articulated lorries. Transportation request further demonstration of vehicle tracking to illustrate that 2 articulated lorries can safely pass one another. Confirmation of this will be reported through the Supplementary Report.

Pedestrian safety is generally considered to be acceptable, although there is concern that the internal layout results in excessive crossover widths across the servicing and parking areas.

The existing crossover onto Acton Lane will become redundant should the scheme be implemented, and this should be re-instated to footway (at the developers expense) and agreed with the London Borough of Ealing as Acton Lane is within their jurisdiction.

The scheme continues to make provision for bus lane widening works along Acton Lane, and again this is welcomed. It will offer a significant benefit to bus lane services in Park Royal.

The Transport Assessment submitted by Royal Haskoning and the data presented and its findings has been compared to the previously consented scheme. This larger development is predicted at peak times to represent an increase of 20% on predicted traffic flows. Transport Officer's consider there to be sufficient capacity on the local road network to cater for the new, additional traffic that is likely to be generated.

Given the overall size of the development also warrants a Framework Travel Plan, it is noteworthy that no Travel Plan was secured as part of the previous consent when outline permission was granted.

The draft Travel Plan proposes that a Travel Plan co-ordinator be appointed by the sites management company to promote the Plan amongst it's different occupiers. The co-ordinator will also be responsible for monitoring and reviewing the Plan over a 5-year period.

Transport Officers have assessed the Framework Travel Plan, it has been assessed using Transport for London's ATTrBuTE programme, and unfortunately as it stands it fails to come up to an acceptable level. The key areas in which it failed are the lack of any attempt to provide an estimated baseline modal split against which future interim and final targets can be set, even though data was provided within the Transport Assessment that could have been used for this purpose. Lack of detail on how the Travel Plan will be secured and funded is also a key failing.

To overcome these failings the Plan will need further development before it can be agreed, and Transport Officer's are requesting a Head of Term in the s106 to secure the submission and approval of a revised Plan prior to a material start on-site.

To help support the aims of the Travel Plan a financial contribution is sought towards improving non-car access, parking control and other transport related works in the area. To this end, it is acknowledged that a sum of £60,000 was secured with the original permission for transportation improvements, alongside the reservation of land for highway widening. As such, with land being set aside for potential highway widening, it is only considered reasonable to base a request for a further sum on the additional floorspace proposed and on this basis, the standard charge would provide a sum of £60,000.

Key transportation initiatives in the area to which funds would be likely to be directed include the upgrading of the unadopted length of Central Way to an adoptable standard to allow the Council to take it over as a highway maintainable at public expense (this is estimated to require funding of £100,000), provision of a footbridge over the Grand Union Canal at McNicol Drive and provision of a bus lane along Acton Lane.

Brent Transportation Officers' are requesting a revised site plan which shows a reduction of at least 6 spaces, and additional soft landscaping should be provided alongside parking areas to deter ad-hoc parking outside of the designated parking areas. Further details of a revised parking layout will be reported in the Supplementary Report.

Subject to the site layout amendments, the submission and approval of a revised Travel Plan and Subject to a Section 106 Agreement to secure:- (i) safeguarding of the 3m wide strip of land along the southern boundary of the site as shown on drawing 9012/PL002 for future highway widening upon the service of a notice by Brent Council; (ii) the submission and approval of a revised Framework Travel Plan, of sufficient quality to score a PASS rating using TfL's ATTrBuTE software (or any replacement thereof); and (iii) a further financial contribution of £60,000 (in addition to the £60,000 previously secured from the smaller development) towards non-car access improvements, parking controls and/or adoption of Central Way.

### ***Lighting Strategy***

The external lighting scheme comprises a mixture of building mounted and column mounted luminaires to illuminate the on site car park areas, access road and paths. These will provide security and have safety benefits for the movement of vehicles within the site. Lighting details have been submitted showing 10 x 70w lanterns mounted on 6m high columns along the spine road and footpaths, with a further 14 x 150w lanterns mounted on the buildings at a height of 8m to illuminate the service yards and car parks. These luminance levels are considered to be appropriate for this location, with a high degree of uniformity proposed.

### **SUSTAINABILITY BENEFITS & MEASURES TO MITIGATE IMPACTS OF CLIMATE CHANGE;**

The proposed sustainability measures are set out through the Brent Sustainability Checklist, Energy Strategy Report and BREEAM pre-assessment. These have been submitted to demonstrate compliance with London Plan Policy and Brent Core Strategy Policy CP19.

The applicants score on the checklist of 50.5% indicates a rating of 'Very Positive' is to be achieved, and compliance with the checklist will be secured as part of the s106 agreement.

An Energy Strategy has been submitted by Kier. This has been prepared to demonstrate the scheme's compliance with London Plan policies 5.2 and 5.7 concerning the minimising of carbon emissions and the use of renewable energy respectively.

Compliance with London Plan policy 5.2 is achieved by demonstrating that the energy strategy aimed at minimising carbon dioxide emissions is based on the London Plan Energy hierarchy, which is;

1. Be lean; use less energy
2. Be clean; supply energy efficiently
3. Be green; use renewable energy

Passive enhancement measures have been incorporated into the design to ensure the scheme is in accordance with the London Plan 'Energy Hierarchy' to 'be lean'. This has been achieved by increasing the size of the rooflight areas, to reduce the need for artificial lighting. The U-value of walls has been improved above and beyond the minimum requirements for Part L2A of the 2010 Building Regulations, similarly the U-values of the roofs have also been improved above minimum Part L2A requirements.

Active enhancement measures have been incorporated into the design to ensure the scheme is in accordance with the London Plan 'Energy Hierarchy' to 'be clean'. These measures will enable energy to be supplied more efficiently.

The strategy to incorporate passive and active energy enhancement measures into the final build results in a reduction in carbon dioxide emissions. London Plan Policy 5.2 sets targets for carbon dioxide emissions. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations leading to zero carbon non-domestic buildings from 2019. A development such as this is expected to achieve a 25% improvement on the 2010 Building Regulations.

As well as the passive and active energy enhancement measures renewable energy technologies are proposed to achieve further reductions in CO<sub>2</sub> emissions. These technologies are in accordance with the London Plan 'Energy Hierarchy' to use renewable energy. The Energy Strategy has examined the use of a range of renewable technologies, and discounts a number of these for practical reasons. Those discounted are biomass heating, ground source heating/cooling, combined heat & power (CHP), wind turbines and solar water heating. The strategy has found the following renewable energy technologies to be feasible for the development;



- Air Source Heat Pumps
- Solar Thermal Heating through the use of Transpired Solar Collectors
- Photovoltaic Panels

By applying these technologies to the development further CO<sub>2</sub> emissions reductions can be achieved. The combination of passive, active and renewable energy measures have been demonstrated to show a 25% improvement on carbon dioxide emissions can be achieved above the target emission rates. This is in accordance with London Plan policy 5.2. The use of renewable energies has also been shown to satisfy London Plan policy 5.7, there is a presumption that 20% savings should be made by employing renewables on-site. The Energy Strategy demonstrates that carbon savings through the use of renewable technologies averages 37.2% across the nine units. This is in excess of the presumption that a reduction of 20% should be achieved wherever feasible.

Brent LDF Core Strategy policy CP19 concerns the contribution of developments towards achieving sustainable development. One of the requirements of this policy is for all non-residential development to achieve, a rating of BREEAM 'Excellent'. A BREEAM pre-assessment has been carried out, this predicts a score of 74.4%, equating to a BREEAM 'Excellent' rating. Final assessment and certification will be carried out after construction, and within the s106 agreement one of the Heads of Terms is an obligation that commits the developers to commissioning a independent review by a BRE approved assessor, and the submission of post construction certification as verification that policy CP19 is met.

In order to ensure that the development achieves the sustainability rating the Council's standard section 106 clauses are proposed, including compliance with the Sustainability check-list and BREEAM 'Excellent' rating is achieved, with compensation should it not be delivered in addition to achieving a 25% improvement on carbon emissions, above the 2010 Building Regulations target emission rates. The developers will be required to submit to the Council a Sustainability Strategy prior to material start, this is an obligation of the s106.

### ***Flood risk***

The site falls within Flood Risk Zone 1 and accordingly is situated within an area of low risk of flooding. However, the site is greater in size than 1 hectare and the application accordingly must be accompanied by a full Flood Risk Assessment (FRA) that has been carried out in accordance with PPS25. This assessment should demonstrate methods to be used in managing surface water and runoff from the development to prevent the worsening of flood conditions associated with the development and to prevent general on and off site flooding conditions occurring. The Flood Risk Assessment must be approved by the Environment Agency, a statutory consultee.

The topography of the site is found to be generally flat, and the impermeable area of the site equates to 83% of the site which is a reduction when compared to the existing site. All new parking areas will contribute to on-site drainage by being permeable, this will also help to attenuate peak flow. The drainage strategy proposes to incorporate infiltration trenches and swales, these are an integral element of the surface water drainage strategy. In addition to this individual rainwater harvesting tanks are proposed.

Units 6 and 8 will incorporate green roofs which satisfies London Plan Policy 5.11. The areas of green roof are reserved for the roofspace above the office areas. This will not compromise the structure for the main warehouse/production areas where clear spans are essential and additional loading would have significant effect upon the schemes viability.

The FRA includes details of Sustainable Urban Drainage Systems (SUDS) that will be employed. These measures include the provision of soakaways, allowable surface flooding by allowing car-parking and service yard areas to flood up to 100mm, green roofs, rainwater harvesting tanks, infiltration trenches, swales and underground storage solutions. Incorporating the proposed SUDS into the future redevelopment will reduce the flood risk to and from the site. It is also calculated that the surface water run-off rates will be reduced when compared to the existing flows from the site,

and the SUDS design techniques are critical to this being achieved.

In summary the FRA proposes a drainage scheme that will not increase the potential of any flooding. This is mainly due to the peak run off rates from the site being reduced when compared to the existing flows, and the adoption of the recommended SUDS techniques.

The Environment Agency has considered the revised FRA. They welcome the proposals to reduce runoff rates by 50%, utilising a range of SUDS features including green roofs, permeable paving, swales, filter drains, oversize pipes and storm cells. No objection is therefore raised.

## **ENVIRONMENTAL IMPACTS OF THE DEVELOPMENT;**

### ***Noise Impacts***

Spectrum Acoustic Consultants have submitted a Noise Impact Assessment to assess the acceptability of the noise arising from the proposed development, and where necessary proposes measures to limit noise emission from the site.

As this is a speculative development where the end users are not known a range of robust assumptions have had to be made concerning the level and type of activity and associated plant that could occupy the site under busiest conditions.

The assessment finds that the main noise sources in the surrounding area were observed to be distant road traffic and plant noise. The area was observed to remain busy with industrial activity and traffic at night time.

The noise associated with overall activity on the site during busy periods for both daytime and night-time operation period has been modelled and compared with the existing ambient noise levels. The predicted increase in noise levels, even considering a scenario in which extremely busy activity has been modelled, results in an increase of no more than 1dB in ambient noise level. Even in the event of higher noise levels occurring the assessment shows that intrusive noise levels within the most affected nearby noise sensitive locations (key working housing development), from the subject site would still be acceptably low. It is noteworthy that noise related conditions were imposed when granting planning permission for the key worker housing scheme to the north. In support of this approval the applicants undertook an acoustic survey and its conclusions state that providing suitable glazing and trickle ventilation is incorporated, satisfactory internal noise levels can be achieved that meet the standards set out in PPG24. Conditions were attached to this permission to ensure that appropriate noise attenuation measures are fully installed prior to occupation of the proposed accommodation. These pre-commencement conditions have all been discharged. When this key worker scheme was designed, and approved there was a valid permission on this site to construct 8 units for B1, B2 and B8 uses and the granting of permission would have been mindful of this neighbouring circumstance.

The analysis carried out in this report is necessarily general because the precise mode of operation, number and type of vehicles, equipment, timing and duration of activity of the future occupiers of the site are not known at this stage. Therefore conservative assumptions have been made, and these assumptions include;

- Higher 'at source' noise levels than would ordinarily be generated by typical equipment.
- Longer than operational durations than typically occur on a site of this size.
- A more intense combination of noise sources acting together than would ordinarily occur.
- Use of background noise levels which are likely to be lower than those which pertain at the key worker accommodation building, which is nearer to roads and the continuously operating plant at existing businesses.
- More activity occurring in a 1 hour period than would ordinarily occur.

Environmental Health officers have considered the noise assessment, and agree with the approach to make conservative generic assumptions and the assumptions that have been used

when modelling the predicted noise impacts of the development. No further information is requested.

The assessment has considered the noise impacts on neighbouring sensitive receptors, and based on conservative assumptions it has been shown that the proposed development, and predicted noise from the operations of this use, both from general site-related activities and from fixed plant and indoor activity comply with appropriate guidelines.

### ***Impact on Air Quality***

Environmental Health Officers' have considered the impact of the proposal on air quality. The predicted air quality emissions that have been modelled are deemed to lead to imperceptible increases in pollutants. The building works itself may contribute to increasing the background dust levels and as the development is within an Air Quality Management Area a condition is recommended the submission and approval of a method statement which provides details of environmental mitigation measures to minimise the impact of dust and noise during construction.

### ***Land Contamination***

A Contamination Statement has been prepared by Baynham Mickle to demonstrate the necessary investigations and establish if the site poses any risk to end users. This has been verified by Environmental Health Officers' who agree with the findings that the site is not deemed to be contaminated. Conditions have been recommended, and one of these advises that ground gas risk assessment be undertaken prior to the commencement of any building works on site.

### **s106 CONTRIBUTION;**

The standard charge contribution of £25 per square metre of floorspace created has been applied to the increased floor area, above and beyond the previously consented scheme. The difference in floor space between the current proposal and planning permission 05/3174 is an additional 2424m<sup>2</sup> and this results in a standard charge contribution of £60, 625.00. It is considered reasonable to only seek the standard charge on the increased floor area, as in theory the previously consented scheme could be fully implemented on site as the material start that has been made has safeguarded that consent in perpetuity. Furthermore the first instalment of £30, 000 has been paid upon this material start, so this combined with the additional contribution secures a sitewide contribution of £90, 625.00.

This contribution will be used to mitigate the impacts of the development on the local area and will go towards sustainable transport improvements, non-car modes of access, parking controls, environmental improvements and open space improvements. Full Heads of Terms are set out at the start of this report.

### **SUMMARY;**

The proposed development will provide investment, regeneration and welcomed employment benefits to Park Royal. This is consistent with national, regional, sub-regional and local policy. The layout and design, which is supported by a comprehensive landscaping strategy will deliver a high quality scheme to the area that enhances the area visually, and one which employs measures to mitigate the impacts of climate change through sustainable design which is consistent the London Plan hierarchy. Furthermore the s106 package will deliver a range of benefits to mitigate the impacts of the development on the local area, and secures the ability for infrastructure improvements to carry out bus lane widening works along Acton Lane. On balance the scheme is recommended for approval, subject to the completion of a satisfactory s106 legal and/or other agreement to secure the Heads of Terms set out in this report.

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

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

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

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  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Transport: in terms of sustainability, safety and servicing needs  
Park Royal: to promote the opportunities and benefits within Park Royal  
Design and Regeneration: in terms of guiding new development and Extensions  
Site-Specific Policies

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

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

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

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

#### Drawing Numbers:

PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL008, PL009, PL010, PL011, PL012, PL013, PL014 & PL015

#### Other Documents in Support of The Development:

PRC - Planning Statement  
PRC - Design & Access Statement  
PRC - Statement of Community Involvement  
PRC - Sustainability Statement  
PRC - Waste Management Strategy  
Kier - Energy Strategy, Issue 1, 21 September 2011  
Kier - External Lighting Proposal, Issue 1, 19 September 2011  
Brent Sustainable Development Checklist  
Spectrum Acoustic Consultants - Noise Impact Assessment (ref; PJB6140/11160), August 2011  
Phlorum - Air Quality Assessment, September 2011  
Quaife Woodlands AR/2545/ap - Arboricultural Survey & Planning Integration Report, 26 August 2011  
RPS - BREEAM pre-assessment (ref; HLES17365/001R), September 2011  
Baynham Meikle - Contamination & Land Quality Assessment, 6 September 2011  
Baynham Meikle - Flood Risk Assessment, Second Issue (ref; NSB/8274), November 2011

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

- (3) The development hereby permitted shall be carried out fully in accordance with the approved Baynham Meikle Partnership Flood Risk Assessment (FRA) for Central Park (ref; NSB/8274, Second issue and dated 2nd November 2011) and the outlined mitigation measures detailed within the FRA, unless otherwise agreed in writing by the Local Planning Authority..

Reason; To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- (4) All service yards are to be kept free for the standing and loading of delivery vehicles only, vehicle parking shall only take place in the designated marked parking bays.

Reason: To ensure that vehicles awaiting or being loaded or unloaded are parked in loading areas so as not to interfere with the free passage of vehicles or pedestrians within the site and along the public highway.

- (5) No goods, equipment, waste products, pallets or materials shall be stored or deposited in the open.

Reason: To safeguard visual amenities and the efficient operation of activities within the site.

- (6) The office floor space hereby approved shall be used only in conjunction with and ancillary to the main approved uses of the individual units.

Reason: To ensure that no separate use commences without the prior approval of the Local Planning Authority and to ensure that any subsequent use complies with the Council's adopted employment and transportation policies and the policies for the Park Royal Inset Area.

- (7) There shall be no increase in floorspace through the formation of additional mezzanine accommodation within any of the units to which this permission relates, and no subdivision of the units into additional units other than as approved is permitted without the prior written approval of the Local Planning Authority

Reason: To safeguard against a level of development that will result in conditions harmful to the free flow and safe movement of traffic on the adjoining highway without appropriate servicing/ mitigation measures.

- (8) The approved landscaping shall be planted prior to first occupation, and fully in accordance with drawing PL015. Any tree shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced 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

- (9) Reinstate all existing crossovers rendered redundant by this proposal to footway at the applicant's own expense prior to the occupation of the new development.

Reason: In the interests of traffic and pedestrian safety.

- (10) During construction works all existing trees for retention should be protected to BS5837:2005 *Trees in Relation to Construction*. Any construction works shall be undertaken strictly in accordance with a methodology agreed by the Council's Tree Protection Officer

Reason: In order to safeguard landscape features that contribute to the amenity of the local area

- (11) 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.

- (12) Prior to the commencement of works on site a ground gas risk assessment must be submitted to and approved in writing by the Local Planning Authority.

Reason; To ensure the safe development and secure occupancy of the site.

- (13) Prior to the commencement of works on site a Air Quality Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall provide details of environmental mitigation measures to minimise the impacts of dust and noise during construction.

Reason; To protect air quality, the amenity of neighbours and to minimise pollution.

- (14) No development shall commence until such time that the applicants submit a method statement for the lawful elimination of Japanese Knotweed on site, this shall be submitted to and approved in writing by the Local Planning Authority and thereafter the works shall be undertaken in accordance with these approved details prior to the commencement of development. Verification that these works have been carried out correctly shall also be provided.

Reason: Japanese Knotweed is an invasive non-native plant, which is restricted under s14 of the Wildlife and Countryside Act 1981. It is regarded as controlled waste.

- (15) Further details of any additional plant machinery and building services equipment to be installed to any of the units (including extraction, air conditioning, ventilation systems or other such equipment), other than the air conditioning condenser units already shown and the expected noise levels associated, have been submitted to and approved in writing by the Local Planning Authority and thereafter the equipment shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance. All such equipment should be installed internally wherever practicable and be designed to minimise noise nuisance and reduce its visual impact. Until such details have been agreed no installation is permitted.

Reason: To protect the amenity of neighbouring units and local amenities from potential noise and odour nuisance.

- (16) No development shall commence until further details of the, design, materials, finish, height, and type of boundary treatments to be erected or retained have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character of the area

**INFORMATIVES:**

- (1) In relation to Condition 15 the applicant/developer is advised to contact Director of Transportation at the London Borough of Ealing to arrange for these works to be done.
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
- (a) illuminated fascia signs
  - (b) projecting box signs
  - (c) advertising signs
  - (d) hoardings
- (3) 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.
- (4) With regards to the tree planting proposals, and the 'tree pit' detail shown on drawing PL015 the Council's Tree Protection Officer advises that all new trees should be staked with twin rubber ties rather than crossbars.

**REFERENCE DOCUMENTS:**

**National Policy Context**

Planning Policy Statement 1: Delivering Sustainable Development (Feb 2005)  
Planning Policy Statement 4: Planning for Sustainable Economic Growth (Dec 2009)  
Planning Policy Guidance 13: Transport  
Planning Policy Statement 25: Development & Flood Risk

**Regional Policy Context**

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

**Sub-Regional Context**

Park Royal Opportunity Area Framework (OAPF)

**Local Policy Context**

Brent UDP 2004


## LDF Core Strategy 2010

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



**Committee Report  
Planning Committee on 14 December,  
2011**

Item No. 10  
Case No. 10/3221

 **Planning Committee Map**  
Site address: First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10  
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This map is indicative only.

**RECEIVED:** 20 December, 2010

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10

**PROPOSAL:** Outline planning application for:

- a) The construction of up to 60,000 sqm of office accommodation (Class B1) in 3 buildings up to a maximum of 10 storeys in height, up to 1,700 sqm of retail, restaurant, hot-food take-away floor space (Class A1 to A4), up to 2500 sqm of health and fitness floor space (Class D2) with associated pedestrian areas, landscaping, access/servicing, car and cycle parking; and
- b) the construction of 4 residential blocks up to a maximum of 9 storeys in height to provide a maximum of 545 residential units, consisting of a mix of 1, 2 and 3 bedroom apartments for private, rented and shared ownership, with associated landscaping, access/servicing, car and cycle parking; and
- c) the provision of 2 play areas and a Multi-Use Games Area, and modifications to existing footpaths in West Twyford Park (Bodiam Fields), and modifications to existing surface treatment in Lakeside Drive; and
- d) the provision of an energy centre on land east of Lakeside Drive.

Matters to be approved: access, layout and scale with appearance and landscaping reserved.

**APPLICANT:** Guinness Ltd

**CONTACT:** Cushman & Wakefield

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

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## **RECOMMENDATION**

To resolve to Grant Consent, subject to the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Borough Solicitor.

If the legal agreement has not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is XXXXX, 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) Payment of Brent Council's Education Payment (£1.1m), Ealing Council's education payment (£0.9m) and the TfL Bus and Mason's Green Lane payment (£1.0m).
- (c) Payments will be made as follows: £1m on start of first residential block (£300k Masons Green Lane Payment and £700k Education payment) £1m on start of second residential block (£300k Masons Green Lane Payment and £700k Education payment) and £550k on start of third residential block (remainder of Education payment) and £450k on first occupation of second office block (TfL Bus contribution).
- (d) Prior to occupation of the second residential block the developer will either complete payment of the Mason Green Lane works to TfL and/or LB Ealing for them to undertake the works or will have agreed a specification of works for improvements to the A40 Western Avenue subway and ramps between Mason's Green Lane and Park Royal Station to be undertaken by the developer under S278 of the Highways Act 1980, these works to be capped at £600k. Works will be agreed after start of the first residential block and may be phased with each payment, but should be completed before occupation of the second residential block.
- (e) The affordable housing land will be transferred to Catalyst housing Group and will be completed on block C containing 138 units with a minimum of 28% three bed units (as a percentage of total habitable rooms) unless otherwise agreed by the council.
- (f) No more than 70 units shall be shared ownership, home-buy or equivalent unless no grant is forthcoming from the HCA where the maximum will be 76.
- (g) One and two bed affordable market rented units to be made available at a maximum of 80% of market rent (including service charge) subject to rent levels not exceeding 40% of net household income or to be agreed by the council. Three bed units to be rented at a maximum of 60% of market rent (including service charge) subject to rent levels not exceeding 40% of net household income defined as a measure of local income that takes into account median incomes in the borough, welfare benefits levels and caps, and other relevant factors, as agreed by the Council (or at a level that shall otherwise be agreed in writing with the Council).
- (h) All units will meet the size requirements set out in the Mayor of London's housing design guide, 10% of all units will be wheelchair accessible and all units will be built to Lifetime Home Standards or equivalent.
- (i) The land owner will deliver a decontaminated affordable housing site ready for development within 6 months of approval of the detailed application for block C, provide road access and the construction of a new road to service block C, and transfer land on long leasehold within a timescale to be agreed by the council or will pay penalties as set out in the development agreement with Catalyst housing group (or any other of the council's nominated Registered Provider).
- (j) The applicant will construct and equip the energy centre that will be sufficient in size to serve the application the hotel and to retrofit the Diageo and FC200 office building, providing an appropriately sized plant to service site C, at least six months (or time to be agreed with the council) prior to completion of block C.
- (k) The applicant will be build all units to a minimum Code for Sustainable Homes Level 4 (or equivalent) for residential units.
- (l) The applicant will build the office development to Bream Excellent standard unless it is demonstrated to the council's satisfaction that it is not viable to do so.

- (m) The applicant will bring forward the PV renewables as set out in the application.
- (n) The applicant will deliver a Multi-Use games area and play area within the public open space (location and specification to be agreed prior to start on site) to be completed prior to occupation of the first residential block.
- (o) Provision of at least three City Club spaces to be agreed with the council.
- (p) Prior to occupation on any phase, submit, gain approval and adherence to a Travel Plan covering that phase with consideration for the overall travel plan.
- (q) Join and adhere to the Considerate Contractors scheme.
- (r) The developer shall agree a scheme to allow the connection of the site to a wider CHP network should one be provided in the future.

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.

### **S106 History**

The original First Central office development S106 provided for a new interchange station with platforms on the Central line and links to the Piccadilly line station at Park Royal. This station was at a cost of £30m and relied on occupation of the office development to fund and justify it. The developers have not been successful in securing occupiers for even the second block of office development. Even if it were affordable any new interchange would be a long way away. However since the approval of the Office Park application, London Transport has undertaken more analysis of the transport benefits and the benefit/costs of any new station. TfL have concluded that the station would not generate the extra ridership it would require to support the costs of staffing and maintaining the station and it would slow down services on the line. Your officers reluctantly accept that while any new interchange station would have been of benefit to business in Park Royal it is not deliverable even if the office park had been a short term success. The S106 elements set out below are therefore much more modest but they reflect what is viable in the current market (subject to the caveats expressed below).

### **S106**

The standard charge for the amount of office space proposed with 544 units would be £4.2m. The applicants viability analysis showed in their view that even their initial £2m offer was not affordable. They also point to S106 funds paid in respect of the existing office development including the new public open space, training and transport contributions. Your officers view is while the infrastructure so far installed is of significant quality, the whole costs should not be included in the viability assessment. Your officers will support the applicants subsequent £3m S106 package on the basis of the benefit of early provision of the affordable housing –and this will need to be tied in to the S106 to ensure delivery.

### **School S106**

The council uses a model (developed in Wandsworth) to calculate the contribution required to pay for the education need generated by the new development. When the whole development is built out it is predicted that the development would generate at least 141 school aged children and using current per pupil costs of education provision would require payments of £0.9m for primary school provision and £1.4m for secondary school provision (per head cost of building secondary schools are higher than primary). The nearest primary school –Twyford Abbey-is in the LB of Ealing. Brent's nearest primary school is some way distant in Harlesden. It is your officers understanding that Ealing's primary school is now full as a consequence of the first phases of the First Central housing development. It is proposed that the S106 primary school payment is therefore paid to LB Ealing. In terms of secondary school provision, Brent's nearest secondary

schools, Harlesden and Wembley (Copland) are closer than those in Ealing. It is proposed that Brent will therefore secure the secondary school contribution. Ealing have asked for a greater proportion of the school funding but it your officer’s view that while there will be pupils going to Ealing schools, the reverse flow operates as well.

**Affordable Housing & Viability Assessment**

The applicants submitted a viability assessment to support their S106 contributions and proportion of affordable housing. This consisted of a bespoke viability assessment and a Three-Dragons toolkit. The applicants argued that the toolkit showed that the site could not afford 25% affordable housing (and £2m S106 contribution) even with £9m contribution from an affordable housing provider. The council was concerned that the applicants included all of their historic site development costs of about £15m in the toolkit and thus distorted the picture. The true picture will be clouded by the fact that the office development remains unviable until market conditions significantly improve. Following discussions, the developer is prepared to give the land for one affordable housing block –block C-at no cost to Catalyst Housing Association and also to provide a serviced site with road access, provide the new road link and the necessary part of the decentralised energy centre, at no cost to the Housing Association. This will allow Catalyst to build 138 affordable flats. In the current market 28% affordable housing provision by unit is particularly good given the significant reductions in grant that occurred over the last financial year. 68 units will be for rent and a maximum of 70 for shared ownership (this is increased to 76 if no HCA grant comes into the scheme).It is proposed that the one and two bed units will be at the new affordable rent level (of up to 80% of market rental value in the local area, inclusive of service charges, and to be agreed in writing by the Council), and the 3 bed units will be at or near current housing association rent levels-thus safeguarding some new traditionally affordable family housing. These rent levels meet the new definition of affordable housing, moreover the new rents must be charged if housing associations want to receive grant on affordable units. The affordable housing site will be available for development no later than six months from the reserved matters application being approved on block C and the developer must get the site ready for development, making the road link and energy centre in time to service the development for construction and so as not to delay occupation. This means that early provision of affordable housing with the market housing following in the other three blocks as the housing market improves.

**Tenure and flat sizes**

It is proposed that 70 (50.7%) of the units will be Shared Ownership and 68 (49.3%) Social rented. While the expectation in the London plan is that most schemes will favour social rent to shared ownership on a 60:40 basis the near 50:50 split is accepted on this site as the first phases of the other first central blocks had more social rent and this therefore offers a balanced tenure. The 50:50 split helps finance the scheme, helping the viability and this is also one of the first attempts to provide three bed shared ownership units. Up until now nearly all shared ownership units across London has been aimed at the one and two bed market.

Affordable Housing	1bed	2 bed	3 bed	Total
Shared Ownership/homebuy	13	41	16	70
Social rent	12	43	13	68
<b>Total</b>	<b>25 (18.1%)</b>	<b>84 (60.9%)</b>	<b>29 ( 21.0%)</b>	<b>138 (100%)</b>

Market Housing	92 (22.7%)	25 (63.3%)	57 (14.0%)	406 (100%)
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The council’s Core Policy seeks the provision of 25% family housing (three bed or more) and the social housing blocks achieve close to this (21%), the market is at 14%, but this is considered acceptable given the location of the site and the impact the scheme will have on local primary school provision.

## **Transport s106**

Apart from the bus payment it is agreed between all parties that any transport contributions should concentrate on improving the link between Park Royal station and the First Central development. Works are required to the underpass on the A40, the ramps from the A40 to the station, along Masons Green Lane and over the TfL/Railtrack lines nearest to the First Central site. Works are needed to improve safety, security, drainage and the look and feel of the pedestrian underpass in particular and this would be the first priority for the S106 works. It is proposed that payments are made directly to TfL/LB Ealing or the works are carried out under a S278 agreement. While most of the land on this access is in Ealing or is the responsibility of TfL this work best ameliorates the impact of the development. It also provides an improved gateway into Park Royal which will be for the benefit of workers and residents in Brent and also for Brent's Park Royal businesses and is supported by your officers.

## **EXISTING**

This planning application relates to the site now known as First Central which occupies a large part of what used to be the Guinness Park Royal brewery complex.

The site lies to the north of the A40/Western Avenue, and is bounded by the Central London Underground line to the south and the Piccadilly London Underground line to the west. The site is connected to the A40 by a new link road and roundabout to the south, and there is pedestrian access from the nearby Park Royal station via a bridge and underpass. To the west of the site is the new perimeter road of Lakeside Drive. There is a significant drop in ground level from the south part of the site to the north of approximately 12m with the ground level dropping sharply just north of the entrance to the Diageo building.

The original master plan has been partly implemented and in the last ten years two large office blocks have been built (the FC200 building and Diageo's head quarters building) these are both

eight storeys in height office

As previously described there are 2 existing buildings on the site; The Diageo office building, and landscaped area with ponds, gently winding paths and generous open space. This is currently fenced off and is only for the use of Diageo staff. The area between the western side of Lakeside Drive and the Piccadilly line has been laid out as green space, and is in full public use. The open space fronting on to Twyford Abbey Road, previously known as Bodiam Fields is almost complete, and is now referred to as West Twyford Park.

Beyond the northern boundary of the site is a new development of residential buildings which are finished in materials such as render and cedar panelling. The buildings to the south of the A40 and the north of this new residential scheme were predominantly built in the 1930s and are mainly residential with a few retail outlets. The area to the east of the development site previously accommodated the Guinness brewery which has now been demolished, and is currently undeveloped.

## **PROPOSAL**

Outline planning application for:

- a) The construction of up to 60,000 sqm of office accommodation (Class B1) in 3 buildings up to a maximum of 10 storeys in height, up to 1,700 sqm of retail, restaurant, hot-food take-away floor space (Class A1 to A4), up to 2500 sqm of health and fitness floor space (Class D2) with associated pedestrian areas, landscaping, access/servicing, car and cycle parking; and
- b) the construction of 4 residential blocks up to a maximum of 9 storeys in height to provide a maximum of 545 residential units, consisting of a mix of 1, 2 and 3 bedroom apartments for private, rented and shared ownership, with associated landscaping, access/servicing, car and cycle parking; and

- c) the provision of 2 play areas and a Multi Use Games Area, and modifications to existing footpaths in West Twyford Park (Bodiam Fields), and modifications to existing surface treatment in Lakeside Drive; and
- d) the provision of an energy centre on land east of Lakeside Drive.

Matters to be approved: access, layout and scale with appearance and landscaping reserved.

## HISTORY

For much of the 20<sup>th</sup> century this site was home to Guinness's Park Royal brewery. For many years this was the largest brewery in the world. The brewery complex was demolished around 2002 following the grant of outline planning permission in 1999 for a 22.18 hectare mixed use development, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex. This permission the provision of significant infrastructure including a new link road to the A40 and a new Central Line station which would also act as an interchange with the existing Park Royal Piccadilly Line station.

Under subsequent reserved matters applications various elements of the masterplan have been implemented – the A40 link road, site perimeter road, new public open space, housing, landscaped water gardens and two of the office buildings including Diageo's headquarters.

The most relevant planning decisions relating to the redevelopment of the former brewery complex are set out below:

- |            |   |
|------------|---|
| 14/09/2006 | Planning permission granted for the realignment of the Rainsford Road link from its junction with Whitby Avenue to its junction with Lakeside Drive and associated landscaping (Ref: 06/1119).  |
| 14/09/2006 | Approval of details of the new perimeter road (Lakeside Drive) and associated landscaping along the eastern side of the development and associated landscaping in pursuance of conditions and reserved matters pursuant to the permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m <sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 06/1077). |
| 09/12/2005 | Approval of reserved matters for Office Building B pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m <sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 05/2499).  |
| 26/08/2004 | Approval of reserved matters for new London Underground station and, associated cycle and footpath links, landscaping, access road and associated works pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and   |

a 22.18 hectare mixed use development, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 03/2728).

- 01/09/2003 Approval of reserved matters for a residential development on land to the rear of Abbeyfields Close and Moyne Place providing 42 units within 5 buildings comprising terraced houses, maisonettes and flats pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 02/1685).
- 17/01/2002 Approval of reserved matters for a residential development on land to the rear of Abbeyfields Close and Moyne Place providing 42 units within 5 buildings comprising terraced houses, maisonettes and flats pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 01/2945).
- 10/11/1999 Approval of reserved matters for building A (Diageo's headquarters) pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 99/1800).
- 15/07/1999 Full planning permission granted for new access road from A40 and outline planning permission granted for a 22.18 hectare mixed use development, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 98/0016).

## **POLICY CONSIDERATIONS REGIONAL POLICY**

### **The London Plan: Spatial Development for greater London (2011)**

The London Plan's objectives are set out in Para 1.53:

- a city that meets the challenges of economic and population growth
- an internationally competitive and successful city



- a city of diverse, strong, secure and accessible neighbourhoods
- a city that delights the senses
- a city that becomes a world leader in
- improving the environment
- a city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities.

The 2011 London Plan forecasts that London's population could rise from the present 7.8 million to 8.57 million by 2026 - an increase of 0.77 million. This would equate to an additional 510,000 households over the next 15 years. With this growth in mind Policy 3.3 states that the Mayor will seek the provision of at least 32,210 new homes annually across London. This is an increase on the previous London Plan. Table 3.1 sets out housing targets for individual boroughs. Brent has been set a target of providing a minimum 10,650 new homes over the next ten years and has been set an annual monitoring target of 1,065 new units. This is slightly lower than the previous 2004 London Plan target - but not significantly so.

In achieving these figures the plan requires councils to maximise the supply of new housing in Opportunity Areas and the redevelopment of low density commercial sites to secure mixed use residential development. It also guides Councils to consider the re-use of surplus industrial or commercial land where it would not impact on the projected employment growth.

Policy 3.5 of the London Plan states that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people. The Mayor will, and boroughs should, seek to ensure that new development should generally conform to the new minimum space standards set out in Table 3.3. of the plan. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat', have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process. Development proposals which compromise the delivery of elements of this policy may be permitted if they are demonstrably of exemplary design and contribute to achievement of other objectives of the London Plan.

Map 2.4 of the London Plan designates 'Opportunity Areas' across London while policy 2.13 sets out the general strategic policies for their development. The Park Royal / Willesden Junction Opportunity Area extends to some 698Ha and is identified as having a capacity to provide some 14,000 additional jobs and a minimum of 1,500 new homes over the next 20 years - a significant increase on the previous London Plan.

### **Mayor for London Opportunity Area Planning Framework for Park Royal (January 2011)**

This is a non-statutory planning document derived from and consistent with the London Plan and is issued as Mayoral supplementary planning guidance. It is a material consideration when assessing strategic planning applications that have been referred to the Mayor of London and it will be used to inform decisions on the wider planning of this area. The Framework's primary objectives are to:

1. Sets out a shared vision for the coherent development of Park Royal;
2. Assists the co-ordination and delivery of cross-borough projects and improvements;
3. Provides clarity to developers and investors as well as guidance to the Boroughs when drawing up their development plans and making planning decisions;
4. Builds on Park Royal's importance as one of London's key industrial locations, especially its potential to meet modern logistics and waste management requirements;
5. Addresses the need to improve local access to open space;

6. Takes account of London's future road, rail and water freight requirements together with their land use implications and the scope for improvements in strategic rail accessibility;
7. Proposes mixed-use intensification mainly in areas outside the Strategic Employment Location where there is good public transport accessibility.

The Framework identifies the former Guinness Brewery Site ( part of which is now the First Central site that is the subject of this application) as the Western Gateway

The Framework acknowledges that the first phase of the original First Central Masterplan secured a newly completed road link to the A40 from the First Central site. A potential interchange at Park Royal station is currently being reviewed by the Council, TfL and the landowner as to the need, feasibility and cost effectiveness of its delivery. This interchange was initially secured as part of the initial First Central planning application and is now under review. Should this interchange not prove feasible there will still be a need to improve access to this station as part of any further development of the First Central site.

There are locations within Park Royal that may be appropriate for the development of taller buildings. Current tall buildings in the area include the Diageo headquarters at 8-storeys of office floors (app. 30metres) in height in the Western Gateway.

The Western and Southern Gateways are identified as those areas that have the greatest potential to accommodate taller buildings, based largely on the existing buildings in these areas, emerging local and strategic policy and impacts on their surrounding areas.

The height of a building acceptable in the Western and Southern Gateways would be in the region of 50 - 75 metres. In these gateways a single building may go up to this point with other buildings in the area being secondary to this taller point. Any tall building proposals would be subject to detailed design analysis.

The completion of two tall building blocks (Diageo 8-storeys and FC200 8-storeys) has helped contribute to the area's character as a business park and illustrates the benefits that can be delivered to the public realm when the relationship of tall buildings to the ground plan are well considered. The consented scheme on this site will deliver a cluster of tall buildings. The opportunity exists to explore the development of taller buildings on the site, further maximising its development potential and enabling the delivery of the transport and open space aspirations outlined elsewhere in this framework, i.e.. the delivery of the Piccadilly/Central Line interchange and improved access to this station. There are also a number of other permitted buildings of a similar scale in the First Central site. These existing and permitted buildings have established a presence in the local townscape that could be reinforced further through the development of a taller building in the region of 70 metres in height (subject to detail design and visual assessment).

The framework has the objective of delivering housing where it can enable other benefits including affordable housing to meet the highest access, design and environmental standards. Secure social infrastructure to support new and existing residents.

The new London Plan (2011) identifies a minimum housing target of 1,500 new units within the Park Royal Opportunity Area over the next 20 years which is significantly above the target of 500 in the 2004 London Plan. It is the purpose of the Framework to review capacity within Opportunity Areas and to propose realistic housing figures based on site analysis.

The proposed housing figures have been determined by reviewing the size, capacity and public transport accessibility for the gateway sites. Based on this an appropriate density is proposed comparable to the London Plan density matrix.

## **Other relevant Mayoral guidance and policy documents**

- Providing for Children and Young People's Play and Informal Recreation SPG;
- London Housing Strategy;
- Draft Revised Interim Housing SPG;
- Housing SPG EiP draft;
- Housing SPG;
- Accessible London: achieving an inclusive environment SPG;
- Planning and Access for Disabled People;
- The Mayor's Transport Strategy;
- The Mayor's Energy Strategy;
- Mayor's draft Climate Change Mitigation and Adaptation Strategies;
- Mayor's draft Water Strategy;
- Sustainable Design and Construction SPG;
- The Mayor's Ambient Noise Strategy;
- The Mayor's Air Quality Strategy;
- Draft replacement air quality strategy.

## **LOCAL POLICY**

### **Core Strategy adopted August 2010**

The Core Strategy promotes a number of strategic objectives, one of which is to promote development that is mixed in its use and tenure, so at least 11,200 additional homes are provided in the period from 2007/08 to 2016/2017 and that 85% of the borough's new housing growth is contained within 5 growth areas. It is also to ensure that at least 25% of all new homes built in the borough are family sizes (3 bed or more) and approximately 50% are affordable. A second objective is to meet employment needs and aid the regeneration of industry and business is also to ensure that sufficient sites and premises are available in the borough's main commercial areas such as Park Royal and that industrial/warehousing floorspace is renewed.

Park Royal will be promoted as strategic industrial/business locations where redevelopment for incompatible uses will be resisted. Park Royal is promoted by the Park Royal Partnership, made up of the 3 boroughs (Brent, Ealing and Hammersmith & Fulham) and business members and supported by the GLA and LDA. A draft Opportunity Area Planning Framework has been prepared by the GLA with input from the boroughs and the Partnership. When finalised, the Framework will provide guidance on the development of Park Royal which will ultimately form the basis for the Joint Area Action Plan. Some of the key objectives of the Framework include the creation of a "heart" for Park Royal to develop a sense of place and an improved public realm and provide amenities to support existing and new businesses deliver employment, lead growth and deliver housing where it can enable other benefits including affordable housing.

The application site lies within the overall Park Royal area, to which policy CP12 applies:

### **CP 12 - Park Royal**

The council will work with the boroughs of Ealing and Hammersmith & Fulham, the GLA and the Park Royal Partnership to secure the 'opportunity area' objectives for Park Royal.

The council will plan for:

- the development or redevelopment of 50 hectares of land for employment uses
- between 2007 - 2017
- 4,400 new jobs created 2007 - 2017
- Development contributing to 'Heart of Park Royal' implemented
- Significant public transport improvements in relation to First Central secured
- the introduction of improved orbital public transport links to Wembley
- New restaurants, bars, cafes to support the business area

- 4,000 trees as Brent's contribution towards 10,000 trees in Park Royal as a whole
- New children's nursery
- Expansion of existing primary school
- 1 new GP surgery

Development proposals should be in accordance with general policy for Strategic Industrial Locations apart from at Central Middlesex hospital where key worker housing and uses appropriate to a local centre meeting the needs of workers and visitors will be acceptable and First Central development, where enabling residential development will be acceptable where it helps deliver significant public transport improvements.

Development Proposals should have regard to the Park Royal Opportunity Area Planning Framework. Tall buildings will be suitable at Central Middlesex Hospital and First Central sites.

Other relevant Core Strategy Policy:

- CP 1 - Spatial Development Strategy
- CP 2 - Population and Housing Growth
- CP 3 - Commercial Regeneration
- CP 5 - Placemaking
- CP 6 - Design & Density in Place Shaping
- CP 14 - Public Transport Improvements
- CP 15 - Infrastructure to Support Development
- CP 18 - Protection and Enhancement of Open Space, Sports and Biodiversity
- CP 19 - Brent Strategic Climate Mitigation and Adaptation Measures
- CP 21 - A Balanced Housing Stock
- CP 23 - Protection of existing and provision of new Community and Cultural Facilities

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

A number of policies from the UDP have been saved under a direction from the Secretary of State and will remain development plan policies until superseded by relevant LDF documents as they come forward. Those considered relevant to this application are:

- BE1 Urban Design Statements
- 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
- BE10 High Buildings
- BE11 Intensive and Mixed Use Developments
- BE12 Sustainable design principles
- BE17 Building Services Equipment
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP4 Potentially polluting development
- EP6 Contaminated land
- EP12 Flood protection
- EP15 Infrastructure
- H11 Housing on Brownfield sites
- H12 Residential Quality – Layout Consideration
- H13 Residential Density

H14 Minimum Residential Density  
 H22 Protection of Residential Amenity  
 TRN1 Transport assessment  
 TRN2 Public transport integration  
 TRN3 Environmental Impact of Traffic  
 TRN4 Measures to make transport impact acceptable  
 TRN9 Bus Priority  
 TRN10 Walkable environments  
 TRN11 The London Cycle Network  
 TRN12 Road safety and traffic management  
 TRN13 Traffic calming  
 TRN14 Highway design  
 TRN15 Forming an access to a road  
 TRN16 The London Road Network  
 TRN17 Restrictions on New Roads  
 TRN22 Parking Standards – non-residential developments  
 TRN23 Parking Standards – Residential developments  
 TRN24 On-street parking  
 TRN28 Restrictions on off-street public parking and contract parking  
 TRN34 Servicing in new developments  
 TRN35 Transport access for disabled people & others with mobility difficulties  
 Appendix TRN2 Parking and Servicing Standards  
 EMP3 Childcare facilities in Employment Developments  
 EMP9 Development of Local Employment Sites  
 EMP10 The Environmental Impact of Employment Development  
 EMP14 Design of Business Developments  
 SH10 Food and Drink (A3) Uses  
 SH11 Conditions for A3 Uses  
 TEA4 Public Art  
 OS18 Children’s Play Areas  
 OS19 Location of Indoor Sports Facilities  
 CF1 Location of Large Scale Community Facilities  
 CF2 Location of Small Scale Community Facilities  
 CF4 Community Facilities Capable of Holding Functions  
 CF6 School Places  
 CF11 Day Nurseries  
 CF13 Primary Health Care / GP Surgeries  
 PR3 Park Royal Western Gateway Opportunity Site  
 PR5 Park Royal Western Gateway Opportunity Site

### **Brent Site Allocations DPD**

More detailed policy for the First Central site is set out in this document which has been the subject of examination by an independent Inspector. After discussions between the Borough and the Applicants, the agreed wording for Policy PR2 is as follows:

### **PR2. First Central**

#### **Allocation:**

B1 office development and hotel site required to support employment growth objectives in Park Royal, in addition, enabling residential development is considered to bring forward appropriate transport improvements. The Council will encourage a more intensive use of land at this site employing innovative design and configuration. Acceptable proposals must build on the existing consent by providing the majority of B1 floorspace and hotel use from the existing consent. The proposal will also need to secure the provision of appropriate transport improvements, including public transport. Part of these works must include public realm works to enhance pedestrian access to Park Royal Station. Acceptable uses on the site will include a residential element, and a reasonable balance of B1 floorspace to be provided on the remainder. Ancillary health and leisure

and small scale complementary retail uses are supported. Any residential development should meet educational, health and other needs arising from it. Comprehensive proposals for all of the undeveloped land will be required and must demonstrate how they will be integrated with recent adjoining development.

Proposals should seek to conserve and enhance the adjacent Nature Conservation designation. Any application shall be accompanied by an urban design framework, showing how different phases will be developed and the relationship between them.

### **Brent Council Supplementary Planning Guidance and Documents**

SPG3 Forming an access to a road  
SPG4 Design Statements  
SPG12 Access for disabled people  
SPG13 Layout standards for access roads  
SPG17 Design Guide for New Development  
SPG19 Sustainable design, construction and pollution control  
Draft SPG21 Affordable Housing  
SPD Section 106 Planning Obligations  
Draft Wembley Link SPD

### **NATIONAL POLICY**

Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1  
Planning Policy Statement 4 – Planning for Sustainable Economic Growth  
Planning Policy Statement 5: Planning for the Historic Environment  
Planning Policy Statement 12 – Local Spatial Planning  
Planning Policy Guidance 13 – Transport  
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation  
Planning Policy Statement 22 – Renewable Energy  
Planning Policy Statement 23: Planning and Pollution Control  
Planning Policy Guidance 24 – Planning and Noise  
Planning Policy Statement 25 – Planning and Flood Risk  
Draft PPS Planning for a Low Carbon Future in a Changing Climate

### **SUSTAINABILITY ASSESSMENT**

#### Energy

The submitted Energy Statement set out the proposals in relation to the London Plan Climate Change Policies, including the “Be Lean”, “Be Clean”, “Be Green” energy hierarchy which promotes using less energy, decentralised energy and on-site renewable energy sources. This hierarchy is retained in the now adopted replacement London Plan 2011. However, its structure is altered allowing the “Be Green” measures to be limited or omitted if overall targets for CO2 reduction are met.

#### Energy Efficiency

A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum values required by the building regulations. Other features include use of passive solar energy to reduce the scheme’s heating requirements, maximising access to daylight and use of energy efficient lighting throughout the development.

The development is estimated to achieve a reduction of 157 tonnes per annum (5%) in regulated carbon emissions compared to a 2010 Building regulations compliant scheme, which is acceptable.

### District Heating

There is no district heating network operating within the vicinity of the proposed development. However the applicant has provided a commitment to ensure that the development would be designed to allow future connection to a district heating network should one become available. This is to be secured through the legal agreement.

A site wide heat network is proposed that will provide heat to all of the proposed buildings. It is also the intention to connect the proposed heat network to the sites two existing office buildings (Diageo HQ & FC200), should circumstances allow.

An energy centre is proposed on land adjacent to Block C on the opposite side of Lakeside Drive. A drawing showing the layout of the energy centre has been provided. Concerns have been raised about the proximity of the energy centre to existing housing in Toucan Close. This issue is covered in the remarks section of the report.

The commitment to the single energy centre and site wide network is to be secured through the legal agreement.

### Combined Heat & Power (CHP)

The applicant is proposing to initially install two combined heat and power plants, each of 105 kilowatt capacity. One unit would be installed at the end of phase 1 and the other upon completion of phase 2. The applicant is also proposing that the two CHP units would then be replaced by a larger single unit by the time the office areas are built (phase 3).

It is forecast that a reduction in regulated carbon emissions of 437 tonnes per annum (16%) will be achieved through this second part of the energy hierarchy.

The use of CHP is welcomed. However comments from the GLA question the likelihood of the two initial units being replaced by a larger one in phase 3. Instead it is suggested that the potential for installing a larger single unit at the end of phase 2. As with other sustainability measures the requirement to provide CHP will be secured through the legal agreement.

### Cooling

The applicant proposes to naturally ventilate the residential units. Passive design measures proposed include the use of adequate thermal mass, faced shading features and high performance glass. As a result no mechanical cooling is considered necessary except for those units where there may be external noise concerns that might prevent windows from being opened. Those units will be fitted with mechanical extraction allowing occupiers the option should external noise levels make natural ventilation undesirable.

Commercial areas will be cooled through heat driven chillers supplied with heat from the CHP plant.

### Renewable Energy Technologies

The applicant is proposing to install photovoltaic panels (PV) on the roof of the buildings. In total 2,000 sqm of PV would be installed. A drawing showing an indicative PV array placement has been provided. This will be secured through the legal agreement.

A reduction in regulated carbon emissions of 130 tonnes per annum (6%) will be achieved through this third element of the energy hierarchy.

## Climate Change Measures

The applicant has indicated that they would utilise a series of green and brown roofs within the scheme. This measure is welcomed and will be secured by an appropriate condition.

The Flood Risk Assessment (FRA) accompanying the proposal states that in order to meet the current legal agreements requirements for the new proposed development on a drainage system designed for 1999 masterplan, specific attenuation volumes and discharge rates have been agreed with the Environment Agency. The required storage capacity could be achieved by allowing one balancing pond to overtop its banks but providing flood plain storage on the surrounding permeable areas.

The commitment to install water efficient and water saving fixtures and fittings in the development is welcomed. These measures will be secured by legal agreement.

## Code for Sustainable Homes (CSH) & BREEAM

The proposed residential units seek to achieve a Code for Sustainable Homes (CSH) 'Level 4' rating. Achieving a CSH 'Level 4' involves demonstrating a 44% improvement in the Building CO2 Emissions Rate (BER) over the Target CO 2 Emissions Rate (TER), as defined in the Approved Document Part L1A (ADL1A) of the Building Regulations.

The office areas are being designed to achieve a Building Research Establishment Environmental Assessment Methodology (BREEAM) Offices 'Excellent', which involves obtaining a Carbon Index (EPC rating) of less than 40.

## Brent's Sustainability Checklist

The submitted checklist indicates that the required 'very positive' score will be achieved. As is the case with most applications a number of the assertions made in the checklist are not supported by much detail. To ensure that the 'very positive' score is achieved it include in the s106 as a requirement.

## Conclusion

The proposed energy and sustainable measures are considered broadly acceptable. The additional detail required to ensure that the measures achieve their stated aim will be secured through the s106 legal agreement and appropriately worded conditions.

## **CONSULTATION**

### Local Consultation

The application site borders the London Borough of Ealing so Brent's consultation included both Brent and Ealing Residents. In addition Ealing Council has undertaken further consultation with some of their residents not notified by Brent.

Brent notified directly 251 properties. The site has also been advertised in the press and site notices put up.

Ward Councillors have also been consulted.

A total of 52 properties have objected individually to the application and letters on behalf of the West Twyford Residents Association, the Toucan Tenants Association, Abbeyfields Management Company and the First Central Residents Group have also been received raising concerns about the proposal. In summary the issues raised by respondents are:



- There is no provision made for the extra numbers of pupils, West Twyford Primary School is already full, necessitating present children have travel elsewhere.
- The doctors' surgery and nursery proposed in one of the earlier phases of the original masterplan (Crystal House and Aqua House) has never materialised.
- There is lack of GP provision in the area and residents are compelled to make long journeys to visit a doctor.
- The pressure of the Water supply is already low, and drainage and waste disposal need further consideration.
- There are no facilities for Sports and leisure facilities for youngster, the suggested multi-use sports area has been sited in open space which was given to West Twyford residents.
- There is lack of nursery provision in the area.
- The area will become overdeveloped and this will exacerbate the traffic problems occurring as result of congestion on the areas roads.
- The impact of additional traffic on air quality.
- The development will result in an increase in tarmac and concrete over areas of land resulting in greater risk of flooding due to rain water run off.
- The scheme does not propose enough car-parking.
- The proposed social housing should be mover to another part of the site further from existing residents.
- Social housing should be spread around the site, rather than concentrated in one building.
- The proposed buildings are too high.
- The water supply and sewage capacity of area will not be able to cope with a development of this size. There are already water pressure problems in the area.
- Loss of green space.
- Impact on the views from existing properties overlooking the site.
- The site should remain a purely office/employment development as originally proposed.
- The footpath link from Lakeside Drive through Toucan and Abbeyfields Close should for safety and security reasons be closed to all but residents of Toucan/Abbeyfields Close.
- The proposed energy centre is located too close to existing residential properties and should be resited.
- Bodiam Way should remain a bus only route.

The Head of West Twyford Primary School has also written in a personal capacity stating that the school is already overcrowded and as long as it remains a one form of entry school would be unable to meet any additional demand for school space from residents in Brent. The school already takes a significant number of children living ion Brent.

The applicants held their own community consultation event on 17th – 19th September 2009.

Further consultations with Councillors from Brent and Ealing, and the West Twyford Residents Association took place in October and November 2010.

In the light of comments received, the scheme has been amended as follows:

- The height and massing of the residential buildings was reconsidered resulting in generally lower buildings.
- The total number of residential units provided has been reduced to 545 (from 569).
- Additional play/meeting space for older children has been proposed within West Twyford Park.
- A Multi Use Games Area (MUGA) is to be provided on the Twyford Abbey Road frontage.

Subsequent meetings and events have been organised by the applicants including a meeting with the First Central Residents Association on the 22<sup>nd</sup> March 2011. The Association summarised their concerns as:

- opposed to the change of use and to the principle of new housing;
- opposed to the location of the affordable housing in Block C;
- concerned about the schooling, parking and amenity issues.

### Statutory consultees

**Greater London Authority:** The principle of providing a mix of residential, office, retail and leisure space on this site in the 'Western Gateway' of the Park Royal Opportunity Area is acceptable in strategic planning terms. However there are a number of issues that need dressing before the GLA can offer their unreserved support:

Housing: A detailed financial appraisal, further discussion on the potential models of affordable housing and the tenure split, an increase in the number of family units and a reduction in internal corridor length are required.

Design: Improvements are suggested to public access through and around the site and further detail of the proposed public plaza is required.

Access: Further information on level changes across the site is required.

Transport: Access improvements are required to Park Royal Station, as well a reduction in parking, an increase in cycle parking and further detail on the travel plan. A financial contribution towards bus improvements.

Energy: Additional detail required on some of the proposed measures.

**Transport for London:** Further discussion between TfL, LB Brent, LB Ealing and the developer regarding transport mitigation will be required prior to determination.

Considerable improvements to pedestrian access to and from the site will be required alongside bus capacity improvements and a contribution towards the Piccadilly Line upgrade. Car parking for all uses should be reduced and a Car Park Management Plan prepared. Travel plans, a DSP and CLP are also required.

**Natural England:** Encouraged by the proposed landscape enhancements in the scheme. Draw the applicants' attention to a number of resources that will assist them in their aims.

**Environment Agency:** The proposed development is acceptable subject to a condition requiring the development is carried out in accordance with the approved Flood Risk Assessment (FRA) and that the mitigation measures detailed within it are carried out.

**Metropolitan Police:** The Met Police architectural liaison team have been consulted and have met with the applicants to discuss the scheme. Their comments and suggestions are set out in the remarks section of this report.

## REMARKS

### Original Masterplan

The masterplan approved in 1999 comprised a mixed use development of primarily offices, with residential, hotel and other facilities, together with extensive new transport infrastructure and open space. The consented scheme was for 116,100sqm of office area, planned as individual buildings of varying sizes. The development was contained by a perimeter road and overlooked a central park featuring a series of lakes and green spaces.

The initial scheme also included 61 residential units on 2 areas at the northern part of the site, of which 30% were to be affordable dwellings. Other elements included a replacement for the Guinness Club in the form of a new community building and a childcare centre/nursery, both to be located at the northern part of the site. The residential element was enlarged to 193 dwellings following the grant of a new permission in 2004.

The first phase of the First Central development was completed in 2002. This first phase constituted the Diageo headquarters (approximately 17,400sqm of office space), the central landscaped area and the link road to the A40. Section 106 contributions to jobs, alternative sports provision and local bus services were paid.

The enlarged residential phases, including the community building, were completed in 2007. Catalyst provided the affordable housing in both phases. The community centre has recently re-opened under new management, and but continues to lack support from local residents, although it is used by some local community groups. The ground floor has consent for a medical centre, but remains vacant due to absence of support from the Primary Care Trusts.

One of the other consented office buildings (approximately 17,400sqm) was completed speculatively in mid 2007. Although currently vacant it has recently been acquired by Wainbridge Ltd - a private real estate investor who are currently fitting the building out.

Following discussions with operators the applicants have informed the Council that the permitted 150 room hotel needs to be enlarged to 180/200 rooms and thus will require a new planning application. The developer hopes that an application will be submitted within the following year.

Investigation of the business case for the station with London Underground was carried out in 2008/9, and they now acknowledge that it falls well below their required benefit/cost ratio. This was confirmed in a letter from London Underground dated 20 October 2009. The Coronation Road /Rainsford Road link, which was widened to allow segregated bus lanes at the London Borough of Brent's request, was completed in Spring 2008.

Accordingly Diageo and London & Regional Properties are now seeking to adjust the mix of uses within the existing masterplan to reflect the changing market conditions and planning policies.

Despite speculative construction of the second office building in mid 2007, it has not been possible to attract office tenants. Market conditions have deteriorated even further in the last few years. Also as a result of the full analysis of the business case, London Underground have now confirmed that the benefit / cost ratio for the station falls well short of their minimum requirement. As a result there is no prospect of further implementation of the 1999 consents, thus leaving a substantial area of brownfield land undeveloped for the foreseeable future unless approval can be secured for a viable masterplan scheme.

The potential for the site to accommodate significant residential development is recognised in the adopted Core Strategy and submission Site Specific allocations. As the residential remains the only use for which market demand is likely to exist in the short term, the owners / developers consider that any revised masterplan will need to incorporate significant residential development. This is also whilst retaining the majority of the unimplemented office element and preserving the masterplan concept of high quality individual buildings within a perimeter road focused on an extensive landscaped central open space.

## Proposal

Outline planning permission is sought for a mixed use office residential scheme. Matters to be approved are access, layout and scale with appearance and landscaping reserved.

It is proposed to reallocate the four plots at the northern end to residential use with the three undeveloped office plots including small increases in height to give up to 60,000sqm of potential office floorspace. Adding this to the 35,000sqm of office floorspace already constructed, the total office floorspace would therefore be approximately 95,000sqm. This represents a reduction of less than 20% of the consented scheme, and given the trend towards office users maximising their use of space, the applicant anticipates that there would be no significant reduction in the employment potential of this part of Park Royal.

The following tables sets out the proposed use and gross external floor area of the seven new blocks.

Building	Use	Area (GEA)/sqm
Block A	Residential	15,265
Block B	Residential	16, 512
Block C	Residential	18,939
Block D	Residential	15,201
Block E	Office (Mixed Use)	27,406*
Block F	Office	20,827
Block G	Office	17,821

\* Of this area, 23,198 sqm is office floor space

Building	Total number of residential units	Affordable Units	Market Units
Block A	139	0 (0%)	139 (100%)
Block B	29	0 (0%)	129 (100%)
Block C	138	138 (100%)	0 (0%)
Block D	139	0 (0%)	139 (100%)
Total	545	138 (25%)	407 (75%)

## Site Layout

As previously described, the layout of the revised masterplan maintains the principles of the original

masterplan layout from the 1999 consent. To the east of the Diageo building are the 3 new speculative office blocks (blocks E, F & G), and to the north of the site are 4 residential buildings (blocks A, B, C & D). All blocks face the central landscaped area.

## **Access**

### Entrance:

Entrance to the development for vehicles is from the A40 link road. This is also the main entrance for pedestrians and cyclists, with additional access from Park Royal tube station via the existing underpass. Pedestrians can also access the site from the park to the east of the site and from Bodiam

Way to the north. Entry points to the development for buses are from Lakeside Drive and Bodiam Way.

### Pedestrian and cycle access:

Pedestrian movement is principally along Lakeside Drive with controlled central access points to each residential block off the Drive. Access to the central landscaped area is controlled by gates and will be for the use of residents and office employees only. A dedicated pedestrian route across the landscape space will connect residents to Blocks C & D enabling a more direct access to Park Royal Station.

There are also pavements along the length of Lakeside Drive. All footpaths are designed with accessibility for all in mind, and where there is a level change ramps are provided along with steps as required by Part M of the Building Regulations. Lakeside Drive is also accessible to cyclists, and there is an existing cycle path to the west of Lakeside Drive which extends under the new A40 link to Coronation Road east of the site. Concerns have been raised about permeability through the site. The scheme proposes separating the office element of the site from the residential. Therefore the natural desire lines for occupiers of the residential development through the reconfigured office zone through to Park Royal Station is blocked, forcing residents to go around the sites perimeter. While this is not desirable officers except that the negative impact on the viability of the office element of the scheme of opening up the office park to residents would compromise the employment potential of the site. An improved pedestrian and cycle route around the sites perimeters is proposed.

As part of the section 106 legal agreement up to £600,000 is to be paid for improvements to the pedestrian link between Mason's Green Lane and Park Royal Station. This route include a footbridge over the railway cutting and a subway under the A40 Western Avenue.

New paths will also be added to West Twyford Park (formerly Bodiam Fields) to improve access to Hanger Lane Underground station and the existing and proposed children's play areas.

### Vehicle routes & car parking:

Access into the site for car users is via 1 entry point at the A40 link. The perimeter road of Lakeside Drive therefore provides vehicle access to all buildings within the development.

Car parking for the residential blocks is arranged in ground level podiums which are enclosed spaces surrounded by flats and ancillary uses at the building perimeter. Disabled compliant spaces are adjacent to cores. There are further disabled and visitors spaces outside and adjacent to the building.

There is direct access from the enclosed car parks into the residential building via the building cores.

Car parking for the office buildings is located at 2 basement levels beneath each block. There is ramp access to the car park for each building which is accessed via Lakeside Drive. There are disabled accessible spaces within the enclosed basement car parks and additional disabled accessible spaces and visitor spaces outside and adjacent to the office buildings. There is direct access from the basement car parking into the office buildings via the main cores.

<b>Building</b>	<b>Use</b>	<b>Number of car parking spaces (external and internal)</b>
Block A	Residential	69
Block B	Residential	118
Block C	Residential	164
Block D	Residential	58
Block E	Office (Mixed Use)	224
Block F	Office	204
Block G	Office	182

There are also 2 points of entry and exit to the development for buses. These are at A40 link to the south of the site and Twyford Abbey Road to the north of the site. The bus route is along Lakeside Drive West with Bodiam Way as a road for buses and taxis only. There is a bus stop located on Lakeside Drive to the west of the development and on Bodiam Way to the north.

**Tube connectivity**

**Travel Time**

Hanger Lane Station to Tottenham Court Road = 24 minutes  
 Hanger Lane Station to Oxford Circus = 22 minutes

**Frequency**

3-7 minutes during peak hours  
 4-7 minutes during working hours

**Travel Time**

Park Royal Station to Leicester Square = 33 minutes  
 Park Royal Station to Green Park = 30 minutes

**Frequency**

5-8 minutes during peak hours  
 7-10 minutes during working hours

**Further transport improvements**

A contribution of £400,000 pounds towards improvements to local bus services and the provision on three car club spaces are also secured through the s106.

**Open Spaces, Landscaping & Public Realm**

The landscape for the proposed office and residential buildings responds to the successful, established landscape created within the central landscaped area and surrounding open space

areas. Maintaining the original theme of a series of plateaus surrounding the cascading water landscape, the buildings integrate into the existing landscape and step down in height and floor level as they move north.

### Water landscape

The central landscape area is retained in its entirety, with only minor improvements to the edges to integrate the new buildings into the landscape. Screen planting and new trees have been located adjacent the residential buildings to provide privacy for the private courtyards and soften the built form edge. The office buildings have been edged with stone clad walls to mimic the plateau structure started by the Diageo headquarters.

Slight adjustments have been made to the path layout within the water landscape to provide easy access for the residents and office workers. The water landscape will be secured with child-proof gates to ensure access by children is restricted. A safety review of the water landscape will be undertaken by The Royal Society for the Prevention of Accidents (ROSPA) to ensure all care is taken to ensure the safety of the residents and office workers around the existing water bodies.

### Residential Landscape

The U-shaped residential buildings are nestled into the landscape with homezones providing clear access for pedestrians, vehicles and refuse vehicles. Clear-stemmed, strategically placed tree and low shrub and ground cover planting in the residential landscape add colour and texture whilst allowing clear sight lines through the park. The frontage along Lakeside Drive marries into the existing parkland landscape with open grass and shrub planting. The shrub planting provides a defensible screen to the private paved courtyards provided to each groundfloor unit. The lime street trees to Lakeside Drive will be continued where required to complete the avenue.

In combinations with ornamental species, native tree and shrub species will be used around the buildings.

### Office landscape

Responding to the original masterplan concept, the offices have been designed with their front doors and aspect addressing the water landscape. Care has been taken to ensure the Lakeside Drive entrance into each office site has been designed to make visitors and staff feel welcome. Parking, drop off and service access has been provided at ground level, with clear pedestrian access to the front doors. Each office building has a forecourt with a paved and grassed area with seating for entertaining, lunching and relaxing. The office podiums are edged by stone clad walls, with access to the water landscape provided.

Providing retail, gym and restaurant facilities, Block E faces onto a large paved piazza. Clear access from Park Royal underground station and ramp and stair access from Lakeside Drive and the bus stop will allow local residents and office staff and visitors to the piazza.

### West Twyford Park

Two new play areas will be provided in West Twyford Park to meet the requirements for children of 5-11 and 11-15 years. Nestled into the existing landscape, the play areas will include a variety of off-the-shelf and integrated play elements to stimulate and interest the different age groups. A MUGA will also be provided to encourage active sports for First Central residents and the surrounding local community. New paths, seating and rubbish bins will be added to the park to create different routes and encourage people to stop and enjoy the park.

## Open Space Strategy

The First Central site has provided extensive areas of publicly accessible open space in the form of West Twyford Park and a substantial area of open space in the centre of the site that in this revised masterplan will be divided between office workers and residents of the four proposed housing blocks.

### *Brent Council's Parks Strategy 2010-2015*

The Council will respond to opportunities where they arise in areas where there is evidence of need to create new public open spaces. It will focus on those areas where spatial mapping and survey evidence shows a significant level of deficiency against the London Plan standards, and on the population Growth Areas. It will also respond positively to opportunities to increase amenities within new and existing open spaces.

The following is a review the First Central site against the accessibility criteria set out in the Parks Strategy:

Metropolitan Parks – First Central is located greater than 3.2km from a Metropolitan Park  
District Parks – the publicly accessible open space within First Central is identified as a Local Public Open Space over 2ha. The remainder of the site is identified as District Open Space Deficient.

Local Parks & Local Open Space Deficiency - the publicly accessible open space within First Central is identified as Public Open Space over 2ha. The remainder of the site is not identified as deficient in open space.

Small Pocket Parks - the publicly accessible open space within First Central is identified as Local Public Open Space over 2ha. The remainder of the site is not identified as deficient in open space. The site is not within 400m of a small open space or pocket park.

Brent allotments – there are no allotments located close to First Central.

Brent Play Spaces 2009 – the play area within the First Central site has been identified as an Other Play Space.

Brent Football Pitches – the majority of the First Central site and the entire residential portion of the site is located within 1.6km of a Pay and Play football pitch.

Brent Park's Strategy identifies that the First Central site provides a large area of public local space and in most categories is not considered to be deficient in open space. Although not identified as requiring a play area, a new play area has been proposed to meet the GLA play requirements . First Central is also identified as located within adequate distance in relation to sports facilities but a new MUGA has been proposed to provide sports facilities for older children.

The Park's Strategy does not specify specific quantities of open space to be provided with new developments.

## Play Strategy

A large area of open space has been provided and an existing playground upgraded as part of the First Central development. An analysis of the surrounding area shows that there is little other open space or play areas within 800 metres of the site.

The approach to play has been developed using the GLA guidelines ("SPG Providing for Children and young People's Play and Informal Recreation", March 2008).



## Analysis of Estimated Child yield Per Block and Site Play Provision Requirements

Age groups by Dwelling type	% of total	No. of Children
<b>Block A - private</b>		<b>22</b>
0 to 4	59	13
5 to 10	27	6
11 to 15	14	3
<b>Block B - private</b>		<b>22</b>
0 to 4	59	13
5 to 10	27	6
11 to 15	14	3
<b>Block D - private</b>		<b>23</b>
0 to 4	59	14
5 to 10	27	6
11 to 15	14	3
<b>Block C - shared ownership</b>		<b>14</b>
0 to 4	59	8
5 to 10	27	4
11 to 15	14	2
<b>Block C - social rented</b>		<b>71</b>
0 to 4	28	20
5 to 10	42	30
11 to 15	30	21
<b>Total</b>		<b>152</b>

### Summary

Space requirements for each age group are calculated by multiplying the child yield by 10sqm.

#### Block A

- Amount of Space Required for age group 0 to 4 = 130sqm to be provided within 100m
- Amount of Space Required for age group 5 to 10 = 60sqm to be provided within 400m
- Amount of Space Required for age group 11 to 15 = 30sqm to be provided within 800m

#### Block B

- Amount of Space Required for age group 0 to 4 = 130sqm to be provided within 100m
- Amount of Space Required for age group 5 to 10 = 60sqm to be provided within 400m
- Amount of Space Required for age group 11 to 15 = 30sqm to be provided within 800m

#### Block C

- Amount of Space Required for age group 0 to 4 = 230sqm to be provided within 100m
- Amount of Space Required for age group 5 to 10 = 340sqm to be provided within 400m
- Amount of Space Required for age group 11 to 15 = 230sqm to be provided within 800m

#### Block D

- Amount of Space Required for age group 0 to 4 = 140sqm to be provided within 100m
- Amount of Space Required for age group 5 to 10 = 60sqm to be provided within 400m
- Amount of Space Required for age group 11 to 15 = 30sqm to be provided within 800m

Play space for 0-5 year olds has been provided on the podiums of each residential building with integrated play elements suitable for toddlers for the development of balancing, stepping and grassed and sand areas for informal play and the development of running. Each podium fulfils the required play space for 0-5yrs play as follows: Block A 297m<sup>2</sup> provided (130m<sup>2</sup> required), Block B 272m<sup>2</sup> provided (130m<sup>2</sup> required), Block C 353m<sup>2</sup> provided (290m<sup>2</sup> required) and Block D 200m<sup>2</sup>

provided (140m<sup>2</sup> required).

The existing play area will be supplemented with a new play area closer to Lakeside Drive to provide the required 530m<sup>2</sup> of play space for children age 5-11 years within 400 metres of the residential buildings. The new play areas will have play equipment suitable for 5-11 year olds that allows children to swing, slide and climb. Changes in level and planting will create different areas within the play space to stimulate physical activity and integrate the playground into West Twyford Park. The surrounding parkland of West Twyford Park and the water landscape will also be available for the children to run around and kick balls. Seating will be provided for carers.

For older children (11yrs +), the extensive open space within First Central, including the water landscape, will provide opportunities for informal recreation and play, satisfying the requirement for 340sqm of play space. A MUGA and an area for informal recreation equipment has also been provided within West Twyford Park to ensure the older children have a social space to meet, hang out in and take part in informal and formal recreational activities.

### **Landscaping Materials Strategy**

A simple yet high quality palette of paving materials and street furniture is proposed with the paving materials and built elements reflecting the character of the existing landscape.

The vehicular surfaces of the homezones and parking areas of the office and residential buildings will be paved with concrete blocks and the footpath adjacent Lakeside Drive in tarmac to match the existing treatment. The existing resin bound gravel paths within the water landscape will be extended where required to connect to the homezones. A plastic grass reinforcing product will be used if required on maintenance vehicle access routes on turf in the water landscape. Concrete or clay block pavers will be used on the podiums to create a more residential feel and reflect the character themes of each podium. Flag and sett paving will be used on the office podium and within the piazza. All paved surfaces for pedestrian areas will be designed to ensure accessibility for all, with avoidance of ramped approaches, reducing unnecessary furniture clutter and employing a lighting scheme which ensures external spaces are adequately lit at all times.

### Planting Strategy

The planting strategy has been developed to ensure an attractive and pleasant environment for residents, office workers and visitors; to create defensive margins against private space; to develop the site's ecology and biodiversity for the benefit of both people and wildlife; and to reflect the different character areas of the development. The planting will reflect and extend the species and planting treatments within the development to ensure the new development integrates into the existing. A combination of native and ornamental species will be used.

### Residential Courtyards

Each residential building has its own podium for use by the residents of that building. The podiums are a storey above the water landscape, providing clear views into the central landscaped area.

Access to the podiums is provided from within each building, with secure access from the homezones to Block B and C podiums. The design of the landscape reflects each theme with the spaces, planting strategy and materials responding. Integrated play elements have been included within the designs to provide play experiences for toddlers within easy access of the residences.

Each podium level apartment also have a private courtyard, with most directly able to access the podium landscape.

The podiums have been themed according to the microclimate created by the built form and aspect as follows:

Block A Woodland Edge  
Block B Birch Forest  
Block C Riverbed  
Block D Sunny Meadow

### **Security and Designing to Secure by Design Principles**

The principle access to the residential buildings is from Lakeside Drive into secure central cores. Any visitors to the residential buildings will need to pass through this secure area. Access to the courtyards will be for residents only and will be managed through the landscaping solution. Access to the central landscaped area will be controlled and only available to residents and office employees.

The applicants have met with the Crime Prevention Team at Kilburn Police Station. The issues raised and how they have been dealt with are set out below.

Minimise the number of entrances to the central landscaped area: *Access to this area is through the four residential blocks only. The entrances to the central landscaped area between the blocks are for maintenance only and will be kept locked when not in use.*

Minimise the landscaping and seating areas in the area between the pair of blocks in order to increase the line of sight from Lakeside Drive into the development and discourage people from loitering: *The landscaping has been reduced in the area between the pair of buildings in order to maximise visibility from Lakeside Drive into the development.*

Reduce access of residents to areas of the cores that do not serve their own flats: *Security access doors have been provided at strategic points. In principle one core will not serve more than 10 units per floor - for the exception of the 6th floor of Block C where a change in tenure means that there are 13 units off the core on this level only.*

Reduce the number of cyclists accessing the secure car park: *Given the quantity of secure cycle spaces required it is desirable to position the bike stores within the basement car parks. This will avoid having large areas of the building frontage posing blank facades to the street. It is proposed that a separate pedestrian gate is provided to ensure that cyclists do not require access through the main vehicle gate. This will reduce the number of times the vehicle gate is opened which will ensure better security for cars.*

Avoid bin storage solutions that provide both an external and internal door as this provides a security weakness: *Additional internal security doors will restrict anyone entering through the bin stores being able to go any further than the entrance corridor.*

### **Residential Buildings**

There are 4 new residential buildings within the revised masterplan; blocks A, B, C & D. Block C is designed exclusively for affordable housing and Blocks A, B & D are all private dwellings only. This presents 25% of units as affordable in the overall 545 units of which there is a 50/50 split between the Rented and Intermediate accommodation. 10% of the units are designed to disabled standards.

These four blocks face onto the central landscaped area which is part of the wider mixed development which includes office and mixed use accommodation. The distinctive 'U' shapes of the residential blocks create individual community podium landscaped decks. The heights of the new buildings have been set out to complement the heights of the existing buildings on the site and the drop in ground level from the south to the north part of the development.

The maximum height of a residential block is nine storeys high.

All blocks are accessed off Lakeside Drive with Blocks A,B & D presenting a concierge managed entrance at the principle building entrance. Other entrance points are located off the landscaped grounds and maintain clear visual connectivity to Lakeside Drive. The number of units accessed off one core has been kept to a minimum to maximise the security of residents. Block C has specific entrances to offer clarity in the management of Rented and Intermediate Accommodation.

#### Affordable Housing Provision

Of the 545 residential units, 28% are provided for the affordable housing market. The tenure and unit mix of the affordable units is covered in more detail in the s106 Notes section of this report.

#### Car Parking, Motorcycle Parking & Cycle Storage

Car parking and secure cycle storage is located in sub-podium car parks. The car park is accessed directly off Lakeside Drive.

1 in 5 car parking spaces will have access to an electrical charging point as set out in the Electric Vehicle Delivery Plan for London.

Three spaces overall are provided for car clubs.

Five spaces are allocated to motorcycles in each secure car park of each block.

Cycle Storage is provided to Code for Sustainable Homes guidance as 1:1 for 1, 2 & 3 bed units in Blocks A, B & D but to LHDG standards in Block C (1:1 for 1 & 2 bed units and 1:2 for 3 bed units). Parking numbers include 10% disabled. These are located next to cores with at least 1 space being Lifetime Homes compliant at every core.

The residential Car Parking is provided at a ratio of 0.7 overall.

#### Disabled Homes

10% of homes are provided to disabled standards. 10% of the car parking provided is also to disabled standards.

#### Lifetime Homes

All 545 units in Blocks A, B, C & D are designed wherever possible to meet space standards as set out in Lifetime Homes. All units are designed to meet the design standards as set out in the Lifetime Homes Guidance.

#### London Housing Design Guide Standards

The proposal meets almost all the requirements of the Mayor's London Housing Design Guide, including, apart from a small number of one-bed private units, the internal space standard requirements that have now been adopted in the 2011 London Plan. As the private one-bed units in question are only approximately 5% short of the minimum area (47- 48 sqm rather than 50 sqm), there is scope to meet the minimum space standards at the detailed design stage. As members are aware these are more generous than the Council's own SPG17 minimum size standards. The proposed scheme is therefore considered to be in general conformity with the London Housing Design Guide.

#### Private External Space

A minimum of 5sqm of private outdoor space should be provided for 1 – 2 person dwellings and an

extra 1 sq m for each additional occupant. All 545 units provide an outdoor space to this standard provided as either balconies or patios/private gardens.

### Waste and Recycling Strategy

The scheme makes provision to meet Brent's new increased waste storage requirement of 60l per bedroom for residue waste and 60l per bedroom for recyclable waste.

All duplexes in the scheme will be given individual wheeled bins to meet their waste and recycling needs. As specified in Brent Council's Waste Planning policy this will probably comprise a 240l grey bin for general refuse and a 240l green bin for organic waste. The bins will be stored in external bin stores in the front gardens of each duplex. The design of these bin stores will be integral to the scheme. Therefore, the duplexes will not require access to the communal bin stores. Instead, they will be required to move their bins outside the curtilage of their properties on specified collection days for the waste collection operatives to collect. Collection Operatives will not be required to move wheeled dustbins more than 20m to reach the waste collection vehicle.

All flats in the First Central scheme will have internal access to a communal bin stores. Where most flats will be within the maximum distance of 30m from the bin stores, there are a few instances where residents will be required to walk up to 38m. This has been discussed with the Council's Street Care Team Brent Council who have accepted this point but requested that the developer's design team stay in contact with their officers during the detailed design process.

Waste Collection Days: On waste collection days, the waste collection vehicle will enter the site at the main vehicle entrance point.

### Massing & Orientation

The residential buildings have been designed to maximise light into the units and the north facing units are predominantly dual aspect. The residential buildings are therefore designed in a series of 'spine' and 'finger' blocks serviced by a number of cores along its length. Furthermore the 'U' shaped blocks enclose private residential landscaped podiums which face either a westerly or easterly direction. The design of each of the 4 courtyards is different, giving an identity to each block.

### Appearance & Materials

As this is an Outline Planning Application, detailed information has not been submitted in respect of the facades of the residential buildings. The design principles are that the design of the facades will be slightly different between the 'public' facades facing onto Lakeside Drive and the 'private' facades facing on to the central courtyard. Indicative elevational treatments have been provided for each block.

### **Commercial Buildings.**

The overall site already includes two completed commercial buildings with a combined gross internal floor area (GIA) of around 33,750sqm. Three further commercial buildings with a combined GIA of 55,850 sqm of 61,846 sqm of around (GIA) or 61,846 sqm (GEA) are proposed. Detailed designs for these commercial buildings will be brought forward as reserved matters.

The following principles will be included in the detailed design of the commercial buildings:

- They will be designed to achieve Excellent BREEAM rating.
- Flexibility of occupation for multi let or single occupier.
- The floor plates should be as large and regular as possible and have the flexibility to be able to split, i.e.) be capable of dividing into at least 2 separate demises without the need for any retro fitted corridors.
- The development is to be designed for a shell and core only.
- The refuse from the offices should be segregated from the residential waste and

maintained by the office occupiers.

- Max of 1 car parking space per 150 sqm Gross Floor Area and a minimum of 1 cycle space per 125 sqm GEA.
- A floor to floor height of 3950mm with a clear office of 2800mm.

#### Mix of uses

- Commercial Office Floor space = 20,800 sqm (GIA).
- Office floor space to be distributed over 10 storeys.
- Approximately 250 car parking spaces.
- Health & Fitness Centre = approx. 2,160 sqm (GIA).
- Health and Fitness Centre to include a swimming pool, gym and associated support facilities.
  - Gymnasium: 255 sqm.
  - Studios: 105 sqm.
  - Swimming Pool: 400 sqm.
  - Juice Bar: 200 sqm.
  - Changing Rooms: 265 sqm.
  - Reception & Staff/Office areas: 700sqm.
  - 25 car parking to be absorbed into the commercial office car parking.
- Retail Unit 01: 303 sqm.
- Retail Unit 02: 121 sqm.
- Retail Unit 03: 155 sqm.
- Wine Bar /Restaurant: 465 sqm.
- Five small retail units: 556 sqm (TOTAL).

#### Parking Provision

- 224 secure basement spaces (of which 10 Wheelchair accessible) (this is excluding car parking set aside for the health and fitness centre).
- 11 secure basement motorbike spaces.
- 33 external car parking spaces (of which 5 Wheelchair accessible).
- Car Parking Ratio 1 per 5 users.
- Car Parking Ratio 1 per 90 sqm GEA.
- Total Cycle Parking Provision: 186 (secure basement) includes 15 spaces provision for Retail/Gym.
- Cycle Parking Ratio 1 per 125 sqm GEA.
- The roof level of each block will be treated with Green/Brown Roofs and have PVs fitted.

#### **Implications for Education**

Primary and Secondary School provision is covered in the section 106 Notes of this report. In summary the proposed level of financial contribution ring fenced for primary and secondary school provision meets the levels required in Brent's s106 SPD based on the standard child yield formula.

No additional nursery provision is proposed. The shell of a nursery was originally provided in the first residential phase however despite two years of marketing the developer was unable to find a tenant and the space has now been converted to residential accommodation. The developer does not consider that the additional residential accommodation proposed in this application although significant will by itself generate sufficient demand to be able to support a nursery.

Officers consider the additional nursery accommodation to be provided at West Twyford Primary School will be sufficient to meet demand for this form of accommodation.

#### **Healthcare Provision**

Space for a GP surgery has been provided on the ground floor of Crystal House as part of the first residential phase. This has been remained vacant since its construction and despite marketing

there has been no interest in occupying the unit by a medical practice or by the PCT. Brent has resisted attempts by the developer to change the use of the unit. It is hoped that the additional residential accommodation proposed in this scheme, if approved, will raise demand sufficiently to attract a practice to the unit.

### **Impact on Neighbouring Residential Amenity**

The nearest residential neighbours to the scheme are the occupiers of the first residential phase – Coral House and Toucan Close. The nearest of the proposed blocks to these existing residents is Block C which is likely to be the first block built and will provide affordable housing. This block at its closest will be at least 30 metres from Coral House and 40 metres from the nearest property in Toucan Close. At its nearest point to these neighbours block C is seven storeys high. The nearest part of the block to these properties has an oblique window to window views of less than 40 metres and there will be some oblique window to window views of between 40 and 30 metres this still far exceeds the minimum of 20 metres recommended in the Council's SPG17 Guidance.

The 45 and 30 degree set down requirements set out in SPG17 area also met. The proposed scheme is therefore considered to have an acceptable relationship to its existing residential neighbours.

### **Energy Centre**

Concerns have been raised by residents about the proximity of the energy centre to existing residential accommodation. At its nearest it will be 19 metres from the flank wall of the flats and 1 and 6 Toucan Close. As the energy centre is only single storey its relationship in terms of outlook and massing is considered acceptable. The submission documents had indicated that it might require a chimney over 20 metres in height. However advice from environmental health officers is that this could be reduced to no more than 3 metres provided that certain conditions regarding emissions are met. These energy centres are an increasing feature of larger development schemes and are designed to operate in a residential environment. However officers do appreciate that it may appear un-neighbourly to locate the energy centre as close as they have to adjoining residents. Officers are therefore proposing a condition requiring the feasibility of siting the energy further down lakeside Way.

### **Conclusion**

The proposed development will continue and hopefully complete the regeneration of this gateway site begun under the original 1999 permission. The scheme preserves the original masterplan concept of high quality buildings set in and around a landscaped parkland setting. It will introduce a significant residential element which includes the early delivery of 138 affordable units – a significant number in the current funding climate. The scheme preserves the potential for the majority of the balance of offices permitted under the 1999 permission to be built when market conditions permit, including a landmark building at the southern end of the site. It introduces a public piazza adjoining the Diageo building, providing local retail and restaurant facilities, and a health and fitness club. Additional play space and a Multi Use Games Area are to be provided within West Twyford Park. A significant contribution is proposed towards upgrading the pedestrian link to Park Royal Station. Overall the revised masterplan is considered in the current economic environment to make best use of this site, identified for substantial development as long ago as 1995, in a joint Planning Brief produced by Brent and Ealing.

**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 Local Development Framework Core Strategy 2010  
London Plan 2011  
Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1  
Planning Policy Statement 4 – Planning for Sustainable Economic Growth  
Planning Policy Statement 5: Planning for the Historic Environment  
Planning Policy Statement 12 – Local Spatial Planning  
Planning Policy Guidance 13 – Transport  
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation  
Planning Policy Statement 22 – Renewable Energy  
Planning Policy Statement 23: Planning and Pollution Control  
Planning Policy Guidance 24 – Planning and Noise  
Planning Policy Statement 25 – Planning and Flood Risk  
Draft PPS Planning for a Low Carbon Future in a Changing Climate

**CONDITIONS/REASONS:**

- (1) The relevant part of the development as hereby permitted shall not commence until the Reserved Matters of the relevant part of the proposed development have been submitted to and approved in writing by the Local Planning Authority and that part of 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:-

- (i) Appearance;
- (ii) Landscaping.

Reason: These details are required to ensure that a satisfactory development is achieved. For the avoidance of doubt, the definitions of Reserved Matters are contained within Circular 01/2006 and other conditions may require further information concerning details required.

- (2) The development to which this permission relates shall begin not later than whichever is the later of the following dates: (a) the expiration of 5 years from the date of this outline planning permission or (b) the expiration of two years from the date of approval for the final approval of reserved matters, or in the case of different dates, the final approval of the last such matter to be approved.

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

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

Approved Drawings:

3540-00-001	3540-00-241	3540-00-295
3540-00-002	3540-00-242	3540-00-296
3540-00-101	3540-00-243	3540-00-297
3540-00-102	3540-00-244	3540-00-400
3540-00-222	3540-00-245	3540-00-401
3540-00-223	3540-00-253	3540-00-402



3540-00-224	3540-00-254	3540-00-403
3540-00-225	3540-00-255	3540-00-404
3540-00-226	3540-00-257	3540-00-405
3540-00-227	3540-00-258	3540-00-406
3540-00-228	3540-00-263	3540-00-407
3540-00-229	3540-00-264	3540-00-408
3540-00-230	3540-00-265	3540-00-409
3540-00-231	3540-00-266	3540-00-410
3540-00-232	3540-00-267	3540-00-411
3540-00-235	3540-00-268	3540-00-412
3540-00-236	3540-00-269	3540-00-413
3540-00-237	3540-00-291	3540-00-414
3540-00-238	3540-00-292	3540-00-439
3540-00-239	3540-00-293	3540-00-441
3540-00-240	3540-00-294	3540-00-442

and the following supporting documents:

Design & Access Statement Dec 2010  
 Planning Statement Dec 2010  
 Transport Assessment Dec 2010  
 Energy Strategy Dec 2010  
 Sustainability Statement Dec 2010  
 Environmental Impact Assessment Volumes 1 to 3 17 Dec 2010.

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

- (4) No phase of the development hereby approved shall be occupied until all parking spaces, turning areas, loading bays, access roads and footways relevant to that phase have been constructed and permanently marked out.

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

- (5) All loading and servicing area(s) indicated on the approved plan(s) 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.

Reason: To ensure that vehicles waiting or being loaded or unloaded are parked in loading areas so as not to interfere with the free passage of vehicles or pedestrians within the site and along the public highway.

- (6) The applicant shall design all residential premises in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings-Code of Practice' to attain the following internal noise levels as a minimum:

<b>Criterion</b>	<b>Typical situations</b>	<b>Design range <math>L_{Aeq, T}</math></b>
Reasonable resting 07:00 – 23:00) conditions	Living rooms	30 – 40 dB (day: T =16 hours
Reasonable sleeping	Bedrooms	30 – 35 dB (night: T = 8 hours

23:00 – 07:00)  
conditions  
07:00)

L<sub>Amax</sub> 45 dB (night 23:00 –

If the above internal noise levels are not achieved then further works, in accordance with details specified by the Local Planning Authority, shall be carried out in order to achieve such levels.

**Reason:** To safeguard the amenity of future occupants of the development

- (7) The Use Class B1(a)/D2 floorspace within Phase 1B hereby approved shall be used exclusively for the purpose(s) specified in the application hereby approved and for no other purpose (including any other purpose in Use Class B1/D2 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.

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.

- (8) No development shall commence until a detailed phasing plan (to include demolition) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area.

- (9) Soil remediation shall be carried out in accordance with a scheme that shall be submitted to the local planning authority for approval;

No part of the development shall be occupied until a satisfactory verification report has been provided to the local planning authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

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

- (10) No phase of the development hereby permitted shall commence until samples of the external materials and finishes to be used for all external surfaces relevant to that phase (including but not limited to roofs, elevation treatment, glazing and balconies) have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

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

- (11) Prior to the commencement of development a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the different phases of the development shall be implemented in accordance with the approved plan.

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

- (12) The remainder of the undeveloped land within the curtilage of the site, within the relevant parts of the development hereby permitted shall be suitably treated with hard and soft landscaping, including trees/shrubs/grass (including species, plant sizes and planting densities), in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on the site; such landscaping work shall be completed prior to occupation of the building(s) within these phases, or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority. The approved maintenance arrangement shall be fully implemented.

Such a landscaping scheme shall also indicate:-

- (a) full details of the construction of the podium deck between blocks UP and WN
- (b) full details of the proposed play space including equipment, surfacing, boundary treatments and planting
- (c) all existing and proposed levels throughout the site
- (d) other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian areas.
- (e) full details of the proposed arrangements for maintenance of the landscaping for the first 5 years
- (f) full details of the proposed boundary treatments and fencing within the site and around the perimeter of the site. indicating materials and heights
- (g) details of screen planting along and surrounding proposed car parking areas
- (h) areas of hard landscape works and proposed materials
- (i) full details of replacement trees and tree protection measures to be carried in accordance with BS 5837:2005 for any existing trees to be retained within the relevant parts of the development during construction.

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 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 standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- (13) Submission of a Site Waste Management Plan detailing all the waste streams and the measures taken to reduce construction waste generated by the development shall be submitted to the Local Planning Authority, and complied with thereafter in accordance with the submitted plan.

Reason; to ensure that waste generated by the development is minimised.

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

Reason; to prevent flooding by ensuring satisfactory storage and disposal of surface

water from the site.

- (15) Further details of secure cycle parking spaces for each phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the relevant phase of 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.

Reason: To ensure satisfactory facilities for cyclists.

- (16) No phase of the development hereby permitted shall be occupied until further details of lighting, relevant to that phase have been submitted to and approved in writing by the Local Planning Authority, such details to include details of lighting to all;
- (a) roads; and
  - (b) footpaths;
  - (c) open spaces

The approved details shall be fully implemented.

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

- (17) No phase of the development hereby permitted shall commence until details relevant to that phase of the following have been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority:

- i) infrastructure, including any roads, parking spaces, servicing areas, footpaths, street furniture, including visitor cycle-parking spaces and planters;
- ii) foul and surface water drainage;
- iii) footpath layout, connections and traffic-management measures, including all surface treatments;
- iv) the internal layout of buildings and layout and detailed design of roof terraces or other areas of external space, including internal circulation areas, refuse-storage areas, cycle-storage areas, any plant room, any other internal area and any areas of external space.

The approved details shall be implemented in full.

Reason: In order to ensure a satisfactory development.

- (18) Prior to its installation details of any air conditioning, ventilation and flue extraction systems, that may be required including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented.

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

- (19) Prior to first occupation of each relevant phase of the development the applicant shall provide a schedule indicating which dwellings will be subject to additional acoustic glazing and the acoustic ventilation or verify that all dwellings will be subject to these measures (meeting BS EN ISO 140-3 and indices derived in accordance with BS EN ISO 717-1 as a minimum).

Reason: to safeguard the amenity of future occupants of the development

- (20) In order to mitigate against the possibility of numerous satellite dishes being installed

on the buildings hereby approved, details of communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement each relevant phase of the development. The approved details shall be fully implemented.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- (21) No phase of the development shall commence until a details of 'green' and 'brown' roofs relevant to that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of sustainability and biodiversity.

- (22) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2010, Issue No 2 Reference 49312797, by URS and the following mitigation measures detailed within it:

- (a) Limiting the surface water run-off rate to the agreed Greenfield run-off rate for all events up to and including the critical 1 in 100 year storm event (with an appropriate allowance for climate change).
- (b) Provision of on-site surface water storage to accommodate all events up to and including the critical duration 1in 100yr storm event (with an appropriate allowance for climate change).
- (c) Surface water storage to be achieved using sustainable drainage techniques as set out in sections 3.2 of the FRA.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that sufficient storage of surface flood water is provided; and to ensure surface water flood storage is achieved with appropriate sustainable drainage techniques.

- (23) Notwithstanding the approved plans details of the siting and design of the energy centre shall be submitted to and approved in writing by the Local Planning Authority. Such details to include an alternative site to that currently indicated unless it proves impractical.

Reason: In the interests of good neighbourliness.

- (24) Detailed drawings shall be submitted to and approved in writing by the Local Planning Authority before any work commenced on the relevant phase to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. The gradients of any new road or turning area should not exceed 1:25 and those of parking or loading bays should not exceed 1:40.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway, and that satisfactory gradients are achieved.


## INFORMATIVES:

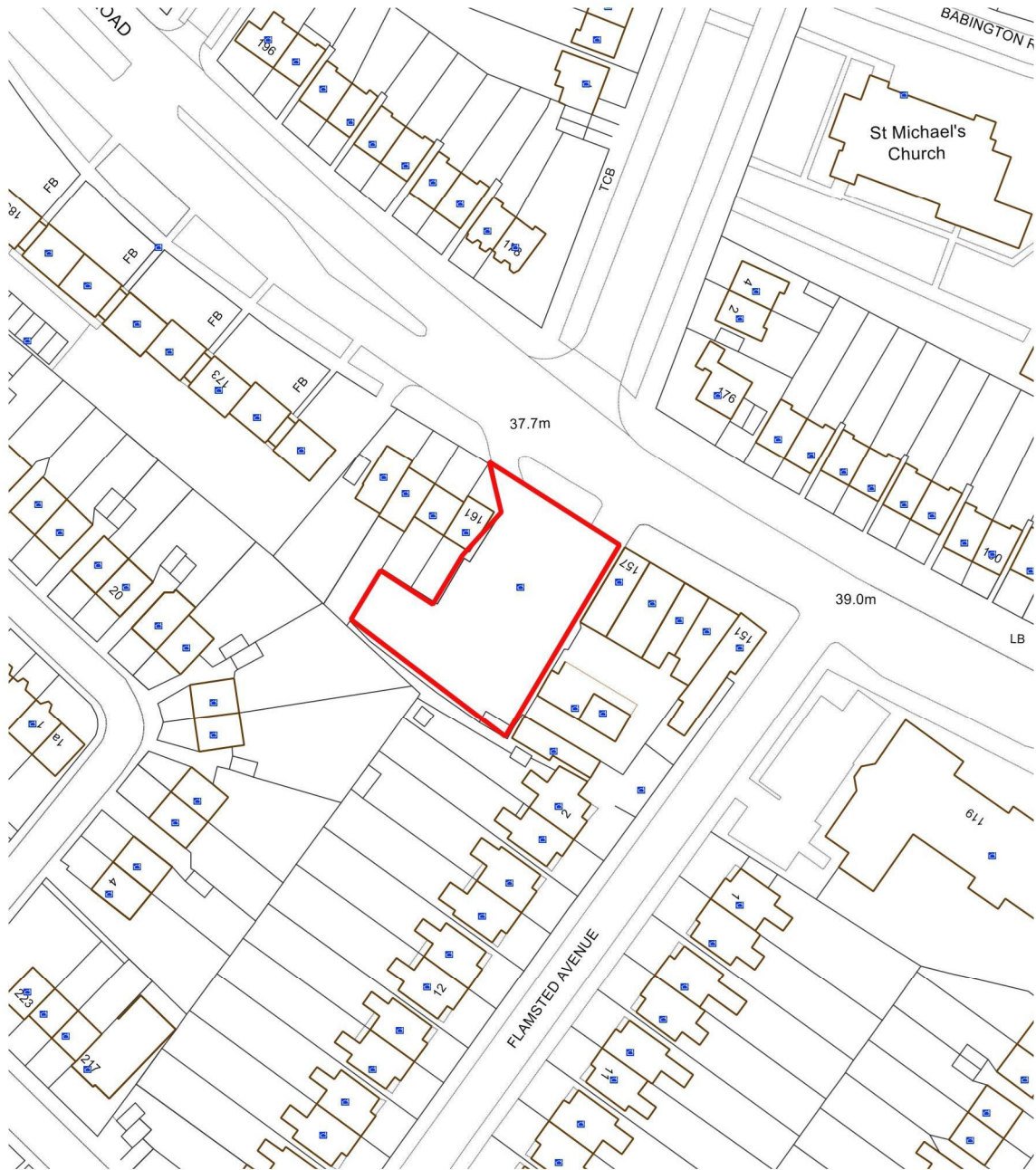
- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the 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.
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
  - (a) illuminated fascia signs
  - (b) projecting box signs
  - (c) advertising signs
  - (d) hoardings
- (3) In relation to the soil remediation condition the applicant is advised that the quality of imported soil shall be verified through *in-situ* soil sampling and analysis, at a minimum ratio of 1 sample per every 50 cubic metres. All structures associated with fuel storage and retail shall be removed from site and this work must be validated to ensure that no residual hydrocarbons remain on site at levels above agreed concentrations.
- (4) In relation to the surface water drainage condition the Environment Agency advises the applicant that the following information will be required;
  - a) Clearly labelled drainage layout showing pipe networks, attenuation ponds, green roofs, swales and other SUDS features. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
  - b) Confirmation of the critical storm duration.
  - c) Where on site attenuation is achieved through attenuation ponds or similiar, calculations showing the volume of these are also required.
  - d) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown in the plan with the agreed rate of discharge stated.
  - e) Calculations should demonstrate how the sytem operates during a 1 in 100 year critical duration storm event, with an appropriate allowance for climate change in line with PPS25. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.
  - f) Where green roofs are provided as part of the drainage system, calculation should be submitted to demonstrate the volume of attenuation provided.

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

**Committee Report  
Planning Committee on 14 December,  
2011**

Item No. 11  
Case No. 11/2416

 **Planning Committee Map**  
Site address: 159 Harrow Road, Wembley, HA9 6DN  
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This map is indicative only.

**RECEIVED:** 20 September, 2011

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 159 Harrow Road, Wembley, HA9 6DN

**PROPOSAL:** Development comprising a new building ranging in height from 1 to 7 storeys comprising 18 residential units and including basement car parking, cycle parking, refuse and recycling storage and external amenity space

**APPLICANT:** PLCM

**CONTACT:**

**PLAN NO'S:**

247/A-01 Rev11 - Site Location Plan  
247/A-10 Rev11 - Existing Basement Plan  
247/A-011 Rev11 - Existing Ground Floor  
247/A-90 Rev11 - Proposed Basement Plan  
247/A-100 Rev11 - Proposed Ground Floor Plan  
247/A-101 Rev11 - Proposed First Floor Plan  
247/A-102 Rev11 - Proposed Second Floor Plan  
247/A-103 Rev11 - Proposed Third Floor Plan  
247/A-104 Rev11 - Proposed Fourth Floor Plan  
247/A-105 Rev11 - Proposed Fifth Floor Plan  
247/A-106 Rev11 - Proposed Sixth Floor Plan  
247/A-107 Rev11 - Proposed Seventh Floor Plan  
247/A-200 Rev11 - Harrow Road Elevation  
247/A-201 Rev11 - Side Elevation  
247/A-203 Rev11 - Longitudinal Section  
247/A-204 Rev11 - Cross Elevation  
247/A-205 Rev11 - Cross Elevation  
247/A-208 Rev11 - Longitudinal Section

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**RECOMMENDATION**

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

**SECTION 106 DETAILS**

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 100% Affordable Housing
- (c) A contribution of £2,400 per bedroom, due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a



- minimum of 50% score is achieved and Code for Sustainable Homes level 4, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
  - (f) Join and adhere to the Considerate Contractors scheme.

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

## **EXISTING**

This application relates to an L shaped piece of land on the South West side of Harrow Road opposite the junction with St Michael's Avenue. The site is 40 metres deep and has a frontage to Harrow Road of 22 metres widening to 36 metres at the rear where the site extends to the rear of the two storey terrace houses at 161 and 163 Harrow Road. The site is presently vacant.

The site is set between a terrace of two storey hipped roof houses with a gable feature to the front at either end to the West. To the East is a three storey pitch roof terrace of four properties with retail and commercial uses on the ground floor with residential accommodation above extending to the junction with Flamsted Avenue. On the East side of Flamsted Avenue is the three storey hipped roof Middlesex Manor Nursing Home site. The remainder of this section of Harrow Road is formed of mainly two storey housing. To the rear of the shops and flats, with access off Flamsted Avenue, is a low flat roofed part single and two storey vacant storage building, with a low flat roofed commercial building with residential accommodation above to the side of it which has a window in the rear elevation facing into the application site. The remainder of Flamsted Avenue is formed of two storey semi-detached houses. Also backing on to the application site is two storey semi detached hipped roof housing in Nettleden Avenue.

## **PROPOSAL**

Development comprising a new building ranging in height from 1 to 7 storeys comprising 18 residential units and including basement car parking, cycle parking, refuse and recycling storage and external amenity space.

## **HISTORY**

Most recent planning history:

02/0445 - Demolition of existing, redevelopment and erection of 3 storey frontage building with 3 storey rear extension both with accommodation in the mansard roof to provide 2 ground floor shops and 14 residential units (6 x 2 bedroom maisonettes, 7 x 1 bedroom flats and 1 studio flat) provision of access road from Harrow Road and formation of 12 parking spaces.

**Withdrawn** - 22/04/2003

03/0983 - Demolition of existing single-storey building and canopy and erection of part 2-, 3-, 4-, 5- and 6-storey frontage building comprising 14 self-contained flats (3 studio flats, 7 one-bedroom flats and 4 two-bedroom flats) and provision of 14 underground car-parking spaces and amenity space to rear of site

**Granted** - 07/07/2003

06/1933 - Details pursuant to condition 8 (site investigation) of planning permission 03/0983, dated 7 July 2003, for demolition of existing single-storey building and canopy and erection of part 2-, 3-, 4-, 5- and 6-storey frontage building comprising 14 self-contained flats (3 studio flats, 7 one-bedroom flats and 4 two-bedroom flats) and provision of 14 underground car-parking spaces and amenity space to rear of site

**Refused** - 10/11/2006

07/2416 - Details pursuant to condition 2 (external finishes), condition 3 (landscaping), condition 4 (vehicular access) and condition 6 (boundary treatment of Full Planning Permission reference 03/0983 dated 7 July, 2003, for Demolition of existing single-storey building and canopy and erection of part 2-, 3-, 4-, 5- and 6-storey frontage building comprising 14 self-contained flats (3 studio flats, 7 one-bedroom flats and 4 two-bedroom flats) and provision of 14 underground car-parking spaces and amenity space to rear of site  
**Withdrawn** - 05/10/2009

07/2493 - Retention of a car park to the lower ground-floor of the showroom  
**Withdrawn** - 05/10/2009

## **POLICY CONSIDERATIONS**

### **LDF Core Strategy 2010**

**CP1** - Spatial Development Strategy  
**CP2** - Population and Housing Growth  
**CP17** - Protecting and Enhancing the Suburban Character of Brent  
**CP18** - Protection and Enhancement of Open Space, Sports and Biodiversity  
**CP19** - Brent Strategic Climate Change Mitigation and Adaptation Measures  
**CP21** - A Balanced Housing Stock

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

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

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

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

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

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

**STR13** - Environmentally sensitive forms of development will be sought.

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

**STR15** - Major development should enhance the public realm.

**BE2** - Townscape: Local Context & Character

**BE3** - Urban Structure: Space & Movement

**BE4** - Access for disabled people

**BE5** - Urban clarity and safety

**BE6** - Public Realm: Landscape design

**BE7** - Public Realm: Streetscene

**BE9** - Architectural Quality

**BE12** - Sustainable design principles

**EP10** - Protection of Surface Water

**TRN1** - Transport assessment

**TRN3** - Environmental Impact of Traffic

**TRN4** - Measures to make transport impact acceptable

**TRN10** - Walkable environments

**TRN11** - The London Cycle Network

**TRN14** - Highway design

**TRN23** - Parking Standards – residential developments

**TRN24** - On-Street Parking  
**TRN35** - Transport access for disabled people & others with mobility difficulties  
**PS14** - Residential Parking Standards  
**PS15** - Parking for disabled people  
**PS16** - Cycle parking standards

### **Brent Council Supplementary Planning Guidance and Documents**

**SPG12** - Access for disabled people  
**SPG17** - Design Guide for New Development  
**SPG19** - Sustainable design, construction and pollution control  
**SPD** - Section 106 Planning Obligations

### **Mayor of London**

The London Plan 2011

Mayor of London Supplementary Planning Guidance

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

### **Planning Policy Guidance and Statements**

**PPG13**- Transportation  
**PPS1**- Delivering Sustainable Development  
**PPS1** - Supplement: Planning and Climate Change  
**PPS22** - Renewable energy

### **SUSTAINABILITY ASSESSMENT**

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

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

- The Target Emissions Rate under the national building regulations will be reduced by 44% or a factor of .56.
- All relevant areas of the development should comply with the design backstops set out in the Energy Efficiency guidance for Level 4.
- Provision will be made to limit the effects of internal temperature rises in summer caused by excessive solar gain.
- The quality of construction and commissioning will meet the requirements set out in the Energy Efficiency guidance for Level 4
- Residents will be provided with clear and simple instructions regarding the efficient running and maintenance of the dwellings.

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

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

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

## **CONSULTATION**

### **Neighbours/Local Consultees**

Standard three week consultation period carried out between 13 Oct 2011 and 4 Nov 2011 in which 116 properties and ward councillors were notified. Notices have also been posted outside the site and within the local press.

8 letters of objection have been received raising the following issues:

- Height of the building is not in keeping with the area of 2 and 3 storey houses and flats
- The site is not within the regeneration area and should not exceed 3 storeys
- Inadequate play areas for 20 family dwellings on a small site
- Entrance to the site at this point on Harrow Road would worsen highway safety
- Development will increase the population by at least 50 persons and diminish peace currently enjoyed by immediate neighbours
- Traffic from existing nursing home is already a problem. New development will aggravate this and leave no space for existing residents and guests parking
- Loss of privacy to properties in Flamsted Avenue
- Previous digging for houses has adversely affected Flamsted Avenue properties. How will these properties be protected?
- Loss of sunlight to neighbouring properties garden and property due to the size and height of the building.

It should be noted that the previous application for this site which was of a similar scale to the current application but of a different design attracted 40 letters of objection and a 5 signature petition objection to the proposal. This application was withdrawn earlier this year following concerns from officers about the design approach.

### **Consultees**

**Environmental Health** - No objections subject to condition regarding remediation.

**Transportation** - No objection.

## **REMARKS**

### **Principle of development**

The principle of the redevelopment of the site for a residential use has been confirmed through a previous planning application (ref: 03/0983) which granted consent for 14 self-contained residential

units on the basis that the site is surrounded by predominantly residential uses. No significant policy changes have occurred since this time which would alter this position.

### Background

A fuller description of the previously approved scheme is provided in order to assist with a comparison between the existing scheme. The previous proposal involved the erection of a part 3 storey, part 4 storey, part 6 storey building which adjoined the existing parade. A modern design approach was adopted with a mixture of brick finish and render and a flat roof. The main feature of the scheme was a central curved feature which comprised the tallest section of the building and reached 6 storeys. Either side of this feature, lower elements were provided in order to provide a stepped appearance within the street scene. A smaller, narrower rear element projected into the rear garden of the site however this was set away significantly from side boundaries. Access to the site and to the basement parking area was provided between the proposed building and 161 Harrow Road. This same arrangement is proposed in the current scheme.

### Density

Density: The proposed density has been calculated to be 153 units per hectare and 450 habitable rooms per hectare. The site is situated within a predominantly urban context being within 800m of a district centre and situated on a main arterial route ranging between 2 and 4 storeys. It is however noted that immediately to the south of the site, the character of the area changes to a more suburban context however as the majority of units are situated on the front section of the site, it is considered more appropriate to assess the scheme against the urban criteria as defined within The London Plan. This criteria suggests an appropriate density for a location with a PTAL rating of 3 as being between 45-120 units per hectare and between 200-450 habitable rooms per hectare. The scheme significantly exceeds the unit density and is on the upper limit of habitable room density. Both of these recommended guidelines which seeks to locate higher densities in locations where there is good access to public transport. However it should be noted that density is only one calculation for assessing a scheme and should be considered in conjunction with layout, scale, bulk and massing. Mayoral guidance relating to density suggests that such levels can be exceeded where a good degree of *liveability* is offered. Such factors to assess *liveability* include proposed housing mix, design and quality of the scheme, amenity space provision, access to services, sustainable design and construction, levels of car parking and contribution to local place shaping. On the basis of this guidance, the proposed density is assessed in conjunction with these factors in order to ascertain whether the proposal is of a suitable standard to justify a higher density. These considerations will be principally discussed under the headings Massing, Scale and Design, Quality of Accommodation and Access, Parking and Servicing.

### Massing, Scale and Design

The scheme proposes one L-shaped building. The main side elevation which would be visible within the street scene when approaching the side on the Harrow Road from Wembley Town Centre is broken down into three stepped elements which gradually decrease the height of the building to a single storey element which connects the main frontage building with a three storey rear element which again falls in height as it extends to meet the rear boundary of the site.

The revised design approach from the previous application is welcomed and considered an improvement. While the tallest element of the scheme is a storey higher than the previously consented scheme it is only one metre higher due to lower floor to ceiling heights in this current scheme. The revised design approach is considered acceptable and the slight additional height can be supported.

Previous concerns about the massing of the building and its relationship to the adjoining parade, the flats above it and properties in Flamstead Avenue are considered to have been addressed. However concerns remain in relation to the side of the building facing the neighbouring property at

161 Harrow Road.

Whilst the applicants have worked to amend the scheme to reduce the bulk and massing of the side elevation which is highly prominent when approach the site from Wembley Town Centre along Harrow Road, the increase in bulk relative to the previously consented scheme remains a concern as it is in closer proximity with 161 Harrow Road.

While many of the concerns with the previous schemes design approach have been addressed the considerable bulk and massing of that part of the building located to the rear of the main tower would appear overly dominant in its relationship to 161 Harrow Road and in views from Harrow Road as the site is approached from Wembley

#### Impact on neighbouring residential amenity

Considerable efforts have been undertaken by the applicants to improve the footprint and scale of buildings proposed on the rear part of the site in order to ensure a satisfactory relationship with neighbouring gardens which abut the rear of the site in addition to ensuring a subordinate approach relative to the main frontage development. Whilst the amendments made have secured a better scale at the rear part of the site, these efforts have been at the expense of the central element of the scheme located behind the main tower. It should also be noted that the building is closer to the boundary of the site shared with 161 Harrow Road as well as being taller. As a result, elements of the building would breach the 45 degree line taken from this site boundary resulting in overshadowing of the rear garden of this property. The scheme includes habroom windows along this flank wall that could raise concerns about overlooking of 161 Harrow Road but as they are secondary windows they could obscurely glazed.

In terms of the relationship with the adjoining parade, the proposal has been staggered in order to mitigate the impact on habitable room windows within the rear elevation of the parade. The initial portion of the building which reaches 5 storeys in height, projects 1.5m beyond the rear windows within the existing parade whilst the 6 storey element is separated from the boundary shared with this property by 4m. This element is also considerably less deep than the 4 storey element proposed in the previously consented scheme. Whilst the 1.5m projection is a deeper relationship for a 5 storey element than was agreed in the previously consented scheme, this is considered to have a reasonable relationship with habitable room windows within the existing parade as these are set away from the boundary at both first and second floor levels. Moreover, the impact of this projection is considered to be outweighed by the benefit of reducing the depth of the rear element in comparison with the previous scheme. On this basis, the proposal is considered to have a reasonable relationship with these adjoining neighbours.

The remainder of the eastern side boundary is flanked by commercial buildings with the exception of 2B Flamsted Avenue which has a main habitable room window within its rear elevation and is immediately adjacent to the eastern boundary of the site. Unit 4 has however been designed to consider this window with no primary habitable room windows being situated on upper levels within the rear elevation thereby safeguarding the privacy of the existing occupants of this property and future occupants of the proposed development.

Finally, in considering the impact of the proposal on the residential gardens to the south of the site, the rear portion of the building has been reduced and no longer breaches the 45 degree line taken from 2m above the garden level of the nearest neighbour. This test is advocated by SPG17 in order that new developments achieve a satisfactory scale in comparison with neighbouring properties.

#### Quality of Accommodation

Unit Size: Many of units meet or exceed recommended unit sizes set out within SPG17 and the more generous areas set out in the Mayor's Housing Design Guide. However the proposed five

3-bed five person units all fall significantly short of the minimum standard.

**Light and outlook:** All units are afforded adequate light and outlook onto the public realm of Harrow Road, communal amenity areas within the site or private gardens in the case of the ground floor units. Unit 01 which is on the ground floor, in close proximity with Harrow Road is dual-aspect with bedrooms being afforded outlook onto a rear garden. Whilst one of the bedrooms in this unit would be immediately adjacent to a four storey element of the building, the width of the window together with the outlook provided onto a private garden area for this unit is considered to offset any potential overshadowing impact.

**Privacy:** All windows in close proximity with the public realm or pathways within the scheme are afforded a privacy buffer to provide a degree of separation from public areas. This is consistent with the approach taken for similar residential schemes. The scheme has, on the whole, been designed to provide 10m between primary habitable room windows and boundaries where there is a direct view into neighbouring gardens. The only exception to this is the habitable room windows serving the main living accommodation of units 6, 9, 12 and 15 on the first-fourth floors of the building which are 4.5m from the boundary with number 161 Harrow Road and would be afforded a view into the private amenity space belonging to this property. This distance significantly fails the 10m distance recommended by SPG17 which is required to safeguard privacy. Whilst it is likely that this issue could be addressed through redesigning the fenestration to provide main windows within the rear elevation and only secondary, obscure glazing in the side elevation, the proposal as it stands would result in a loss of privacy to the amenities currently enjoyed by this neighbour which is sufficiently harmful to warrant a refusal of this application.

**External amenity space:** apart from the three one bed units, all are provided some form of private amenity space with private gardens provided for ground floor units, private balconies provided the majority of upper floor units and communal amenity space which would be used by all occupants. The remaining units have adequate levels of amenity space to meet the SPG17 requirement.

**Cycle storage:** Cycle storage is provided within a dedicated store within the proposed basement. This can be accessed directly from the ground floor of the building. One space is provided per unit which meets UDP standards.

**Refuse storage:** Refuse storage is provided on the ground floor of the building within a dedicated store. This arrangement, together with the proposed collection of waste from servicing vehicles is currently being reviewed by Streetcare and Transportation. Responses will be reported within the supplementary.

**Summary:** Whilst the scheme displays many positive features in respect of the quality of accommodation available for future occupants, issues relating to the positioning and proximity of upper floor habitable room windows from the boundary of 161 Harrow Road and its private amenity space together with a lack of space on site for dedicated play space result in a failure to satisfy all development plan policies and attracts a recommendation for refusal on these grounds.

### Landscaping

The ground floor plan shows areas with indicative soft landscaping on the site frontage to provide a setting for the building together with soft landscaping in all private amenity areas and the communal amenity space. The indicative layout demonstrates there is sufficient potential for landscaping to positively contribute to the public realm in accordance with policy BE6 of Brent's Unitary Development Plan 2004. A detailed landscaping proposal would be secured by condition, prior to the commencement of works on site which is the standard approach in the event that a scheme could be considered favourably.

### Access, Parking and Servicing

The access to the site remains consistent with the previously approved scheme. 14 parking spaces are proposed within a basement car parking including 2 disabled spaces. The parking provision and access and servicing arrangements are currently being reviewed by Transportation Officers. Comments from these officers will be reported within a Supplementary Report to the committee.

### Environmental Issues

The previous use of the site as a petrol filling station results in a high risk of contamination with a more vulnerable use being proposed as a replacement. As a result, Environmental Health officers have assessed the Remedial Contamination Strategy submitted by the applicants. Officers are satisfied that the remediation measures proposed are adequate for the proposed use of the site.

### Conclusion

Whilst the applicants have demonstrated a willingness to engage with officers to continually improve the scheme throughout the application process, it is your officers view that the proposal remains out of scale with the area by virtue of its excessive height, bulk and massing and failure to break this down sufficiently to preserve the character of the street scene. Issues regarding safeguarding privacy for neighbouring properties and achieving a satisfactory relationship with neighbouring gardens also remain unresolved. These factors, together with a deficiency in play space do not provide a sufficient standard of *liveability* to justify the higher density within this location. The proposal therefore fails to accord fully with the development plan and is accordingly recommended for **refusal**.

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The proposed development because of its height and massing in relation to the adjoining property at 161 Harrow Road would have a overbearing relationship to this property and its rear amenity space and as result of the windows located along the elevation facing toward 161 Harrow Road would result in an unsusceptible degree of overlooking and loss of privacy to this property to the detriment of the residential amenity enjoyed by the occupiers and contrary to policy BE9 of Brent's Unitary Development Plan and its Supplementary Planning Guidance 17 - Design Guide for New Development.

### **INFORMATIVES:**


None Specified

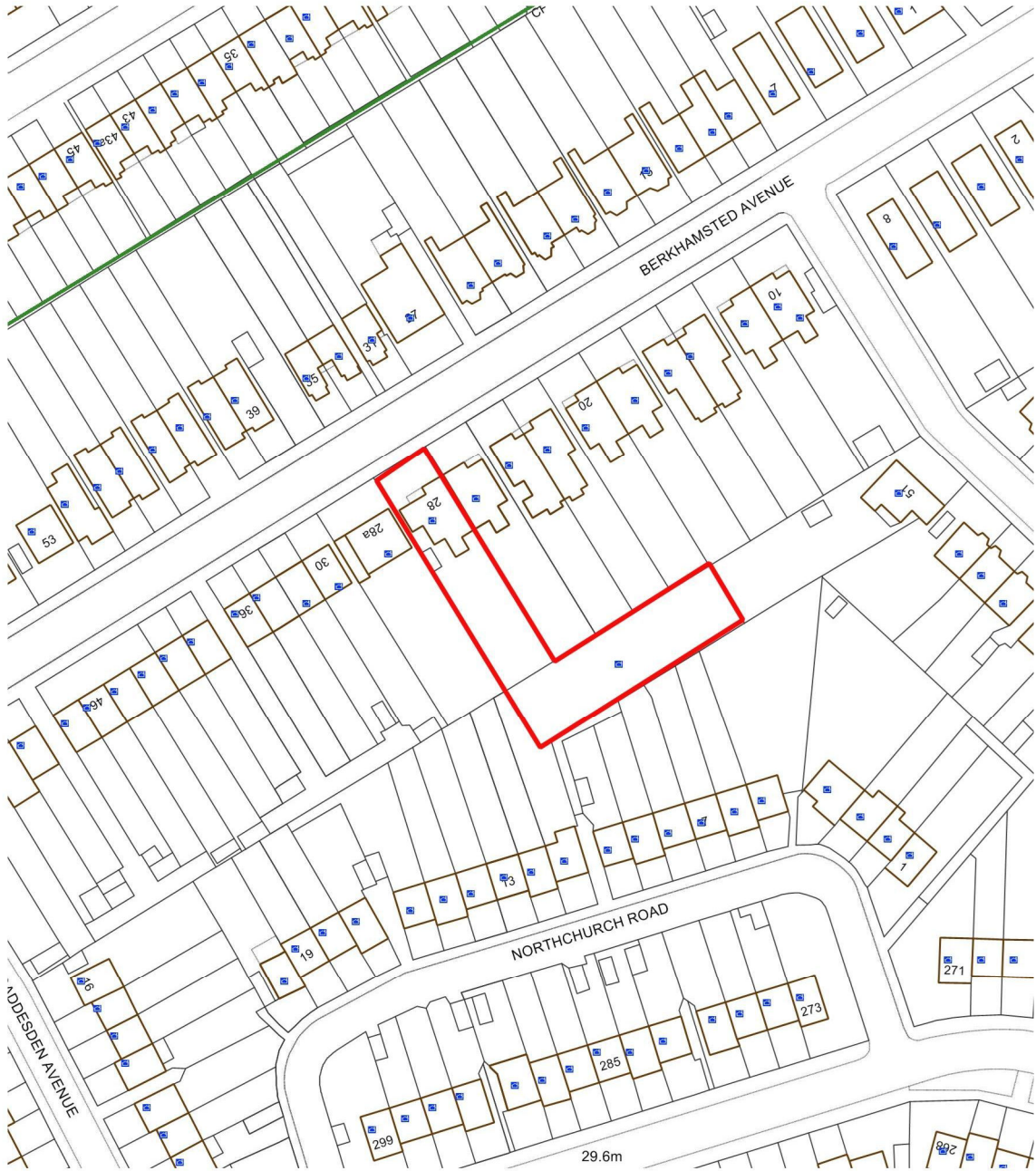
Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243



**Committee Report  
Planning Committee on 14 December,  
2011**

**Item No.** 12  
**Case No.** 11/2042

	<b>Planning Committee Map</b>
	Site address: 28 Berkhamsted Avenue, Wembley, HA9 6DT
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

**RECEIVED:** 5 August, 2011

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 28 Berkhamsted Avenue, Wembley, HA9 6DT

**PROPOSAL:** Change of use of land to extend domestic rear garden of No. 28 Berkhamsted Avenue and erection of single storey outbuilding in rear garden of dwellinghouse (Revised description, and revised plans received)

**APPLICANT:** Mrs Zubeda Hamdi

**CONTACT:** Mandac Ltd

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

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## **RECOMMENDATION**

Approval

## **EXISTING**

The application site is located to the rear of It is an 'L' shaped piece of land located beyond the original rear garden of 28 Berkhamsted Avenue, Wembley, which is a two storey semi-detached dwellinghouse. The land shares boundaries with the rear gardens of 20-28 (evens) Berkhamsted Avenue; 5-11 Northchurch Road; 51 Nettleden Avenue. The surrounding uses are predominantly residential. The property is not within a Conservation Area, nor is it a listed building.

## **PROPOSAL**

Change of use of land to extend domestic garden of No. 28 Berkhamsted Avenue and erection of single storey outbuilding in rear garden of dwellinghouse.

## **HISTORY**

*In relation to 28 and Land to the rear of 20-28 Berkhamsted Avenue, Wembley:*

08/2111 - Certificate of lawfulness for a proposed single-storey detached outbuilding to be used for leisure purposes incidental to the dwellinghouse at 28 Berkhamsted Avenue. *Refused 10/09/2008*

E/07/0390 – (Enforcement case). Erection of a metal fence and change of use of the land for commercial use. *Enforcement case closed*

*In relation to 28 Berkhamsted Avenue, Wembley:*

E/05/0508 – (Enforcement case). The breach of condition 2 of the certificate of lawfulness 04/2089 dated 27/08/2004 and granted for the demolition of side garage extension and erection of a proposed side and rear roof extension. *Enforcement case closed*

05/1798 – Erection of single storey side and rear extension to dwellinghouse. *Granted 17/08/2005*

04/2089 – Certificate of lawfulness for the demolition of side garage extension of a proposed side

extension and installation of 2 front roof lights to dwellinghouse. *Granted 27/08/2004*

98/2049 – Erection of porch, two-storey side extension and single-storey rear extension to dwellinghouse *Granted 23/11/1998*

## **POLICY CONSIDERATIONS**

Brent's Unitary Development Plan 2004

BE2 – Townscape: Local Context & Character  
BE9 – Architectural Quality

Core Strategy (adopted July 2010)

CP17 – Protecting and Enhancing the Suburban Character of Brent

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"

## **CONSULTATION**

The description of the original proposal was: *Single storey outbuilding in rear garden of dwellinghouse*

14 neighbouring properties were originally notified by letters dated 25<sup>th</sup> August 2011 or 12<sup>th</sup> September 2011.

In response to this consultation, 4 letters of objection have been received to date. The issues raised are summarised below:

- The neighbour at no 26 is very concerned at the size of the outbuilding to be built. The plan shows that the proposed building will overlap to the rear of their garden, and as a result it will completely obstruct the existing view and interfere with their privacy
- Another neighbour from 7 Northchurch Road is concerned at the extent [size] of the proposed outbuilding
- This neighbour has concerns over the erection of a fence which has been previously been erected along the rear boundaries of nearby gardens by the applicant, which has allegedly trapped and killed birds.
- This neighbour also contends that the land [application site] was intended as shared land for a number of properties backing onto it and any opportunity for use in this way will be lost and the erection of this proposed building.
- Another neighbour from 9 Northchurch Road is also concerned that the applicant has encroached onto the access to their properties [to the rear gardens] with the erection of fencing along the rear boundaries of nos 6, 7, 8, 9 and 10 Northchurch Road.
- This neighbour also does not believe that the proposed outbuilding would be used as a gym, as is proposed, but that it would soon be transformed in more dwelling accommodation for another family, and consequently strongly objects
- The structure will have an impact on their property [9 Northchurch Road] by devaluing it; it will invade their privacy and cause noise pollution.
- The neighbour at no 28A Berkhamsted Avenue objects as the structure would be too high at 5.1m. It would overlook their house and garden, and intrude on their privacy, and possibly reduce the value of their house.

Since the original submission, revised plans were submitted by the applicant with a reduced sized building. The description of the revised proposal was:

*Change of use of land to extend domestic garden of No. 28 Berkhamsted Avenue and erection of single storey outbuilding in rear garden of dwellinghouse.*

The 14 neighbouring dwellings affected most by the proposal were re-consulted by letters dated 11 November 2011. The consultation period has not ended at the time of writing this report. No further letters of representation have been received to date. The end of the statutory notice period is 2<sup>nd</sup> December 2011.

Landscape Officer - Does not object to the proposal, but has recommended species for small trees and also shrubs for planting along the side and rear boundaries which would be suitable for screening.

## **REMARKS**

The material considerations relevant to this application are:

- Impact on neighbouring residential amenity
- Size and scale of proposed outbuilding
- Proposed use of the outbuilding

## Summary

The application proposes the change of use of land at the rear of the dwelling at 28 Berkhamsted Avenue, Wembley, to be incorporated as domestic garden, and the erection of an outbuilding in this location at the rear. It is to be set in from the rear boundary with 10 and 11 Northchurch Road by 1.5m; set in by 6.0m from the side boundary with 28A Berkhamsted Avenue. Although this part of the garden does not share the side boundary with no 26 Berkhamsted, it is located approximately 1.0m set in from this side boundary. However, this piece of land is also beyond the rear boundary of this property.

The proposed dimensions are to be 6m long by 5m wide, giving a footprint of 30m<sup>2</sup>. It is to have a hipped roof to a height of 2.6m to the eaves, and 3.9m to the ridge. It is to be internally divided into 3 separate rooms, to include a gym area, a storage area and a shower room. It would be located at a distance of more than 25m from the main dwellinghouse at 28 Berkhamsted Avenue.

## Proposed Outbuilding

The original plans for this application proposed a much larger outbuilding which was to measure 6.0m wide by 10.0m long. It was to have a hipped roof to a height of 2.7m to the eaves and 4.0m to the ridge. The proposed floor plans showed that the building was to be internally divided into 3 separate rooms, to include a gym, store and shower room. It would have been set in 3.0m from the shared boundary with no 28A Berkhamsted Avenue, 1.5m in from the rear boundary with 10 and 11 Northchurch Road. It would also have extended 2.0m beyond the side boundary with no 26 Berkhamsted Avenue and set in from the rear boundary of this property by 4.5m.

The revised proposal is for a much reduced outbuilding with a footprint of 30m<sup>2</sup>.

The reduction in size overcomes to a degree concerns that the outbuilding could potentially be used as a separate dwelling. The internal division of the building into 3 separate rooms, to include a shower room, is still proposed. However, considering the proposed location of the outbuilding is to be over 25m from the main dwelling, the inclusion of a shower in conjunction with the gym may be supported in this case. A condition requiring a full landscaping scheme to be implemented along shared boundaries will be attached if the application is supported. The landscape officer has recommended some species for proposed trees and shrubs which would be suitable for screening the building along boundaries.

Due to the reduction in length, the revised scheme would mean that the building would not extend across the rear boundary with the neighbouring boundary of no. 26 Berkhamsted Avenue. The impact of the development on the residential amenities of this property in terms of outlook would therefore be reduced by the revised proposal. The building would also be located over 25m from the rear elevation of the dwelling at no 26 Berkhamsted Avenue.

The size of the building is also considered acceptable due to the set in achieved from the rear boundary as well as the side boundary with no 28A Berkhamsted Avenue allowing soft landscaping to be achieved all around the building which would soften the appearance of the building from neighbouring gardens. The reduction in footprint from 60m<sup>2</sup> to 30m<sup>2</sup> is also considered to achieve a more acceptable relationship avoiding a long expanse of wall close to, neighbouring rear boundaries. As such the proposed outbuilding is considered to have an acceptable relationship with neighbouring gardens having limited impact on the outlook currently enjoyed by the occupants of neighbouring properties.

#### Response to objections not already discussed

The objections were received prior to the revised plans, in response to the original plans. Some of the issues raised by objectors are considered to be resolved by the revised plans, as discussed elsewhere in this report.

Any boundary disputes are civil matters, which cannot be controlled by planning legislation. The applicants have signed certificate A on the application form submitted with the application, declaring their ownership of the application site. However, to clarify the matter, a land registry search has been requested, the outcome of which will be related in the supplementary report for this application.

Concerns over the size and use of the building are partly considered to be alleviated by the revisions made to the original plans. It is considered that, in this case, a shower room may be permitted within the outbuilding due to the location of the building being over 25m from the main house. The proposal is not for a new dwelling and separate living accommodation would not be considered incidental to the main dwelling and not for any kind of living accommodation. The use of a gym with a shower, and additional storage is acceptable in this case.

It is not considered that the use of the outbuilding as a gym and associated shower and domestic storage would result in significant noise emission, and as such would not warrant refusal of the application.

The impact of the development on neighbouring residential amenities in terms of privacy, outlook and visual amenity, have been discussed elsewhere in this report.

The impact of any development on property value is not a planning matter, and therefore cannot be considered.

#### Conclusions

The proposed outbuilding, as revised by plan no. 11/036A Rev A is considered to be of a size more in keeping with the rear garden setting. It is not considered to have an adverse impact upon the amenities of neighbouring occupants. As such it is considered to comply with policies BE2 and BE9 of Brent's Unitary Development Plan 2004 and policy CP17 of Brent's Adopted Core Strategy, 2010.

The outcome of a land registry search for the ownership of the land to the rear of no 20-28 Berkhamsted Avenue, shall be related in the supplementary report for this application.

Approval is accordingly recommended subject to conditions.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

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

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

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

**CONDITIONS/REASONS:**

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

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

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

11/036A Rev A

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

- (3) The building shall be used solely for purposes incidental to the dwellinghouse at 28 Berkhamsted Avenue. No commercial use, business or industry shall be carried out therein, nor shall this building be used for primary residential accommodation such as a bedroom or kitchen. The proposed shower facility is permitted solely in association with the proposed use as a gym for the residents at 28 Berkhamsted Avenue. It may also not be used as a separate flat, be sold, let, occupied or used for storage separately from the main dwellinghouse.

Reason: In the interests of safeguarding neighbouring residential amenity.

- (4) The outbuilding shall not be separated off from the main house by any form of barrier such as a fence, wall or hedge.

Reason: to ensure that a separate planning unit is not created in the rear garden which is detrimental to neighbouring residential occupiers.

- (5) 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.

- (6) The areas between the location of the building and the rear boundary with no.s 10 and 11 Northchurch Road, and the side boundary with no 28A Berkhamsted Avenue 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 protect the amenity of adjoining residents and the character of the area and to ensure a satisfactory standard of appearance and setting for the development.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan adopted 2004  
Brent's Core Strategy 2010

Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016

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