



Planning Committee

Wednesday 22 August 2012 at 7.00 pm

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

Membership:

Members

Councillors:

Ketan Sheth (Chair)
Daly (Vice-Chair)
Aden
Baker
Cummins
Hashmi
John
CJ Patel
RS Patel
Krupa Sheth
Singh

first alternates

Councillors:

Thomas
Long
J Moher
Kansagra
Ms Shaw
Cheese
Van Kalwala
Hopkins
Gladbaum
Oladapo
Hossain

second alternates

Councillors:

R Moher
Naheerathan
Moloney
HB Patel
Allie
Beck
Ogunro
Lorber
Harrison
Powney
Mashari

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

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm 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
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
NORTHERN AREA		
3. BP Petrol Station, 17-27 Cricklewood Broadway, London, NW2 3JX (Ref.08/2315)	Mapesbury	13 - 34
4. Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX (Ref. 12/1919)	Kenton	35 - 44
SOUTHERN AREA		
5. BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, Kilburn NW6 5DT (Ref. 12/1516)	Kilburn	45 - 62
6. Park House, Manor Park Road, London, NW10 4JW (Ref. 12/1779)	Harlesden	63 - 74
7. Quality House, 249 Willesden Lane, Willesden, London, NW2 5JH (Ref. 12/1336)	Willesden Green	75 - 88
8. 286 High Road, London, NW10 2EU (Ref. 12/1608)	Willesden Green	89 - 94
WESTERN AREA		
9. Kelaty House, First Way, Wembley, HA9 0JD 09 (Ref. 12/1293)	Tokyngton	95 - 116
PLANNING APPEALS		
10. 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 18 AUGUST 2012

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
12/1293	Kelaty House, First Way, Wembley, HA9 0JD	10	Tokyngham	9:40	95 - 116
12/1336	Quality House, 249 Willesden Lane, Willesden, London NW2 5JH	10	Willesden Green	10.25	75 - 88
08/2315	BP Petrol Station, 17-27 Cricklewood Broadway, London NW2 3JX	3	Mapesbury	10:45	13 - 34

Date of the next meeting: Thursday 27 September 2012

The site visits for that meeting will take place the preceding Saturday 22 September 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 25 July 2012 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Daly (Vice-Chair), Baker, Cummins, Hashmi, John, CJ Patel, RS Patel and Krupa Sheth

Also present: Councillor Shafique Choudhary and Councillor Michael Pavey

Apologies for absence were received from Councillor Aden and Singh.

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

None declared.

2. **Minutes of the previous meetings**

RESOLVED:-

that the minutes of the previous meeting held on 20 June 2012 and 3 July 2012 be approved as an accurate record of the meetings.

3. **All Flats at Jubilee Heights, Shoot Up Hill, London, NW2 (Ref: 12/0817)**

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with approved plans) to allow minor-material amendment comprising:
- provision of 1 x 2 bedroom and 4 x 3 bedroom flats (instead of 5 x 2 bedroom flats) of full planning permission 11/1307 approved under appeal dated 27/02/12 for Erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights.

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 reminded the Committee that the application was for a minor material amendment to a scheme that had been approved subject to Section 106 legal agreement.

Councillor Hashmi enquired as to whether a Section 106 legal agreement had been signed and also whether the application would attract a Community Infrastructure Levy (CIL). Rachel McConnell responded that a new Section 106 legal agreement to mitigate the impact of the development would be issued and that the application would be subject to CIL.

Mr David Alton, the applicant's agent stated that although CIL came into effect in April 2012, he did not believe that the application which was for a minor amendment would be subject to CIL as it would not involve any increase in footprint. In response, Steve Weeks, Head of Area Planning, confirmed the Council's views that both an increased Section 106 agreement contribution as well as CIL were required but added that it was up to the applicant to appeal against CIL for the application if he deemed it appropriate

DECISION: Agreed as recommended.

4. Asda, Forty Lane, Wembley, HA9 9EX (12/1268)

PROPOSAL: Proposed automated four-pump petrol filling station and canopy within car park, ancillary control unit structure, relocated lamp post and CCTV post, realignment of access road and footpath and associated hard and soft landscaping works.

RECOMMENDATION: Grant planning permission subject to conditions and informatives as amended in condition 6.

Rachel McConnell, the Area Planning Manager started by confirming that the traffic data used Highways and Transportation officers was collected in January 2009 and not 2008 as stated in the report. With reference to the tabled supplementary report, she highlighted the following salient aspects of the application:

Highways

The applicant had provided data which was consistent with the 2009 data used by the Highway and Transportation officer to assess the application and that the resulting assessment confirmed their view that the increase in traffic on local roads and junctions could be accommodated and that the implications on the Bridge Road/Forty Lane junction at peak times was not such as to warrant refusal of the application

Car park

The survey of the car park by the applicant showed that while it was well used, the reduction in parking capacity would not result in problems outside the site.

Gradient of the exit ramp:

Further details of the exit ramp to establish the gradient had been secured by condition (5) which would require the details of the exit ramp to be approved before any works could commence.

Highway and Pedestrian Safety

Highway and Transportation officers' records showed that of the 10 personal injury accidents for the period February 2009 to January 2012, one involved a fatality and one a serious injury but all occurred prior to 2011 and involved right-turning vehicles at the junction. As a result of measures taken to improve visibility, that particular problem had been addressed and consequently officers were satisfied that the additional traffic generated by this proposal would not result in any material harm to highway or pedestrian safety.

Changes to road along Empire Way

Officers were satisfied that relevant and robust data had been provided to properly assess the likely impact of the proposal on traffic flows along Forty Lane. She clarified that at an estimated increase of about 2%, the additional traffic flows were not considered to be significant.

Health and Safety

Members learnt that the applicant would be required to obtain petroleum licence from the Fire Brigade, the Petroleum Licensing Authority, prior to commencing any works. The licence would be issued for three years with annual inspections to ensure that the development was carried out in accordance with the relevant guidance. She added that the Fire Brigade Petroleum Officer had confirmed that the distance to the residential properties was likely to be acceptable.

Health considerations:

Members noted that the applicant would also need to obtain an Environment Permit from the Environmental Health department, which would consider the impact of the petrol filling station on the environment and on people's health. Rachel McConnell added that modern petrol stations such as proposed, would require far higher standards of vapour control and emission reduction to help minimise health impacts.

Landscaping

She drew members' attention to the revised condition 6 as set out in the tabled supplementary report to reflect the fact that it was not feasible to provide additional trees along the eastern boundary of the site. Officers would however seek additional shrub planting of Horse Chestnut trees along that boundary instead.

Mr Bob Kitchen, a local resident, in objecting to the proposed development stated that it would lead to increased traffic and congestion at the junction of Forty Avenue and Bridge Road, resulting in increased risk to pedestrian safety. In order to minimise this impact he suggested that the applicant should be required to provide access and exit through the rear of the car park.

Mr Martin Francis circulated an illustration of the development and speaking on behalf of the governing body of Chalkhill Primary School expressed concerns on traffic impact on the safety of pupils walking to and from the school as a result of the proposal. He added that the situation would be made worse with the planned expansion of school places in the area which would also generate additional traffic in the area. Mr Francis requested that the report be deferred to enable the issues he had raised to be addressed.

Mr Robert Dunwell speaking in support of the application stated that as a result of the closure of the Texaco petrol station on Forty Avenue, the proposed development would provide a further amenity in the area. He requested that a

temporary planning permission for three years be issued to Asda to encourage an early release of the funds of S106 funding related to Wembley aimed at improving the junction of Bridge Road and Forty Avenue

In accordance with the Planning Code of Practice, Councillor Shafique Choudhary, a ward member stated that he had not been approached in connection with the application. Councillor Shafique referred to a scientific study which he said confirmed that airborne organic elements from benzene and traffic pollution could cause cancer. In this particular case, the proposal would detrimentally affect the health and safety of the occupants of the nearby residential properties which were less than 50 metres away (instead of 100 metre distance) from the site as well as contaminate grocery foods in the Asda store.

Councillor Sheth, Chair, enquired as to whether the scientific study referred to could be made available to the Committee and also asked Councillor Choudhary to clarify the link between the proposed petrol station and the health and safety issues to which he had referred. In response, Councillor Choudhary stated that he could circulate the report to members of the Committee. He added that the close proximity of residential properties and the fact that vaporisation could settle on foods provided the link between the proposal and the health issues he had raised.

In accordance with the Planning Code of Practice, Councillor Pavey, ward member stated that he had not been approached in connection with the application. Councillor Pavey claimed that the transport evidence submitted by the applicant relied on implausible business models which had not been rigorously analysed. He continued that the proposal would result in increased traffic and congestion due to its proximity to residential properties and at a time when the Local Education Authority was embarking on school expansion programmes in the area. The expansion was likely to over-stretch Bridge Road and Forty Avenue junction. The situation would be made worse as Asda, a multinational company, was likely to compete to attract customers by their pricing policy.

In response to the Chair's request for evidence to support his claims, Councillor Pavey referred to Asda's price comparison website as his source adding that in order to generate sales Asda would undercut its petrol prices which could disproportionately increase traffic.

In addressing some of the issues raised by Councillor Choudhary, Steve Weeks (Head of Area Planning) stated that health issues from the operation of a petrol station were a well-known issue and that modern facilities were designed to reduce airborne pollutants. He added that the application had been assessed by Transportation officers with the conclusion that there was no robust argument for its refusal on grounds of significant increase in traffic flows. He continued that due to the significant physical work that would be involved, it would not be appropriate to grant a temporary planning permission.

During members' discussion, Councillor Daly enquired whether in view of the uniqueness of the site taking into account the proposed new school buildings and the traffic arrangements in the local area, the Committee could make a recommendation for improvements to the Bridge Road and Forty Avenue junction. Councillor Hashmi observed that the former Texaco site on Forty Avenue was located close to residential properties and local schools without reported any detrimental impact.

In responding to the above, Steve Weeks, Head of Area Planning advised that whilst there could be a need for the Council to resolve the problems at the junction, it was not within the Committee's remit to make a formal recommendation but that if the application was approved he could informally pass on members' comments to the Head of Transportation.

DECISION: Granted planning permission as recommended with additional changes to condition 6 requiring replacement of Horse Chestnut trees if required and delegate authority to Head of Area Planning to agree variation to deed of agreement for application 98/0413 relating to car parking if deemed necessary.

5. Frynt Primary School, Church Lane, London, NW9 8JD (12/1297)

PROPOSAL: Demolition of existing single storey buildings on the eastern and western sides of the site (toilet block, canteen and teaching blocks) and erection of new two storey block along the main south elevation of the school and the western edge of site to provide additional classroom accommodation and a new school sports/multi use hall, with associated hard and soft landscaping to facilitate expansion from 2 form entry to 4 form entry. (Revised Description – proposed temporary construction site access via Holly Grove during construction period removed from proposal)

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Mrs Joyce Thompson objected to the proposed development on behalf of her aged mother who lived in Laburnum Grove on the following grounds:

- (i) Due to its overlooking and over-bearing impact, the proposal would result in loss of privacy.
- (ii) The 2-storey aspect of the buildings would result in loss of outlook.
- (iii) There would be loss of light and sunlight to an unacceptable degree to the bathroom.
- (iv) With increased number of pupils, the proposal would result in noise pollution throughout the school day.
- (v) The demolition and clearance in preparation of the site and the construction of the buildings would cause dust, dirt and debris pollution to her mother's garden resulting in loss of residential amenity.
- (vi) Detrimental impact on the foundations of her mother's property which would result in loss of value of the property.
- (vii) The proposal would result in detrimental impact on her aged mother's health and quality of life.

In response to Councillor CJ Patel's enquiry, Mrs Thompson replied that her mother's house was between 6 to 9 metres away from the proposed site.

Mr Paul O'Brien, the applicant's agent circulated illustrations of the scheme. He submitted that Fryent Primary had been identified by the Council for its primary school expansion programme which would expand it from a two-form to four-form entry school and assist in addressing the shortage of school places. He continued that the scheme which complied with the Supplementary Planning Guidance 17 (SPG 17) and play space standards had been carefully considered to ensure that any loss of amenity to nearby residents was kept to the minimum. Mr O'Brien considered the objections on grounds of construction and demolition as management issues that would be addressed as part of the conditions.

Steve Weeks, Head of Area Planning reiterated that the scheme complied with SPG17 requirements and that it would provide seventeen (17) car parking spaces including a dedicated space for the disabled. He also clarified the relationship of the proposed buildings to the boundary with Laburnum Grove in response to queries raised by members

DECISION: Agreed as recommended.

6. MIRACLE SIGNS & WONDERS MININSTRIE, Church Road, London, NW10 9NR (12/1093)

PROPOSAL: Demolition of the existing building and erection of a new building consisting of D1 use on the ground floor and 47 residential units on seven upper floors.

RECOMMENDATION: Refuse planning permission.

With reference to the supplementary report, Steve Weeks, Head of Area Planning clarified that the application had been considered in the light of the National Planning Policy Framework (NPPF) and found to be unacceptable for the reasons set out in the main report including design, increased floor plan, massing, bulk and height.

Councillor Cummins sought clarity on the recommendation for refusal in the light of the borough's housing shortage. Steve Weeks replied that the Committee had previously resolved to support a smaller scheme which did not present the problems associated with this larger proposal.

DECISION: Refused as recommended.

7. 79 Chamberlayne Road, London, NW10 3ND (12/0967)

PROPOSAL: The erection of a single storey rear extension and the conversion of the basement storage area into a self-contained flat.

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

DECISION: Planning permission granted as recommended.

8. Barham Primary School, Danethorpe Road, Wembley, HA0 4RQ (12/1315)

PROPOSAL: Erection of two storey extensions to the existing main school building, creation of new pedestrian access at southern boundary with One-Tree-Hill Recreation Area, demolition of single storey nursery building to provide additional parking, and reconfiguration of hard and soft play areas and landscaping across the site to facilitate expansion of the school from 3 form entry to 4 form entry.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Neil McClellan, Area Planning Manager informed the Committee that the application which complied with SPG17 would enable the school to expand from 3-form to 4-form entry school (630 to 820 pupils). A new access via Roundtree Avenue would be created to encourage 'walk to school'.

DECISION: Agreed as recommended.

9. 107-109 Ealing Road, Wembley, HA0 4BP (12/0417)

PROPOSAL: Proposed demolition and reconstruction of existing two-storey retail unit in order to create a three-storey retail unit incorporating a new shop front, new basement, new second floor providing 965 sqm of gross floor space including, A1 retail, ancillary storage, office and staff facilities, covered refuse storage area, new trees and an 8 metre servicing bay to the rear.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

The Chair asked Neil McClellan, Area Planning Manager, to comment on the objection to the application that the increase in the height of the building would harm the character of the area and change the face of Ealing Road. Councillor Cummins remarked that traffic and congestion would result as offices were created above shops.

Neil McClellan, Area Planning Manager, responded that the application would instead represent a positive improvement on the existing building without necessarily generate increased traffic.

DECISION: Agreed as recommended.

10. Mitchell Brook Primary School, Bridge Road, London, NW10 9BX (12/1298)

PROPOSAL: Demolition of former caretaker's house, erection of part two, part single storey extension to existing school, including a third storey plant room, comprising new dining hall, sports hall, reception area, kitchens and offices,

reorganisation and refurbishment of existing building and external play areas to facilitate expansion from 2 form entry to 3 form entry.

RECOMMENDATION: Grant planning permission subject to conditions and informatives and the receipt of full revised plans incorporating the amendments received.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager updated members that amendments had been received that would remove the tower located above the stair core, extend the proposed pitched roof area, lower the height of the first floor accommodation to the front of the building and reduce the bulk of the extension.

DECISION: Agreed as recommended.

11. Planning Appeals 1 - 30 June 2012

RESOLVED:

that the appeals for 1 – 30 June 2012 be noted.

12. Any Other Urgent Business

None raised at this meeting.

The meeting ended at 8:32pm

COUNCILLOR Ketan Sheth

Chair

Note: At 8:15pm the meeting was adjourned for 5 minutes

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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 **Planning Committee Map**
Site address: BP Petrol Station, 17-27 Cricklewood Broadway, London, NW2 3JX
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This map is indicative only.

RECEIVED: 27 August, 2008

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: BP Petrol Station, 17-27 Cricklewood Broadway, London, NW2 3JX

PROPOSAL: Refurbishment of No. 17 Cricklewood Broadway to provide 53sqm retail unit (Use Class A1) on ground floor and two x two-bedroom and one x one-bedroom flats on the upper floors and demolition of existing petrol filling station and garage buildings and erection of a five-storey building, comprising a 478sqm retail unit (Use Class A1) on the ground floor and 18 new flats on the first, second, third and fourth floors (consisting of 10 x one-bedroom, four x two-bedroom and four x three-bedroom flats), including cycle and bin storage, removal of vehicular accesses onto Cricklewood Broadway and Hoveden Road and provision of amenity space and landscaping to rear, with pedestrian access onto Hoveden Road, NW2

APPLICANT: Trevellyan Developments Limited

CONTACT: G M K Associates

PLAN NO'S:

See condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- (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) Submit a post completion viability assessment at practical completion of the scheme to ascertain what level of Affordable Housing provision can be made.
- (c) A contribution of £3,000 per bedroom, (totalling £96,000 on the basis of a net increase of 32 bedrooms), due on material start and index-linked from the date of committee for Sustainable Transportation, Education, Air Quality, Open Space and Sport in the local area.
- (d) A contribution of £5,000, index-linked from the date of committee and due on Material Start, for the maintenance and up-keep of Mapesbury Dell open space and play area.
- (e) Submission and compliance with a Sustainability Implementation Strategy including the Brent Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes (CSH) Level 4 for the residential and BREEAM 'Excellent' for the commercial, with compensation should it not be delivered, and evidence of sustainable materials.
- (f) Improvement of 25% over the Target Emission Rate of Part L of 2010 Building Regulations
- (g) Submit a Construction Method Statement to include measures to adopt and implement the ICE Demolition Protocol, submit and adhere to a BRE/DTI/Other recognised methodology Site Waste

Management Plan to minimise construction waste and sign up and adhere to the Considerate Contractors Scheme.

- (h) Provision of 2.8% CO2 emissions reduction from on-site renewable generation.
- (i) Removal of rights for residents to apply for parking permits
- (j) Submit and adhere to a Delivery and Servicing Plan for the commercial unit
- (k) Enter into a Section 38/Section 278 Agreement for offsite highway works including removing two crossovers on Cricklewood Broadway, one crossover on Hoveden Road, extending the adjoining parking bays across the former access and providing two bicycle stands in public highway for the retail unit and two street trees to Cricklewood Broadway
- (l) Provide training opportunities for local residents as part of a local labour placement under the Construction Training Initiative

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

EXISTING

The application site is a circa 0.14ha site on the west side of Cricklewood Broadway, housing a three-storey end-of-terrace building, a petrol filling station and a large garage building with a floor space of 530sqm covering the mid-section of the site. This building is used as a garage for car maintenance whilst the ground floor of No. 17 houses the pay-point and shop for the petrol filling station. The rear of the site fronting onto Hoveden Road is used for access to the garage and storage of cars.

The site is located within the Cricklewood Broadway Secondary Shopping Frontage and backs on to Hoveden Road (within the Mapesbury Conservation Area).

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	dwelling houses	
2	shops	
3	sui generis	petrol filling station
4	sui generis	garages

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	172	172	0	1628	1628
2	0	0		478	478
3	58	0	58	0	0
4	530	0	530	0	0

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	760	172	588	2106	2106

Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £73,710.00.

PROPOSAL

The application proposes to demolish all existing structures between No. 17 and No. 29 Cricklewood Broadway and the erection of a five-storey building fronting onto Cricklewood Broadway with a landscape amenity area to the rear, with a pedestrian access from Hoveden Road.

No. 17, which is within the application boundary, would be refurbished to provide a commercial retail unit

(Use Class A1) at the ground floor and with some minor extensions provide two no. two-bed flats on the first and second floors and a one-bed flat on the third floor. These would have a gross internal area of 57sqm.

The new building would have a retail unit (Use Class A1) with a gross internal area of 478sqm, accessed from Cricklewood Broadway. It would be serviced from the highway at the front of the building. Either side of the retail unit would be two entrances serving the flats on the upper floors, the primary entrance being to the left of the retail unit. This entrance leads to a hall with a lift serving all floors and a corridor through to the amenity space at the rear of the plot. An internal cycle store is provided within a room off that corridor, with storage for 18 bicycles.

To the right of the secondary entrance would be access to the bin store serving both the retail unit and the 18 residential flats above. The flats would comprise 10 no. one-bed flats, four no. two-bed flats and four no. three-bed flats.

A small plant room is provided at the rear of the cycle store and a larger, external, area for plant is provided along the shared boundary with No. 29. This would house the air conditioning units and would have a timber pergola constructed over the area to provide some visual screening.

The amenity area would be laid out with hard and soft landscaping to provide a formal, seated area and a less formal grassed area with screen planting along all boundaries.

The ground floor of the new building would in most parts be farther from the boundaries than the existing structures.

HISTORY

No relevant history

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27 March and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. Its intention is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

LDF Core Strategy and UDP saved policies referred to in the report below have been considered in the assessment of the application and the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

Local

The development plan for the purposes of S38 (6) of The Planning and Compulsory Purchase Act 2004 is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Strategic

- STR1 Housing is the priority land use
- 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.
- 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.

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.
- BE25 Development in Conservation Areas
- BE28 Open Space in Conservation Areas

Environmental Protection

- EP2 Noise and vibration
- EP3 Local air quality management
- EP6 Contaminated land

Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- 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 Special regard should be paid to certain issues where backland development is proposed
- H15 Planning permission should be refused where development underutilises a site
- H18 The Quality of Flat Conversion
- H20 Flats Over and Adjoining Buildings in Shopping Centres
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

Employment

- EMP9 Development of Local Employment Sites

Town Centres and Shopping

- SH9 Secondary Shopping Frontages
- SH19 Rear Servicing

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.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- 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

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 2 Population and housing growth
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 5 Place making
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development
Requires that the infrastructure requirements of new development are met
- CP 17 Protecting and enhancing the suburban character of Brent
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP19 Brent strategic climate mitigation and adaptation measures
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 21 A balanced housing stock
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

Brent Supplementary Planning Guidance

SPG17 Design Guide for New Developments

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

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

SPG19 Sustainable Design, Construction and Pollution Control

Regional

London Plan 2011

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

The following chapters are considered relevant to this application:

- 3. Housing
- 5. London's response to climate change
- 7. London's living places and spaces

Draft Housing SPG

CONSULTATION

Local residents, businesses, Ward Councillors and internal and external consultees were consulted on 10 September 2008, along with site notices and press notice. Notification of a 14-day re-consultation was sent on 24 March 2009. The most recent round of consultation, for a full 21 days, was carried out on receipt of revised information. Letters were dispatched 20 July 2012, two site notices were posted on 18 July and a press notice was put in the local paper.

A summary of the responses received to the 2008 (11 objections) and 2009 (3 objections, no new objections) consultations follow:

- Loss of privacy, light and outlook
- Overshadowing of garden
- Impact on conservation area
- Impact on Mapesbury Dell
- Impact of traffic congestion and servicing from Hoveden Road
- Impact of overspill parking
- Density of development
- Noise and disturbance, air pollution, light pollution
- Loss of security
- Petrol station is an amenity and should be kept
- Impact on property values

To date, five objections have been received to the 2012 consultation, which are summarised as follows:

- Retail use not suitable in residential area
- A Tesco Express would adversely affect existing businesses
- The petrol station is an amenity and should be kept
- Consider removing the retail use to shorten the shopping frontage and help support the remaining units
- Problem of high density development, studio flats and a transient population
- Problems with existing operation – E/11/0375
- Five storey building out of keeping bulky and with the character of the area
- Increased noise and disturbance from traffic and from retail unit
- Impact of overspill parking
- Concerned about rear amenity space being used for parking
- Loss of security due to increased use of rear amenity space

Your officers will report any further responses in a supplementary report.

Where two or more responses are received from the same address it is counted as one objection.

REMARKS

The key planning considerations are:

1. Principle
2. Visual impact
3. Housing in terms of density, mix, tenure and quality
4. Impact on neighbouring amenity
5. Landscape and amenity
6. Parking, access and servicing
7. Other
8. Response to objectors

1. **Principle**

The proposed development accords with the intention of strategic policy STR1 of the adopted Unitary Development Plan 2004 (the UDP), which states that outside of Borough or Strategic Employment Areas, housing is the priority alternative land use, unless otherwise indicated.

The site contains an active employment use and as such policy EMP9 *Development of Local Employment Sites* is applicable. Policy EMP9 seeks to retain small employment sites dispersed across the borough as sources of local job opportunities and normally only allows their change of use if there is an unacceptable environmental problem with the existing use or if there is no effective demand for the premises. The petrol filling station is not considered to cause unacceptable environmental problems though in the past some complaints have been received about the operation of the garage to the rear; in the consultation responses to this application some residents have reported problems with vehicles parking on land at the rear of the site. Your officers have given significant weight to the provision of commercial floorspace on the ground floor in this proposal, albeit the space is for retail (use class A1) as opposed to business (use class B1) and have also given significant weight to the recently-published National Planning Policy Framework and in particular paragraph 51 which states that local planning authorities "should normally approve planning applications for change of use to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate" (CLG, March 2012: p13).

The site lies within a Secondary Shopping Frontage and as such a mixed use scheme which provides commercial on the ground floor is supported. Core Strategy policy CP2 *Population and Housing Growth* plans for population growth of between 25,000 and 28,000 people by 2017 by providing 11,200 additional homes by 2017; providing those homes is a borough priority objective (Objective 7: to achieve housing growth and meet housing needs).

The redevelopment of the site for housing-led mixed uses would also accord with one of the principle objectives of the London Plan 2011 to increase housing supply (Policy 3.3 *Increasing Housing Supply*).

Your officers are satisfied that redevelopment of this previously developed land for mixed use retail and residential is appropriate and fully complies with the relevant national, regional and local policies, specifically the NPPF, London Plan policy 3.4 *Optimising Housing Potential* and strategic policy STR3 of the UDP, which seek to optimise the use of previously developed land.

2. **Visual impact**

The main new works comprise the five-storey building, for which greater detail is given below. There are also some extensions proposed to the upper floors of No. 17, involving in-filling the void to the side of the rear projection. Whilst this sort of development is not normally supported, this is usually due to its impact on the outlook for neighbouring properties and its incongruous appearance. In this instance the in-filling of the void would be seen as part of a wider redevelopment and not, therefore, as an incongruous addition. The works to No. 17 are considered acceptable in terms of visual impact.

2.1 Bulk and scale

The building would be positioned between No. 17, the northern-most end of a terrace of three- and four-storeys with a pitched roof rising to approximately 15m and No. 29, the southern-most end of a

terrace of three-storeys with a parapet front rising to approximately 11.5m.

The new building would be five-storeys in height, or approximately 15.5m overall at its mid-point. To the parapet of the fourth, penultimate, floor it would be about 13m high. It would be 25.5m wide on its Cricklewood Broadway frontage, with a 20m wide central section which is emphasised by a small (approximately 1m) set-back for the entrances and staircores. This central section would also be slightly taller to its main parapet, which would be approximately 13.5m high.

The building would fill almost the full width of the available plot but would not adjoin No. 29 as it would be set-in from the shared boundary by approximately 2m which, combined with No. 29's set-in of 1m, results in a 3m gap between the flank elevations. This is considered beneficial due to the step down in height between the five-storey building and the three-storey parade of which No. 29 is the first unit; this gap therefore helps make the transition between the 11.5m high No. 29 to the 13m high parapet, at which point the proposed building steps-in from the boundary a further 1.2m before rising to the 15.5m high top floor.

The new building would adjoin directly with No. 17, which is about half a metre lower than the proposed building. The top floor is set-back by 3m at the junction with No. 17 to ensure the top floor does not jar with the gable front and pitch roof of No. 17.

In terms of bulk and scale the building is considered acceptable.

2.2 Design

The design of the building is simple, with a reconstituted stone ground floor frontage pieced with aluminium framed shop windows giving way to brick-faced upper floors with reconstituted stone detailing (cills, soldier course, coping) and topped with a recessed top floor clad in powder-coated metal panels. This simple design is considered entirely appropriate for the location, which is a pleasant if slightly run-down area of formerly grand parades of shops and flats. The proposed building would be a polite modern intervention into this series of parades and, subject to further details of the materials to be used to face the building and to provide detail, including windows, the scheme is considered acceptable in terms of design.

2.3 Impact on Conservation Area

The eastern boundary of the Mapesbury Conservation Area runs through the site from north to south, so whilst the building itself is outside the conservation area, it can be considered to have an impact on views out of the area and as such policy BE25 *Development in Conservation Areas* is applicable. The rear of the building would be visible from the rear gardens and houses along Walm Lane and Hoveden Road, but the location of the building means that its relationship with the conservation area is limited: it would not, for example, alter views into the conservation area given the presence of the existing large metal-clad garage building.

The rear of the building is not as detailed as the front elevation, however that is to be expected and it compares favourably with the unattractive rear elevations of the existing neighbouring properties. The rear elevation is stepped to break down the mass of the building and the upper floors are set back from the edge of the ground floor by about 8m and the top floor is also recessed and clad in a different material. All this serves to reduce the visual impact of the building and, subject to further details of the materials to be used, the proposal is considered to preserve the character of the conservation area.

3. Housing

3.1 Density

The development proposes a total of 21 units, comprising 18 new units (10 no. one-bed flats, four no. two-bed flats and four no. three-bed flats) and three refurbished units (one no. one-bed and two no. two bed), as set out in Table 1, below.

<i>Beds</i>	<i>Habitable rooms</i>	<i>Number</i>	<i>Total habitable rooms</i>	<i>% of units</i>
1 bed	3	11	33	52%
2 bed	4	6	24	29%
3 bed	5	4	20	19%

		21	77	
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Table 1: Accommodation schedule

National, regional and local policies seek to optimise the potential of the site, with the NPPF and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to optimise the housing potential of a site taking account of local context, London Plan design principles and public transport capacity. The recently adopted Core Strategy policy CP6 seeks to ensure developments have proper regard to the London Plan and states that “a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important”.

For the purposes of calculating density (a) the site area includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004) and (b) habitable rooms include kitchens over 13sqm, bed-sitting rooms are counted as 1.5 habitable rooms and a room which is larger than 18sqm is counted as two habitable rooms (p.288, Glossary, UDP 2004).

The site is 0.1679ha in size, with a total of 21 new or refurbished units proposed. The number of habitable rooms is 77 (on the basis of each kitchen/dining/living room counting as two habitable rooms), giving a density of 459hrh.

The site is located in an urban location with good access to public transport (PTAL4), and is well-served with local amenities. London Plan guidance in Policy 3.4 Optimising Housing Potential and table 3.2 (London Plan 2011: p.85) is 200-700hrh for this location. As such there are no concerns regarding the density of the scheme in principle but as previously advised and as set out in policy H13 Residential Density, “ the primary consideration in determining the appropriate density of new residential development will be achieving an appropriate urban design which makes efficient use of land (particularly on previously used sites) and meets the amenity needs of potential residents” (UDP 2004: p93).

3.2 Mix and tenure

The application proposes 100% market housing and is supported by a toolkit which demonstrates that it is not financially viable for the development to provide any affordable housing. Your officers have assessed this toolkit and are satisfied that in this case the proposal complies with London Plan policy 3.12 *Negotiating affordable housing on individual private residential and mixed use schemes* which states that “the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to, amongst other things, the need to encourage rather than restrain residential development (London Plan policy 3.3 *Increasing housing supply*) and the specific circumstances of individual sites.

In this case the figures provided within the toolkit on land value, build costs and sales values are considered reasonable; in particular site has a relatively high existing use value. The applicant has agreed, however, to suitable clauses being included within a s.106 agreement to allow the finances of the scheme to be reappraised prior to the occupation of the flats, with the toolkit updated to reflect actual costs and values, in order to determine whether an affordable housing contribution can be made by the scheme at the time of implementation.

There is a particular need for larger family homes of three bedrooms or greater in the borough and, across the whole scheme, larger family homes comprise 19% of the units, rising to 26% of habitable rooms. This is in general accordance with the objectives of Core Strategy policy CP2 that states at least 25% of all new homes built within the plan period should be family sized accommodation of three bedrooms; a lesser provision is considered acceptable given the site’s characteristics on a busy main road and reliance on communal amenity space.

3.3 Residential quality

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

The refurbished units are subject to policy H20 *Flats Over and Adjoining Buildings in Shopping Centres* whereby a more flexible approach towards development standards can be taken. In this case the two-bed units would only marginally fail to meet the London Plan minimum space standards and would be

arranged so that each unit would be dual-aspect and would avoid vertical stacking of incompatible uses.

The proposed flats are all single aspect, facing south-west and north-east, accessed from a central corridor. This is contrary to the objectives of the Mayor's draft *Housing Supplementary Planning Guidance*, which was published for public consultation on 1st December 2011. Once adopted, the new Housing SPG will replace the 2005 SPG and the 2010 Interim Housing SPG; however at present those other SPG remain in force.

The draft Housing SPG provides greater detail on the quality of accommodation and homes as places of retreat. Standard 5.2.1 states that "*developments should avoid single aspect dwellings that are north-facing, exposed to noise exposure categories C or D, or contain three or more bedrooms*" (GLA 2011: p63)

Whilst your officers have given weight to the Mayor's draft Housing SPG, your officers consider the proposal to be acceptable for the following reasons: (1) 'north facing' is defined in the draft SPG as an orientation less than 50 degrees either side of due north. The north-east facing units proposed here are approximately 50 degrees east of north and would thus benefit from some morning sunlight; (2) the units would have a broad outlook across the A5 which is 24m wide at this point, or 30m to the opposite upper floors; and (3) the units are one bedroom units with a maximum depth of 7.5m and a frontage of 6.2m, so neither room to the flats would particularly suffer from a lack of daylight.

The flats are well laid out and although some fall below the minimum space standards set out in London Plan policy 3.5 *Quality and Design Of Housing Developments*, the failures are marginal (one-bed flats at 47sqm instead of 50sqm, two-bed flats at 59sqm instead of 61sqm) and are considered acceptable in the context of the site's characteristics. Each flat would have good-sized living accommodation with good outlook and privacy.

External factors such as noise disturbance from Cricklewood Broadway are not likely to be detrimental to the living standards of future occupants provided standard precautions such as double glazing are provided; a standard restrictive condition to ensure internal noise levels do not exceed the usual norms is proposed.

3.4 Summary

Your officers are satisfied that the scheme would provide a good mix of accommodation at a density suitable for this type of suburban location and would, as a result, offer a good living environment for future occupants.

4. **Impact on neighbouring amenity**

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new 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.

4.1 Outlook

The proposed five-storey block is of a similar scale to the units to the south, with the exception of (i) the flat roof instead of a pitched roof; and (ii) the rear elevation extending back approximately 4m and 5.5m farther back.

The building would fully comply with the 30 degree plane, which means the bulk and scale of the building meets the Council's normal standards when viewed from inside neighbouring properties. When viewed from the end of the neighbouring gardens, however, part of the southern corner of the building would marginally fail the 45 degree plane, with the worst-case relationship being that of the roof of the top floor when viewed from the end of the garden of No. 197 Walm Lane; the roof lies within a plane of 50 degrees instead of 45 degrees.

Your officers have considered this small failure in the context of the site characteristics. At present the site accommodates a large commercial unit, which the submitted survey information shows is 5.2m to eaves and 6.7m to its ridge. This substantial building is located close to the site boundary and this development would result in the demolition of the structure. Within the garden of No. 197 there is a large tree which provides screening. On balance the marginal failure of the building to comply with the 45 degree plane can be accepted given these characteristics.

4.2 Privacy

The rear windows serving the block would be over 20m from the nearest habitable room window, which is on the rear of No. 195 Walm Lane and is approximately 22.5m distant; this complies with the standards within SPG17. The use of the roof of the ground floor unit as a terrace for two of the flats does give rise to some risk of overlooking, to the north and to the south-west, however your officers are satisfied that this can be overcome with the submission of further details of the means of enclosure to the terraces and using planters to ensure future occupants cannot look directly into neighbouring garden.

4.3 Sunlight, Daylight

The block is located to the east of houses on Walm Lane and Hoveden Road, and to the north-east of those houses and gardens closest to the development (195 & 197 Walm Lane). As a result it is unlikely that the block would result in the loss of sunlight and daylight for the residents to the south and west. Your officers are satisfied that the block, by virtue of its height and relationship with neighbouring properties and gardens, would not result in any material loss of sunlight or daylight.

4.4 Summary

Your officers are of the view that the layout, scale and design of the development would not lead to any significant loss of privacy for existing properties, subject to appropriate landscaping and fencing. The separation distances will also mean that existing and proposed residents will retain and achieve reasonable daylight, sunlight and outlook which complies with policies BE9 of the UDP 2004 and guidance contained in SPG17 'Design Guide for New Development', in the context of the existing relationships.

5. *Landscape and amenity*

5.1 Amenity space

The application is supported by a drawing titled Landscape Proposals (drawing 268-02 Rev B) prepared by Bradford-Smith landscape architects. This shows a landscaped area to the rear of the building, extending to some 440sqm, which would provide the bulk of the communal amenity space for the development. This equates to 24sqm per unit, which is in excess of the minimum 20sqm normally sought by SPG17.

Some units have access to private amenity space as well, utilising the roof of the commercial unit and the roof of the third floor to provide some terraces. This adds a further 185sqm to the total amenity space for the site.

Any elevated amenity space will need to be designed to avoid overlooking of neighbouring properties and gardens; in this case the application proposes setting the edge of the amenity space in from the edge of the building and providing screening and planting. Further details of this will be secured by condition and it may be necessary to reduce the extent of the amenity space above the commercial unit to ensure the privacy of adjoining residents is not harmed to an unacceptable extent.

5.2 Soft landscaping

An indicative landscape scheme has been provided which shows areas of grassed amenity space with shrub planting around the boundaries. Six trees are also indicated. Your officers are satisfied with the intention however further details to include a planting plan and landscape management plan should be required by condition. Conditions should also be imposed to secure details of any lighting, to ensure neighbouring amenity is not harmed by light pollution, and so secure details of the means of enclosure (the boundaries themselves) and on the treatment of area between site and Hoveden Road, to prevent parking (see section 6.2, below)

5.3 Childrens' Play Area

Policy OS18 requires an on-site childrens' play area for schemes of over 15 units; the application does not propose any such area within the scheme and your officers are satisfied that this is appropriate given the fact the amenity space is enclosed by neighbouring gardens and houses in close proximity. The childrens' play area in the nearby Mapesbury Dell is available for local residents and the applicant has agreed to a financial contribution of £5,000 towards the maintenance of the Mapesbury Dell, in addition to the standard charge, which your officers find acceptable.

6. **Parking, access and servicing**

The application is accompanied by a Transport Assessment (Structa, 4 May 2012, ref: 1725-R001 Rev B).

The site is located on Cricklewood Broadway, which is a London Distributor Road (the A5). There is no on-street parking from Monday to Saturday 7am to 7pm and there are loading restrictions from 7am to 10am and between 4pm and 7pm. There is a bus lane which starts close to the site.

Hoveden Road, to the rear, is a local access road within the Mapesbury Conservation Area and is subject to Controlled Parking Zone (CPZ) MC. Night-time parking on Hoveden Road is low.

The site is close to Cricklewood Broadway town centre and has good access to public transport, scoring a PTAL level of 4.

6.1 Parking

No off-street parking is provided and some residents have raised concerns about overspill parking. A car-free development can be considered in this location given the good access to public transport and as local roads are subject to a Controlled Parking Zone. As such the applicant has agreed to a clause within a s.106 agreement to prevent occupants of the flats from securing parking permits for the CPZ. Your officers are satisfied that this is acceptable in this location, subject to the permit-free clause extending to include the refurbished properties within No. 17.

6.2 Access

Some residents have raised concerns about the use of the rear access for vehicles and parking within the amenity space. The rear access from Hoveden Road would be closed to vehicles and the pavement re-instated at the applicant's expense. Within the detail of the hard and soft landscaping proposals (see above), your officers will seek to ensure the means of enclosure of the former Hoveden Road access is suitably secure, permanent and visually acceptable given it lies within the conservation area: at present a 1.8m high close-boarded fence is proposed (see drawing 268-02 Rev B). A wall, high enough to discourage climbing but far enough back from the highway to avoid it having an overbearing impact on No. 1 Hoveden Road, with a secure gate for pedestrian access, would seem to be appropriate for this location. There will also need to be some means of preventing parking on the space between the highway and the proposed boundary, such as bollards or preferably a scheme of soft landscaping. This will be secured by condition (see section 5.2).

6.3 Servicing

The site constraints mean that the commercial unit would be serviced from Cricklewood Broadway, which is usually resisted as Cricklewood Broadway is a London Distributor Road and the servicing arrangement could be considered contrary to policies TRN34 and SH19 of the UDP, which seek rear servicing for new developments. The applicant has provided some further information on servicing to show how the impact on Cricklewood Broadway can be minimised, by limiting the number and timing of deliveries to the site. Transport for London have not raised any objection to the servicing proposal, provided it is undertaken in accordance with existing on-street restrictions. The bus lane on this side of the carriageway does not start until farther north, so any deliveries would not block the bus lane.

In order to ensure the proposed servicing arrangements are adequate to cope with the demands and needs of a large retail unit, your officers propose to secure a Delivery and Servicing Plan within a s.106 legal agreement; this plan should be designed to minimise the number of delivery vehicles and schedule them to arrive outside peak hours, with a system of fines for vehicles that fail to comply. This should also contain an undertaking that no trolleys or cages used for delivery or removal of boxes are stored on the

pavement; any such trolleys or cages should be immediately taken into the store and not block the pavement at any time.

Storage for refuse and recycling for both the residential and the commercial unit would be provided within the building, with access for residents via a door from the hallway of the secondary entrance and access for collections from the highway. The commercial unit would be able to access the store room from within the store. This is considered acceptable.

Subject to a clause within the s.106 agreement, the servicing arrangements are considered acceptable.

6.4 Cycling

Cycle storage for 18 bikes would be provided in the new build block, accessed from the main entrance hall. This provision of one space per flat meets the relevant standards in the UDP and is considered acceptable. No cycle parking is proposed for the refurbished flats on No. 17, which is considered acceptable given the constraints of providing suitable secure storage space in such properties.

Two bicycle stands are proposed to the front of the block for visitors to the retail unit.

The cycle storage provision is considered acceptable.

6.5 Summary

Subject to a number of conditions and s106 obligations, the proposed development complies with the relevant UDP policies in respect of highways and transportation.

7. Other

7.1 Sustainability

Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures and the GLA's London Plan 2011 policies within Chapter Five London's Response to Climate Change.

The application is accompanied by a document titled Cricklewood Energy Statement (Foreman Roberts, 8 May 2012) and a completed Brent Sustainability Checklist (Form TP6).

The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of, climate change and your officers consider the proposal to be in accordance with the energy hierarchy as required by London Plan 2011 policy 5.2 *Minimising Carbon Dioxide Emissions* part (a): (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use renewable energy.

The adopted Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures* sets requirements for mitigating and adapting to climate change and achieving sustainable development, and in particular requires all major schemes (those providing 10 or more residential units) to meet code Level 3 of the Code for Sustainable Homes (CSH) Assessment, or Level 4 in the defined Growth Areas.

In line with the London Plan Energy Hierarchy (Be Lean, Be Clean, Be Green), the use of low carbon technologies has been reviewed, with airsource heat pumps deemed to be the most suitable for use within this development. The inclusion of this technology provides over 25% reduction in the Part L TER and therefore complies with the minimum requirements of CSH Level 4.

The Energy Statement states that, due to the nature of this development, in particular its urban location and especially with regards to the compact and residential nature of the site, it is not feasible to provide significant sources of renewable energy. Some photovoltaic panels can be provided on the roof space and 15 no. PV panels are proposed on the upper roof level, giving a further 2.8% of carbon reduction for the development.

Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control* 2003 require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of 52% can be

achieved, although officers have queried that score and are working with the applicant to improve the score. There are measures the applicant could take to increase that score and these shall be reported to Members in a supplementary report; subject to receiving this, your officers have given significant weight to the fact the proposal is designed to meet CSH Level 4, which exceeds the policy requirement for this type of development in this location of CSH Level 3; your officers are satisfied that the scheme can achieve the objectives of SPG19.

7.2 Air quality

The site lies in an Air Quality Management Area (AQMA) as defined in the UDP (policy EP3 and SPG19) and air quality can be a material consideration in development control decisions as set out in the NPPF; the borough Environmental Health officer recommends a condition be imposed to ensure a Construction Method Statement and appropriate dust and fine particles control measures are in place during works. The applicant has also agreed to sign up to the ICE Demolition Protocol and the Considerate Contractors Scheme.

7.3 Crime & antisocial behaviour

Some residents have objected to the proposed development on the basis that the development would bring about an increase in crime and anti-social behaviour. There is no evidence that housing generates crime; in this case the redevelopment of a commercial site for residential purposes would mean a site which would otherwise be vacant at night would be well-observed and opportunities for crime might well decrease.

7.4 Noise and disturbance

The application proposes some plant, particularly air conditioning units, to be placed alongside the boundary with No. 29. This has the potential to cause disturbance for neighbouring residents and as such a condition has been imposed which will require the submission for approval of further details of all external plant, including details of the expected noise output, prior to the installation of any such equipment. This will give your officers, in consultation with your Environmental Health officers, to assess the plant before its installation.

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level, although this has in mind noise-generating development such as industrial uses or transport. Development for residential purposes can cause additional noise but it is necessary to consider the existing use and the site characteristics; your officers do not expect this development to materially harm the amenity of neighbouring residents in terms of noise and disturbance.

7.5 Ground Investigations

The development proposes removing a garage and petrol filling station and replacing with a more sensitive end use. The NPPF requires that the site is suitable for use, and places responsibility with the developer. This is controlled via the planning process which requires phased assessment to be undertaken for review and approval by the Local Authority and in accordance with policies BE12 (h) *Sustainable Design Principles*, EP6 *Contaminated Land* and Supplementary Planning Guidance No. 19: *Sustainable Design, Construction and Pollution Control*. Environmental Health officers recommend imposing conditions to ensure that (1) the tanks for the petrol filling station are removed carefully; (2) any contamination is identified by a ground investigation after demolition has occurred; and (3) a remediation strategy is prepared, implemented and checked before occupation of the properties.

8. Response to Objectors

Most of the concerns raised by objectors have been addressed in the above sections.

A resident has objected on the grounds that the petrol station is an amenity and should be kept; Brent Council has no policy which protects petrol filling stations and as such your officers have no in-principle objection to the loss of the petrol station. Another resident has objected that the retail use is not suitable in residential area; the site lies within a Secondary Shopping Frontage and your officers consider the site is well-suited for a mixed use development; similarly a resident has asked that officers consider the need for the retail unit as a shorter length of shopping frontage could be more vibrant. Your officers are satisfied that the proposal before them meets the relevant local policies and as such see no reason to refuse a scheme which proposes retail

space in this location. A resident has objected on the ground of the identity of the tenant of the retail unit; your officers do not consider that the identity of the tenant is a material planning consideration. Finally an objection has been received on the ground of the impact on property values; this is not considered a material planning consideration in this case.

9. Conclusion

The proposal would provide a meaningful contribution to Brent's and London's housing requirement, pursuant to policies CP2 *Population and Housing Growth* of the Core Strategy and London Plan 2011 policy 3.3 *Increasing Housing Supply*. Despite it being a flat block on a tight in-fill site the proposal provides 19% family accommodation with some private amenity space and it removes a commercial activity which currently encroaches into the Mapesbury Conservation Area. The development would result in a mix of uses whilst providing a good living environment for future occupants and making a positive contribution to the visual amenities of the area. The development is not expected to materially harm the amenity of neighbouring occupants nor would it harm the character of the Mapesbury Conservation Area. The scheme is judged to be sustainable development which optimises the use of previously developed land for housing and as such is in general accordance with the objectives of the National Planning Policy Framework, the London Plan 2011 and the Brent development plan documents and approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Regional Guidance - London Plan 2011
Central Government Guidance - NPPF
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
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

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

Site Location Plan Rev A

Block Plan Rev A
 05020-01 *Topographical Survey*
 09 Rev A *Existing Front and Rear Elevations*
 12 Rev B *Proposed Alterations Floor Plans and Elevations*
 21 Rev D *Coloured Front Elevations*
 22 Rev C *Coloured Rear Elevations*
 23 Rev B *Existing and Proposed Building Footprints*
 24 Rev B *Existing and Proposed Sectional Elevation*
 30 Rev A *Coloured Site Layout/Ground Floor Plan*
 31 Rev A *Coloured First, Second, Third and Fourth Floor and Roof Plans*
 108 Rev B *Site Layout, Ground and First Floor Plans*
 109 Rev A *Front and Rear Elevations*
 110 Rev A *Second and Third Floor Plans, Sections A-A and B-B*
 111 Rev A *Fourth Floor and Roof Plans, Side Elevations*
 120 *Access for All and Lifetime Homes Compliance Diagrams*
 121 *Access for All and Lifetime Homes Compliance Diagrams*
 122 *Access for All and Lifetime Homes Compliance Diagrams*
 123 *Access for All and Lifetime Homes Compliance Diagrams*
 124 *Access for All and Lifetime Homes Compliance Diagrams*
 268-02 Rev C *Landscape Proposals*

Cricklewood Energy Statement (Foreman Roberts, 8 May 2012)
 Planning, Design and Access Statement (GMK, 22 May 2012)
 Site Investigation Report (8 August 2007)
 Schedule Of Accoustic Values For Residential Units (GMK, ref: 2022 SK-2)
 Transport Assessment (Structa, 4 May 2012, ref: 1725-R001 Rev B)
 Viability Report (02 July 2012)
 Sustainable Development Checklist

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

- (3) The opening hours of the new retail unit shall be limited to between the hours of 06.00 and 23.00 Mondays to Sunday.

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

- (4) No part of the development shall be occupied until the two existing crossovers to the front of the site (to the A5) and the existing crossover at the rear of the site (to Hoveden Road) rendered redundant by this development have been reinstated to footway at the developer's expense.

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

- (5) All the residential premises shall be designed in accordance with BS8233:1999 '*Sound insulation and noise reduction for buildings-Code of Practice*' to attain the following internal noise levels:

<i>Criterion</i>	<i>Typical situations</i>	<i>Design range $L_{Aeq, T}$</i>
Good resting conditions	Living rooms	30 dB (day: T =16 hours 07:00 – 23:00)
Good sleeping conditions	Bedrooms	30 dB (night: T = 8 hours 23:00 – 07:00) L_{Amax} 45 dB (night 23:00 – 07:00)

No part of the development shall be occupied prior to submission to and approval in writing of the results of a sound test which demonstrates that the above required internal noise levels have been met. The sound insulation measures shall be retained thereafter for the lifetime of the development.

Reason: To obtain required sound insulation and prevent noise nuisance harming the amenity of future occupants

- (6) Prior to commencement of any construction work, excluding demolition and site clearance, is commenced, further details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include samples of the following:

- (i) bricks
- (ii) colour sample of the metal cladding and metal coping
- (iii) sample of stone and/or reconstituted stone
- (iv) colour sample of the aluminium windows

and manufacturer's literature for the following:

- (v) steel lintels to windows
- (vi) metal cladding
- (vii) glazing for entrance, including canopy
- (viii) shop front/aluminium stall risers
- (ix) windows

The works shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

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

- (7) No works shall commence, including any works of demolition or site clearance, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period. At no time shall any access be provided to the site for construction purposes from Hoveden Road. The CLP, which shall be accompanied by a site layout plan showing the following elements, shall include details of:

- (i) the construction vehicle access, which shall not be from Hoveden Road;
- (ii) timing of deliveries (to avoid peak hours and to comply with local road restrictions) and the control of traffic entering the site;
- (iii) the parking of vehicles of site operatives and visitors;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development, to avoid the root protection zones of retained trees either on or off the site;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities to be installed prior to commencement of any works;
- (viii) measures to control the emission and mitigate the against the impacts of dust and fine particles during construction; and
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works

The demolition/site clearance/building works hereby approved shall not commence until the vehicle wheel washing facilities have been provided on site in accordance with the approved details and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of adjoining occupants and the interests of the free flow of traffic and highway and pedestrian safety, to ensure the footway and carriageway of the A5 is not blocked during the works and in the interests of local Air Quality Management Area objectives.

- (8) Notwithstanding any details of landscape works referred to in the submitted application, a detailed scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority before any construction work, excluding

demolition and site clearance, is commenced. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Such a scheme shall include:

- (i) all areas of soft landscaping and planting including screen planting along the boundaries;
- (ii) provision of six trees as shown on drawing 268-02 Rev B or in similar locations, including drought resistant native trees;
- (iii) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (iv) cross sections of the green roofs to show the construction of the green roof and in particular the depth of soil and details of the plants;
- (v) existing contours and any proposed alteration to ground levels such as earth mounding or removal; and
- (vi) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works: these should be of a permeable 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 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 and to ensure the privacy of neighbouring occupants is maintained.

(9) Tree protection

- (10) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the local planning authority before any construction work, excluding demolition and site clearance, is commenced and shall be implemented within a timescale to be agreed with that approval.

This should comprise a maintenance schedule and any specific management duties and such details may include:

- (i) Regular watering of trees/shrubs, especially during dry periods in the first two years of establishment.
- (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
- (iii) Inspection and checking of all plants and for health and/or damage to plants.
- (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
- (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
- (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
- (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
- (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The landscaping shall be maintained in accordance with the approved Landscape Management Plan for the duration of the lifetime of the development.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape. To ensure the environment for the local community and residents continues to remain pleasant

and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (11) Prior to commencement of any construction work, excluding demolition and site clearance, further details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved for the lifetime of the development.

Such details shall include:

- (i) type of boundary treatment, e.g.; wall, palisade, close-board, railings, etc;
- (ii) all dimensions including height, length and thickness;
- (iii) material(s), construction and manufacturer if appropriate;
- (iv) for walls specify type, brick colour/pattern, mortar, render, or other finish, including construction details; and
- (v) any alterations, extensions or repairs to existing boundaries especially the boundaries with neighbouring gardens.

Reason(s): in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the Conservation Area

- (12) Prior to commencement of any construction work, excluding demolition and site clearance, further details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in full prior to first occupation in accordance with a timetable to be agreed with the Local Planning Authority and shall be retained thereafter for the lifetime of the development. Such details shall include:

- (i) all lighting for the site, including the pedestrian access from Hoveden Road, the communal amenity space, building security lights (if any) and terrace lighting;
- (ii) the output of each light and a site-wide light-spill (illuminance) diagram; and
- (iii) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, wall-mounted

Reason: To ensure that the site is safely lit for pedestrians and vehicles and to ensure such illumination does not prejudice the amenities of future or neighbouring residents, given the backland nature of the development.

- (13) Prior to the installation of any plant (such as refrigeration, air-conditioning, ventilation system, CHP, kitchen extraction systems), further details of such apparatus including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include:

- (i) a survey of existing background noise levels undertaken prior to the commencement of the development;
- (ii) the predicted noise levels from any plant (e.g. refrigeration, air-conditioning, ventilation system, CHP, kitchen extraction system) together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises: the method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'; and
- (iii) a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)

The approved apparatus shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- (14) Prior to commencement of any construction works and following the demolition of the petrol station and removal of the fuel infrastructure including tanks, fuel lines and pumps from the site, a site investigation to determine the nature and extent of any contamination present, carried out in accordance with the principles of BS 10175:2011, shall be submitted to and approved in writing by the Local Planning Authority to determine the nature and extent of any soil contamination present. The site investigation shall:
- (i) demonstrate that no residual hydrocarbons remain on site at levels above agreed concentrations;
 - (ii) include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and
 - (iii) include a Remediation Strategy containing an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users

If required, the Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The works shall be carried in accordance with the approved details in accordance with the approved timetable and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (15) No part of the development shall be occupied until the measures identified in the approved remediation strategy have been completed in full and a verification report that demonstrates that the remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use has been submitted to and approved in writing by the Local Planning Authority, unless the Local Planning Authority has previously confirmed that no remediation measures are required .

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.


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 BS5228:2009 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

REFERENCE DOCUMENTS:

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

	Planning Committee Map
Site address: Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX	
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This map is indicative only.

RECEIVED: 20 July, 2012

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX

PROPOSAL: Erection of temporary classroom within south east of school site between existing modular building and boundary of Carlisle Gardens to accommodate bulge classroom for 30 pupils (maximum three years)

APPLICANT: Brent Council

CONTACT:

PLAN NO'S:
DWG01 Rev B; DWG02; DWG03; DWG04; DWG05.

RECOMMENDATION

To delegate authority to the Head of Area Planning to approve the application subject to consideration of any new substantive objections received.

EXISTING

The subject site is the Mount Stewart Infants School, located to the north of Mount Stewart Avenue and accessed from Carlisle Gardens cul de sac via two entrances to its north and west. The school is within the Mount Stewart Conservation Area.

To the north, east and south of the site the use is predominantly residential. The houses to the south and east of the site are within the Mount Stewart Conservation Area, with the exception of those rear gardens to the north of the playing fields at Woodhill Crescent, which lie just outside it.

To the west of the site is the Mount Stewart Junior school which although linked to the Infant school, is a separate school.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
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FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
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TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
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Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £0.00.

PROPOSAL

This application has been submitted to facilitate a temporary bulge classroom for pupil occupation from the beginning of the school year commencing September 2012, to accommodate an additional 30 school places within the Mount Stewart Infant School site.

The temporary classroom, which would take the form of a temporary portacabin building re-located from

another site, would be placed to the south of the school site between the existing modular classrooms to the west, and the northern part of Carlisle Gardens cul de sac to the east.

The temporary classroom would be 7.4m x 17.8m, and would have a footprint of approximately 132 sqm. It would have a maximum height of 3.7m.

HISTORY

09/2173: Details pursuant to condition 3 (external materials) of Full Planning Permission reference 08/3054, dated 29 December 2008, for single-storey side extension to school building, together with alterations to the existing entrance lobby and external alterations (as accompanied by brick samples: Ibstock "Parham Red Stock" ID No. 0708 and Ibstock "Arundel Yellow Multi Stock" ID No. 0713, and sample of timber cladding)- Granted, 29/09/2009.

08/3054: Full Planning Permission sought for single storey side extension to school building together with alterations to the existing entrance lobby and external alterations - Granted, 29/12/2008.

07/3004: Full Planning Permission sought for replacement of existing crittal framed windows and doors to main school building with new aluminium framed windows and doors – Granted, 21/12/2007.

07/1331: Full Planning Permission sought for replacement of existing windows and doors with double glazed powder coated aluminium windows and doors on existing school building – Granted, 04/09/2007.

97/2611: Full Planning Permission sought for erection of single-storey rear extension to provide store room and reception area – Granted, 11/03/1998.

96/0815: Renewal of temporary consent 88/1747 86/1148 and 85/1233 for retention of three temporary classroom units – Granted, 02/07/1996.

92/0840: Renewal of temporary permission (ref 88/1474) for erection of single storey temporary classroom – Granted, 01/07/1992.

92/0841: Renewal of temporary permission (ref 881233) for retention of single storey temporary classroom – Granted, 01/07/1992.

POLICY CONSIDERATIONS

National

National Planning Policy Framework

The NPPF was published on 27 March and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. Its intention is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to still be relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight. The NPPF places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities. Local planning authorities should take a pro-active, positive and collaborative approach to meeting this requirement and should give great weight to the need to create, expand or alter schools. Core Strategy and UDP saved policies referred to in the report below have been considered in the assessment of the application and the recommendation is considered to comply with the NPPF.

Regional

The development plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

London Plan 2011

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

Key policies include:

- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 6.3 Assessing effects of development on transport capacity
- 7.2 An inclusive environment
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.21 Trees and woodlands

Local

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of saved policies are considered to be the most pertinent to the application.

Built Environment

- 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
- BE9 Architectural Quality
- BE25 Development in Conservation Areas
- BE26 Alterations and Extensions to Buildings in Conservation Area

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- 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.
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- 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.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Open Space, Sport & Recreation

- OS9 Dual Use Open Space

Community Facilities

- CF8 School Extensions
- CF10 Development Within School Grounds

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 6 Design & density in place shaping
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development
Requires that the infrastructure requirements of new development are met
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity
Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP 23 Protection of existing and provision of new community and cultural facilities
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

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.

Mount Stewart Conservation Area Design Guide

The Mount Stewart Conservation Area Design Guide states that the granting permission for the construction of extensions or alterations to properties often represents a compromise or balance between the added benefits and amenities appreciated by the applicant or householder and degree of amenity lost by neighbours and the impact of the development on the street scene. Proposals in the area should not only be well designed in the first place but should also make a contribution towards enhancing the quality of the area.

CONSULTATION

The council consulted 21 neighbours, Kenton Ward Councillors, the Preston Amenities Protection Society and Brent's Landscape and Transportation Departments on 24/07/2012. A site notice was placed in the vicinity of the school site on the junction of Carlisle Gardens and Mount Stewart Avenue on 26/07/2012. Additionally, a press notice was placed in the local paper on 02/08/2012.

No representations have been received in relation to the application to date (09/08/12)

REMARKS

1. Principle of development

Under sections 13 & 14 of the Education Act 1996, as amended by the Education and Inspections Act 2006, a local education authority has a statutory duty to ensure there are sufficient school places available to meet the needs of the population in its area, but it is not obliged to provide a place in a particular (or nearest) school.

The Council's Unitary Development Plan (UDP) and more recent Core Strategy emphasises the importance of providing sufficient social infrastructure to meet demand. Policy CP23 in the Core Strategy and CF8 in the UDP confirms that in principle proposals are supported to enlarge a school size where it is necessary to accommodate the forecast growth in pupil numbers.

Demand for primary school places nationally is forecast to continue to exceed the supply of places. On the basis of GLA projections, a requirement for 21.5 forms of entry are required across the borough by 2020-21, leading to a shortage of 645 reception places over the entire period.

Whilst feasibility studies were completed for the permanent expansion of four schools across the borough towards the end of 2011 to meet this shortfall, these additional places will not provide sufficient capacity nor will they be available for the start of the academic year in September 2012. It has therefore been necessary for the council to find suitable temporary locations to address the school place shortfall for those children starting from September 2012.

A report to the council's Executive Committee, presented and agreed on 12th March 2012, provided a programme of additional primary "bulge" places across Brent primary schools within the five main "catchment areas" in the borough, securing an additional £1.35m from the council's Main Programme Capital Budget to provide places across Brent schools from September 2012 to maximise Reception to Year 4 capacity.

The temporary expansion of schools in the borough were considered based the following criteria:

- The extent of the shortage of school places in a local area;
- The suitability of physical expansion of a school on a temporary basis, where deemed feasible;
- Temporary expansion feasible without commitment to undertake permanent expansion;
- Expression of interest and/or agreement by the school to expand its capacity on a temporary basis;
- Risk associated with the expansion of the specific schools including likelihood of planning consent;
- Availability of funding to expand the school.
-

The additional bulge classroom proposed at the Mount Stewart Infant School would provide an additional form of entry (ultimately creating an additional 30 places) to assist in meeting the identified need for further school places within the Borough as detailed in the reports to Executive. The bulge class would be for a one time intake only, which equates to a 3-year span from Reception through to Year 2. On this basis, the principle of the proposal can be accepted as it is required to meet an identified need.

2. Siting & Design

The existing 1.5ha (approx.) site contains a main staggered classroom block approximately 75m wide and 20m deep located centrally within the site, with the school playground and playing fields to its north and east. To the west is the Mount Stewart Junior School.

To the south of the main school building, there are two separate blocks of temporary modular classrooms both with an approximate footprint of 160sqm and height of 4m. There is an area of parking located to the south of these buildings and to their west, an existing detached classroom block and associated facilities. Between the eastern-most modular classroom and the boundary with the northern part of Carlisle Gardens to the east, there is an area of open space which slopes gently down to the south, containing a semi mature Eucalyptus tree and hedge. This space provides an area of amenity for the school and is not designated for sports or informal play. It is here where the bulge classroom is proposed to be placed, with a footprint of approximately 132 sqm. The proposed bulge classroom would sit on the same northern building line as the existing modular classrooms, maintaining the existing east-west pedestrian route from the entrance to the school at Carlisle Gardens through the site to the west between the main school and the modular buildings.

The temporary classroom would have a width of 7.4m and would be located 1.7m away from the existing modular classroom to the west, and set off the eastern boundary with Carlisle Gardens by 2m. The temporary classroom would have a depth of 17.8m, and would be located 1.4m away from the existing car parking area to the south. The height of the proposed temporary classroom would be 2.9m plus an 800mm plinth, thus having a total maximum height of 3.7m. The building would be accessed through two doors to its south east adjoining Carlisle Gardens via one access ramp. The proposed building would have the visual appearance of a temporary modular building in that it would be grey with a flat roof.

It is important that the proposed extensions do not detract from the character of the Conservation Area, but it is also acknowledged that size and general layout of the extension is determined by educational requirements. Indeed, although the proposed temporary classroom would be close to the existing boundary and street frontage with Carlisle Gardens and would have a height of 3.7m, there is a large hedge approximately 3m in height and two mature silver birch trees between the boundary of the site and Carlisle Gardens cul de sac, and a further buffer is also provided in the form of a further pedestrianised footpath which is bounded by some landscaping and shrubs thus reducing the impact of the modular classroom. It is therefore considered that the proposed extension will have a limited impact on the frontage of Carlisle Gardens and the Conservation Area.

On balance, it is considered that the siting and design of the temporary bulge classroom is acceptable, and suitable screening is provided to screen the views of the building in the Mount Stewart Conservation Area. A condition will be included to ensure that it is retained for a maximum of three years on site.

3. Impact on residential amenity

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the need for new development. The main impacts on amenity to be considered are: overbearing

impact of the size and scale of the extension; loss of outlook, which is related to overbearing impact; loss of privacy; and loss of sunlight. Following the policies contained within part 3.7 Urban Design Principles of the Built Environment Chapter of the UDP, the council has published Supplementary Planning Guidance No. 17 "Design Guide for New Development" (SPG17) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly.

The location of the proposal is such that the temporary classroom will be located over 15m from the nearest residential dwelling to the south (number 1 Carlisle Gardens) and over 28m from the nearest residential dwelling to the east (number 8 Carlisle Gardens). There are no adjoining residential properties to the north or west.

No. 1 Carlisle Gardens is a two storey detached house located on the western side of Carlisle Gardens, to the south of the proposed site of the temporary bulge classroom. The northern flank elevation of this house, which will adjoin the proposed classroom, contains one rooflight, but no habitable room windows. Given the large distance between the temporary building and site boundary, there will be no loss of light or privacy at this property.

No 8. Carlisle Gardens is a detached two storey property which would be located over 28m from the side elevation of the extension to the east. The frontage would face towards the extension and school towards the west. It is noted that there are two mature silver birch trees and two sets of hedges which restrict views across to the eastern elevation and as such, the proposal is considered not to have any impact on neighbouring amenity.

Although the temporary classroom will be close to the existing temporary modular classroom building to the west, there is only one flank wall window within it adjoining the eastern elevation, and the majority of the light comes from the northern and southern elevations. The temporary building is therefore not considered to adversely impact on the usability of the existing classrooms and will not reduce daylighting to an unacceptable level.

In terms of noise as a result of the use, as this is an existing school site it is not considered that the increase in activity would result in a worsening of existing amenity. Generally the activity within the school grounds is most notable during the school day.

4. Playspace, landscaping and trees

Sport England is required to be consulted on any application which may affect playing pitches. The proposed temporary classroom will be on a grassed area which is not currently used for playspace and it is noted the temporary classroom will not impact upon the usability of the existing playing area to the north. Sport England, therefore, have not been consulted.

The application will result in the loss of one Eucalyptus tree (12-14cm girth) and a shrub. The Council's Tree Protection Officer has considered the proposal and confirmed that this loss is acceptable on the condition that two new replacement *Betula albosinensis* Fascination (Chinese Birch) trees are planted on site, 12-14cm in girth, following completion of the development. The replacement trees should be staked, tied and mulched with 75mm of woodchip bark in a radius of 500mm around the trees and should be planted in reasonably close proximity to the classroom and this will be secured through condition.

There are two existing mature silver birch trees and a boundary hedge in close proximity to the location of the proposed temporary classroom. The case officer has confirmed with the council's Tree Protection Officer that the roots of the trees and hedge will not be affected by the proposal, as its erection does not require the digging of foundations. The hedge and trees, therefore, will not be damaged by the proposal.

Full details of the changes to the soft landscaping will be secured by condition. Overall, the proposals are considered acceptable.

5. Transportation

UDP policy CF8 School Extensions requires proposals to have an acceptable transport impact and schemes will be subject to measures to reduce car usage. Policy TRN1 Transport Assessment ensures applications will be assessed for their transport impact and developments with a potentially significant impact on the transport network should submit a Transport Assessment. Policies TRN2, 3 and 4 relate to testing that impact and measures to make transport impact acceptable. The London Plan 2011 contains a number of

relevant policies including 6.1 Strategic Approach, 6.3 Assessing Effects of Development on Transport Capacity, 6.9 Cycling and 6.13 Parking.

The site is accessed via a single entrance from Carlisle Gardens cul de sac. There is a separate footpath and fence line for both vehicles and pedestrians dividing the road and footpath. The application does not propose changes to the waste management and collection or other servicing.

The Council's parking standards specify a maximum allowance of 1 space per 5 workers plus 20% for visitors. Bicycle parking is required at 1 space per 10 staff.

With regard to parking provision on site, the application does not propose to increase the on-site provision for spaces for staff and visitors. Subject to updating the school's travel plan to reflect the increase in pupil numbers, your officers are satisfied with the transport impacts of the proposal.

Construction

The proposal will involve the removal of an existing temporary modular building within its current location and the re-building of the structure within the school site. In consideration of the nature of the structure, the works will have minimal impact on both the adjoining landscaping and occupiers. An informative will be included to remind the applicant that construction hours are limited to those set out Under the Control of Pollution Act 1974, and that construction activities comply with best practice.

6. Energy & Sustainability

This application proposes to re-locate an existing temporary building to accommodate an additional form of entry for a temporary period of three years. It is therefore unrealistic to expect the existing building to accommodate additional sustainability measures, however it is noted that the proposal will involve the re-use of a redundant building which will reduce the amount of energy produced that would be required to produce a new temporary classroom.

7. Mayoral CIL

As the development relates to the extension of an education facility, the development is exempt from paying CIL.

8. Conclusion

The proposed scheme complies with the relevant policies for schools development at national, regional and local level and in particular with the National Planning Policy Framework which places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities; accordingly your officers recommend planning permission be granted, subject to a number of conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
London Plan 2011
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
Housing: in terms of protecting residential amenities and guiding new development

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

Transport: in terms of sustainability, safety and servicing needs

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

CONDITIONS/REASONS:

- (1) This permission shall be for a limited period of 3 years only expiring on 31 August 2015 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 and the building shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason:

The building is of a temporary nature which the Local Planning Authority would not be prepared to approve other than for a limited period, having regard to its construction and/or effect on the visual amenity of the area.

- (2) Within 3 months of the date of this permission, a landscaping plan showing details (size/location/species) of two new 12-14 girth *Betula albosinensis* Fascination (Chinese Birch) trees, to be planted within the vicinity of the temporary modular classroom, shall be submitted to and approved in writing by the local planning authority. The trees shall be staked, tied and mulched with 75mm of woodchip bark in a radius of 500mm. The trees shall be planted in full accordance within the approved details within the next available planting season following the details being approved.

If within a period of 5 years after the tree is planted the tree is removed, dies or becomes seriously damaged or diseased, it shall be replaced in the next available planting season with a tree of similar size and species as that previously approved.

Reasons: To ensure a satisfactory appearance and setting for the development.


- (3) Prior to the occupation of the classroom, an updated school travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall reflect the increase in pupil numbers resulting from this development.

Reason: In the interests of encouraging non-car modes of transportation.

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

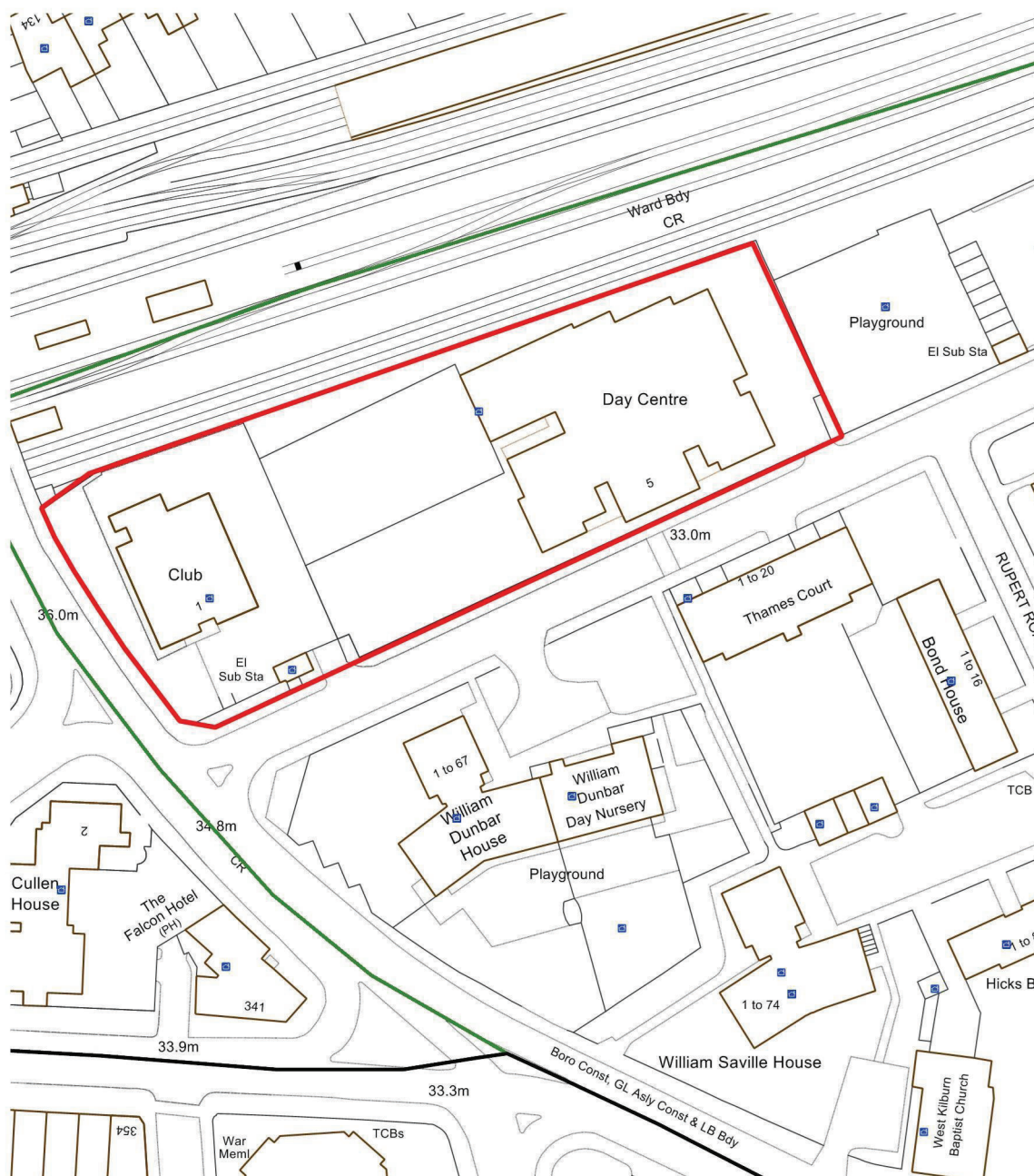
Any person wishing to inspect the above papers should contact Laura Jenkinson, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5276



Planning Committee Map

Site address: BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT

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This map is indicative only.

RECEIVED: 11 June, 2012

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT

PROPOSAL: Outline application (all matters reserved) for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4)

APPLICANT: The London Borough of Brent

CONTACT: Brent Council

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 20% Affordable Housing (28 dwellings, including a minimum of 6 three and 1 four bed units).
- Contribution of £718,400 (£3000 per room, £2400 per AH bedroom) towards education, open-space, transportation and sport.
- All units shall be permit-free, except where existing South Kilburn residents with permits are decanted into the new development.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4.
- Achieve a BREEAM rating of 'Excellent' for the commercial element of the development.
- Adhere to the Demolition Protocol, with compensation should it not be delivered.
- Provide at least 20% of the site's carbon emissions through onsite renewable generation.
- The provision of on-street tree planting (on-site tree planting can be addressed by condition)
- Join and adhere to the Considerate Contractors scheme.
- Prior to occupation submit, gain approval for and adhere to a Travel Plan, which should include a commitment to funding subsidised membership of a Car Club.
- To notify "Brent In2 Work" of all job vacancies, including those during construction

- Contribution of £518,400 to be used to connect the site to any Decentralised Heat / Energy Network and allow for future connection. (Contribution to be returned should no Decentralised energy network exist within a period of 5 years from practical completion of the development)

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.

In addition, the Mayoral CIL multiplier is also payable here at a rate of £35 per square metre of total net additional floorspace.

EXISTING

This site is known as Site 11B within the South Kilburn Regeneration Area. It is sited on the north side of Albert Road, immediately to the east of the junction with Salusbury Road. At present the site comprises the West Kilburn branch of the British Legion and the Albert Road Day Care Centre.

PROPOSAL

See description above.

HISTORY

There is no relevant planning history relating to this site, but Members will be aware of a number of applications that have been determined in the immediate locality.

To the east of this site is Site 11A, which was formerly Marshall House, and which has been recently developed for residential purposes under permission 09/3319 (demolition of 4- and 5-storey block of flats and erection of 2 new blocks, ranging from 4 storeys to 11 storeys in height, comprising 153 self-contained flats and maisonettes, 113 of which are Affordable).

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy, SPD's, SPG's and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012. The following local policy documents need to be taken into account in the assessment of this application:

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004 (UDP)

Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).

Supplementary Planning Guidance Note (SPG) 17 “Design Guide for New Development”

Supplementary Planning Guidance Note (SPG) 19 “Sustainable Construction & Pollution Control”

The Masterplan for the Regeneration of South Kilburn (2004)

Supplementary Planning Document: Planning Obligations

Unitary Development Plan 2004

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

BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.

BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.

BE4 Access for disabled people.

BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.

BE6 High standards of landscape design is required as an integral element of development schemes.

BE7 A high quality of design and materials will be required for the street environment.

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

BE13 Particular regard will be had to the design and attractiveness of all development proposals in Areas of Low Townscape or Public Realm Quality (such as the majority of South Kilburn).

H7 In the Major Estate Regeneration Areas, refurbishment and/or redevelopment is sought and supported, and should; demonstrate the full involvement of local residents; be according to the masterplan; involve the minimum loss of existing affordable housing; include a mix of house types and tenures; ensure through an overall landscape design framework; be exemplars in terms of their approach towards design, energy/renewables and water use, re-use of materials and measures to reduce the use of the car.

H9 Requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.

H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car

parking and features housing facing onto streets.

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

TRN3 Environmental Impact of Traffic

TRN10 Walkable Environments

TRN23 Parking Standards – Residential Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

Core Strategy 2010

CP1 Spatial Development Strategy

CP2 Population and Housing Growth

CP5 Place Making

CP6 Design and Density in Place Shaping

CP9 South Kilburn Growth Area

CP14 Public Transport Improvements

CP15 Infrastructure to Support Development

CP16 Town Centres and the Sequential Approach to Development

CP 19 Brent Strategic Climate Change Mitigation and Adaptation Measures

CP 21 A Balanced Housing Stock

SUSTAINABILITY ASSESSMENT

This application is in outline form only and as such there is not enough detailed information in relation to the design and layout of the proposals to produce the reports required to demonstrate compliance with current planning policy and guidance on sustainability.

However, the applicants have provided confirmation of the sustainability targets they will meet through the detailed design of the proposals. These targets include the submission and adherence to a sustainability checklist with a score of at least 'Very Good' (51%+). The residential units will be constructed to Code for Sustainable Homes Level 4 and the commercial space will be constructed to BREEAM rating 'Excellent', in accordance with policy CP19 of Brent's Core Strategy.

Further to the site specific energy efficiency measures proposed, there is also the potential that the site will achieve further efficiency improvements in the future when the South Kilburn Decentralised Energy Centre is delivered. The Council with the support of consultants are currently going through the process of procuring a partner to install and manage such a centre and administer the billing of the energy to tenants.

Eight potential ESCOs have submitted returns at Pre Qualification Questionnaire stage. The Council will receive returned Tenders for the delivery of the system in September 2012. As the proposed development is

likely to come forward before the decentralised energy centre is complete the Council will seek to ensure that the development is designed to be capable of connecting to the decentralised network and to provide a contribution of £3600 per unit for connection to the network when it is operational.

The sustainability measures referred to in the statement will be secured through appropriately worded clauses within the legal agreement that will be required through this development.

CONSULTATION

A comprehensive external consultation procedure has been undertaken for this application. This has included notifying over 400 local properties and businesses by letter, installing 2 site notices around the site and serving notice in the local press.

As a result of this consultation 3 comments have been received from members of the public.

All three comments are supportive of the proposed redevelopment of this site but would seek clarification on details of development to ensure that it is in keeping with the character of the area and that it will not have a detrimental impact on neighbouring amenity.

City of Westminster

As an adjoining Authority, they have confirmed that they have no objections to the proposals.

Transportation Engineers

No objections to the proposals subject to a legal agreement to secure:-

- (a) A 'car-free' agreement removing the right of future residents of the 116 private units within the development to on-street parking permits in the vicinity of the site;
- (b) Implementation of an enhanced version of the Travel Plan, to include the provision of subsidised Car Club membership for residents;
- (c) Submission and approval of a Delivery Strategy for the proposed commercial unit;
- (d) An agreement under S38/278 of the Highways Act 1980 to facilitate: (i) the widening of the Salusbury Road footway fronting the site to incorporate a loading bay on a shared surface in general accordance with drawing MLA/303/L/110/P1; and (ii) the undertaking of highway works along Albert Road to provide new footway surfacing, sheltered parking bays and speed tables along the site frontage to a similar standard to works already undertaken at the eastern end of the street, together with all ancillary and accommodation works; and
- (e) the promotion of Car Clubs in the vicinity of the site,

In addition, conditions requiring the submission and approval by the LPA of further details of refuse and recycling storage and collection arrangements to satisfy Brent's Recycling & Waste team and further details of public and private bicycle parking provision are required.

Landscape Design

Officers require a fully detailed tree survey from the applicant in due course. It is likely that all trees on the site are to be removed and this possibility has been considered by Officers. No objections to the proposal subject to a condition requiring the submission and approval of detailed landscape proposals.

Urban Design and Regeneration

The indicative plans raise a number of issues that will need to be addressed at the detailed planning stage. This is expanded on in the Remarks Section below.

REMARKS

APPLICATION BACKGROUND

This proposal forms part the ongoing attempts on behalf of the Council to regenerate the South Kilburn Estate. The New Deals for Communities (NDC) programme is no longer in existence and an alternative

approach to regeneration is being progressed by the Council. An update is provided below, by way of background.

SOUTH KILBURN CURRENT PLANNING CONTEXT

The original South Kilburn Masterplan SPD was adopted in 2005, based on a strategy of comprehensive redevelopment of 1400 dwellings, subsidised by the delivery of 1500 private dwellings. The Council appointed a consortium of housing organisations, which included Hyde Housing, Bellway and Taylor Wimpey, to redevelop South Kilburn. The business case was predicated on the consortium running the whole redevelopment from start to finish. In 2007 the Council submitted a bid to Central Government for £100m to fund the project, but was awarded only £50m. This lack of funding, coupled with the impact of the housing recession meant the Consortium was no longer able to deliver the regenerative development programme. As a result, Members will be aware that the Council itself has been leading the regeneration programme bringing individual sites forward with a number of different partners with a wide range of different funding opportunities. However, the key objective remains the delivery of the overall regeneration programme.

At this stage, it is considered that the South Kilburn redevelopment is going well. The first phase of over 350 homes either has been, or will be, completed this year. In addition, 208 further homes have been approved and will start on site this summer. At a recent Planning Committee, an application for a mixed use scheme including 137 units was approved, subject to a legal agreement, on the Queens Park Station site, on the opposite side of Salusbury Road.

To update Members, of the residential units that have been built, are under construction or are awaiting approval (including this application) within South Kilburn 51% are affordable units and of these 29% are 3-beds. 20% of all the units throughout the area are 3-bed units.

MASTERPLAN & PRINCIPLE OF REDEVELOPMENT

The current application represents a departure from the previous approach of obtaining detailed planning approval for each site prior to the disposal of the site to an appropriate development partner. As explained above, this approach has been successful in ensuring high quality redevelopment of a number of sites across the regeneration area. However, this application is submitted in outline form only, seeking consent for the quantity and type of development proposed, but with all other matters reserved for consideration at a later stage. Indicative plans and elevations have, however, been submitted to demonstrate how the site could accommodate the level of development proposed, but they are only indicative. Those drawings indicate 3 blocks with one fronting onto Salusbury Road, including commercial floorspace at ground floor, and the other two "L" shaped in form with the longest elements to the rear of the site parallel to the railway line.

Site 11b falls within Phase 2 of the South Kilburn Masterplan and also forms part of a Site Specific Allocation within the Council's Local Development Framework document adopted in 2011. This sets out an indicative development capacity for this site of 173 units to be completed between 2014-2016. As explained, the current proposals are for 144 residential units, with a split of 20% social rent and 80% market housing, as well as 480 sq metres of flexible commercial space on the Salusbury Road frontage. For clarity, this application proposes 29 units less than the LDF's site specific allocation.

The application has a site area of 0.69ha and with the level of development proposed this will result in a density of 209 units per hectare. This is in accordance with London Plan requirements for Urban Areas with a very good, or excellent, public transport accessibility (PTAL 5 & 6). It would also accord with the South Kilburn SPD which identifies the site as one where a density of 900-1500 habitable rooms per hectare.

The application will involve the demolition of all existing buildings on the site to make way for the re-development of the site for the mixed use residential and commercial scheme. The existing buildings are not of any architectural merit in their own right, but do provide accommodation for the British Legion Social Club and the Albert Road Day Care Centre.

Core Strategy and UDP policies seek to resist the loss of community uses, such as these, unless they are re-provided elsewhere within the local area. The LDF site specific allocation for the site states that off-site provision of community facilities will be acceptable where it improves the implementation of development on the site. The existing adult day care services provided at the Albert Road Centre are to be re-provided in the John Billam Centre in the north of the Borough which is currently under construction and scheduled to open in Autumn 2012. This new centre will be purpose built for the provision of care services and forms a key part of the Day Opportunities Strategy agreed by the Council in 2010. This facility is more centrally located within the

Borough and will replace a number of older day centres, including the Albert Road Day Care Centre.

The existing British Legion Social Club is not under the control of the Council. However, Officers have been in discussions with the organisation and a temporary location for this facility is available in the former Sir Robert Peel Public House in Peel Precinct within the South Kilburn Regeneration Area. The Council have already secured planning permission (11/3228) for the change of use of the former public house allowing it to be renovated prior to the occupation by the British Legion.

As a result, it is considered that the issue of dealing with the existing community facilities on the site has been adequately dealt with and that, therefore, the principle of developing the site is acceptable.

HOUSING ISSUES

PROPOSED HOUSING

The priority objectives for this site in relation to the wider South Kilburn Regeneration Programme are to achieve a sufficient land receipt to be reinvested in the regeneration programme and to make a contribution of 28 affordable units for decant accommodation.

A total of 144 residential units are proposed and of these 28 units would be for affordable rent, representing 20% of the total number of flats. London Plan Policy towards affordable housing seeks to ensure that the maximum reasonable amount of affordable housing is sought on individual private residential and mixed use schemes.

Dealing specifically with this point, an affordable housing statement has been submitted with the application. Although the proposal would provide only 20% on-site affordable housing, the wider programme across South Kilburn is, as explained above, on target to deliver an average of 51% affordable housing across all the sites in the regeneration areas phases 1 and 2.

The requirement to provide a quantum of affordable housing is also driven by the current decant needs within South Kilburn. Site 11b is only forecasted to provide 28 affordable units for decant and although if considered in isolation it would be contrary to current policy and guidance, as explained above the proposal has to be viewed within the wider context of the regeneration of the South Kilburn Area and in particular the need to provide decant accommodation for existing residents, while also generating receipts to fund the redevelopment of sites in later phases of the programme.

UNIT MIX

The table below details the proposed tenure and unit mix for the proposed development.

	Private Units	Private Mix (%)	% Total	Affordable units	Affordable mix (%)	% Total	Total	Total Mix (%)
1-bed (2p)	35	30.2	24.3	11	39.3	7.6	46	31.9
2-bed (3p)	22	19	15.3	0	0	0	22	15.3
2-bed (4p)	59	50.8	41	10	35.7	6.9	69	47.9
3-bed (5p)	0	0	0	6	21.4	4.2	6	4.2
4-bed (7p)	0	0	0	1	3.6	0.7	1	0.7
Total	116		80.6		28	19.4	144	100

The Council under policy CP2 of Brent's Core Strategy seeks to ensure that 25% of all new homes are family sized homes (3+ bedrooms). With this proposal only 5% of the proposed dwellings will be family sized dwellings. However the high proportion of two-bed and one-bed units needs to be viewed within the wider context of the existing regeneration programme within South Kilburn.

The existing housing stock, which is predominantly social housing, contains a high proportion of smaller 1 and 2-bedroom households. The decant driven need of the regeneration programme helps to explain the relatively high proportion of affordable 1 and 2 bedroom units proposed within the scheme. If insufficient 1 and 2 bedroom units are provided within the regeneration programme then the Council will be unable to meet the forecasted decant need locally. As such the proposed high concentration of 1- and 2-bed units within the affordable provision is considered to meet the local housing need and the Council's regeneration objectives set out in the Core Strategy in relation to regeneration and housing meeting local needs objectives.

Policy CP21 of Brent's Core Strategy requires the maintenance and provision of a balanced housing stock in the borough, including the provision of family sized houses on suitable sites providing 10 or more homes. As described above, the mix of units in the affordable housing offer is identified as targeting a specific need in South Kilburn, so while it does not provide a mix including family size units in this specific location and at this specific point in time in the regeneration of South Kilburn the proposed unit size in terms of bedroom numbers of the affordable units is acceptable.

ECONOMIC VIABILITY

The submitted toolkit has set out that the maximum level of affordable housing that can be achieved on this site is 20%. As explained in detail above, the tenure mix and unit size is considered to be meet local housing need as set within the context of the regeneration programme for South Kilburn Regeneration Area.

The toolkit is based on assumptions relating to the sales values of the proposed residential units and the costs of the development. The proposed sales values are based on a market research undertaken in October 2011 by Savills for the London Borough of Brent. As the proposal is for outline planning only the build costs used are bench mark figures of the GLA toolkit.

The London Plan sets out the parameters under which affordable housing contributions for individual sites should be negotiated. The policy makes clear that, whilst affordable housing targets are clearly to be considered, other factors such as viability and the need to deliver new homes should also be taken into account. The toolkit seeks to demonstrate that the delivery of 20% affordable housing would be acceptable. Officers consider that the requirements of wider South Kilburn regeneration and the viability of the scheme mean that the proposed quantity and mix of affordable housing are acceptable.

DESIGN CONSIDERATIONS

As explained above, although the scheme is submitted in outline form only it does include some information to indicate how it could be developed. In terms of this submitted indicative information, the Council's Head of Design continues to feel that the scheme is not properly represented at the moment in order to fully understand the visual impact of the development. It is acknowledged that an outline application such as this with no details submitted might provide maximum flexibility, as far as the applicant is concerned for future marketing, but it does provide challenges when it comes to beginning to assess the implications of seeking to provide a specific number of residential units on a site. In this particular instance, whilst it might be preferable to have more information at this stage, the form of the application does not require it and the message should be clearly stated that at the very least a three dimensional study of the views from Salusbury Road and along Carton Vale should be submitted with any subsequent detailed submission.

COMMERCIAL USES

The proposed development includes the provision of 480sqm of commercial floor space on the ground floor of the proposed building fronting onto Salusbury Road. To the North of Queens Park Rail and Tube Station, Salusbury Road is the main street of the successful Queens Park District Centre. The most recent survey data collected by Experian in 2011 showed that there were no vacant premises within the primary frontage of this shopping centre and there is little scope for the expansion of the existing commercial units, given the physical constraints of the road. The proposed development provides the opportunity to expand the existing town centre to provide a sequentially appropriate extension to the existing town centre which would provide

further links between the primary shopping frontage of the District Centre on Salisbury Road with the secondary frontage along Kilburn Lane. The proposed commercial floorspace is considered to be in accordance with the SPD and Core Strategy requirements. As the layout of the proposed development is a reserved matter a condition will be attached to ensure that the primary frontage of the unit fronts onto Salisbury Road as wrapping the commercial accommodation round into Albert Road would not be appropriate.

For clarity, the application proposes A1/A3/A4 uses in the commercial unit, meaning that retail, cafe/restaurant or public house/bar would occupy the floorspace.

RESERVED MATTERS

Scale and Layout

As explained above, indicative plans and elevations have been submitted with the outline application showing that the development could consist of two L-shaped residential blocks of 5-6 storeys in height, which will help to define two large courtyards fronting onto Albert Road. A 6-8 storey mixed use-building will define the frontage onto Salisbury Road.

This is below the maximum indicative height for this site of 11 storeys set out in the South Kilburn SPD, as well as the recently built neighbouring development on Albert Road (Site 11a). The indicative layout of the proposed block has been designed to create a barrier to the noise from the adjacent railway line which will serve to protect the communal courtyards and make these spaces to be well used and enjoyed. The Council's Urban Designer has identified specific aspects of the scale and layout of the proposed development that will require careful consideration at the detailed design stage. These include the relationship between the separate residential blocks and the need to ensure acceptable distances between buildings to protect amenity of prospective residents and also the bulk and massing of the proposed mixed-use block fronting onto Salisbury Road. All of these matters would need to be dealt with at the reserved matters stage.

Access

Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site has very good access to public transport services and is located within a Controlled Parking Zone, a reduced allowance of 0.7 spaces per 1-/2-bed flat and 1.2 spaces per 3-/4-bed property applies to this development. As such, up to 104 car parking spaces would be allowed for this proposal and the proposed absence of any off-street car parking provision within the site complies with standards.

However, consideration still needs to be given to the impact of any overspill parking from the site on the free and safe flow of traffic in the area. To this end, only 11 car parking spaces are currently available along the site frontage, although this could potentially rise to 19 spaces with the removal of the existing vehicular accesses and zig-zag markings along this part of Albert Road (although only 14 are indicated on the plans, with space retained for tree planting and bin store access).

Although there is some dispute about the existing traffic and parking conditions and the possible reasons for them, it does seem evident that many on street spaces are occupied at present, impacting on the scope to safely accommodate any overspill parking from this development along the site frontage.

The Council's Transportation Engineer has expressed some concern about this development and considers that it is necessary for all proposed units to be "permit-free" controlled through a legal agreement. The demand for parking along Albert Road has increased since George House and Swift House (site 11a) were completed, due at least in part to the issuing of a number of additional temporary parking permits (30 in total) to residents that have been decanted into car-free flats within the building that already owned cars. These permits have been issued for one year only and are not intended to be renewed thereafter.

As such, existing parking demand in the street should ease somewhat by the time the redevelopment of this site is complete, which should then offer scope to accommodate some limited overspill parking from this development. Whilst the Transportation Engineer would wish to see a permit-free agreement for all of the proposed units to support this scheme (which is acceptable given the high PTAL value and the presence of a CPZ in the area) Officers do consider that the fact that the flats will play an important role in providing decant accommodation within South Kilburn does mean that a more relaxed approach can be taken here as an exception to the well-established approach to residential development within the Borough. The private flats would be permit-free and that is not an issue at this stage and the affordable accommodation would be permit-free, except where existing South Kilburn residents bring a permit with them from their current

residence. This would be dealt with through the legal agreement.

Members will be aware that this is something of an unusual approach to the issue, but Officers consider it to be, on balance, acceptable. It is hoped that a more co-ordinated estate wide car parking strategy will be forthcoming to deal with future phases of development, as the issue of how to deal with decanting residents is not unique to this site.

With regard to servicing, the refuse stores as shown on the indicative plans have been located within the ground floor of each block. However, these are all 25-30m from the highway boundary with Albert Road, thus greatly exceeding the maximum wheeling distance for Eurobins of 10m set out in Brent's Waste & Recycling Storage & Collection Guidance. It is therefore proposed that the site management company will arrange for the bins to be moved to a location within 9m of the highway boundary on refuse collection days. An informative is attached stating that all interested parties should contact Brent's Recycling & Waste team to discuss how best to deal with the issue and it may be that the refuse stores would need to be resited much closer to Albert Road to allow bins to be collected. A condition deals with this point.

A 19m long shared surface bay has been shown on the Salisbury Road footway in front of the proposed commercial unit to allow it to be serviced. In order to accommodate the bay, the building is set back 6-8m from the kerb line of Salisbury Road, allowing a 3.5m wide footway to be retained to the rear of the loading bay. This is considered to be an acceptable compromise, subject to suitable restrictions within the lay-by to retain its use for loading only. The additional footway and lay-by will need to be constructed to appropriate standards at the developer's cost and thereafter dedicated as highway maintainable at the public expense under a S38/S278 Agreement under the Highways Act 1980.

To supplement the bay, a Delivery Strategy is proposed to be developed in conjunction with the commercial unit's occupier. This is intended to set out suitable times for deliveries to the premises, including avoidance of the morning peak hour and night-time deliveries. This would be welcomed. In addition to the loading bay, highway works have been indicated along the Albert Road frontage of the site, involving the widening of the highway into the site by about 2m to allow parking bays to be provided along the line of the existing footway, with the footway pushed back into the site accordingly. The existing carriageway width of 7.3m is sufficient to safely accommodate on-street parking along both sides and this widening is not therefore considered to be necessary. Indeed, it would reduce an already narrow development site further, whilst encouraging greater traffic speeds along the resultant wider street.

The Transportation Engineer instead recommends that the scheme replicates the highway works carried out as part of the George House/Swift House (site 11a) development. This would involve improving the quality of the footway paving and the surfacing of the parking bays, including the provision of build-outs, tree planting and raised speed tables. These works will also incorporate the removal of the existing crossovers and zig-zag markings along Albert Road, allowing the parking bays to be extended. The developer will also need to meet the cost of processing amendments to the relevant Traffic Regulation Orders, which will need to cover the whole of Albert Road. All of the above should be included in the S278 Agreement for the site.

Appearance

Throughout the regeneration of the South Kilburn Area the Council have required that all buildings demonstrate an exceptional quality in overall composition, detail and the accommodation that they provide. The reservations of the Council's Design Manager are set out above as far as they relate to what has been submitted at present and the future detailed application for the appearance of the building will need to demonstrate compliance with requirements for the appropriate arrangement and distribution of massing through articulation, in both the vertical and the horizontal planes, legibility of entrances, innovative and appropriate fenestration and high quality materials.

Trees and Landscaping

The level of amenity provision shown will be in excess of the requirements set out in the London Plan and SPG 17: 'Altering and Extending Your Home'. The Council's Landscape designer has viewed the indicative proposals for the communal amenity space and has confirmed that an appropriate level of amenity could be provided for a development with this provision of housing. Nevertheless a condition will be attached to ensure that the proposed communal amenity spaces provide a minimum of 20sqm per flat in accordance with SPG 17 specifications that is acceptable in terms of both quantity and quality. Full landscaping details, including on-street tree planting (which should be London Plane trees) to accord with the wider strategy for tree planting within the regeneration area are conditioned.

As far as existing trees on the site are concerned Officers consider that there are no trees, or groups of trees, on the site of such high amenity or biodiversity value that their presence dictates a specific design change. They do, however, consider that an honest appraisal of the tree stock that will be lost should be provided in the future so as to help to formulate a replacement strategy either on site or in the surrounding area, via a legal agreement. The detailed tree survey should include species, sizes and BS5837:2012 categories.

Legal Agreement and Conclusions

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

As part of the site is currently Council owned, the Council has more control over the matters set down in the proposed Heads of Terms than it otherwise would and will be able to ensure that the agreement is adhered to. The precise details over what goes into the agreement is set down at the head of this report. Highway works are also required to be agreed with the Highway Authority as part of the development proposal and they should be included in any agreement.

Although there are a number of issues here, in particular affordable housing provision and on-street car parking, where a balanced view has to be taken and significant weight attached to the role that the site can play in the wider regeneration of South Kilburn, it is considered that the proposed type and quantum of development are considered to accord with the policies set out within the Brent UDP 2004, South Kilburn SPD and Masterplan. On this basis, it is recommended that outline consent is granted, subject to the legal agreement referred to above and the conditions set out below.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance 17
South Kilburn SPD

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

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

CONDITIONS/REASONS:

(1) In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of three years from the date of this permission; or

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 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):

- MLUK-303-L-002-P1

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

(3) 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) Access
- ii) Appearance
- iii) Landscaping
- iv) Layout
- v) Scale

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.

(4) Prior to the commencement of any of the residential development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that residential premises will be designed 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:

Criterion	Typical situations	Design range $L_{Aeq, T}$
Reasonable resting – 23:00) conditions	Living rooms	30 – 40 dB (day: T =16 hours 07:00
Reasonable sleeping – 07:00) conditions	Bedrooms	30 – 35 dB (night: T = 8 hours 23:00 L_{Amax} 45 dB (night 23:00 – 07:00)

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.

The submitted details shall include an up to date assessment of local noise levels including noise from the adjacent rail line.

Reason: To safeguard the amenity of future occupants of the development

(5) The proposed commercial element shall have its primary frontage onto Salusbury Road only.

Reason: To ensure that the commercial element supports the existing district retail centre along Salusbury Road.

(6) The proposed communal amenity areas shall provide a minimum of 20sqm of amenity space per residential unit.

Reason: To ensure a satisfactory quality of development for prospective residents.

- (7) Any car parking proposed within any future subterranean or basement car park on the site shall not exceed a parking standard of 0.5 spaces per unit.

Reason:

In order to allow the Local Planning Authority to exercise proper control over the development in the interest of highway and pedestrian safety in the locality.

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

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

- (9) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the Salusbury Road commercial floorspace hereby permitted shall only be for the purpose of Use Class A1 or Use Class A3 or A4 providing that any extraction equipment required for those uses are approved by the Local Planning Authority in advance of occupation.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons so that the use does not prejudice the amenity of the area.

- (10) No phase of the development hereby permitted shall commence (save for demolition) 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) a full tree survey of all trees on the site
- (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.
- (j) full details of the construction of any podium decks

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) 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 of 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.

- (15) 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.

- (16) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for South Kilburn, Site 11, Zone 11A prepared by Ardent Consultants (October 2009) and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 100 year critical storm so that post development run-off is at least 50% that of pre-development run-off. This is in line with the

London Plan. Detailed drainage diagrams and calculations should be submitted to the Local Authority for review prior to commencement of development any mitigation measures required by the Local Planning Authority shall be fully implemented..

- Provision of compensatory flood storage on/or in the vicinity of the site to a 1 in 100 year climate change standard in accordance with details submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development.

Reason: To prevent flooding by ensuring satisfactory storage/disposal of surface water in line with Environment Agency comments.

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

Reason: In the interests of highway and pedestrian safety.

- (18) No water or effluent should be discharged from the site or operations on the site into the railway undertakers culverts or drains. Details of the proposed drainage shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Network Rail, and the works shall be carried out in accordance with the approved details.

Reason: In order to exercise proper control over the development.

- (19) Prior to commencement of works (not including demolition) full details of excavations and earthworks to be carried out within 10 metres of the railway undertakers boundary fence should be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Network Rail, and the works shall only be carried out in accordance with the approved details.

Reason: In order to ensure that the development does not compromise railway operational land.

- (20) Development shall not take place until a refuse management strategy for the moving of bins to and from a collection point, to be agreed in writing with Highways, no further than 9m from , is submitted to and approved in writing by the local planning authority. Once the strategy has been approved it must be fully implemented.

Reason: To ensure that the proposed development has adequate standards of hygiene and refuse collection are provided.

INFORMATIVES:

- (1) The applicant is informed that they must contact Network Rail, Town Planning, 1 Eversholt Street, London NW1 2DN (020 79047403) before any works commence on the site as it adjoins operational railway land. Consent must be obtained from Network Rail and they must be contacted a minimum of 6 weeks prior to the proposed date of commencement of works.
- (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
- (3) The applicant is informed that whoever carries out the works in the future is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to


18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.

(4) The applicant is informed that although the following plans were submitted with the application, this is an outline submission only with all matters reserved. They are, therefore, considered for indicative purposes only:

- MLUK-303-L-001-P1
- MLUK-303-L-003-P1
- MLUK-303-L-004-P1
- MLUK-303-L-005-P1
- MLUK-303-L-006-P1
- MLUK-303-L-007-P1
- MLUK-303-L-008-P1
- MLUK-303-L-009-P1
- MLUK-303-L-010-P1
- MLUK-303-L-110-P1
- MLUK-303-L-111-P1
- MLUK-303-L-112-P1
- MLUK-303-L-113-P1
- MLUK-303-L-114-P1
- MLUK-303-L-115-P1
- MLUK-303-L-116-P1
- MLUK-303-L-117-P1
- MLUK-303-L-200-P1
- MLUK-303-MA-
- MLUK-303-MA-
- MLUK-303-MA-
- MLUK-303-MA-
- MLUK-303-SR-
- MLUK-303-SR-

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

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 **Planning Committee Map**
Site address: Park House, Manor Park Road, London, NW10 4JW
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This map is indicative only.

RECEIVED: 18 July, 2012

WARD: Harlesden

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Park House, Manor Park Road, London, NW10 4JW

PROPOSAL: Extension to time limit of Full Planning Application reference 09/0732 dated 9th September 2009 for Demolition of existing building and erection of a 5-storey building, comprising an estate agent (Use Class A2) on the ground floor and 15 flats (3 one-bedroom, 9 two-bedroom, 3 three-bedroom) on upper floors, subject to a Deed of Agreement dated 09/09/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

APPLICANT: Mr Chris Savva

CONTACT: Metropolis Planning Design

PLAN NO'S:
See condition 2

RECOMMENDATION

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

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 £90,000, due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
 - (c) A contribution £50,000, due on material start and index-linked from the date of committee, towards enabling affordable housing off site.
 - (d) A contribution of £18,750, due on material start and index-linked from the date of committee, toward off site Landscaping and open space enhancements to include but not limited to street trees.
 - (e) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
 - (f) Reduction on the Target Emissions Rate of 25% above Building Regulations. 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.
 - (g) Enter into a S38/S278 Agreement to secure highways works to provide the proposed new lay-by to the front of the site, with an adoptable footway to the rear together with amendments to the existing waiting restrictions.
 - (h) Permit Free - Removal of the rights of residents to apply for parking permits.
 - (i) Join and adhere to the Considerate Contractors scheme.

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

EXISTING

The site is occupied by a vacant 3 storey office building, on the west side of Manor Park Road.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
--------	-------------	---------

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
--------	----------	----------	------	-----	----------

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
--------	----------	----------	------	-----	----------

Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £0.00.

PROPOSAL

See description above

HISTORY

09/0732 Granted subject to legal agreement

Demolition of existing building and erection of a 5-storey building, comprising an estate agent (Use Class A2) on the ground floor and 15 flats (3 one-bedroom, 9 two-bedroom, 3 three-bedroom) on upper floors, subject to a Deed of Agreement dated 09/09/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

08/1112 Granted

Demolition of existing 3-storey building and erection of 5-storey building comprising 9 self-contained flats at third-, fourth- and fifth-floor levels, bank (Use Class A2) at ground-floor and first-floor levels, with provision of refuse and cycle storage to side entrance and widening of existing vehicle crossover to front of site ("car free" scheme) and subject to a Deed of Agreement dated 21st July 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

08/3172 Granted

Demolition of the existing building and erection of a 5-storey building, comprising Use Class A2 on the ground floor and 12 self-contained flats on upper floors and subject to a Deed of Agreement dated 27th February 2009 under Section 106 of the Town and Country Planning Act 1990, as amended.

POLICY CONSIDERATIONS

UDP 2004

- BE2 Townscape: Local Context & Character
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- H9 Dwelling Mix
- H12 Residential Quality – Layout Considerations
- TRN23 Parking Standards – Residential Development
- PS14 Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development
Supplementary Planning Document: S106 Planning Obligations

Core Strategy

- CP2 Population and Housing Growth
- CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures

London Plan

Table 3.3 Minimum space standards for new development

NPPF

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

SUSTAINABILITY ASSESSMENT

- The development has not yet achieved 50% on the Council's Sustainability Checklist but will be required to do so
- The residential development will need to achieved Code for Sustainable Homes Level 3
- BREEAM 'Excellent' for the ground floor commercial use

A reduction in the carbon Target Emissions Rate of 25% above Building Regulations requirements

CONSULTATION

External

The Owner/Occupiers of the neighbouring properties were consulted on 23rd June 2012, and a site notice was posted at the site on 11th June 2012. One objection has been received.

- Too many residential units leading to overloading of the town centre.
- Lack of community space.
- Trying to improve Harlesden for pedestrians and increase facilities and social activities which this kind of central development is not helping.
- There was an application to turn this into a community area

The site is included within the 'Harlesden Plaza' site specific allocation. The recommended uses on the site are mixed and include a supermarket, residential development, community space and public space. The proposal does not conflict with this SSA as it includes a residential and commercial use and does not prejudice future development on the wider site.

Harlesden and Kensal Green Ward Councillors were consulted on 19th July 2012, 2 comments have been received.

Cllr Hector:

- Concern about over-development and lack of car parking for residents

Cllr Long:

- Not convinced that the development will be implemented rather than being sold 'with planning permission', however it is thought that the building is being squatted which reflects a need for housing.

Internal

Landscape: Officers would want to see balcony provision improved and the scheme includes the loss of 2 street trees. S106 contributions required to make good the lack of both landscaping and amenity space as well as the removal of street trees.

Transport: Car free and other S106 requirements

REMARKS

This application is for extension of the time limit on the original permission granted in 2009, no changes are proposed to the scheme.

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

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

Government response

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

Procedural matters

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

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

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

Policy changes since April 2008

The significant policy developments since the 2009 approval include the adoption of Brent's Core Strategy 2010, the London Plan 2011, the NPPF 2012 and the introduction of the Mayor's Community Infrastructure Levy.

Core Strategy

CP2 Population and Housing Growth

This policy states that a minimum of 25% of units should be family size (3 beds+), the proposal includes 3x3-bed units equating to 20% of the units in the development missing the minimum target by 5%.

Consideration of the suitability of the site for family accommodation has been given including its town centre location and its inability to provide any communal amenity space or playspace. Officers are of the opinion that the proposal and floor layouts make good use of the restricted plot, providing a reasonable amount of family size units while acknowledging that the site does not provide the most desirable family environment. For the reasons discussed above the proposal in this specific context is considered to be acceptable.

CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures

Code for Sustainable Homes level 3 is the required sustainability target for this residential development along with 50% on Brent's sustainability checklist – as the site is not within a growth area code level 4 is not required and the requirement remains as previously agreed in the Heads of Terms. BREEAM 'Excellent' should be met by the commercial use at ground floor.

London Plan

Policy 3.5 Quality and Design of Housing Developments & Table 3.3 Minimum space standards for new development

The proposal meets Brent's guidance for internal unit sizes as set out in SPG17 and it was considered in 2009 that the proposal would result in an acceptable standard of accommodation. Since the adoption of the London Plan all new developments have been expected to meet these slightly higher internal size standards, while these targets are not met by the proposal officers are of the opinion that the development would still provide acceptable residential accommodation. An increase in the floor areas would result in a reduction in the number of bedrooms if not units that the site was providing and in the context of an extant permission

officers are minded to support the proposal as it achieves SPG17's requirements. It is only possible to extend the time limit of a permission once and a new scheme would be required to reflect the London Plan's guidance.

	Beds/Pers	LP 2011 sqm	Proposed sqm	-/+ sqm
1	3/5	86	80	-6
2	2/3	61	56	-5
3	2/3	61	55	-6
4	1/2	50	45	-5
5	3/5	86	80	-5
6	2/3	61	56	-5
7	2/3	61	55	-5
8	1/2	50	45	-5
9	3/5	86	80	-6
10	2/3	61	56	-5
11	2/3	61	55	-6
12	1/2	50	45	-5
13	2/3	61	55	-6
14	2/3	61	60	-1
15	2/3	61	55	-6

CIL

The development would be subject to the Mayor's CIL at a rate of £35 per m².

Conditions

The same conditions attached to the 2009 approval are again recommended. The applicant has submitted information in relation to these conditions but at the time of writing the applications have not been determined. If the information is found to be acceptable prior to the determination to the application the conditions could be amended accordingly to relate to the application numbers containing the acceptable detail. Members will be updated in a supplementary report.

The report above summarises the main policy changes since the original application was granted and concludes that, on balance, it would be acceptable to approve an extension of time for the unimplemented consent.

For completeness the original report from 09/0732 is repeated in full below.

Original Report

The proposal involves the demolition of existing building which is acceptable; the building is vacant and does not enhance the character of the area. The erection of a 5-storey building is proposed in its place, comprising an estate agent (Use Class A2) on the ground floor and 15 flats (3 one-bedroom, 9 two-bedroom, 2 three-bedroom) on upper floors

Two previous applications have been approved as listed in the history. These 2 schemes were very similar externally but gave different proportions of internal space to A2 and residential. The more recent scheme 08/3172 proposed the ground floor only as A2 with 12 flats above. This is therefore the most similar to the current proposal but this application now proposes increasing the scale of the building and further intensifying the residential use of the site.

Principle

The proposed ground floor A2 use is considered acceptable. The site is in a town centre location adjacent to primary shopping frontage, though it does not have a designation itself, and the A2 use will provide a service to visitors. There is no objection to the loss of the previously approved A2 use at first floor.

The location is also considered acceptable for the residential use, subject to the car-free agreement, as confirmed by the previous applications.

Site & Layout

The plot is 377sqm, and the proposed footprint of the building is the same as previously approved although the front balconies project further over the future public footway as they have been increased slightly in depth.

Design

The proposed building, replacing the existing building which is 3 storeys in height with a pitched roof, is 5 storeys. The proposed building does not exceed the maximum height of the existing building (which is 15.3m at its highest parapet point).

To the front elevation, on Manor Park Road, the building appears as 4 storeys with a 5th storey set back by 1.7m. Although the height of the proposed building is similar to the highest point of the existing, as the existing is a pitched roof and the proposed is flat, the extent of the roof of the building reaching over 15m is far increased. This current application originally proposed a setback to the front elevation only, in terms of its overall massing and flank wall elevational appearance this was not considered to be acceptable.

The revised scheme has a set back to the top floor of a minimum of 1.5m to both side elevations, with the exception of the stairwell area, discussed below. To the rear, although set in at the side, otherwise the top floor projects directly up from the main rear elevation.

When adjacent to the building on Manor Park Road it is likely that the top floor could be difficult to see however if viewed from the north-west on Manor Park Road, where there is an open area, all storeys would be easily visible. On this elevation the stairwell does project directly up above the third floor, meaning for 6m there is no set back and this is a significant change to the design from the approved schemes. However other elevational treatments have helped to break up the bulk. At ground floor 'light grey limestone facing masonry' is proposed with red brick to the storeys above. Light grey terracotta cladding is proposed to the fourth floor and a condition is suggested to require this to also include the stairwell area at fourth floor.

The existing building is approximately 10m in depth and the proposed is increased to between 13.9m and 15.2m resulting in a much deeper flank wall. Therefore the variety of materials and set back at top floor are considered essential to ensure the building does not appear dominating in the streetscene.

The visibility of the top floor of the building from the public highway from on and around the junction of Manor Park Road, High Street Harlesden and Park Parade also necessitates the set back at top floor to the front and side elevations.

To the majority of the rear elevation the building does appear as a 5 storey building with no set in, this elevation would be visible to a number of residential properties above the commercial units on High Street Harlesden but not from other public views. The set in at either side has considerably improved the appearance and although it would be preferable to set this elevation further back the applicant is keen to retain the internal space. This elevation is considered to be the least sensitive and on balance the appearance is thought to be acceptable.

Mix and quality of accommodation

The schedule of accommodation is as follows:

Flat no.	No. beds	No. persons	Internal size	Amenity space sqm
1	3	5	80	6
2	2	3	55	6
3	2	3	55	6
4	1	2	45	6
5	3	5	80	6
6	2	3	56	6
7	2	3	55	6
8	1	2	45	6
9	3	5	80	6
10	2	3	56	6
11	2	3	55	6

12	1	2	45	6
13	2	3	55	32
14	2	3	60	11.5
15	2	3	55	23

It is considered that the mix of accommodation is reasonable, complying with Policy H9 Dwelling Mix which states that a mix of family and non-family units will be required, having regard to local circumstances and site characteristics. In this instance both 1-bed units as well as larger family sized units would be appropriate and are considered necessary to meet the housing demand in the area.

All units meet the minimum standards for the number of bedrooms proposed. Due to their size all of the 2-bed units are suitable for 3-persons only and it is apparent that the scheme has been driven by density.

In terms of amenity space the balconies provide 6sqm each with all 3 fourth floor units having more generous space on the top floor terraces. This is an intensive development with all units just meeting minimum internal size standards whilst providing a low level of amenity space in most cases. The units in the previously approved scheme on average exceeded minimum standards by 9sqm compensating for the lack of amenity space.

Due to its towncentre location the site is tight and there is consequently limited scope for amenity space, it would be preferable to compensate internally but on balance it is considered that the scheme would provide an acceptable level of amenity.

1 unit has been design with suitable access for people with disabilities and each unit is designed to satisfy Lifetime Homes standards.

Affordable Housing

As in the previously approved scheme, a contribution towards the off-site provision of affordable housing is proposed rather than accomodating affordable housing within the scheme. As the planning history demonstrates, there is an existing approval for 9 units with 2 floors of A2 on the site which was not subject to the affordable housing requirement and the following scheme for 12 units did not produce a greater site value than this. A financial contribution towards enabling affordable housing of £30,000 was agreed.

For the current 15 unit scheme a financial contribution of £50,000 is proposed. Given the assessment of the toolkit and the recognition of the previously consented schemes on the site, it is your Officer's opinion that this is a satisfactory amount.

Neighbouring Amenity

Between 89-93, which are adjacent to the site on the High Street, there is no residential accommodation. A number of the upper floors along the High Street beginning at no. 87 are residential. In the previous application to safeguard the privacy of any neighbouring residents an obscured glass screen was proposed to the side elevation of the closest balconies to prevent outlook in this direction. This has not been included in this application and a condition is proposed to ensure it is secured.

The proposed building projects approximately 2.5m further than the existing to the rear. This does not cross the direct line of outlook from the closest property containing residential accomodation, as such in this way the impact would not be significantly different from the existing situation.

Transportation Issues

As with the previous scheme the pavement is proposed to be altered to allow for a loading bay at the front with the pavement behind, this would result in the loss of 2 street trees.

An ATM is proposed in the shop front of the proposed building. Transportation indicate that this would be acceptable and the loading bay would provide a place for cars to pull up in for a moment to use this facility. However it is more likely that the ATM would be used by people on foot given the town centre location.

Public Transport Access to the site is very good with a PTAL rating of 5, as such a car-free scheme would acceptable. However as the proposal has gone over the threshold within the UDP, a disabled parking space is required. The transportation department suggest that this can be accomodated within the servicing bay

created to the front.

16 cycle storage spaces are shown on the ground floor in the rear yard though the usability of these spaces is questionable given the tightness of the space, their usability would need to be demonstrated or else a different storage space or new mechanism of storage would be necessary. 2 publicly accessible cycle parking spaces are shown to the front of the building.

Refuse storage is in a small room next to the entrance which is in accordance with the maximum refuse carrying distance, however this at present does not appear to be in accordance with levels recommended by 'Streetcare'. Recycling bins providing for 1860l of storage would be required for the number of bedrooms proposed so the 720l of bins space proposed is an underprovision. It is essential that both this and the cycle storage are satisfactorily accommodated to prevent significant nuisance to future occupiers and allow efficient recycling to take place. It is possible that this may need to encroach on the space currently dedicated to the commercial unit and a condition is suggested to ensure that acceptable details are submitted.

The scheme, a more intensive version of that approved, is considered still to comply with policies contained in Brent's UDP 2004 and approval is recommended.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

EX100, EX101, EX102, EX103, EX104, EX105, PL/100 A, PL/101 B, PL/102 C, PL/103 C

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

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

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

(4) The A2 unit shall remain as a single unit and not be subdivided without the prior written approval of the Local Planning Authority.

Reason: Any subdivision would cause additional parking and servicing requirements to the

detriment of highway safety.

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

Such a scheme shall also provide details of:-

- (i) Proposed walls, indicating materials and heights.
- (ii) Proposed planting to planter bed.
- (iii) Hard landscaping to front of site.
- (iv) Brown/green roof.

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

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

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

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

- (7) Details of adequate arrangements for the storage of refuse and recycling, in accordance with the Council's requirements contained in the document *Waste and Recycling Storage and Collection Guidance*, 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.

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

- (a) screening to the southeastern elevation of balconies to flats 1, 5, 9 and 13
- (b) screening between the private terraces to flats 13 and 15
- (c) enclosed balcony screens (front elevation) including ventilation and operation.

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

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

- (9) Details of any air-conditioning systems, including particulars of noise levels, shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details shall thereafter be fully implemented.


Reason: To safeguard the amenities of the adjoining occupiers.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

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

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 **Planning Committee Map**
Site address: Quality House, 249 Willesden Lane, Willesden, London, NW2 5JH
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This map is indicative only.

RECEIVED: 11 June, 2012

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Quality House, 249 Willesden Lane, Willesden, London, NW2 5JH

PROPOSAL: Demolition of existing building and erection of a 2, 3 & 4 storey building containing 38 retirement apartments with associated parking, access and landscaping.

APPLICANT: McCarthy and Stone Retirement Lifestyles Ltd

CONTACT: The Planning Bureau Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission, subject to the completion of a satisfactory Section 106 or other legal agreement, on expiry of the neighbour consultation period taking into account any comments received, and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £372 000, due on material start and index-linked from the date of committee, towards enabling the provision of affordable housing off site.
- A contribution of £51,000 (£1k per additional bedroom), index-linked from the date of Committee, and for Sustainable Transportation and Open Space & Sports in the local area, due on Material Start.
- Sustainability - submission of and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3, in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Join and adhere to the Considerate Contractors scheme.
- A S38/S278 Agreement to undertake the implementation of the highway works as broadly set out in drawing 10-1825-105 REvA , to also include at the developers' expense;

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.

In addition, the Mayoral CIL multiplier is also payable here at a rate of £35 per square metre of total net additional floorspace.

EXISTING

The existing property is a three storey vacant office building fronting onto Willesden Lane. It was last occupied by Brent Council Trading Standards Officers.

The building is not a listed building, nor is it within a Conservation Area. However, the western boundary of the site adjoins the Willesden Green Conservation Area and this point is discussed further in the Consultation section of the report below.

PROPOSAL

See description above.

HISTORY

There are no recent decisions relating to the site and only one historic application:

90/0906. Refurbishment of existing trading standard office, provision of lift shaft including disabled persons lift and access, change of use of part ground floor and the whole of the second floor to day centre for social services. Granted 15/08/1990.

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy, SPD's, SPG's and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012.

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

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004 (UDP)

Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"

Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"

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

BE9 – Architectural Quality

BE12 – Sustainable Design Principles

EP2 – Noise & Vibration

EP3 – Local Air Quality Management

EP6 – Contaminated Land

H11 – Housing on Brownfield Sites

H12 – Residential Quality – Layout Considerations

H25 – Sheltered Housing

TRN3 – Environmental Impact of Traffic

TRN14 – Highway Design

TRN23 – Parking Standards – Residential Developments

PS14 – residential Development Parking Standards

EMP 17 – Re-use of Redundant Offices

Core Strategy 2010

CP6 – Design & Density in Place Shaping – Regard shall be had to London Plan policies on density and design.

CP 14 – Public Transport Improvements

CP15 – Infrastructure to support development

CP17 – Protecting and enhancing the suburban character of Brent

CP 19 – Brent Strategic Climate Change Mitigation and Adaptation Measures.

CP21 – A Balanced Housing Stock – The proposal should meet a known need.

London Plan 2011

Policy 3.5 – Quality and Design of Housing Developments

Policy 3.8 – Housing Choice

Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

Policy 3.13 – Affordable Housing Thresholds

Policy 5.2 – Minimising Carbon Dioxide Emissions

Policy 5.3 – Sustainable Design and Construction

Policy 5.7 – Renewable Energy

Policy 5.9 – Overheating and Cooling

Policy 5.10 – Urban Greening

Policy 5.17 – Waste Capacity

Policy 5.18 – Construction, excavation and demolition waste

Policy 5.21 – Contaminated Land

Policy 6.5 – Funding Crossrail

Policy 6.13 – Parking

Policy 7.1 – Building London's Neighbourhoods and Communities

Policy 7.2 – An Inclusive Environment

Policy 7.3 – Designing Out Crime

Policy 7.5 – Public Realm

Policy 7.6 – Architecture

Policy 7.8 – Heritage Assets and Archaeology

Policy 7.14 – Improving Air Quality

SUSTAINABILITY ASSESSMENT

Members will be updated at the Meeting about sustainability matters.

CONSULTATION

Consultation letters were sent out on 13/06/2012 to all properties within 100m of the site. Two site notices were also placed outside of the site and a press notice was served advertising the development as being Of Public Interest.

As mentioned above, the site adjoins Willesden Green Conservation Area and, as a result, it is necessary to advertise this application as potentially impacting on the character and appearance of the Conservation Area. Unfortunately, although Press and Site Notices were served, as explained above, they were not under the correct legislation and Officers have had to correct this.

As a result, further Site Notices were posted on 9 August 2012 and a second Press Notice published on 10 August 2012. It is unlikely that this process will result in any additional comments that were not picked up first time around, but Members need to be aware that the consultation period does not expire until 31 August 2012 and consideration of anything that does come in after the Committee should, therefore, be delegated to the Head of Area Planning.

An objection has been received making the following points:

- Loss of light to neighbouring gardens
- Loss of privacy in the same gardens and property
- Loss of view from properties within Brondesbury Park
- Loss of home value
- Excessive height of the proposed building would be out of keeping with the character and appearance of the surrounding streetscene.
- Mix of materials out of keeping with the character and appearance of the property.

Highways Engineers have no objection to the proposed development subject to conditions and section 106 clauses relating to the provision of cycle storage, disabled parking spaces and the re-instatement of existing crossovers at the developers expense.

Environmental Health Officers have no objections to the proposed development, subject to conditions relating to construction management, site contamination assessment/remediation and noise insulation.

Urban Design Officers originally objected to the proposed development. They were particularly concerned about the height and siting of the development which failed to provide an appropriate setting for the proposed building. There was also concern about the materials proposed. Revisions were sought and the revised proposal satisfactorily overcame the concerns. The matter is further explored below.

REMARKS

REMARKS

Amendments during the planning process.

The submitted planning application was originally considered to have a number of shortcomings and, as a result, it has been amended during its lifetime in the following way:

- A fifth floor has been removed.
- The proposed building line has been set in at the north east corner of the site.
- A more prominent entrance on the Willesden Lane frontage is now proposed.
- Rear balconies have been removed.
- The Willesden Lane frontage has been amended to provide a more coherent frontage.
- The number of parking spaces has been reduced from 12 to 10.
- The number of units has been reduced from 39 to 38.

Principle of the development

The proposed development would result in the demolition of an existing vacant office building and erection of a building containing 38 Later Living Retirement Homes. 26 of these will be one bedroom units and 12 will be 2 bedroom units. The proposed accommodation will be a completely private scheme.

The loss of existing vacant Council office buildings is considered to be acceptable where appropriate alternative uses are proposed. The re-use of the site for residential accommodation is considered to be an appropriate use in line with policy EMP17 of Brent's UDP 2004, as well as the provisions of the NPPF. The proposal also accords with national and local policy requiring development to take place on brownfield sites.

Need for Residential Accommodation in Local Area

The applicants have provided information to support this submission. They state that there are 47 retirement housing developments within Brent providing a total of 1505 dwellings. Of these 1173 are for rent and 332 are available for sale. Within 3.5km of the application site there are 3 existing retirement homes providing accommodation for owner occupiers of which none are located within Brent.

The applicants also make the point that the provision of this type of accommodation allows for elderly home owners within larger properties to move from these to more suitable accommodation, freeing up existing underutilized houses to help to meet housing demand for families. The argument is understood and, in this case, it is considered that it has been demonstrated that, in relation to the type of accommodation, the proposed development will provide units that go towards meeting the needs of local residents in line with policy CP21 of Brent's Core Strategy 2010 and policy 3.8 of the London Plan 2012.

Affordable Housing Provision

Affordable housing includes social rented and intermediate housing in order to meet the needs of specified eligible households whose needs are not met by the market. It should meet the needs of these households, including availability at low cost in relation to local incomes and local house prices. It should include provisions for the home to remain at an affordable price for future eligible households or if these restrictions are lifted, for the subsidy to be recycled for alternative housing provision.

As explained above, the proposed development is a full private scheme and makes no on-site provision for affordable housing. Officers do not consider that this is an acceptable situation and through discussions, the applicants have now committed to the provision of a commuted sum to provide in lieu affordable accommodation elsewhere within the Borough.

Members will be aware that the Council will only accept a commuted sum payment for affordable housing provision off-site in exceptional circumstances where the provision of different housing tenures is not practical, or possible, within a proposed development. In this instance the applicants have stated that it is only realistically possible to provide different tenures of retirement housing within separate buildings and not in a single building as is proposed here. As a result of the specialist nature of the accommodation proposed and the relatively restricted size of the site, it is acknowledged that it would be difficult to propose more than one block and to do so would significantly reduce the number of units on the site, as well as potentially affecting the viability of the scheme, such that it could be likely to preclude the private development from taking place. Therefore, Officers consider that the provision of a commuted sum in lieu is the most appropriate means of providing affordable accommodation for the benefit of the Borough. This is an approach that the Council have agreed should be secured through a section 106 agreement.

Looking at the wider issue of the legal agreements that are needed here and the contributions that should be secured through them, the Council has accepted reduced planning obligations in the development of previous private sheltered housing schemes, as it has been argued that the impact of such development (notably in terms of the main funding areas for S106 obligations, namely education and transportation) is much reduced. As a result, Officers have agreed that taking all considerations into account, a sum of £1000 per additional bedroom should be sought through the legal agreement, rather than the normal sum of £3000 or £2400 per bedroom that is sought for private and affordable housing respectively. A similar argument has been applied to the provision of affordable housing on sheltered housing sites, both in terms of the fact that it is not viable to provide affordable housing on site and secondly it is not practicable to do so. This is particularly because the service, and other, charges paid by private sector residents would not result in affordable rents for social rent tenants. The Council has tested these assumptions in the past and generally has accepted reduced contributions or affordable housing provision.

On this particular site, which is a former Council owned site, there is some capacity for an affordable housing obligation, but it is acknowledged that this should be met off-site. The affordable housing contribution of over £372,000 for off-site provision is considered reasonable, based on using the sum in the same way that housing associations receive grant, equating to on average about £35,000 per property for a mix of shared ownership and affordable rent. This would mean that the total figure would give rise to the build of 10 or 11 affordable properties, equating to a little below 30% of the total numbers of units proposed on site here. In the circumstances it is considered to be a reasonable off-site payment.

Quality of Accommodation

As explained, this application proposes a total of 26 one and 12 two bed units. A large residents lounge of approx. 80 square metres in area is provided within the proposed ground floor. Many of the units would be single aspect with only those proposed for the corners of the block being able to benefit from dual aspect, but every habitable room does benefit from a window, providing outlook and light. The north facing units look out towards Willesden Lane and although Officers consider that it is these single aspect north facing units that do provide the biggest challenge as far as providing a quality of accommodation is proposed, in this case views would be by and large unrestricted views out across the proposed amenity space/planting area. The internal floor areas proposed appear to broadly comply with the provisions of the London Plan, which are normally applied to residential schemes. The internal space proposed is, therefore, likely to more than meet the needs of the future occupants who would use the space in a different way to, for example, a family with small children.

Outside amenity space is also likely to be less used than a conventional residential scheme, with fewer demands placed upon it. It is therefore the quality of the outside spaces on the site, and the uses/activities that can take place within them that are considered to be more important than the quantum of amenity space proposed. The combination of inside and outside space, accepting the characteristics of this type of accommodation, is considered to be acceptable.

Design Considerations

The existing building is not without merit in architectural terms, but it is not listed or locally listed. As a result, it is considered that the key issue is to ensure that if the building is to be demolished that it is replaced by something that is acceptable in design terms in its own right. As explained above, originally Officers took the

view that the proposal failed to demonstrate the quality of design that the Council should seek on sites like this, both in terms of the design and appearance of the building itself, but also the way that the space around the new building is used. Here, the relationship with the prominent Willesden Lane/Sidmouth Road junction was also an issue. However, changes were requested to deal all of these particular points and these have been made so that this now means that the scheme is considered to be acceptable in design terms.

A further consideration here is the relationship of the site with the Willesden Conservation Area which, as explained in the Consultation section above, lies to the immediate west of the site. Although the site falls outside the Conservation Area, Members will be aware that proposals that are outside a Conservation Area, but which might still impact on the character and appearance of that Area, need to be considered in that context. The application has been advertised as a development affecting the Conservation Area in order to comply with the relevant legislation, although Officers do not consider that the impact is a detrimental one for the reasons set out. The proposed building would be 2.5 metres closer to the western boundary than the existing main element of Quality House, but would still be sited over 14 metres from the Conservation Area boundary. The fact that Officers consider that the new building would be acceptable in terms of its design, in conjunction with this separation distance, means that the development would not have a detrimental impact on the Conservation Area.

The existing building is essentially a "U" shape with an open area in front of it, largely made up of car parking, and the rear section relatively close to the nearest Sidmouth Road property to the rear. It has a central element which is three storeys in height, but with two storey wings at either side. The proposed building, which is more L-shaped, is able to pull the main rear element away from the rear, but in doing so results in a building closer to the Willesden Lane frontage than existing. That said, a distance of a minimum of 4.0 metres would be retained to the front allowing sufficient space for tree planting in order to enhance the setting of the building and the streetscene. The building would be closer to the Sidmouth Road frontage where it meets Willesden Lane by approx. 2.5 metres, but would still retain sufficient space around the building, so as to overcome concerns expressed previously about relationship with the boundary and streetscene.

Following amendments the new building would now have a maximum of four storeys on the corner of Willesden Lane with Sidmouth Road. Along most of the frontage on Willesden Lane it has a recessed third floor, except on the north east corner where the fourth floor is flush with the lower floors and on the west and south flanks where it is stepped down to a maximum of 3 storeys. The Willesden Lane frontage features a prominent central pedestrian entrance and which along with the projecting three storey bays serves to punctuate the horizontal plane with a vertical emphasis. The elevations have a significant level of glazing which is also arranged in an ordered sequence with a vertical emphasis. The changing ground-levels across the site are used to ensure that the building has an acceptable relationship with the neighbouring two-storey building on Sidmouth Road. The predominant material finish is brick while there are also secondary rendered and rockpanel cladding. Full details of these materials including samples will be sought by condition, but Officers do feel that the submission does now include sufficient information so as to allow the conclusion to be reached that this scheme could have the necessary quality of development required on sites such as this.

Residential amenity

There are a number of residential properties nearby including those on Brondesbury Park to the rear, Sidmouth Road to the east and Mapeshill Place on the opposite side of Willesden Lane. The proposed rear elevation of the main part of the building will be set back 10m from the rear boundary of the site. This is in compliance with SPG 17 guidelines which seek to protect the privacy and outlook of neighbouring residents. The proposal also complies with a 45 degree line when taken from a height of 2m (SPG17 refers) on the boundary of the site with the rear gardens of the dwellings on Brondesbury Park and as such it is not considered to have a detrimental visual impact on neighbouring properties. The rear elevations of the dwellings on Brondesbury Park are over 30m from the rear boundary of the site with the development site. Given this separation distance, it is considered that there will be no detrimental impact in terms of daylight and sunlight to, and outlook from, these windows. There are a number of windows proposed for the flank of the two storey element located nearest to the adjacent Sidmouth Road property only 2.0 metres from this boundary. These are either secondary windows or openings that serve non-habitable rooms and, given this, it is considered that ensuring that these are obscure glazed would ensure amenities are protected (overlooking is not a significant issue given the existence of a large former sub-station building on Sidmouth Road but oblique views could still be had into the rear portion of the nearest Brondesbury Park property) whilst at the same time not impacting to any degree on the quality of internal accommodation proposed within this development. The matter will be conditioned.

In terms of the residential properties on the opposite side of Willesden Lane, these are of a similar scale to the development proposal and have front elevations with a set back of approximately 5m from the road

frontage. The proposed development is of a scale and height that is in accordance with the requirements of SPG 17 and will not have a detrimental impact on the properties on the opposite side of this Distributor road.

Car Parking and Servicing

The site currently benefits from several areas of car parking providing 24 parking bays to the front and a further access from Sidmouth Road to another 12 spaces. It is located on the southern side of Willesden Lane, a London Distributor road. The site lies within a CPZ which operates 08:00 – 18:30 Monday to Saturday. It has good accessibility to public transport services with a PTAL rating of level 4 – Willesden Green Station (Jubilee tube) is close to the site and seven bus routes are locally available.

The existing offices provide a total floor area which is estimated at approximately 1,600sqm. Under parking standard PS6 of the UDP-2004, for offices in or adjacent to a major town centre, where PTAL ratings are good, a stricter standard of 1 car space per 300sqm can be applied. This would equate to a maximum parking standard for the existing buildings of 5.3 no. car spaces. At present therefore the parking availability at the site exceeds 2004 UDP standards by a significant degree. In addition, under policy PS19 offices are required to be serviced by an 8m rigid vehicle and the existing carriage driveway to the front of the main block would have been able to accommodate such vehicles so that they could enter the site and leave in a forward gear. Removal of such servicing provision could be regarded as a highway gain in terms of the type of vehicular movements that would no longer take place here.

The proposed development consists of retirement housing, which has its own subset of car parking standards set out in PS14 of the UDP-2004. Irrespective of the number of bedrooms (the accommodation is split between 1-bed and 2-bed apartments), the key indicator for maximum parking is the Category in which the accommodation sits. According to the submitted Transport Assessment the type of sheltered accommodation is “Category II” which under PS14 can be permitted 0.25 car spaces per apartment. With 38 apartments now proposed, the maximum parking allowance for the site following development would be 9.5 spaces, plus one car space for a warden. The scheme has been amended to propose ten spaces so as to meet the requirements of the Transportation Engineer. A condition is attached to the consent requiring further details of the spaces and, in particular, the need for there to be the provision of wider spaces in order to accommodate disabled drivers.

The submitted Transport Assessment discusses the demand for car parking at retirement apartments. It points out that the average age of a new resident in such complexes, according to the developer’s experience from other sites, is 76 years. Survey data is combined with this, showing that fewer than 35% of people aged 75-80 own a car, and that the percentage steadily decreases from 80% of 55-60 year olds to 5% of 90 to 95 year olds. As such it can be seen that the demand for car parking is likely to be significantly lower than for other types of housing and the point is understood by Officers. Survey data from 656 similar apartments around the UK is submitted showing that on average 1.66 vehicle movements per 12-hour day are seen within retirement complexes. This equates to approximately 66 vehicle movements per day for a total of 39 apartments (the proposal is now for 38). Of these, only 4 to 5 movements are likely to be seen in the AM and PM peak periods, which is clearly a lower peak trip generation than the existing office use of the site, where nearly all trips would occur around peak times. The applicant indicates that they propose to include in their welcome pack details of public transport facilities tailored to the local area and this is welcomed by Officers as good practice.

The internal refuse and recycling storage is acceptable, minimising carry-distances for residents, and the location of the bin store on the Willesden Lane frontage of the building should allow straightforward collection by Brent Council’s waste and recycling contractors.

The retention of the westernmost vehicular access onto Willesden Lane to serve the car park is considered acceptable in technical highway terms, as it is located the maximum distance away from the junction of Willesden Lane and Sidmouth Road. It also has good visibility in either direction as the road is level and can provide splays of 2m x 90m (west) and 2m x 70m (east).

The proposed works to widen the footway, and dedicate as highway, at the junction of Willesden Lane and Sidmouth Road into the site are welcomed, allowing the potential to ease the radius at the adjoining signalised junction to ease the left-turn by large vehicles from Sidmouth Road into Willesden Lane in the future. The area of affected land has been included within the property sale by Brent Council and will, therefore, be within the control of the applicant when the sale goes through. The Highway & Transport Delivery Unit is therefore seeking a legal obligation to be placed on any planning consent, secured through the Section 106 Agreement, for the associated highway works to be undertaken by the developer, whereby they are required to pave the identified area of land as footway/verge and provide a suitable boundary treatment to the satisfaction of the Head of Highway & Transport Delivery. The land shall thereafter be

offered to Brent Council for adoption as highway maintainable at the public expense under Sections 38 and 278 of the Highways Act 1980.

In addition to these works, the redundant vehicular crossover on Sidmouth Road and the two redundant crossovers on Willesden Lane will all need to be restored to footway with full height kerbs at the developer's expense and it is suggested that these works be included in the above mentioned S38/S278 Agreement.

Landscaping Matters

The Landscape Designer raises no objections to the proposals on landscape grounds. The proposals to remove hard surfacing within the site and the creation of new grass areas are welcomed. It is however important to ensure that the important trees on, or near to, the site are adequately protected and to this end it is noted that creating grass areas near the existing mature Horse Chestnut (T1) should not change ground level within the canopy. Ground preparation for shrub planting within the root protection zone should be hand dig only for planting holes with no use of rotovators or other mechanical cultivation in order to protect roots of existing tree. It is suggested that this should be covered by a condition for arboricultural supervision and method statement for all works within the root protection zone. Only outline planting proposals for trees and shrubs are provided, with a large number of shrub species are listed, whereas the final scheme may need fewer species or a very small number of each. A fully detailed planting plan and details of all paving, surfacing, furniture and built elements of landscape scheme will be controlled by way of condition.

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 Note 17: Design Guide for New Development.

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
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):

10-1825-OS
10-1825-100RevA
10-1825-101
10-1825-102RevA
10-1825-103RevA
10-1825-105RevA

10-1825-106RevA
10-1825-107RevA
10-1825-108RevA
10-1825-109RevA
Basic Elevations - Sheet 1
Basic Elevations - Sheet 2
Topographical Survey

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

- (3) Further details showing two of the car parking spaces widened (and marked out) to accommodate disabled spaces shall be submitted to, and approved in writing by, the Local Planning Authority prior to the development (save for demolition works) commencing. Once those details are approved, all parking spaces shall be constructed prior to the occupation of the building and shall be permanently retained and used solely in connection with the use of the site hereby approved.

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

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

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

- (5) The windows on the first floor of the southern face of the building (relating to units 20 and 21, as well as corridor as shown on plan 10-1825-106A) shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier(s).

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

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along the southern boundary.

(iii) Physical separation

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

(iv) Hardsurfacing

All details of the materials to be used in the areas of hardsurfacing.

(v) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

(vi) Method Statement

To control works within the vicinity of the Horse Chestnut tree and to protect all trees that are to be retained during construction works.

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

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

- (8) Detailed drawings showing all existing trees which are not directly affected by the building(s) 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) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:

Criterion	Typical situations	Design range LAeq, T
Good resting conditions	Living rooms	30 dB (day: T =16 hours 07:00 – 23:00)
Good sleeping conditions	Bedrooms	30 dB (night: T = 8 hours 23:00 – 07:00) □ LAmax 45 dB (night 23:00 – 07:00)

Prior to the building of the dwelling, the applicant shall submit in writing to the Local Planning Authority details of the proposed sound insulation measures to meet the above requirements for approval.

Reason: To obtain required sound insulation and prevent noise nuisance

- (10) Prior to the commencement of the development works a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be

taken to control dust, noise, mud and other environmental impacts of the development.

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

- (11) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users. 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

- (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

- (13) 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 of 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.

INFORMATIVES:

- (1) The applicant is informed that whoever carries out the works in the future is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.
- (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
- (3) The developer is advised to contact the Council's Head of Highways & Transport Delivery in order to progress the S38/S278 highway works.
- (4) The applicant is informed that the doors to the buggy store should not open outwards in the interests of highway safety.

REFERENCE DOCUMENTS:

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004 (UDP)

Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"

Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"

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

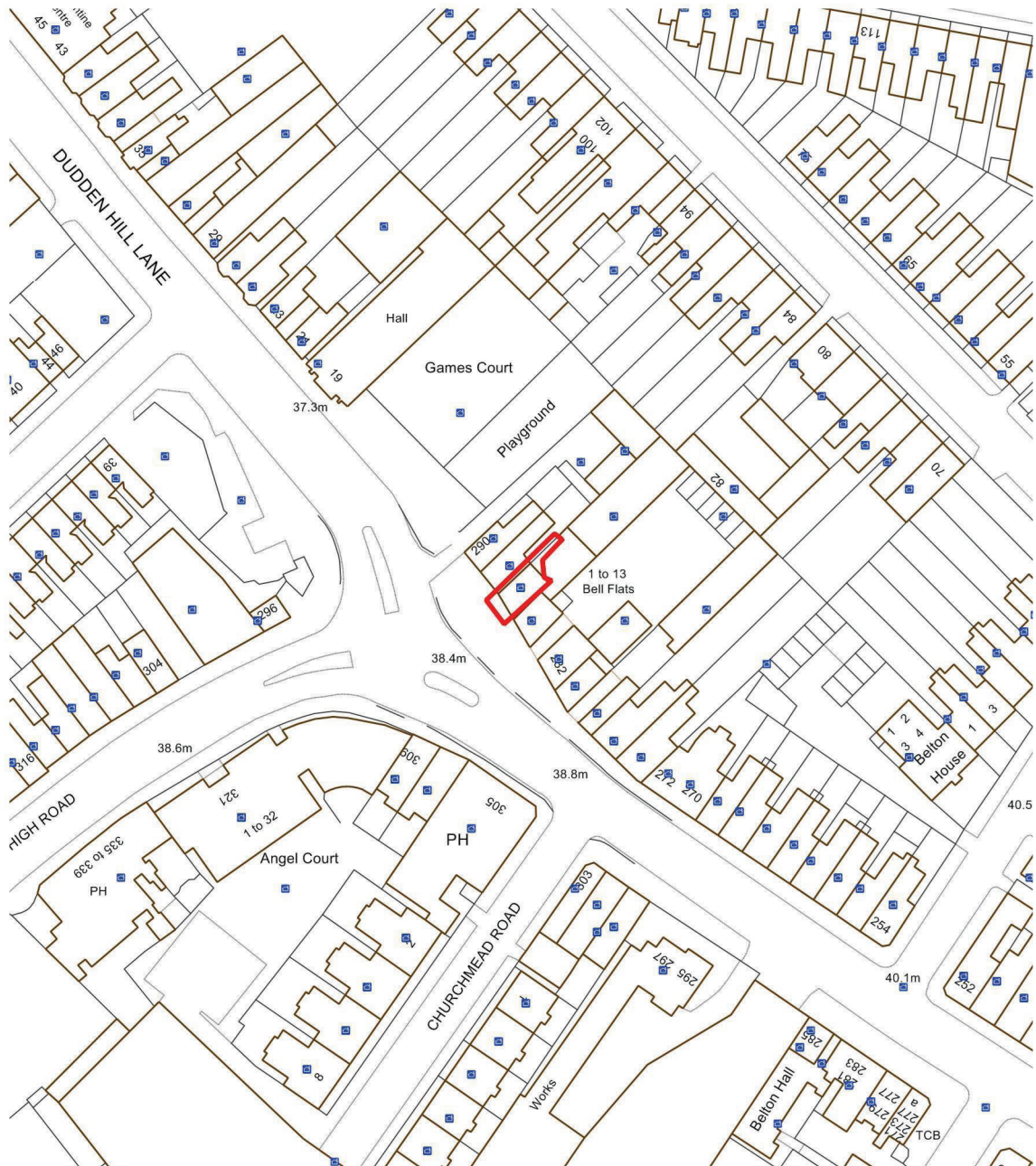
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Planning Committee Map

Site address: 286 High Road, London, NW10 2EU

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This map is indicative only.

RECEIVED: 18 June, 2012

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: 286 High Road, London, NW10 2EU

PROPOSAL: Proposed use of area to front of A3 restaurant for seating for customers and erection of low boundary walls

APPLICANT: Mr Abdul Basir Ramzi

CONTACT: ARCSa

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant consent

EXISTING

The property is a commercial unit at ground floor in a row of terrace buildings with residential uses above. The site has a private front curtilage defined only by the hardstanding material. The use of the property is A3/A5.

The footway in front of the subject site has a width of approximately 10m.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
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FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
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TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
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Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £0.00.

PROPOSAL

See description above

HISTORY

No relevant planning history

POLICY CONSIDERATIONS

UDP 2004

- BE2** Townscape: Local Context & Character
- BE7** Public Realm: Streetscape
- BE9** Architectural Quality
- SH10** Food and Drink (A3) Uses

Supplementary Planning Guidance 7: Shopfronts & Shop Signs
Supplementary Planning Guidance 13: Layout Standards of Access Roads

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

CONSULTATION

Neighbouring occupiers were consulted on 3rd July 2012, 2 objections and a comments have been received:

- Concern about obstruction caused by proposed wall and impact on visibility of neighbouring business.
- Impact on security and normal visibility from windows above
- Wall could channel fumes to flats above.
- The business produces a lot of smoke and ash which impacts on flats above.

The duct for the cooking is to the rear of the business while the proposed boundary treatment is to the front and will not have any impact on this. It is thought that the duct was erected in 2005 and so would now be lawful. However, officers will advise Environmental Health officers that there is some concern about the quality of the existing extraction system relating to emissions.

REMARKS

Principle

The application proposes seating to the front forecourt, and a low boundary treatment to the front and sides of this space. The drawings suggest a fence to the front and brick walls to the sides, no structure would exceed 0.7m. The applicant has been asked for more details about the enclosures and Members will be updated with detail of proposed materials in a supplementary report.

This site is within a secondary shopping frontage and the vitality and vibrancy of the area is a key consideration. The provision of seating to the frontage will allow more customers to consume food on the premises, enhancing the activity and vibrancy within the commercial area.

An objection has been submitted with the concern that the wall would result in a physical obstruction to neighbouring commercial premises. A site visit has demonstrated that the forecourts of some of the nearby units are well used for storing stock during the day meaning that these spaces are not necessarily available or used for access between shops. The proposal boundary treatment is very low, no more than 0.7m, so while it will be a small physical barrier it will not be a visual obstruction and should not have any impact on customer's ability to see neighbouring businesses.

Highways

The forecourt depth is between 2m and 2.5m and it is suggested that 2 tables could utilise this. The plans show all tables and seating within the forecourt and will therefore not obstruct the free flow of pedestrian traffic, the width of the forecourt is considered reasonable to allow seating without causing an obstruction.

In certain cases the provision of seating to the front of a unit is unacceptable, but here the unusually wide forecourt, as shown by the site plan at the start of this report, means that seating could be provided without resulting in problems for other pedestrians.

Residential amenity

Noise is an issue which requires consideration. A condition is recommended that the use of the front seating will not continue past 22:00, if the applicant was minded to seek to extend this time we could consider it

under an application and review whether any disturbance would be likely. A condition is also suggested to ensure that tables and chairs will be removed at this time to prevent night-time disturbance to residential units.

An objection has been raised with the concern that the boundary to the forecourt will impact on outlook in terms of security. Occupants of residential units above the restaurant gain access from the rear via an undercroft between 282 and 284 High Road, as such the proposal has not impact on residential access or security.

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 7

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
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):

Location Map
Front elevation
Proposed Floor Plan

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

- (3) The hereby approved seating and tables shall be removed from the forecourt of the unit by 22:00 every evening.

Reason: In the interest of residential amenity.

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

(a) further detail of proposed material for the boundary treatment

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

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

INFORMATIVES:

- (1) The applicant is advised that seating areas must be confined to the forecourt with the applicants ownership and is not to extend beyond this at any time.

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

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**Committee Report
Planning Committee on 22 August,
2012**

Item No. 09
Case No. 12/1293



Planning Committee Map

Site address: Kelaty House, First Way, Wembley, HA9 0JD

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This map is indicative only.

RECEIVED: 22 May, 2012

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Kelaty House, First Way, Wembley, HA9 0JD

PROPOSAL: Full planning permission is sought for the redevelopment of the site comprising the erection of 5 buildings ranging in height from 4 to 13 storeys for a mix of uses including hotel/serviced apartments (Use Class C1), student accommodation (sui-generis use) and flexible business/retail/community/leisure uses (Use Classes B1/A1/A2/A3/A4/D1/D2), and ancillary development including basement car park and hard and soft landscaping providing both public and private amenity space.

APPLICANT: Londonewcastle, Agents for UKI (Wembley) Ltd

CONTACT: DP9

PLAN NO'S:
See condition 2

RECOMMENDATION

- (a) 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 Director of Legal and procurement.
- (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:-

SECTION 106 DETAILS

The application requires a Section 106 legal agreement in order to secure the following benefits:

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) A contribution of £750,000 due on material start and, index-linked from the date of committee for transportation, public realm, community infrastructure, open space and sports in the local area.
- (c) A retail unit of approximately 207 sqm within building D (to be indicated on attached plan) will be offered to Brent Council [for use by the council or a nominated partner] at nil rent for a period of 5 years and a further 5 years at £8 sqft (£10.81 sqm), 12 months prior to the practical completion of the student accommodation, for uses to deliver its 'creative district' intentions to further the regeneration of Wembley. Unit to be built to shell and core and a further £50,000 to be paid to the council towards the fit out of the unit.
- (d) Sustainability- prior to material start, submission of a detailed sustainability implementation strategy to achieve a BREEAM Excellent rating and a minimum Brent Sustainability Checklist score 50.0%.
- (e) Adhere to the ICE Demolition Protocol.

- (f) Within 3 months of any occupation submission of BREEAM Post Construction Certificate to demonstrate 'Excellent level has been achieved, with compensation should it not be delivered.
- (g) Prior to material start submission of verification that carbon reduction target (25% improvement over TER of 2010 Building Regulations) will be met on-site. Where it is clearly demonstrated that specific targets cannot be fully achieved on-site, any shortfall may be provided off-site, or an in lieu contribution to secure delivery of carbon dioxide savings elsewhere.
- (h) The removal of the rights of students, hotel guests, customers, employees and commercial unit workers to apply for parking permits on Event Days and from any future CPZ.
- (i) Prior to any Occupation, the provision of a Public Right of Access west-east across the southern boundary of the site at all times, save for emergencies/ maintenance etc.
- (j) Prior to any Occupation, the provision of a Council approved landscaping scheme for the public realm on Fifth Way along the northern boundary of the site.
- (k) Dedication of routes along the southern and eastern sides of the site as public pedestrian rights of way upon the service of a notice by Brent Council;
- (l) Join and adhere to the Considerate Constructors scheme.
- (m) Prior to Occupation, submit, gain approval of and adherence to separate Travel Plans of sufficient quality to score a PASS rating using TfL's ATTrBuTE program for the student accommodation and hotel;
- (n) To notify "Brent In2 Work" of all job vacancies, including those during construction of the development and the retail units for Brent Residents.
- (o) Prior to Material Start enter into a s278 to cover all Highways Works.
- (p) In the event that a district wide heating system is constructed and becomes operational in the area to undertake works to connect the development to the district wide heating system.
- (q) Prior to Occupation agree and adhere to a service management plan for the student accommodation and hotel elements of the site.
- (r) The accommodation can only be occupied by full time students enrolled on UK accredited and based further education courses for not less at 80% of the time.
- (s) Prior to Commencement of Development submission and approval of a Delivery & Servicing Plan.
- (t) Prior to Commencement of Development submission and approval of a Construction Logistics 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, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The site is located at the junction of Engineers Way, Fifth Way and First Way. It is approximately 250m to the north-east of the National Stadium and is located within the Wembley Growth Area and Wembley Masterplan area. The site is also within the boundary of the emerging Wembley Area Action Plan.

The site has an area of approximately 1.0ha and is currently occupied by a vacant two to three storey industrial warehouse. It is bound to the north by Fifth Way, to the east by a waste transfer facility, to the south by commercial / light industrial buildings and to the west by First Way. The southern boundary includes a right of way which is retained and accommodated within the scheme.

A mature oak tree covered by a TPO is located on the western boundary of the site.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a

breakdown of any dwellings proposed at the site.

PROPOSAL

Development comprising the erection of 5 buildings ranging in height from 4 to 13 storeys for a mix of uses including hotel/serviced apartments (Use Class C1), student accommodation (sui-generis use) and flexible business/retail/community/leisure uses (Use Classes B1/A1/A2/A3/A4/D1/D2), and ancillary development including basement car park and hard and soft landscaping providing both public and private amenity space.

The development is divided up as follows:

Block A - Hotel / Serviced Apartments

Block A is 13 storeys in height, from ground level, and accommodates 198 hotel guest rooms and associated facilities. The building is arranged with the main entrance, reception and restaurant/bar area at ground level, additional restaurant at Level 01 and meeting rooms and hotel leisure facilities at Level 02. The upper levels (levels 03-11) accommodate the guest rooms. Ancillary back of house areas, including delivery and storage areas are accommodated at lower ground level.

Blocks B, C, D and E – Student Housing

Blocks B, C, D and E comprise 599 student rooms and associated student facilities. The heights of these blocks are lower than Block A, with a steadily declining roof-line from block B to E. Block E is 4 storeys in height at its lowest point. All student blocks have a communal lounge at ground (courtyard) level. A student management suite is situated within the ground floor of Block E and site-wide student common areas are provided within Block B, across the ground and lower ground level, for the use of all students on site.

Lower Ground (basement) Level

The lower ground level accommodates parking, servicing and plant space together with hotel back of house areas and elements of site wide student common facilities. Space for a site wide security suite is also included at lower ground level adjacent to the car park entrance at the north-east corner of the site. Due to level changes across the public highway adjacent to the site boundary, the lower ground level also includes a further commercial unit for flexible use which provides active use street frontage to Fifth Way.

Ground Level

The ground level includes areas of active frontage across all five blocks associated with the hotel and student housing, as outlined above, together with some public realm and significant areas of private secure landscaped space for student use. Additional uses at ground level include a flexible use space within Block D and limited areas of site wide ancillary plant space, which due to access requirements need to be situated at ground level. These ancillary plant areas are situated within block E.

The proposal includes a significant amount of landscaping, both on the perimeter of the site and within the internal courtyard area. The landscaping proposed has been designed to accommodate the existing mature oak tree on the site which benefits from a TPO.

HISTORY

No relevant planning history. The existing industrial building occupying the site was built in the 1950s.

POLICY CONSIDERATIONS

National

National Planning Policy Framework

The NPPF was published on 27 March and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. Its intention is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

The NPPF places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. LPA's should give great weight to the need to create, expand or alter schools.

LDF Core Strategy and UDP saved policies referred to in the report below have been considered in the assessment of the application and the recommendation is considered to comply with the NPPF.

Regional

London Plan 2011

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: A city that meets the challenges of economic and population growth
- Objective 2: An internationally competitive and successful city
- Objective 3: A city of diverse, strong, secure and accessible neighbourhoods
- Objective 4: A city that delights the senses
- Objective 5: A city that becomes a world leader in improving the environment
- Objective 6: A city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities

Key policies include:

Social Infrastructure

- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 3.19 Sports Facilities

London’s Response to Climate Change

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable Drainage

London’s Transport

- 6.3 Assessing effects of development on transport capacity
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking

London’s living places and spaces

- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

London Plan SPG

The Mayor's Transport Strategy (May 2010)
Sustainable Design and Construction – Supplementary Planning Guidance (2006)
Accessible London: achieving an inclusive environment (April 2004)
Planning for Equality and Diversity in London (October 2007)

Local

The development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of saved polices are considered to be the most pertinent to the application.

Strategic

- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls
- 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 should make a positive contribution to improving the quality of the urban environment

Built Environment

- 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
- BE9 Architectural Quality
- BE12 Sustainable Design Principles

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- 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
- TRN13 Traffic calming
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- 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.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- 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

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 5 Place making
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development
Requires that the infrastructure requirements of new development are met
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity
Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP 19 Brent strategic climate mitigation and adaptation measures
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

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.

Site Specific Allocations Development Plan Document (adopted July 2011)

Includes the site within the "Wembley Eastern Lands" allocation which covers a 9 ha site where mixed use development including leisure, hotels, offices, amenity/open space, and residential development is sought.

Wembley Masterplan SPD (updated and adopted June 2009)

Seeks to provide a flexible development framework that is able to respond to change over time. The Masterplan envisages a high density urban settlement, where buildings of varying scales will produce stimulating, liveable spaces. It aims to promote new development and preserve and protect the areas historic context through the enhancement and protection of its setting and views to various significant features. . The Masterplan area is divided up into 5 districts. The application site is within the "First Way District".

Emerging Policy

Wembley Area Action Plan, which is currently at issues and options stage. Is proposing an option to introduce two way working to First and Fifth Way which are both currently one-way.

CONSULTATION

Site notice was erected on 11/06/12

Press notice dated 07/06/12

Consultation letters were sent out on 31/05/12. 61 properties.

Third party comments:

1 objection received from Generay who operate a waste transfer station adjacent to the site. Concerned that the development is too big and will generate too much traffic.

Internal comments

Environmental Health

No objection subject to conditions relating to site remediation, noise, air quality and extraction systems

Highways –

No objection subject to a S106 Agreement to secure:-

- (a) a financial contribution towards transportation improvements in the vicinity of the site;
- (b) a Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme (or any replacement thereof);
- (c) a Student Management Plan
- (d) a Delivery & Servicing Management Plan;
- (e) a Construction Traffic Management Plan;
- (f) dedication of routes along the southern and eastern sides of the site as public pedestrian rights of way upon the service of a notice by Brent Council;

together with conditions to: (i) prohibit the use of the car park for commercial public parking associated with events at Wembley Stadium; (ii) provide electric charging points to at least 20% of car parking spaces

Landscape Designers –

Agreed in principle to the submitted landscape scheme however more detail is required particularly in respect of the planting schedule, materials to be used and root/planting systems to be used.

External Consultees Greater London Authority

Clarification is requested on the wording of a condition to ensure the student accommodation isn't used for anything other than student housing. Further information is requested on the sustainability measures proposed by the applicant. Amendments are requested to the way the scheme addresses surrounding streets and to the submitted travel plan.

The applicants have responded to these comments. We will not formally know that this response has satisfied the GLA until the application has been referred back to them for the Mayor's Stage II response.

Thames Water-

Recommend informative and a condition requiring the approval of drainage strategy.

Environment Agency-

No objection subject to a condition requiring the agreed Flood Risk Assessment and mitigation measures.

REMARKS

(1) Principle

Student Housing

The Council's Core strategy does not deal specifically with student housing. It does however seek the creation of sustainable communities within its growth areas. To this end it identifies ambitious housing and job creation targets in its growth areas. For Wembley the target is 11,500 new homes and 10,000 new jobs along with the physical and social infrastructure required to support this growth. There is no reason why student accommodation can't form part of a balanced sustainable community provided that the site isn't required to meet other needs such as general needs housing. In the case of Wembley it is considered that there is sufficient supply of developable land to meet the Council's growth targets.

Another concern would be an over provision of student accommodation resulting in Wembley supporting a disproportionate number of students which would not be conducive to a creating a balanced community. Wembley currently has 1000 student bed spaces with planning permission granted for another 1540 spaces. Including the Kelaty House proposal there are currently applications for another 1400 bed student bed spaces in Wembley. While it is considered unlikely that all these would be built, even if they were it would still represent less than 20% of the anticipated population growth of Wembley.

The London Plan recognises that London's universities make a significant contribution to its economy and labour market and that it is important that their attractiveness and potential growth are not compromised by inadequate provision for new student accommodation. It also recognises that the provision of purpose-built student housing may reduce pressure on other elements of the housing stock currently occupied by students, especially the private rented sector.

The provision of student accommodation is therefore supported.

Hotel

The Council has identified the Wembley Growth Area as the preferred location for new hotel development. The London Plan seeks to support London's visitor economy, stimulate its growth and the provision of 40,000 net additional hotel bedrooms by 2031. The policy also stipulates that new visitor accommodation beyond the Central Activities Zone is focused in existing town centres and in London's designated growth and opportunity areas where there is good public transport access to Central London and international and national termini.

The provision of a new hotel facility on this site will help promote Wembley as a tourist destination. The hotel use will also support existing employment and industrial uses in the surrounding area. A key principle of Brent's Wembley Masterplan is to promote Wembley as a major visitor destination. The proposed site sits within the eastern district of the Wembley Masterplan and is earmarked as a promising location for hotel development.

The provision of a hotel is therefore supported and will help to promote Wembley as a major tourist destination.

Paragraph 3.53 sets out that addressing the demands for student accommodation should not compromise the capacity to meet the need for conventional dwellings, especially affordable family homes, or undermine policy to secure mixed and balanced communities. It recognises that this may raise particular challenges locally and especially in parts of inner London where almost three quarters of the capacity for new student accommodation is concentrated. Student accommodation should be secured as such by planning agreement or condition relating to the use of the land or to its occupation by members of specified educational institutions. If the accommodation is not robustly secured it will normally be subject to the requirements of affordable housing policy. The proposed wording for the planning agreement or condition should be submitted before the application is referred back to the Mayor.

(2) Siting & Design

Height parameters defined within the Masterplan identify the opportunity to introduce a scale of development on the site which can act as a marker within the context of the Masterplan and support the continued development of the area.

Situated at the eastern end of Engineers Way there is opportunity for development on the site to enhance the vista from Olympic Way looking east along this primary movement route. Development on the site also has the potential to act as a marker at the junction of First Way and Fifth Way which will assist in orientation and way finding within the Masterplan area.

The Wembley Masterplan indicates appropriate building heights for the site as being between 4-14 storeys, with buildings generally lower along the southern boundary. The overall heights and building widths have been developed within the parameters set out in the approved Masterplan and the highest point of the scheme, at the north-west corner, also accords with the Masterplan aspiration to position the tallest element on the site in this location.

The relative storey heights of the buildings within the proposed scheme are as follows:

Block A: 13 storeys, from ground including rooftop plant level, (+some lower ground frontage to Fifth Way) with the overall height of the building decreasing to the east

Block B: between 10 and 11 storeys (+some lower ground frontage to Fifth Way)

Block C: between 8 and 9 storeys

Block D: between 6 and 7 storeys

Block E: between 4 and 5 storeys

Buildings are arranged around the site perimeter, leaving an opening into the central landscaped courtyard space where the site addresses First Way and Engineers Way, with height increasing as the buildings sweep around the site up to 13 storeys at the junction of Engineers Way, First Way and Fifth Way. The spiralling nature of the overall heights, which increase in an anti-clockwise direction establishes a clear architectural narrative and provides definition and legibility to the sequence of spaces and routes around the site.

The location of the taller hotel element to the west of the site responds well to the position of the future park, identified as part of the wider Masterplan delivery, which runs in parallel with Engineers Way and will, in due course, provide the foreground to the proposed development when approached from the west. Collectively the buildings are expressed as a cohesive group. Across all the buildings care has been taken to conceal roof top plant and lift overruns within building envelopes to maintain integrity of form and ensure that clean lines are maintained across the skyline.

The individual building elements add further articulation to the overall composition. Gaps, cranked linear footprints and folded elevations break down the overall scale of the buildings and reinforce the sense of movement as they spiral in height from Block E on the south west corner up to Block A to the north-west of the site.

At ground level the form of the buildings are set back to articulate entrances and areas of active frontage and provide definition to landscape spaces within the scheme.

The Wembley Masterplan area is divided into 5 districts. The site is located at the northern end of the First Way district. The First Way district is intended to provide a transition between the mixed use developments to the west and the more industrial Locations to the east. As such a mixture of predominantly residential and commercial types uses are proposed. The Masterplan also proposes the establishment of a more commercial character along First Way to include offices, hotels, leisure and associated uses. The opportunity for further education facilities within this district is also noted alongside the need for small scale shops to meet local needs of existing and future residents and businesses.

Within the context of the Masterplan the site is located immediately to the east of the future 'Wembley Park', proposed by the Masterplan. The park is a key element of the Masterplan's open space strategy for the whole area and is envisaged as a linear open space connecting Olympic Way and First Way. The park will provide visual amenity and space for a range of recreation opportunities and create a strong link to the Eastern Districts and beyond to the River Brent.

The proposed scheme includes five buildings on the site. The position of the blocks is based on the principles set out in the Wembley Masterplan with blocks generally organised along the northern and southern boundaries, orientated on an east west axis, with the composition completed at the eastern boundary, adjacent to the Waste Transfer Facility, by a further north south orientated block. The central portion of the western boundary contains no building providing views into the centre of the site and establishing a strong relationship with the proposed park to the west, identified within the Masterplan.

The arrangement of the buildings on the site, in effect, creates a perimeter block layout with a central courtyard space, as envisaged by the Masterplan. The buildings spiral up from the lower 4 storey block E to the highest block A. Building lines have been pulled back from the site boundaries and the layout allows for new routes within the site. This includes new access routes along the southern and eastern boundaries. The route along the eastern boundary has been developed to facilitate possible future connection to Fifth Way as the surrounding area is developed. This provides the potential for a north south route connecting Fifth Way and South Way, as identified in the Masterplan.

In the long term, and in response to the anticipated future context, areas on the outward facing edges of the site are intended for public use without restriction. These have been designed to activate the perimeter of the site, through increased movement and active frontages, when adjoining sites come forward for development. However, in the short to medium term, prior to development of the adjacent sites and delivery of the wider Masterplan vision, the routes within the site to the south and east will not be accessible to the public.

The layout of the site ensures that the development will provide a suitable level of activity, both on the perimeter of the site and within the central courtyard, as other surrounding sites within the Masterplan are delivered.

(3) Impact on adjoining sites

There are no residential or other sensitive sites adjoining or nearby to the site. As stated above the scheme has been laid out in line with the indicative site layout defined in the Wembley Masterplan. It is therefore considered to comply with the Council's development aspirations for this and adjoining sites

The eastern boundary of the site adjoins the Generay waste transfer station. Block C which is located at the

eastern end of the site has been set in form the boundary with the waste transfer station allowing for a landscaped buffer and ramped access road to be sited between the student accommodation and the waste transfer station. The waste transfer station is restricted to non putrescible waste only. Dust and noise generating activities are located within enclosed areas. The Council's Environmental Health Team are satisfied that with appropriate noise mitigation measures to the student housing the effect of waste transfer station on the proposal will be with acceptable limits.

(4) Landscaping / Trees

The site layout includes significant and distinct areas of clearly defined landscaped space. These include those on the perimeter of the site for public use, that associated with the hotel (also for semi-public use) and the internal courtyard, which is secured and for student use only. The scheme will however provide public areas of amenity which will complement the park proposed by the Masterplan to the east of the site.

The submitted details indicates a high quality landscaping scheme however more detail is required particularly in respect of the planting schedule, materials to be used and root/planting systems to be used. This will be secured by condition.

The landscaping proposed has been designed to accommodate the existing mature oak tree on the site which benefits from a TPO. Further details of tree protection measures will be secured by condition.

(5) Transportation

The scale of this proposal is such that a Transport Assessment is required to support the scheme, in accordance with Policy TRN1 of the adopted UDP 2004. This has been undertaken by Motion Transport Planning and submitted with the application.

Site Layout

In terms of car parking, maximum allowances for hotels and student accommodation are set out in standards PS11 and PS13 respectively.

Hotels are permitted up to one space per five bedrooms and one space per five staff, but with no indication of likely employment numbers having been provided, an accurate assessment of the parking allowance is not possible. That said, up to 39.6 spaces would be permitted for 198 rooms, so a staffing total of 27 (which is not considered unreasonable) would be required to take parking allowance to 45 standard width spaces to match the level proposed.

Student housing is permitted up to one space per 16 bedrooms, plus one space per five staff. Up to 37 spaces (plus staff spaces) would therefore be permitted. The commercial unit would be permitted up to two spaces (if used as office space) and the café up to one space.

The overall level of parking provision (66 spaces) therefore falls within the maximum level permitted (86 spaces), whilst the inclusion of 20 disabled spaces (30% of the total) more than satisfies the requirements of standard PS15. There is little opportunity for overspill parking on-street in the vicinity of the site, so this is not of concern, particularly if a CPZ is introduced in future as part of the wider redevelopment proposals.

Of the proposed spaces, at least 10% should be provided with electric car charging points, with a further 10% provided with passive provision if future monitoring suggests sufficient demand exists. Acceptance of this has been given within the Transport Assessment.

Please note that the parking within the site must only ever be used to serve the development and must under no circumstances be used to provide public charged parking for Wembley Stadium on event days and a condition is sought to this effect.

Standard PS11 also requires a coach parking space for every 50 bedrooms. As such, 3-4 spaces should be provided for the proposed hotel. These have been indicated along the new 10m wide service road along the southern side of the site, with sufficient width to ensure that traffic travelling to and from the basement car park can still pass safely. Coaches will be able to turn in the turning zone at the eastern end of this road, or by reversing into the setting down area in front of the hotel.

Bicycle parking requirements are set out in standard PS16 of the UDP and require one secure space per two

students. As such, 300 spaces should be provided for the student housing and this has been indicated within the basement on a double-height stacking system, which is considered acceptable.

There are no particular bicycle parking standards for hotels, but the provision of twenty secure spaces (ten for staff and ten for guests) alongside shower/locker facilities for staff is welcomed. The further provision of 30 publicly accessible spaces for visitors within the courtyard area and adjacent to the entrance to the commercial unit is also welcomed and will more than satisfy the requirements for the commercial floorspace and café.

With regard to servicing, refuse storage is proposed within the basement car park, with adequate headroom (min. 3.8m) having been indicated to allow vehicles to stand within 10m of the stores to satisfy maximum carrying distances for waste collection staff. Tracking has also been provided to demonstrate that the basement will be accessible to such vehicles. The site management company will be responsible for moving waste to this area from the hotel and commercial unit.

Standard PS21 requires hotels and the commercial unit to be serviced by 8m rigid vehicles (10m vehicles where a major public bar is included within the site) and the café by transit sized vehicles. The Transport Assessment estimates that about 16 deliveries per day could be expected for the various uses within the building. Most hotel deliveries are actually expected to be made by transit sized vans from the basement car park though. Where occasional larger vehicles do deliver, they will be able to use the access road along the southern side of the site, turning at the eastern end of the road and appropriate tracking has been provided to show that this would work satisfactorily. Nevertheless, a Delivery & Servicing Management Plan would be of use and this is acknowledged as being necessary within the Transport Assessment. A Construction Traffic Management Plan for the construction phase would also be welcomed.

The access road is also proposed to be used at the start and finish of the college year by students moving into and out of the accommodation. This is welcomed as a means of minimising impact on the public highway and is to be accompanied by a Student Management Plan, which will help to manage the moving-in process by allocating students a specific pre-booked arrival slot.

The proposed vehicular access arrangements from First Way are fine, with adequate width, kerb radii and sightlines indicated for both accesses. It is noted that the set-down/pick-up area in front of the hotel is proposed to operate one-way clockwise to minimise congestion and this is considered appropriate. Up to ten taxis could be accommodated in this area, whilst the available headroom would also allow coaches and delivery vehicles to use this area as necessary.

The proposed width of the shared surface access road along the southern side of the site is considered sufficient to provide a safe delineated route for pedestrians and to accommodate two-way vehicular flows to and from the basement car park. In any case, the vast majority of pedestrians would enter the student blocks directly through the central courtyard or the hotel/commercial unit directly from First Way, which is fine. The provision of occasional coach parking along the northern side of the road will restrict flow to one traffic lane (pending any widening of the road as land to the south is redeveloped), but this is considered fine for the relatively low traffic volumes expected on the road.

The turning area in the southeastern corner of the site is fine, as are basement car park access arrangements, with the width and gradient of the access ramp meeting design standards for underground car parking and tracking having been provided to demonstrate that larger vehicles can use these areas without difficulty.

The provision of an access route along the southern side of the site is also welcomed in terms of improving pedestrian connectivity and permeability across the wider redevelopment area and is consistent with the aims of the Wembley Masterplan. Ideally, this would be offered for adoption, although this is not considered necessary at the present time. However, it is important that public access for pedestrians remains freely available in the future as the wider area is redeveloped and any pedestrian gates along its length may then need to be removed. In the meantime, the remote operation of the vehicular gates from the management suite is noted and is fine in principle.

Transport Assessment

To assess the impact of the proposed development on the local transport network, comparisons have been made with other similar developments in outer London. For the hotel use, trip patterns from two similarly located hotels have been considered. However, there was no comparable data available for student housing in London, so a travel survey was undertaken at the nearby recently completed student housing block at

Victoria Halls on North End Road, Wembley to ascertain trip rates and types.

This exercise produced future estimated vehicular trips in the morning and evening peak hours (8-9am and 5-6pm) totalling 4 arrivals/7 departures (am) and 13 arrivals/6 departures (pm), the majority of which are associated with the hotel as very little parking is to be provided for the student accommodation or commercial uses.

The Transport Assessment has then compared these predicted flows with the flows that might be generated by the existing industrial/warehouse building on the site and has concluded that the proposed development would result in an overall reduction in traffic flows into and out of the site compared with the existing use.

It is also noted by Brent's Transportation officers that the predicted flows are also very low compared with existing traffic volumes along First Way, representing only about 1-2% of the current peak hour flows on this road. Even if a higher vehicular trip rate is applied for the hotel (as used in transport assessments for other hotel developments in the Wembley area) this would not increase traffic volumes to a level where they would be considered significant.

With neither the junctions of First Way with Engineers Way or with Fulton Road tending to experience any congestion problems (both being restricted to left-turns only to the side road), this proposal is not therefore of concern in traffic terms in relation to the existing road layout.

Indeed, the predicted flows are also a good degree lower than those that were assumed when reviewing the transportation impact of the Wembley area masterplan, which envisaged a more residential-led development on this site with much greater levels of car parking provision. As such, the proposed development is considered to compare favourably in terms of traffic generation with both the existing building and the Masterplan proposals for the site.

The road accident history for the area was also examined for the three year period extending from January 2009 to December 2011. This identified a total of 12 personal injury accidents on or close to the gyratory road system of South Way, First Way, Fifth Way, Second Way and Fourth Way.

Of these two slight accidents occurred close to this site – an accident to a child pedestrian in Fulton Road and a shunt-type accident at the junction of First Way and Engineers Way. Neither is representative of any sort of pattern and as such, there is not considered to be a major road accident problem in the vicinity of the site.

With very low levels of car parking proposed, the proportion of trips by other modes of transport will be correspondingly high, particularly for the student housing blocks. As such, about 85-90% of journeys to and from the site are expected to be by sustainable transport modes (walking, cycling and public transport).

In terms of public transport trips, these are estimated to amount to 107 two-way trips in the morning peak hour and 119 two-way trips in the evening peak hour. However, a full breakdown between bus and rail services has not been provided and neither has any assessment of likely destinations, particularly for student trips that might be tied to a particular college or university.

Transport for London have therefore requested a more detailed assessment of modal split and an origin/destination analysis to be undertaken in order to confirm that the development would have an acceptable impact on the public transport network (particularly bus services) in the area.

With regard to walking and cycling, it is noted that the pedestrian infrastructure in the vicinity of the site is not particularly good at present, reflecting its current status as an industrial area. This has been acknowledged in the Transport Assessment, which has noted the lack of pedestrian crossing facilities (even dropped kerbs) on First Way outside the site.

The introduction of a hotel and student accommodation on the site will change the nature of the area, introducing more residential type uses and as identified in the TA, increasing pedestrian footfall in the area. It is therefore important that the road network around the site is altered accordingly to improve pedestrian safety.

TfL has requested that a PERS audit be undertaken to highlight deficiencies and it is acknowledged that this would be useful. They have also requested improvements to bus stops and wayfinding signage in the vicinity of the site and this request is also supported.

However, the Wembley Masterplan and associated Transport Strategy Review for the area have nevertheless identified the need for a range of improvements to the transport network across the whole redevelopment area. These include changes to the layout and nature of roads around the existing Wembley Industrial Estate, such as First Way and Fifth Way, to reflect a change to residential development, including the reversion of First Way and Fifth Way to two-way flow.

The total cost of transportation works associated with the Masterplan proposals amounts to about £28m, of which 70% is expected to be provided through development proposals in the area. In order to apportion costs equitably between development sites, an infrastructure funding study has been undertaken to identify a unit charge per 100m² of floorspace, varying according to the number of trips generated by different types of development.

Applying these rates to this hotel/student housing scheme produces a total sum of £433,253 which should be secured through the S106 Agreement for the site.

In terms of alterations to the road layout around this particular site to cater for two-way flow on First Way and Fifth Way, more detailed designs have recently been developed for inclusion in the forthcoming Wembley Area Action Plan, which involve alterations to both the Engineers Way and Fulton Road junctions.

The changes to the Engineers Way/First Way junction would involve realigning First Way westwards and Engineers Way northwards, in order to suit a change to the junction priority, such that traffic on First Way instead needs to give way. The revised layout will also allow signal control with pedestrian crossing facilities to be introduced in the longer term if required to provide additional capacity on the First Way arm. Land for these improvements has already been secured from the Wembley Stadium Green Car Park and from Wembley Retail Park and as such, this alteration would not directly affect this site.

However, the two proposed accesses to this development lie on either side of and in very close proximity to the junction, so the new junction layout will need to safely accommodate these new accesses. With regard to the main access, the required works differ little to what would be required for the existing access and involve turning the access southwards over the new kerb extension in front of the site to meet First Way as far from the junction as possible – a distance of about 30m should be achievable once the adjacent site to the south is redeveloped and the road is widened.

The secondary access to the hotel setting down area would be easier to accommodate, although sightlines eastwards are restricted by the curve of the road should it revert to two-way operation. However, as long as the setting down area continues to operate one-way in a clockwise direction, so that traffic is not emerging onto First Way from this access, this will not be of concern.

The proposals for the Fulton Road/Fifth Way junction envisage installation of a traffic signal controlled junction with pedestrian crossing facilities. To achieve this, the need for third party land has been identified along the northern edge of this site and on the northeastern corner of the junction, in order to allow two westbound lanes and a central pedestrian island to be provided on the Fifth Way approach.

However, the strip of land from this site, which measures up to about 4m in width, conflicts directly with proposed Block B. The applicant has indicated that they are not prepared to make the alterations to the scheme that would be required to accommodate the safeguarding of this area of land for highway widening at this late stage in the application process. As such, the proposal in its current form would hamper Brent's ability to deliver wider transport and highway benefits in the area to support the Wembley Masterplan in general and this development in particular.

However, given that the highway proposals have yet to be adopted as formal Council policy through the Wembley Area Action Plan, it is not considered reasonable to refuse this application at the current time on the basis that it fails to be safeguard this land for highway widening. To do so would run the risk of leaving the Council having to defend a fairly weak position at a public inquiry, with the risk of having costs awarded against it.

It is therefore suggested that further consideration and analysis is undertaken on the need for this land and the implications for the junction design if the land is not available. For instance, this might involve moving the junction slightly further northwards such that it instead takes a greater amount of land on the northern side of the road (although only limited width is available without affecting the existing Euro Car Parts warehouse) or scaling back the design to accommodate only one westbound traffic lane or removing the proposed pedestrian island on the Fifth Way arm. The latter options would have negative implications for junction capacity and pedestrian safety, so need careful consideration. Unfortunately, the tight timescales available do

not allow the full implications of these changes to be assessed prior to determination of this application.

Whichever final junction design is arrived at, the existing raised footway and embankment will need to be removed, thereby lowering the level of the highway at the back of the footway by as much as 4m. Consideration should therefore be given to how the landscaping and elevational treatment along the northern side of Block B might be amended to suit the new levels and thus avoid leaving a high retaining wall at the rear of the footway (e.g. reducing the ground levels of the landscaped area may offer the opportunity to install windows in the northern elevation of the lower ground floor commercial unit in Block B).

Please also note that the land on which the existing retaining wall between the northern side of the site and the footway on top of the raised embankment sits is not within the control of the applicant. For this reason, the proposed site layout does not initially include any access onto Fifth Way at the present time.

Nevertheless, the site is to be laid out to allow a future vehicular access to be provided onto Fifth Way in the northeastern corner of the site, which would make access to and from the proposed basement car park from the east easier, whilst also providing a potential link road to future redevelopment plots to the south as envisaged in the Wembley Masterplan. As such, a new access in this location would be welcomed, but relies upon access rights being obtained over the narrow strip of third party land (which may require a CPO) and on the removal of the existing highway embankment as part of the junction widening works described above, to ensure adequate visibility splays can be provided in a westerly direction.

Travel Plan

Finally, a Travel Plan has been submitted for the proposed development as a whole. This includes a series of measures aimed at minimising and reducing car use to the site, with the aims of improving the quality of life of future occupants of the building through the promotion of the advantages of travel by more environmentally-friendly modes of transport.

Measures are to be implemented by a Travel Plan Co-ordinator, who will oversee representatives from the hotel, student housing and commercial unit. Between them, they shall disseminate marketing information through notice boards, websites, newsletters, welcome packs etc. and will promote local bicycle user groups, car sharing schemes etc.

Initial travel patterns are then proposed to be surveyed upon occupation of 75% of the units within the site, with targets for reducing car journeys being set based on the results of these surveys. Surveys are then proposed to be undertaken on the third and fifth anniversaries of the initial survey to ascertain the success or otherwise of the Travel Plan, with the Travel Plan being reviewed in conjunction with Brent Council's officers.

The submitted Travel Plan has been assessed using TfL's assessment tool ATTrBuTE, but has scored a FAIL. Key failings include the absence of any baseline modal split estimates (even though these were provided in the Transport Assessment), an absence of initial targets for reducing car use, shortcomings in the monitoring process (with only staff to be comprehensively surveyed) and lack of confirmation that the Travel Plan will be adequately secured and funded. The outlined measures are also very limited and could be far more imaginative at this early stage.

As such, any planning consent for the scheme should be subject to a Section 106 Agreement obliging the applicant to submit for approval and thereafter implement a revised Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme.

(6) Energy & Sustainability

Policy CP19 in the Core Strategy seeks to ensure that all new development contributes to achieving sustainable development, including climate change, mitigation and adaptation. The proposal is predicted to achieve a BREEAM 'Very Good' rating; new development is generally expected to meet BREEAM 'Excellent' standards. Given that the proposal is an extension to an existing school rather than comprehensive redevelopment, achieving BREEAM 'Very Good' is considered acceptable. The proposal achieves 25% over Part L of the Building Regulations 2010 in compliance with London Plan Policy 5.2. In addition, the provision of a photovoltaic system on the roof of the proposed extension will reduce carbon dioxide emissions by at least 20 percent in accordance with renewable energy targets set out in London Plan Policy 5.7. The proposed development is considered to achieve an acceptable score against the Council's Sustainability checklist requirements. Further details including BREEAM

S106 clauses are proposed requiring the following

- Prior to material start, submission of a detailed sustainability implementation strategy to achieve a BREEAM Excellent rating and a minimum Brent Sustainability Checklist score 50.0%.
- Adhere to the ICE Demolition Protocol.
- Within 3 months of any occupation submission of BREEAM Post Construction Certificate to demonstrate 'Excellent level has been achieved, with compensation should it not be delivered.
- Prior to material start submission of verification that carbon reduction target (25% improvement over TER of 2010 Building Regulations) will be met on-site. Where it is clearly demonstrated that specific targets cannot be fully achieved on-site, any shortfall may be provided off-site, or an in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

(7) Community Use

A retail unit of approximately 207 sqm within building D (to be indicated on attached plan) will be offered to Brent Council [for use by the council or a nominated partner] at nil rent for a period of 5 years and a further 5 years at £8 sqft (£10.81 sqm), for uses to deliver its 'creative district' intentions to further the regeneration of Wembley. Unit to be built to shell and core and a further £50,000 to be paid to the council towards the fit out of the unit.

(8) Mayoral CIL

Mayoral CIL will be applicable to this scheme. A contribution of either £807,870 or £1,152,970 will be payable depending on whether or not the existing building has been occupied for 6 of the last 12 months as stated by the applicant. Clarification and evidence of occupation is being sought.

(9) Conclusion

The proposed scheme complies with the relevant policies for schools development at national, regional and local level.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
 The London Plan, 2010 as consolidated with amendments
 Brent Core Strategy 2010
 Brent Unitary Development Plan 2004
 SPG17 Design Guide for New Development
 SPG19 Sustainable design, construction and pollution control
 SPD Section 106 Planning Obligations

CONDITIONS/REASONS:

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

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

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

7257-P-MP-A-F100-P-00-001 - Site Location Plan
 7257-P-MP-A-F100-P-00-002 - Site Ownership Boundary
 7257-P-MP-A-F100-P-00-003 - Topographical survey
 7257-P-MP-A-F100-P-00-004 - Planning Application Boundary

7257-P-MP-A-F100-P-00-005 - Existing Building - Floor Plans
 7257-P-MP-A-F100-P-00-006 - Existing Buildings - Aerial View
 7257-P-MP-A-F100-P-00-007 - Existing Buildings - Street View
 7257-P-MP-A-F100-P-00-008 - Site Plan - Proposed
 7257-P-MP-A-G200-P-LG - Site Plan: Lower Ground
 7257-P-MP-A-G200-P-UG - Site Plan: Ground
 7257-P-MP-A-G200-P-01 - Site Plan: Level 01
 7257-P-MP-A-G200-P-02 - Site Plan: Level 02

 7257-P-MP-A-G200-P-02 - Site Plan: Level 03
 7257-P-MP-A-G200-P-02 - Site Plan: Level 04
 7257-P-MP-A-G200-P-02 - Site Plan: Level 05
 7257-P-MP-A-G200-P-02 - Site Plan: Level 06
 7257-P-MP-A-G200-P-02 - Site Plan: Level 07
 7257-P-MP-A-G200-P-02 - Site Plan: Level 08
 7257-P-MP-A-G200-P-02 - Site Plan: Level 09
 7257-P-MP-A-G200-P-02 - Site Plan: Level 10
 7257-P-MP-A-G200-P-02 - Site Plan: Level 11
 7257-P-MP-A-G200-P-RF - Site Plan: Roof Level
 7257-P-MP-A-G200-E-N - Site Elevation: North
 7257-P-MP-A-G200-E-S - Site Elevation: South
 7257-P-MP-A-G200-E-E - Site Elevation: East
 7257-P-MP-A-G200-E-W - Site Elevation: West
 7257-P-MP-A-G200-S-AA - Site Section AA
 7257-P-MP-A-G200-S-BB - Site Section BB
 7257-P-MP-A-G200-S-CC - Site Section CC
 7257-P-MP-A-G200-S-DD - Site Section DD
 7257-P-MP-A-G200-S-EE - Site Section EE
 7257-P-BA-A-G200-P-LG - Hotel - Lower Ground Floor Plan
 7257-P-BA-A-G200-P-UG - Hotel - Ground Floor Plan
 7257-P-BA-A-G200-P-01 - Hotel - Level 01 Floor Plan
 7257-P-BA-A-G200-P-02 - Hotel - Level 02 Floor Plan
 7257-P-BA-A-G200-P-TY - Hotel - Typical Floor Plan
 7257-P-BA-A-G200-P-12 - Hotel - Level 12 Floor Plan
 7257-P-BA-A-G200-P-RF - Hotel - Roof Plan
 7257-P-BA-A-G200-E-N - Building A North Elevation
 7257-P-BA-A-G200-E-S - Building A South Elevation
 7257-P-BA-A-G200-E-E - Building A East Elevation
 7257-P-BA-A-G200-E-W - Building A West Elevation
 7257-P-BA-A-G200-S-AA - Building A Section AA
 7257-P-BA-A-G200-S-BB - Building A Section BB
 7257-P-BB-A-G200-P-LG - Building B - Plan - Lower Ground Level
 7257-P-BB-A-G200-P-UG - Building B - Plan - Ground Level
 7257-P-BB-A-G200-P-01 - Building B - Plan - Levels 01-02
 7257-P-BB-A-G200-P-03 - Building B - Plan - Levels 03-08
 7257-P-BB-A-G200-P-09 - Building B - Plan - Level 09
 7257-P-BB-A-G200-P-10 - Building B - Plan - Level 10
 7257-P-BB-A-G200-P-RF - Building B - Plan - Roof Level
 7257-P-BB-A-G200-E-N - Building B North Elevation
 7257-P-BB-A-G200-E-S - Building B South Elevation
 7257-P-BB-A-G200-E-E - Building B East Elevation
 7257-P-BB-A-G200-E-W - Building B West Elevation
 7257-P-BB-A-G200-S-AA - Building B Section AA
 7257-P-BB-A-G200-S-BB - Building B Section BB
 7257-P-BC-A-G200-P-LG - Building C - Plan - Lower Ground Level
 7257-P-BC-A-G200-P-UG - Building C - Plan - Ground Level
 7257-P-BC-A-G200-P-01 - Building C - Plan - Levels 01-07
 7257-P-BC-A-G200-P-08 - Building C - Plan - Level 08
 7257-P-BC-A-G200-P-RF - Building C - Plan - Roof Level
 7257-P-BC-A-G200-E-N - Building C North Elevation
 7257-P-BC-A-G200-E-S - Building C South Elevation
 7257-P-BC-A-G200-E-E - Building C East Elevation
 7257-P-BC-A-G200-E-W - Building C West Elevation

7257-P-BC-A-G200-S-AA - Building C Section AA
7257-P-BC-A-G200-S-BB - Building C Section BB
7257-P-BD-A-G200-P-LG - Building D - Plan - Lower Ground Level
7257-P-BD-A-G200-P-UG - Building D - Plan - Ground Level
7257-P-BD-A-G200-P-01 - Building D - Plan - Levels 01-05
7257-P-BD-A-G200-P-06 - Building D - Plan - Level 06
7257-P-BD-A-G200-P-RF - Building D - Plan - Roof Level
7257-P-BD-A-G200-E-N - Building D North Elevation
7257-P-BD-A-G200-E-S - Building D South Elevation
7257-P-BD-A-G200-E-E - Building D East Elevation
7257-P-BD-A-G200-E-W - Building D West Elevation
7257-P-BD-A-G200-S-AA - Building D Section AA
7257-P-BD-A-G200-S-BB - Building D Section BB
7257-P-BE-A-G200-P-UG - Building E - Plan - Ground Level
7257-P-BE-A-G200-P-01 - Building E - Plan - Levels 01-03
7257-P-BE-A-G200-P-04 - Building E - Plan - Level 04
7257-P-BE-A-G200-P-RF - Building E - Plan - Roof Level
7257-P-BE-A-G200-E-N - Building E North Elevation
7257-P-BE-A-G200-E-S - Building E South Elevation
7257-P-BE-A-G200-E-E - Building E East Elevation
7257-P-BE-A-G200-E-W - Building E West Elevation
7257-P-BE-A-G200-S-AA - Building E Section AA
7257-P-BE-A-G200-S-BB - Building E Section BB
LP_402 . 010 - Landscape proposal plan
LP_402 . 011 - Roof terraces
LP_402 . 20 - Section AA
LP_402 . 201 - Section BB

Design and Access Statement (Ian Simpson Architects)
Planning Statement (DP9)
Transport Statement and Travel Plan (Motion Transport Planning)
Hotel Supply and Demand Report (Jones Lang LaSalle)
Student accommodation Supply and Demand Report (Jones Lang LaSalle)
Student management Plan (Corporate Resident Management)
Statement of Community Involvement (Indigo Public Affairs)
Sustainability Statement, including Energy Assessment and BREEAM Pre-assessment (Waterman)
Environmental Statement Volumes 1,2 and 3.

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

- (3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2012, in Volume 3 Appendix 11.1 of the Environmental Statement, by Environmental Planning & Assessment Limited (EPAL) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off to Greenfield run-off rates for all storm events up to and including the 1 in 100 year storm event including an allowance for climate change.
2. Surface water attenuation to be achieved through the use of Sustainable Drainage Systems including green roofs and permeable paving.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be 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) Car ventilation outlets should be placed where natural dispersion will not be inhibited, and not in enclosed areas where re-circulating air may lead to a build up of pollutants. Car-park ventilation outlets shall not be located close to any openable windows or fresh-air intakes of residential buildings.

Reason: To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution.

- (5) 20% of all designated car parking spaces shall be provided with electric charging points.

Reason: To help meet the Council's sustainability objectives.

- (6) Notwithstanding the submitted drawings, details of materials and colours for all external work with samples, (including choice of cladding, windows, doors, walls, roof, mortar and bonding detailing, brise soleil and fins) shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing unless agreed otherwise in writing by the Local Planning Authority, and those details, once approved, shall be fully implemented.

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

- (7) All areas shown on the plans shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction work on the site. Such landscape works shall be completed prior to occupation of building(s) and commencement of the use, unless otherwise agreed in writing by the Local Planning Authority

Such details shall include but not be limited to:

- (a) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (b) Full details of hard-surfacing materials for all areas of hard surface within the site including paths, ramps, steps, parking areas.
- (c) The location of, details of materials, sizes and finishes of, all proposed street furniture, and external storage facilities,
- (d) All boundary treatment,
- (e) All planting including location, species, size, density and number with a soft landscaping planting schedule and layout plan. This shall include details of proposed break-out systems for all tree pit roots,
- (f) Any sustainable construction methods which are to be used.
- (g) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (j) Details of the planting of all elevated roof gardens and green roofs on site, their substrate depths and their associated maintenance schedule

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development

- (8) No works shall commence on the development hereby approved (excluding demolition) unless details of any external lighting and signage including the lux level, lighting contour map, dimensions and sections where relevant shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and to safeguard the visual amenities of the area

- (9) No works shall commence on the development hereby approved (excluding demolition) unless

the applicant submits a Student Accommodation Plan, that shall consider accessibility accompanied by a plan that identifies which 2% of the student rooms that will be constructed as accessible accommodation, and which 5% of the overall rooms that will be adaptable to wheelchair users. The development shall thereafter be implemented in accordance with the details so approved and thereafter maintained in accordance with these details

Reason: To ensure an accessible development

- (10) The parking spaces on site shall not be used for Wembley Stadium event parking or any other parking for those who do not occupy or patronise the development.

Reason: In order to ensure a satisfactory development that makes appropriate parking provision.

- (11) Prior to the commencement of development, details of fume extraction and odour control equipment, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed in its entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturers instructions and operated at all times when cooking is being carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring residences

- (12) No works shall commence on the development hereby permitted (excluding demolition) until the applicant submits details of the sustainable urban drainage systems and water conservation measures proposed in accordance with London Plan policies 4A.14 and 4A.16. This shall be submitted to and approved in writing by the Local Planning Authority and thereafter the measures shall be implemented in accordance with the details so approved

Reason: To secure water conservation measures and SUDs in accordance with planning policy

- (13) A remediation strategy shall be submitted to the local planning authority for approval, which specifies measures to contain, treat or remove any contamination found. The report shall include measures for the removal of the underground fuel tanks and associated fuel infrastructure.

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.

- (14) 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 for approval, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is permitted for end use, before any part of the development is occupied.

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.

All bedrooms and communal living areas premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' and the Environmental Statement submitted with the application to attain the following internal noise levels:

Criterion	Typical situations	Design range LAeq, T
Good resting conditions	Living rooms	30 dB (day: T =16 hours 07:00 – 23:00)

Good sleeping conditions Bedrooms 30 dB (night: T = 8 hours 23:00 – 07:00)

LAm_{ax} 45 dB (night 23:00 – 07:00)

A test shall be carried out prior to the occupation of the development to show the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To obtain required sound insulation and prevent noise nuisance.
(15)

- (16) Details of noise-insulation measures for the premises, to prevent the transmission of noise and vibration between the approved student residential units and the other uses shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Provision in accordance with the details thus approved shall be made prior to the commencement of the use and shall thereafter be permanently retained to the satisfaction of the Local Planning Authority.

Reason: To protect residential amenity.

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

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Appeal Decision

Site visit made on 12 June 2012

by Bern Hellier BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2012

Appeal Ref: APP/T5150/A/12/2171114

131-135 Kilburn High Road, London, NW6 7HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by C and G Commercial Services Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/2615, dated 3 October 2011, was refused by notice dated 28 December 2011.
 - The development proposed is the installation of double glazed windows to flats.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of double glazed windows to flats at 131-135 Kilburn High Road, London, NW6 7HS in accordance with the terms of the application, Ref 11/2615, dated 3 October 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1506(91)-1, 1506(91)-2, 1506(91)-photo 1, 1506(91)-photo 2 and 1506(91)-photo 3.

Main issue

2. I consider the main issue is the effect of the replacement windows on the character and appearance of the existing building and the wider street scene.

Reasons

3. Kilburn High Road is a busy shopping street with a considerable mix of building lines and styles but in the vicinity of the appeal site it is fronted predominantly by three and four storey buildings. Nos.131-135 are on a corner site at the end of a short four storey terrace block. The properties are in commercial use on the ground floor with flats above. On the elevation facing the shopping street it is proposed to replace 15 traditional wooden sliding sash windows with top hung uPVC casement windows. A further 10 similar windows to the side and a variety of other wooden windows to the rear would also be replaced.
4. The building is in a prominent position in the street but is not listed or in a conservation area. In terms of materials the use of uPVC is well established on the upper floors of surrounding property. The replacement windows would have a thicker frame and central mullion compared to the originals and, on the

- second and third floor windows, the horizontal top rail would sit rather uncomfortably with line of the shallow arched lintels. However the depth of the reveals would ensure that the window openings, rather than the windows themselves, together with the decorative lintels and horizontal brick banding would remain the dominant features of the upper part of the front elevation.
5. The replacement windows would also match those in No.137, the adjacent property in the terrace, and would be similar in design to those recently installed on the opposite side of the road. The Council is not the planning authority for the east side of the street and the other window alterations in the terrace have not been the subject of a planning application. Even so, there is no suggestion that any enforcement action is underway or proposed and the windows referred to now form part of the street setting where they add considerable weight in favour of the appeal proposal.
 6. It is noted that the appellant has not responded to the amendments suggested by the Council. Nonetheless I find that the submitted scheme would not have a materially adverse effect on the character or appearance of the existing building or the wider street scene. As such it would accord with the objectives of UDP¹ Policies BE2 and BE9 which include a requirement to seek design solutions which are appropriate to their local context.
 7. I have imposed standard conditions relating to commencement and implementation in accordance with approved plans. The Council has suggested a condition seeking approval of window details. However this would be unnecessary since 1:20 scale plans have been submitted.
 8. For the reasons given above I conclude that the appeal should be allowed.

Bern Hellier

INSPECTOR

¹ Brent Unitary Development Plan. Adopted 2004



Appeal Decision

Site visit made on 30 May 2012

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 July 2012

Appeal Ref: APP/T5150/A/12/2168766
66B Salusbury Road, London, Middlesex, NW6 6NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Alchemy Homes against the decision of the London Borough of Brent Council.
 - The application Ref 11/2071, dated 10 March 2011, was refused by notice dated 4 October 2011.
 - The development is described as 'internal alterations to flat conversion of roofspace to living accommodation, installation of rooflights and new window.'
-

Decision

1. The appeal is allowed and planning permission is granted for the formation of rear terrace and installation of 2 front rooflights, 2 rear rooflights and 1 new window to side gable end of first floor flat at 66B Salusbury Road, London, Middlesex, NW6 6NR in accordance with the terms of the application, Ref 11/2071, dated 10 March 2011, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Alchemy Homes against the London Borough of Brent Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council changed the description of the proposal to more accurately reflect the works proposed. Therefore I have adopted this description in paragraph 1 above.
 4. The decision notice and the Council's raise concerns only about the roof terrace element of the proposal. I have framed the main issue accordingly.
 5. The National Planning Policy Framework (the Framework) was published in March 2012, after the appeal was made. The appellant and the Council have been given the opportunity to comment on the relevance of the Framework to their cases. I have had regard to these responses and to the Framework in determining the appeal.
-

Main Issue

6. The main issue in this case is the effect of the proposed rear roof terrace on the living conditions of neighbouring occupiers by reason of loss of privacy.

Reasons

7. The appeal property is a flat within a block of flats which turns the corner from Salusbury Road and extends along Montrose Avenue. The proposed roof terrace would be set into a part of the rear roof slope of the Montrose Avenue wing. This projects beyond the rear of the Salusbury Road wing of the block.
8. An existing chimney stack would partially screen views looking south and west from the roof terrace. Notwithstanding this, views to the rear garden of number 64 and, to a lesser extent, the garden of number 62 would be available from the terrace. However these gardens are already overlooked by the existing roof terrace at 66A, the rear windows of 64 and the first floor flank wall windows of number 66 and 2 Montrose Avenue. Therefore I consider that the proposed roof terrace would not materially reduce the level of privacy currently experienced by users of these gardens.
9. I was invited to view the appeal site from the garden and rear windows of 1 Summerfield Avenue. At the time of my visit the intervening trees were in full leaf and effectively screened views. However, even without the screening effect of the trees, I consider that the distance between the properties is sufficient to ensure that the privacy of the occupiers of 1 Summerfield Avenue would not be adversely affected by the proposal.
10. Views from the proposed terrace would also be available towards the flank and rear wall windows of number 64, the rear wall windows of the lower level flat at 66 and the existing terrace at 66A. I note that the flank wall windows of number 64 are obscure glazed. Although views to other windows would be oblique, the proposal could result in these windows and the neighbouring terrace being overlooked. However the appellant has suggested that a condition could be used to secure the installation of a screen around the terrace to restrict views and safeguard the privacy of neighbouring occupiers. Diagram B of the appellant's evidence shows that the screen would need to be some 450mm high along the south side and 600mm high along the east end of the terrace. In my view such a screen would be effective.
11. I note the Council's concern regarding the potential effect of such a screen on the character of the host building and the surrounding area. However, there are no public views to the terrace and, from private views, it is inconspicuously located close to the inside corner of the 'L' shaped host building. As such, I consider that a screen of the limited dimensions suggested, carefully designed using appropriate materials, and partly obscured by the existing chimney stack would not be obtrusive. Nor would it, therefore, adversely affect the setting of the adjoining Queens Park Conservation Area. For these reasons the screen would not materially alter the proposal and I can see no reason why the interests of third parties might be prejudiced.
12. Therefore I conclude that the proposed roof terrace, with an appropriate screen, would not have an adverse effect on the living conditions of neighbouring occupiers by reason of overlooking. As such it would comply with

policy BE9 of the London Borough of Brent Unitary Development Plan which, amongst other things, seeks to ensure that new development promotes the privacy of existing residents. It would also meet the aims of SPG5¹ which, whilst advising that roof terraces can compromise privacy, also recognises that they can be designed to maintain privacy. The Council's evidence also refers to SPG17² which, in setting out standards for maintaining privacy, acknowledges that this can be achieved through design as well as through the use of separation distances. By means of an appropriately design screen, the appeal proposal would comply with this approach.

13. I further conclude the screen would not have a detrimental effect the character of the host building or the surrounding area. It would therefore comply with the aims of UDP policy BE2 which requires proposals to not cause harm to the character or appearance of the area.

Other Matters

14. The occupier of 2 Montrose Avenue has objected to the proposed window in the end gable wall of the appeal property. However there are already two first floor windows in this gable wall and I note that an extant planning permission for alterations to the appeal property also proposes a window in the same wall. As such I consider that the appeal proposal would not materially reduce the level of privacy for the occupiers of 2 Montrose Avenue compared with the current position.
15. I have taken into account the other concerns expressed locally including the loss of roof storage space. However I have not been directed to any policy support for the retention of the roof storage space and nor has any substantive evidence been provided to indicate what harm its loss may cause. I have also had regard to the appeal decision (APP/T5150/A/10/2126659) referred to by the parties. That appeal concerned an adjoining flat and the Inspector found that the roof terrace in that case would not lead to overlooking. The location of the roof terrace in this case is different. However, for the reasons outlined above, I have concluded that, with appropriate screening, it would not lead to a loss of privacy for neighbouring occupiers. Accordingly these matters have not led me to a different overall conclusion.
16. I note that the appellant has concerns over the Council's handling of the application. However I have determined the appeal based solely on its planning merits.

Conditions

17. The Council has suggested a list of conditions. Some amendments to the suggested conditions are required to ensure that they meet the tests set out in Circular 11/95. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring full details of the window, rooflights and roof terrace is necessary in order to safeguard the character and appearance of the area. In view of the scale of the proposal and its setting, a requirement to submit samples of other external materials is unnecessary. A condition requiring full details of the roof

¹ Supplementary Planning Guidance 5: Altering and Extending Your Home

² Supplementary Planning Guidance 17: Design Guide for New Development

terrace screen is necessary for the same reason and to ensure the privacy of neighbouring occupiers.

Conclusion

18. There is nothing to indicate that the UDP policies referred to above are inconsistent with the Framework. Accordingly, it has not led me to reach a different overall decision. For the reasons outlined above, the appeal should be allowed.

Simon Warder

INSPECTOR

**Schedule of Conditions attached to
Appeal Ref: APP/T5150/A/12/2168766
66B Salusbury Road, London, Middlesex, NW6 6NR**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2226/11, 2226/12 and 2226/13A.
 - 3) Notwithstanding condition 2, no development shall take place until full details of the window, rooflights and roof terrace have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until full details of a screen to the south side and east end of the roof terrace have been submitted to and approved in writing by the local planning authority. The screen shall extend 450mm above the ballustrade on the south side of the terrace and 600mm above the ballustrade at its eastern end. The screen shall be provided in accordance with the approved details before the rear terrace is brought into use and thereafter retained.
-



Appeal Decisions

Site visit made on 10 July 2012

by Andrew Hammond MA MSc CEng MIET MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2012

Appeal A Ref: APP/T5150/C/12/2171597

Appeal B Ref: APP/T5150/C/12/2171598

40 Keslake Road, London NW6 6DL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr K N Juma (Appeal A) and Ms C E Dobbs (Appeal B) against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/10/0585.
 - The notice was issued on 24 January 2012.
 - The breach of planning control as alleged in the notice is the breach of Conditions 2 and 3 of Planning Permission Number 10/1271 dated 9 July 2010 for "erection of rear dormer window, 1 rear rooflight, installation of ground floor side window and new door to front corner of dwellinghouse", whereas
Condition 2 states "The development hereby permitted shall be carried out in accordance with the following drawings: 10112/01, 10112/02, 10112/03, 10112/11, 10112/12 & 10112/13. (Reason: For the avoidance of doubt and in the interests of proper planning).
Condition 3 states "All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building. This will include the new door being timber." (Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality).
The Dormer window is 36cm too high and 1.21m too deep when measured along flat roof compared to the approved plans, in particular drawing No. 10112/13 Rev A. There has therefore been a breach of conditions 2 and 3.
 - The requirements of the notice are:
Remove the rear dormer window from the premises, remove all materials and debris arising from that demolition and restore the roof back to its original condition before the unauthorised development took place.
OR
Alter the roof and rear dormer window, so that it accords with the plans and conditions approved in Planning Permission No. 10/1271 dated 9 July 2010 and in particular plan with drawing No. 10112/13 Rev A, a copy of which is attached to the notice.
 - The period for compliance with the requirements is six months after the notice takes effect.
 - Appeal A is proceeding on the grounds set out in section 174(2) (b) & (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
 - Appeal B is proceeding on the grounds set out in section 174(2) (a), (b) & (g) of the Town and Country Planning Act 1990 as amended.
-

Decision – Both Appeals Ground (b)

1. The appeals are upheld in part in that there has been no breach of Condition 3 and the Enforcement Notice is varied accordingly.

Decision – Appeal B Ground (a)

2. The enforcement notice is varied by the deletion of the words “The breach of Conditions 2 and 3 of Planning Permission” and the substitution thereof by the words “The breach of Condition 2 of Planning Permission”; the deletion of the words “Condition 3 states ‘All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building. This will include the new door being timber.’ (Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality)”; and the deletion of the words “There has therefore been a breach of Conditions 2 and 3” and the substitution thereof by the words “There has therefore been a breach of Condition 2” in the alleged breach of planning control.
3. Subject to these variations the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons – Both Appeals Ground (b)

4. Under ground (b) the appellants plead that there has not been a breach of Condition 3 in that the dormer window is constructed in accordance with the planning permission in that the timber windows match in colour, texture and design detail those of the existing building and in that the dormer is clad in lead, as approved.
5. The Council accept that the dormer has been constructed in accordance with the Condition but contends that there is no indication that the new door has been finished in timber detail and that furthermore an unauthorised additional rooflight has not been designed in the style of a traditional ‘conservational style’ rooflight.
6. However, the Enforcement Notice attacks only the dormer window and makes no reference, in the allegation, to the rooflight or door. The erection of the dormer window is not in breach of Condition 3 and the appeal succeeds in this limited respect.

Reasons – Appeal B Ground (a)

Main Issue

7. The main issue in this appeal is whether the dormer window conserves or enhances the character or appearance of the Queen’s Park Conservation Area.
8. The appellant suggests that there are discrepancies as to the dimensions of the dormer window on the approved drawings. The Council state that they consider the approved dimensions to be 2.47m wide, 1.85m high and 2.2m deep but that the window as constructed is larger than permitted and that it terminates beyond the hipped roof overlying the western flank addressing Peplow Road.

9. It was abundantly clear at the site visit and from the Council's own photographs that the dormer does not terminate beyond the plane of the hipped roof albeit that it does terminate close to it, as shown on the approved drawings.
10. The window was measured at the time of the site visit and it was agreed that it was 2.5m wide and 1.85m high, as measured from the roof slope to the top surface of the roof dormer. The width and height of the dormer are therefore within the limits of accuracy of the approved drawings.
11. However, it would appear that the height of the main roof of the house from eaves to ridge shown on the approved plans may be incorrect such that the dormer as built appears greater than the approved dimension.
12. It was not possible to measure the depth of the completed dormer but the appellant suggests that it has been surveyed as 3.3m deep and the Council state that it was measured as 3.41m.
13. The appellant contends that whilst approved drawing 10112/13 Rev A (West side elevation) shows the dormer being 2.2m deep, approved drawing 10112/11 (roof plan) clearly shows the depth as 2.9m
14. However, there is no doubt or dispute that the dormer is constructed deeper than approved. However it gives the impression of being even larger due, it would appear, to inaccuracies in the portrayal of the existing roof.
15. The Council have published the Queen's Park Conservation Area Design Guide (DG) and adopted Supplementary Planning Guidance *Altering and Extending Your Home* (SPG). The SPG states that dormer windows should be set down from the ridge by at least 0.3m and up from the eaves line by at least 0.5m. The DG states that within the Conservation Area dormers should occupy no more than 2/3 of the width and height of the roof.
16. The appellant has drawn attention to the significant number of rear dormer windows within the Conservation area, some of which have been granted planning permission since the designation of the Conservation Area. Some of these are of a scale comparable to the appeal dormer and large lead faced dormers with flat roofs make a significant contribution to the character and appearance of the Queen's Park Conservation Area, as witnessed at the site visit. Nevertheless each case must be considered upon its individual merits and the appeal site is in a particularly prominent position on the corner of Kerslake Road and Peploe Road.
17. The dormer, as built, is no higher than illustrated on the approved drawings. However it is larger than that approved and is set up from the eaves by only 0.3m and occupies almost 3/4 of the true height of the roof, as shown on the appellant's own survey drawing.
18. The dormer window as built is larger than that approved, occupies more of the roof slope than indicated on the approved drawings and is set lower. As a consequence it appears as a bulky and dominant feature which fails to enhance or preserve the character or appearance of the Queen's Park Conservation Area, contrary to policies BE2, BE9 and BE25 of the Brent Unitary Development Plan.
19. Appeal B therefore fails on ground (a).

Reasons - Both Appeals ground (g)

20. Under ground (g) the appellants plead that six months is insufficient time to comply with either of the alternative requirements of the Enforcement Notice, given that the works required involve significant works to the roof of the house and that a period of one year would provide sufficient time to organise builders and ensure that the works could be carried out at a reasonable time of the year avoiding the middle of winter when weather conditions are likely to have an adverse effect on the amenity of the occupants.
21. Whilst compliance with the requirements of the Enforcement Notice would inevitably result in a degree of disruption, whatever time of year, the works are relatively straightforward and could be readily undertaken within six months.
22. The appeal on ground (g) therefore fails.

Andrew Hammond
INSPECTOR



Appeal Decision

Hearing held on 10 July 2012

Site visit made on 9 July 2012

by Colin A Thompson DiplArch DipTP RegArch RIBA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 July 2012

Appeal Ref: APP/T5150/C/12/2173635

2 Baker Road, LONDON NW10 8UA

- The appeal is under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
 - The appeal is by Mr Kevin McLoughlin against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/10/0651.
 - The notice was issued on 27 February 2012.
 - The breach of planning control as alleged in the notice is the change of use of the premises from a single family dwelling house to 5 self contained flats and one non-self-contained flat (the unauthorised works) the erection of a single storey extension to the rear of the premises and the erection of a rear dormer window (the unauthorised development).
 - The requirements of the notice are:
 - Step 1 - demolish the single storey rear extension in the rear garden of the premises, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises;
 - Step 2 - demolish the rear dormer and restore the back roof back to its original condition, and remove all materials associated with the unauthorised dormer from the premises, and;
 - Step 3 - cease the use of the premises as flats and its occupation by more than ONE household, remove all items, materials and debris associated with the unauthorised change of use, including ALL kitchens, except ONE, and ALL bathrooms, except TWO, from the premises.
 - The period for compliance with the requirements is 6 months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Act.
-

Decision

1. In regard to the alleged change of use, the appeal is allowed because there has been no breach of planning control, so I direct the enforcement notice is varied under **SCHEDULE 2, THE ALLEGED BREACH OF PLANNING CONTROL** by the deletion of the first substantial paragraph, which refers to *the change of use from a single family dwelling*, in its entirety. And under **SCHEDULE 4 WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH** I also direct that the notice be varied by the deletion of STEP 3 in its entirety.
2. In regard to the operational development for the rear dormers, the appeal is dismissed. But to make the requirements of the notice clear I direct that under **SCHEDULE 4 WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH**, the notice be varied in STEP 2 with the additional of the following

text which reads ... " *For the avoidance of doubt restoring the roof back to its original condition refers just to its external parts that previously existed; including a rear roof pitch, with 2 dormers, as shown in the photograph attached to this decision, but without the reinstatement of the chimney stack which previously obscured the window of the left hand dormer (looking at the building from the back)" . Also for avoidance of doubt there is no requirement to make any changes to the present second floor internal floor levels"...*

3. In regard to the operational development for the single storey rear extension, the appeal is allowed, so I direct that so that under **SCHEDULE 2 THE ALLEGED BREACH OF PLANNING CONTROL**, the second substantial paragraph shall be varied by having the words ..."*The erection of a single storey extension to the rear of the premises and*"... deleted. Under **SCHEDULE 4 WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH**, the notice shall be varied by the deletion of STEP 1 in its entirety.
4. In regard to timing, under **SCHEDULE 5 TIME FOR COMPLIANCE**, I direct that the notice be varied by the deletion of ..."*6 months*"... and its replacement by..."*12 months*"...
5. Regarding just to one of the two elements of the operational development, planning permission is granted for the works already carried out insofar as they apply to a single storey rear extension, at 2 Baker Road, LONDON NW10 8UA. This planning permission is subject to the following conditions:
 - 1) The single storey rear extension shall be demolished to ground level, and all materials resulting from the demolition removed from the site, within 6 months of the date of a failure to meet any one of the requirements set out in (i) to (iv) below:-
 - (i) within 3 months of the date of this decision a scheme for reducing the height of the boundary fence with 4 Baker Road, to a maximum of 2m high, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation;
 - (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State, and;
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
6. Subject to this planning permission (solely for the rear extension) and the above variations the appeal is dismissed and the notice, as varied, is upheld.

Background Information

Agreed facts

7. The house was split into 6 units. Each had its own separate shower-room (which also had a WC and hand wash basin) in addition to a single, multi-purpose, living space. The sizes of the units vary; the biggest had an area of 29 square metres and the smallest is 22 square metres (I was told that these sizes include shower rooms). Five of the units had mini "Elfin" kitchen units in one corner of the living space. These "Elfin" units were small, free standing combined units, which had a built-in sink, a 2 ring electric hob, small fridge and a microwave oven.
8. In addition to these 6 living units there were 2 separate shared kitchens; one on the ground floor and another on the first floor. Both were fully fitted with sinks, worktops, and high and low level cupboards as well as 13amp power sockets. But although the ground floor kitchen had a microwave oven it was only the first floor kitchen (which was obviously being used) which appeared to have a fridge /freezer and full sized cooker.
9. I was told that there was only one set of supplies, and meters, for the main services (gas water and electricity) and a single hot water system for the whole house; facts not disputed by the Council. The layout followed that shown on drawing numbers 111030/01, /02 and /03 (Hearing Document 2, tab 7) except for some very minor differences.
10. I also saw that there were 6, open air, cycle racks. Additionally, there were 4 (240 litre capacity) wheeled bins and another smaller black bin. The bins were located behind the boundary wall near the front gate.
11. The outside areas were laid to gravel on the front (Baker Road) and part side (Greenhill Park) frontages. The rest of the open areas were hard surfaced with paving slabs or a fair-faced concrete finish.
12. The natural landform dips across the site from back to front. It has been levelled into a series of flat plateaux.
13. The rear extension was measured 3.67m high from the top of the concrete slabs to the now levelled area around it (previously, before the land re-shaping, the Council had measured this height to be 3.07m). The footprint was just less than 3m deep by 5.14m wide. The boundary fence between N^{os} 2 and 4 varied in height. Nearest the back of the main building it was 2.53m high (on the appellant's side). I attempted to view the development from the point of view of N^o 4 (the lower flat) but no one answered the door when I carried out the accompanied site visit.

Plexus UK

14. The appeal property is leased to Plexus UK for a 5 year term. The Hearing was told that this organisation was set up in 2008 to help local authorities with providing private rented accommodation for vulnerable homeless people. Plexus UK has a partnership agreement with Hillingdon Council and works with a consortium of local authorities, including Brent, in what was referred to as a West London Partnership. Plexus UK currently has some 710 properties and 940 tenants on their books.

15. The appeal property is tenanted by Brent Council nominees. Plexus UK manages the property which is cleaned (both the public and private areas), and the tenants visited, on a 2 weekly cycle. Any bad behaviour is quickly, and firmly, dealt with. Possible sanctions include eviction.

Ground (c) Appeal

16. This ground is that there has been no breach of planning control. It should be noted that the allegations refer to both uses and operations.

Material Change of Use

17. The notice alleges a material change of use from a single family dwelling house to a building with 5 self-contained, and 1 non self-contained, flat(s).

Pre-Appeal Uses

18. There was an unresolved dispute about the status of the property at the time the internal alterations, and other works, were done.
19. The property was described by the selling agents, prior to Mr McLaughlin's purchase in August 2010, as having 8 bedrooms, 2 reception rooms and 2 kitchens (Hearing Document 2, tab 2). Mr McLaughlin recalled that when he bought the house it was part family occupied (the owners used one bedroom, a living space and a kitchen) with the rest of the house let as bed-sits. The appellant was not aware whether it was fully occupied at the time but the bed-sitting rooms had Yale locks.
20. The plan (Hearing Document 2, tab 15) numbered 100608/03, titled Survey Drawings and dated June 2010, accords closely with the selling agent's descriptions as well as the more detailed account of the accommodation, set out in Mr Burgoyne's valuation report dated 10 March 2010, (Hearing Document 2, tabs 2+3). This description and layout, which shows the second floor with its original 2 dormers, seems to me to accord with the appellant's opinion that the house was then a HMO.
21. The Council preferred the survey drawings submitted with planning application 11/0589, numbered 110608/03, and also dated June 2010, (Hearing Document 3, tab 3). These plans shows 5 bedrooms, 2 bathrooms, 1 lounge and 1 kitchen; but they also show the second floor, with what looks like the current single "box dormer", not the original pre-altered layout. This set of plans is more indicative of a single family use.

Definitions

22. There is no definition of what is a *dwelling house*. Paragraph 2.81 of Circular 10/97 (the Circular) states that it is possible for the reasonable person to look at the particular circumstances and conclude, as a matter of fact and degree, whether it is, or is not, a dwelling house. Such an assessment would include such things as the physical condition of the premises and its physical use. The paragraph goes on to state:

... "where a single, self-contained set of premises comprises a unit of accommodation which can be regarded as a separate planning unit from any other part of a building containing them: are designed or adapted for residential purposes, containing the normal facilities for cooking, eating and sleeping associated with use as a dwelling house; and are used as a dwelling,

whether permanently or temporarily, by a single person or more than one person living together as, or like, a single family, those premises can properly be regarded as being in use as a single dwelling house for the purposes of the Act. (But) This interpretation would exclude such uses as bed-sitting room accommodation where occupants share some communal facilities within the building...and the planning unit is likely to be the whole building, in use for the purpose of multiple residential accommodation, rather than each individual unit of accommodation”...

23. Section 254 of the Housing Act 2004 (the Housing Act), sets tests for a House in Multiple Occupation (HMO). Essentially two or more households, of unrelated occupiers of the building, need to share basic amenities in living accommodation.
24. The Town and Country Planning (Use Classes) Order 1987, as amended, (UCO) includes Class C4 HMOs. This is a new use class. It is defined ...*“in broad terms...(as covering)... small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities”...* Interpretation of what this means is set out in the UCO (but does not include a converted block of flats, to which section 257 of the Housing act applies); otherwise the term HMO has the same meaning as this section of the Housing Act.
25. The UCO, defines Class C3 as use as a single dwelling house, by a single person, or people, regarded as forming a single household. This can include up to 6 residents. Single household Under Class C3 shall be construed in accordance with section 258 of the Housing Act; that is members of a family, couples (such as those who are married or in a similar relationship) or those some other meaningful, or prescribed, relationship.
26. Class I, of Schedule 2, Part 3, of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (GPDO) indicates that changes of use from Use Class C3 to C4, or C4 to C3, are permitted development not requiring planning permission. The Council confirmed that there was no Article 4 Directions under the GPDO, withdrawing any such rights under Class I, for this site.

Assessment

27. From the information I have, particularly Mr McLoughlin’s recollections of the use of the premises when he was negotiating its purchase (recollections not challenged with any alternative direct evidence by the Council) as well as the selling agents’ details and the valuation report; it all seemed to me to indicate that on the balance of probability the accommodation was in HMO use before the appellant purchased it in 2010. This interpretation also accords with the Survey Drawing N° 100608/03. The layout was then substantially re-arranged as part of the renovation works and stood empty until the internal alterations were completed in late 2011. It was at this point that the present layout, which includes 6 living units and 2 kitchens, was created.
28. But whatever was the lawful use of the building before 2010, and the Council agreed that it had to be either a single dwelling house or a HMO. It follows that either a change of use to a HMO did not take place (because it was already in C4 use) or any change was permitted development (from C3 to C4). Planning permission would only be required if the conversion works, after 2010, resulted in the creation of a number of self-contained separate dwellings.

The use I saw does not satisfy this latter eventuality. This is for a number of reasons.

29. Firstly, the residents, who were nominated by the Council from their vulnerable persons' waiting list, appear to have been unrelated individuals. Secondly, the whole building is managed by Plexus UK; which closely oversees the tenants and provides cleaning both for the flats and the shared areas. Thirdly, there is only one set of main services and metering (for gas, water and electricity) for the building. Fourthly, the 6 units share the 4 communal refuse bins. Fifthly, the individual units are quite small (all less than 30 square metres) and have just a shower room and one additional multi-purpose space. Sixthly, despite 5 of the units being described as being *self-contained*, this is not what I observed. Using the *reasonable person* test, set out in the Circular, 5 of the units had their own washing facilities and an area which could be used for living and sleeping, but I do not accept that the separate facilities provided for cooking were what would *normally be associated with use as a dwelling house*. The "Elfin" units might be adequate for occasional use but, to my mind, they are too small, and basic, for normal every day residential use. This opinion is underscored by the seventh point, the presence of the 2, full sized, additional and bespoke kitchens which are obviously designed to be shared by the building's occupants. (On this latter point the fact that the ground floor kitchen does not yet have a full sized cooker, or refrigerator, (there was space for both) does not alter the probability that both purpose built kitchens are needed for the normal residential use of the house and are designed and available for separate shared use by the tenants.)
30. Taking all these attributes together as matters of fact and degree: the type of residents; the management regime; the shared service supplies; the shared communal bins; the limited accommodation; the additional shared kitchens, and the failure of all the units (but particularly unit 5 which does not even have an "Elfin" kitchen unit) to have all the self contained facilities necessary for living associated with a dwelling house use; the appeal premises are one planning unit which is used as a HMO. As already noted any change from C3 to C4 use, when ever or if ever it took place, is, or would have been, permitted development.
31. Because planning permission is not required for such a change of use it follows that there has been no breach of planning control and the appeal under this ground, as far as the use of the premises is concerned, succeeds. The other grounds of appeal in regard to use do not fall to be considered.

Operational Development

32. There are 2 separate allegations. The first is the construction of a large "box" dormer on the back of the main roof. The second is the building of a single storey rear extension.

Both Operations

33. The appellant confirmed that both these works were initially carried out during the latter part of 2010 before internal alterations of the building took place. Because I have found that, on the balance of probabilities, that the building was a HMO when it was purchased in August 2010, neither of these operations would have been permitted development under Part 1, Schedule 2, of the GPDO.

Roof Dormer

34. The Council issued an LDC for these works on 30 March 2011. But LDCs are just a snapshot in time, determined on the information then available, and this one was issued on the basis that the building was a Class C3 single family dwelling house. But I have found that the building was, on the balance of probabilities, a HMO when the LDC was issued and the works were done. This means that the LDC has no lawful status because HMOs do not have the benefit of the necessary permitted development rights. Planning permission is therefore needed for the new dormer and none has been given. The appeal under this part of ground (c) must fail.

Rear Extension

35. Prior to 2011 there was a rear extension at the premises with an identical, or near identical, position and footprint. But this extension was demolished as part of a new 2 storey extension; built for a residential 3 flat scheme which never got planning permission. The appellant says that this 2 storey extension was demolished to make way for the single storey one which presently exists.

36. Despite its similar footprint this new extension has a flat roof and parapet walls instead of the cat-slide roof, and no parapet, design of the original. The window pattern has also changed.

37. Clearly this is a different development to that which existed previously. Even if it satisfied the requirements of Class A, Part 1, Schedule 2 of the GPDO (and it does not because it is more than 3m high when it is less than 2m from the plot boundary) the dormer does not have permitted development rights because the building was a HMO when it was built; neither does it have the benefit of planning permission. The appeal under this part of ground (c) must fail as well.

Ground (a) Appeal

38. This ground is that planning permission should be granted. For the reasons given above this part of the appeal applies only to the operational development aspects of the works.

39. There is one main issue in this case that is whether the works are a good design.

Roof Dormer

40. The original roof had a rather odd arrangement where a chimney stack had been constructed in front of the left hand dormer (from the point of view of the observer in the back garden); in the place where the window could normally have expected to have been. This chimney stack has been removed to below eaves height.

41. The new box like roof structure (dormer) is most unattractive. By in-filling most of what was the rear slope, of the former double pitched roof, the works have altered the appearance of the back of N^o 2 radically. Changing what was a pleasantly proportioned, 2 storey building with a pitched roof, into one which looks like a much less well proportioned, 3 storey one, with a flat roof. Because this is a corner site the impact of the works on the surrounding street picture is particularly noticeable and damaging.

42. This is not a good design. It would not comply with those parts of the development plan which seek to improve the character and appearance of the borough. Neither, as a matter of logic because of the harm caused, would the works represent the kind of sustainable development which the National Planning Policy Framework seeks to foster. This is sufficient reason for planning permission to be withheld.
43. In reaching this conclusion I have taken into account the fact that there are 2 other "box" dormers, with a similar basic form, to the rear roofs of the neighbouring 2 houses in this short terrace. But the presence of other, less that satisfactory, works nearby is not a good reason to allow more.
44. I also recognise that had the appeal building been in use as a single dwelling house, when the works were done, they would have been permitted development. But permitted development rights apply only where specific circumstances are met; and they are not met here. Such rights are not subject to the same aesthetic controls which apply to development which needs planning permission.

Single Story Rear Extension

45. This is a quite elegant, and reasonably well proportioned, replacement for an original back addition. It has a similar footprint to the original. The fact that it is a little taller, and has a flat roof behind a parapet, does not alter my opinion about its inherent acceptability. Its impact on its surroundings, in any event minimal, is lessened because it is partially hidden from roadside views being obscured behind a not insubstantial boundary wall.
46. This is a good design which accords with, national and local, design and sustainability policies. A conditional planning permission should be forthcoming for its retention.
47. In reaching this conclusion I have considered the likely impact on the living conditions of the occupiers of the ground floor flat at N^o 4 next door. But the orientation is such, facing mainly north, that there will not be any significant over-shadowing or loss of direct sunlight. Almost certainly there has been some loss of outlook and daylight but this is caused mainly by the 2.53m high close boarded boundary fence. This fence needs to be brought within permitted development limits (a maximum of 2m high) and will be made a condition of any planning permission. In this limited regard the ground (a) appeal succeeds.
48. I considered the question of whether to place conditions on the consent to require things like the provision of a secure covered cycle area, or landscaping to the rather stark outside (garden) spaces. But these matters go to the principle of the use of the building as a HMO, a change of use (C3 to C4), which Parliament has judged should be able to proceed without the need for specific planning controls. Such additional conditions would not therefore be lawful.
49. In the light of the success under ground (a), for the rear extension, the other grounds of appeal, for this operational development, does not fall to be considered.

Ground (f) Appeal

50. This ground, which is that the requirements of the notice are excessive, relates solely to the rear dormer.

51. In response to a comment from the appellant, Mr Rolt accepted that the requirements of the notice meant that the original pitched roof shape should be reinstated but incorporating the 2 original dormers. For the avoidance of doubt this does not mean that the rear chimney stack should be reinstated too; both the replacement pitched roof dormers should have windows. Also it would not be reasonable to require the internal levels of the second floor (as now extant) to be re-worked. I will vary the notice to take account of all 3 points otherwise the roof and dormers should be re-built to match the photograph attached to this decision.

52. These matters apart the requirements of the notice are reasonable. In this limited regard the appeal succeeds.

Ground (g) Appeal

53. This ground is that not enough time has been allowed to comply with the notice. It also applies solely to the rear dormer.

54. Residents have 12 month tenancies. And the requirements of the notice will result in the removal, and reconfiguration, of the whole northern roof slope; at least disrupting unit 5, and possibly unit 6 as well. In order to give enough time to carry out the works, and for affected residents to be re-housed, I will extend the time for compliance to 12 months. In this limited regard the appeal under this ground succeeds.

Colin A Thompson

APPEARANCES

FOR THE APPELLANT:

Mr Kassim MSc FRTPI	Agent and planning witness
Ms P Finch, Ask Planning Consultancy	Planning witness
Mr K McLoughlin	Appellant
Mr N Cobbold	Plexus UK
Ms L Hirani	Plexus UK

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Rolt BA(Hons) BTP MRTPI	Planning witness
Mr V Unuigbe BA(Hons)	Planning witness

DOCUMENTS

- 1 Letter of notification of the Hearing
- 2 Bundle of appendices put in by the appellant
- 3 Bundle of appendices put in by the Council
- 4 Bundle of Planning Policies





Appeal Decision

Site visit made on 19 June 2012

by M A Champion BSc CEng FICE FIPStructE FCIHT FHKIE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 July 2012

Appeal ref: APP/T5150/C/12/2173466
8 Chestnut Court, Wembley, HA0 2LT.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the Council of the London Borough of Brent.
- The appeal is made by Mr J Cangi.
- The Council's reference is: E/11/0725.
- The notice was issued on 8 March 2012.
- The breach of planning control as alleged in the notice is without planning permission the erection of a building with attached canopy within garden area of premises.
- The requirements of the notice are to:
 1. Demolish the building and attached canopy in the garden area of the premises, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

Summary of decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld.

The appeal on ground (a) and the deemed application

Main Issue

1. I consider that the main issue is the effect of the development on the character and appearance of the surrounding area, and on the living conditions of neighbouring residents with particular regard to visual impact.

Policies

2. Policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004 (UDP), and Policy CP17 of the London Borough of Brent Core Strategy 2010 (CS) deal with local context and character, architectural quality, and protecting and enhancing the suburban character of Brent.
3. Policies in the National Planning Policy Framework (NPPF) have also been considered, and I have had regard to the parties' comments where these have been made.

Reasons

4. The appeal site lies in a residential area and is a first floor flat with an approximately triangular garden area. An outbuilding has been constructed at the end of the garden with a canopy structure in front.
5. The building is sited abutting a block of garages on the neighbouring property and has been constructed of materials which are similar in appearance. It is lower in height than the garage block and occupies a small space at the end of the garden.
6. Although the building is not typical of the area it is small in size and well screened from views from outside Chestnut Court by the garage block. Within Chestnut Court it is visible from some nearby flats but is screened by a row of trees and shrubs from the nearest neighbours. I acknowledge that it may be somewhat more visible in winter but do not consider that this would be unacceptable in view of the materials matching those of the garages behind.
7. The canopy has a timber frame with a translucent plastic roof. This significantly extends the built form into the rather limited garden area and, being of differing materials, appears out of keeping. It is also more obtrusive in views from nearby properties within Chestnut Court.
8. Having regard to the scale, siting, size and materials of the development, I consider that the outbuilding is appropriate for the garden area and does not adversely affect either the character and appearance of the surrounding area or the living conditions of neighbouring residents by way of visual impact, and complies with the policies cited above. The canopy, however has an adverse effect in both respects contrary to those policies. The appeal on ground (a) succeeds in part and fails in part.

Conclusion

9. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice with variation and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of s180 of the Act.

Formal decision

Appeal ref: APP/T5150/C/12/2173466

10. The appeal is allowed insofar as it relates to the outbuilding, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for this part of the development.
11. The appeal is dismissed and the enforcement notice is upheld for the canopy. Planning permission is refused in respect of this part of the development, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

M A Champion
INSPECTOR

Received PLANNING Appeals between 1-Jul-2012 and 31-Jul-2012

Planning Committee: 22 August, 2012

Application Number: 11/3191 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 04/07/2012 **Appeal Against:** Refusal of planning permission
Location: Flat 3, 33 Priory Park Road, London, NW6 7UP
Proposal:
Erection of a rear dormer window, one rear rooflight, three front rooflights and a rooflight to either side to create a self-contained flat at third floor level

Application Number: 12/0065 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 11/07/2012 **Appeal Against:** Refusal of planning permission
Location: 16B & 16C Callcott Road, London, NW6 7EA
Proposal:
Installation of juliet balcony to first floor rear window and proposed window to replace existing door at the second floor level of terraced property in use as three self-contained flats.

Application Number: 12/0226 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 27/07/2012 **Appeal Against:** Refusal of planning permission
Location: 6 High Street, London, NW10 4LX
Proposal:
Change of use of groundfloor commercial unit from retail (Use Class A1) to After School Education Centre (Use Class D1)

Application Number: 12/0441 **Team:** Northern Team **Application Type** Other TLF
Appeal Received: 03/07/2012 **Appeal Against:** Refusal of planning permission
Location: Street Record, Burnley Road, London, NW10
Proposal:
Prior approval notification for siting and appearance of proposed telecommunications equipment comprising installation of 12.5m street works column on footpath outside 82 Burnley Road (Part 24 General Permitted Development Order) accompanied by ICNIRP Declaration (dated 22/12/2011), Site Specific Supplementary Information and Supporting Technical Information

Application Number: 12/0513 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 18/07/2012 **Appeal Against:** Refusal of planning permission
Location: 111 Eton Avenue, Wembley, HA0 3BA
Proposal:
Erection of first floor to bungalow to create a two storey single dwellinghouse

Application Number: 12/0704 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 11/07/2012 **Appeal Against:** Refusal of planning permission
Location: 10 Langler Road, London, NW10 5TL
Proposal:
Erection of a single storey side infill extension and installation of folding doors to rear of dwellinghouse

Application Number: 12/0755 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 03/07/2012 **Appeal Against:** Refusal of planning permission
Location: 81 Princes Avenue, London, NW9 9JN
Proposal:
Retrospective application for a single storey outbuilding in the rear garden of dwellinghouse

Received PLANNING Appeals between 1-Jul-2012 and 31-Jul-2012

Planning Committee: 22 August, 2012

Application Number: 12/0856 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 04/07/2012 **Appeal Against:** Refusal of planning permission
Location: 1 Lydford Road, London, NW2 5QY
Proposal:

Retrospective application for existing part single storey/part two storey side and rear extension and hard-surfacing to front forecourt of property in use as a dentist surgery on ground floor and first floor flat, with alterations to include the reduction in height of existing single storey side and rear extension, reduction in width of first floor element to part two storey side extension and erection of pitched roof, removal of open side porch and provision of landscaping in front courtyard.

Application Number: 12/0863 **Team:** Northern Team **Application Type** Other CLU
Appeal Received: 03/07/2012 **Appeal Against:** Refusal of planning permission
Location: 724 North Circular Road, Neasden, London, NW2 7QH
Proposal:

Certificate of lawfulness for existing use of single storey outbuilding in rear garden of dwelling house as self contained flat as supported by copy of 'Notification of Landlord's address for service', copies of tenancy agreements, statutory declaration and invoice

Application Number: 12/1147 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 25/07/2012 **Appeal Against:** Refusal of planning permission
Location: 324 Tokyngton Avenue, Wembley, HA9 6HH
Proposal:

Retention of existing outbuilding with a reduced height and depth to the rear of dwellinghouse.

Application Number: 12/1424 **Team:** Northern Team **Application Type** Other CLU
Appeal Received: 30/07/2012 **Appeal Against:** Refusal of planning permission
Location: 226 Walm Lane, London, NW2 3BS
Proposal:

Certificate of lawfulness for existing single storey rear extension to dwellinghouse

Application Number: 12/1483 **Team:** Western Team **Application Type** Other CLD
Appeal Received: 24/07/2012 **Appeal Against:** Refusal of planning permission
Location: 4 Napier Road, Wembley, HA0 4UA
Proposal:

Certificate of lawfulness for proposed rear dormer window, second floor extension to the rear outrigger and two front rooflights to dwellinghouse

Received ENFORCEMENT Appeals between 1-Jul-2012 and 31-Jul-2012

Planning Committee: 22 August, 2012

Application Number: E/08/0464 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 25/07/2012

Location: 31A-C Dyne Road, London, NW6 7XG

Description:

Without planning permission, the formation of a hard surface and the erection of a boundary wall to side of front garden at the premises.

("The unauthorised development")

Application Number: E/08/0760 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 09/07/2012

Location: Upper Floors Flats, 159 Kilburn High Road, London, NW6 7HU (currently known as Flats 2-6 inclusive)

Description:

Without planning permission, the change of use of the upper floors of the premises from three self-contained flats to five self-contained flats.

("The unauthorised change of use")

Application Number: E/11/0265 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 05/07/2012

Location: Ground Floor, First and Second Floor Flats, 21 Watford Road, Wembley, HA0 3ET

Description:

Without planning permission, the material change of use of the premises to two self-contained flats.

("The unauthorised change of use")

Application Number: E/11/0642 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 09/07/2012

Location: 83 Purves Road, London, NW10 5TE

Description:

The erection of a wooden decking and railings to form a roof terrace to the rear on top of two-storey rear extension of the premises.

("The unauthorised development")

Application Number: E/11/0734 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 18/07/2012

Location: 84A and B Walm Lane, London, NW2 4QY

Description:

Without planning permission, the installation of new UPVC framed windows to the first and second floors of the front and side elevations of the premises.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Jul-2012 and 31-Jul-2012

Planning Committee: 22 August, 2012

Application Number: E/11/0759 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 05/07/2012

Location: 2 Dalmeny Close, Wembley, HA0 2EU

Description:

Without planning permission, the erection of a first floor rear in-fill flat roof extension to dwellinghouse.

("The unauthorised development")

Application Number: E/12/0126 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 09/07/2012

Location: 21 Grove Park, London, NW9 0LA

Description:

The erection of a new high brick boundary wall with the metal rail inserts to the front and side of the premises.

("The unauthorised development")

Application Number: E/12/0207 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 18/07/2012

Location: 23 Fulwood Avenue, Wembley, HA0 1LS

Description:

Without planning permission, the erection of a building in the rear garden of the dwellinghouse and its use as residential accommodation.

("The unauthorised development")

Application Number: E/12/0219 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 30/07/2012

Location: 10 Oakleigh Court, Edgware, HA8 5JB

Description:

Without planning permission, the erection of a building to the rear of the premises.

("The unauthorised development")

Application Number: E/12/0244 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 20/07/2012

Location: 240 Carlton Avenue East, Wembley, HA9 8PZ

Description:

Without planning permission, the erection of a building ('the building') in the rear garden of the premises and its use as residential accommodation ('the use').

Application Number: E/12/0273 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 25/07/2012

Location: 46 Honeypot Lane, London, NW9 9QL

Description:

Without planning permission, the erection of a two bedroom dwelling to the rear of the premises.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Jul-2012 and 31-Jul-2012

Planning Committee: 22 August, 2012

Application Number: E/12/0676 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 09/07/2012

Location: 8 Craven Park, London, NW10 8SY

Description:

Without planning permission, the change of use of the premises to twelve residential flats.

("The unauthorised change of use")

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Decisions on PLANNING Appeals between 1-Jul-2012 and 31-Jul-2012

Planning Committee: 22-Aug-2012

Application Number: 11/1668 **PINSRefNo** A/12/2174032 **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/07/2012
Location: Flat 2, 8 Brondesbury Road, London, NW6 6AS
Proposal:
The conversion of flat 2 into two self contained flats (1 x two bed and 1 x one bed) and the erection of a single storey rear extension

Application Number: 11/2071 **PINSRefNo** A/122168766/NWF **Team:** Southern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 10/07/2012
Location: 66B Salusbury Road, London, NW6 6NR
Proposal:
Formation of rear terrace and Installation of 2 front rooflights, 2 rear rooflight and 1 new window to side gable end of first floor flat

Application Number: 11/2615 **PINSRefNo** A/12/2171114/NWF **Team:** Southern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 11/07/2012
Location: FLAT 1-4 inc, 131, & 135A Kilburn High Road, London, NW6 7HR
Proposal:
Installation of replacement double glazed windows to flats

Application Number: 11/2637 **PINSRefNo** D/11/2166963 **Team:** Western Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 09/07/2012
Location: 6 Oakington Avenue, Wembley, HA9 8JA
Proposal:
Retrospective application for a proposed single storey side and rear extension and veranda to rear of bungalow. (Revised description)

Application Number: 11/2677 **PINSRefNo** A/12/2172494 **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/07/2012
Location: FLAT 1, 11 Victoria Road, London, NW6 6SX
Proposal:
Erection of a single storey rear and side infill extension to lower ground floor flat

Application Number: 11/3127 **PINSRefNo** D/12/2175511 **Team:** Northern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/07/2012
Location: 80 Uxendon Hill, Wembley, HA9 9SL
Proposal:
Retrospective application for front porch and replacement of garage front door to dwellinghouse

Application Number: 11/3131 **PINSRefNo** APP/T5150/D/12/2176188 **Team:** Northern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 20/07/2012
Location: 47 Slough Lane, London, NW9 8YB
Proposal:
Erection of a single and two storey side and rear extension, installation of one rear dormer window and two flank rooflights to dwellinghouse in accordance with plans dated 17/02/2012

Decisions on PLANNING Appeals between 1-Jul-2012 and 31-Jul-2012

Planning Committee: 22-Aug-2012

Application Number: 11/3172 **PINSRefNo** H/12/2173155 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 20/07/2012

Location: 117 Wembley Park Drive, Wembley, HA9 8HG

Proposal:

Retrospective application for retention of 1 x illuminated fascia sign and 2 x illuminated projecting box signs to shop

Application Number: 11/3307 **PINSRefNo** D/12/2176305 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/07/2012

Location: 29 Charterhouse Avenue, Wembley, HA0 3DD

Proposal:

Demolition of existing rear extension, replacement single storey rear extension and creation of first floor to convert bungalow to a two storey dwellinghouse

Application Number: 12/0502 **PINSRefNo** D/12/2176283 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 18/07/2012

Location: 110 Leighton Gardens, London, NW10 3PR

Proposal:

Demolition of detached garage and erection of single and two storey side and rear extension to dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Jul-2012 and 31-Jul-2012

Planning Committee: 22 August, 2012

Application Number: E/09/0762 **PINSRefNo** C/11/2167975**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 10/07/2012**Location:** 16 Chichele Road, London, NW2 3DA**Proposal:**

Without planning permission, the change of use of the premises to nine self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0157 **PINSRefNo** C/11/2167256**Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 26/07/2012**Location:** The rear of 84 and 86 College Road, London, NW10 5HL also known as 99 Leigh Gardens**Proposal:**

Without planning permission, the change of use of a building to the rear of the premises from an incidental domestic use to a separate self-contained residential flat and the erection of an extension facing onto Leigh Gardens.

("The unauthorised change of use and development")

Application Number: E/10/0585 **PINSRefNo** C/12/2171597**Team:** Southern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 31/07/2012**Location:** 40 Keslake Road, London, NW6 6DL**Proposal:**

The breach of Conditions 2 and 3 of Planning Permission No. 10/1271 dated 9th July 2010 for "Erection of rear dormer window, 1 rear rooflight, installation of ground floor side window and new door to front corner of dwellinghouse", whereas:

Condition 2 states: "The development hereby permitted shall be carried out in accordance with the following drawings: 10112/01, 10112/02, 10112/03, 10112/11, 10112/12 & 10112/13" (Reason: For the avoidance of doubt and in the interests of proper planning)."

Condition 3 states: "All new external work shall be carried out in materials that match, in colour, texture and design detail, those of the existing building. This will include the new door being timber" (Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality)."

The dormer window is 36cm too high and 1.21m too deep when measured along flat roof compared to the approved plans, in particular drawing No. 10112/13 Rev A. There has therefore been a breach of Conditions 2 and 3.

Application Number: E/10/0651 **PINSRefNo** C/12/2173635**Team:** Southern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 24/07/2012**Location:** 2 Baker Road, London, NW10 8UA**Proposal:**

Without planning permission, the change of use of the premises from a single family dwellinghouse to five self-contained flats and one non self-contained flat

("The unauthorised change of use")

The erection of a single storey extension to rear of the premises and the erection of a rear dormer window

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Jul-2012 and 31-Jul-2012
Planning Committee: 22 August, 2012

Application Number: E/11/0567 **PINSRefNo** C/11/2167621 **Team:** Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 26/07/2012

Location: 43 College Road, Wembley, HA9 8RN

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/11/0594 **PINSRefNo** C/12/2172997

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 04/07/2012

Location: 15 Lantern Close, Wembley, HA0 2JT

Proposal:

Without planning permission, the erection of boundary walls to rear of the premises.

("The unauthorised development")

Application Number: E/11/0725 **PINSRefNo** C/12/2173466

Team: Western Team

Appeal Decision: Appeal part dismissed / part allowed

Appeal Decision Date: 09/07/2012

Location: 8 Chestnut Court, Wembley, HA0 2LT

Proposal:

Without planning permission, the erection of a building with attached canopy within garden area of premises.

("The unauthorised development")

Application Number: E/11/0741 **PINSRefNo** C/12/2171868/2171869

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 16/07/2012

Location: 36A Belton Road, London, NW2 5PE

Proposal:

The installation of the rooflights projecting above flat roof of the single storey side extension at the premises.

("The unauthorised development")

**PLANNING SELECTED appeal DECISIONS between
1-Jul-2012 and 31-Jul-2012
Planning Committee: 22 August, 2012**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference:	11/2071	Appeal Decision: Appeal Allowed	Appeal Decision Date: 10/07/2012
Team:	Southern Team		
Location:	66B Salusbury Road, London, NW6 6NR		
Proposal:	Formation of rear terrace and Installation of 2 front rooflights, 2 rear rooflight and 1 new window to side gable end of first floor flat		

Our reference:	11/2615	Appeal Decision: Appeal Allowed	Appeal Decision Date: 11/07/2012
Team:	Southern Team		
Location:	FLAT 1-4 inc, 131, & 135A Kilburn High Road, London, NW6 7HR		
Proposal:	Installation of replacement double glazed windows to flats		

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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ENFORCEMENT SELECTED appeal DECISIONS between**1-Jul-2012****and 31-Jul-2012****Planning Committee: 22 August, 2012****Introduction**

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

Our reference: E/10/0585	Appeal Decision Date: 31/07/2012
Team: Southern Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 40 Keslake Road, London, NW6 6DL

Proposal:

The breach of Conditions 2 and 3 of Planning Permission No. 10/1271 dated 9th July 2010 for "Erection of rear dormer window, 1 rear rooflight, installation of ground floor side window and new door to front corner of

Our reference: E/10/0651	Appeal Decision Date: 24/07/2012
Team: Southern Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 2 Baker Road, London, NW10 8UA

Proposal:

Without planning permission, the change of use of the premises from a single family dwellinghouse to five self-contained flats and one non self-contained flat

Our reference: E/11/0725	Appeal Decision Date: 09/07/2012
Team: Western Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 8 Chestnut Court, Wembley, HA0 2LT

Proposal:

Without planning permission, the erection of a building with attached canopy within garden area of premises.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker, Assistant Director - Planning and Development

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